

REVIEW

Toward an understanding of structural racism: Implications for criminal justice

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Racial inequality is a foundational feature of the criminal justice system in the United States. Here we offer a psychological account for how Americans have come to tolerate a system that is so at odds with their professed egalitarian values. We argue that beliefs about the nature of racism—as being solely due to prejudiced individuals rather than structural factors that disadvantage marginalized racial groups—work to uphold racial stratification in the criminal justice system. Although acknowledging structural racism facilitates the perception of and willingness to reduce racial inequality in criminal justice outcomes, many Americans appear willfully ignorant of structural racism in society. We reflect on the role of psychological science in shaping popular understandings of racism and discuss how to contribute more meaningfully to its reduction.

The criminal justice system in the US has been marred by the presence of profound racial inequality from its inception. Be it runaway slave patrols, which set the stage for contemporary policing; laws that sought to criminalize everyday activities when performed by formerly enslaved individuals after Reconstruction; or the bevy of discriminatory policies that led to an explosion in incarceration, disproportionately affecting Black and Latinx Americans (1), racial inequality has been produced and reproduced within the structures of the US criminal legal system. Yet, by and large, Americans not only tolerate these inequalities but also often support policies that exacerbate them. The persistence and broad acceptance of stark levels of racial inequality in the US criminal justice system are decidedly inconsistent with the oft-noted increase in Americans' embrace of racially egalitarian values during the past several decades (2). The purpose of the present Review is to shed light on this paradox through the lens of psychological science.

Although many psychological factors likely contribute to this gap between Americans' ostensible embrace of racially egalitarian values and their tolerance of a racially inequitable criminal justice system, the factor we consider here is how Americans think about the nature of racism itself. Do Americans think racism in contemporary society is primarily an interpersonal phenomenon that originates in prejudiced individuals or a structural phenomenon that originates in policies or laws that systematically disadvantage members of marginalized racial groups? We contend that Americans' tolerance of racial inequality in criminal justice outcomes is partly

due to a profound, often willful ignorance of the role of structural racism in contemporary society.

The psychology of group-based hierarchy

It is imperative to ground this discussion in social dominance theory (SDT) (3), the prevailing psychological theory of societal hierarchy. SDT begins with the observation that group-based hierarchies are ubiquitous among human societies. It asserts that, typically, these hierarchies are created on the basis of age, sex, and at least one other dimension that is more arbitrary yet extremely meaningful in a given cultural context (e.g., race, ethnicity, religion). Irrespective of the dimension, members of dominant groups allocate a disproportionately large share of a society's valued resources (e.g., homes, jobs) to one another, at the expense of members of subordinated groups. In the case of race-based hierarchy in the US, for instance, members of the dominant racial group (e.g., white Americans) have repeatedly allocated positive societal goods (e.g., personal freedom, property rights, educational opportunities, access to health care) to themselves and negative societal goods (e.g., environmental toxins) to members of subordinated racial groups. This pattern of allocation, codified by law, reinforced by cultural norms and practices, and enforced by both official police as well as extralegal, vigilante groups, constitutes structural racism.

Once a hierarchy is established, social stratification is advanced, protected, and exacerbated by systems and processes that operate on multiple levels. At the individual level, for instance, both members of dominant groups and members of subordinated groups become motivated to justify, and thus maintain, the system. Dominant group members are motivated to maintain their higher social status, prestige, and preferential treatment. Members of subordinated groups are also often motivated to maintain the very hierarchical system that disadvantages them because of a greater psychological need to feel that the world is

predictable and controllable [see also system justification theory (4)].

Especially pertinent to this Review, SDT argues that criminal legal systems in most societies are thought to serve a hierarchy-maintaining function (3). Consistent with this perspective, members of subordinated groups throughout the world [e.g., Black Americans of lower socioeconomic status in the US (1), African and Asian individuals in the UK (5)] tend to be disproportionately targeted for surveillance and punishment. Moreover, SDT argues that some actors (e.g., prosecutors) embedded within the larger system typically work to maintain, if not enhance, the hierarchy, whereas others (e.g., public defenders) typically work to attenuate it, eventually resulting in a hierarchy-preserving homeostasis. Ultimately, most members of the broader society come to behave in ways that support the system—consider, for instance, the readiness with which white Americans call the police in response to the unwelcome presence of racial minorities (6). Similarly, individuals living in disadvantaged neighborhoods, as a result of concentrated poverty and unemployment, may begin to engage in higher levels of criminal activity, ultimately exacerbating and seemingly justifying the increased police presence.

Justifying racial hierarchy

According to SDT, at the psychological level, efforts to increase, maintain, or even decrease intergroup hierarchy are influenced by a constellation of values, attitudes, ideologies, and attributions known as legitimizing myths (or beliefs). Hierarchy-attenuating beliefs (e.g., “innocent until proven guilty”) can serve as a challenge against societal inequality. By contrast, hierarchy-enhancing beliefs (e.g., negative racial stereotypes) are critical to preserving perceptions of societal fairness, despite the presence of group-based inequality. The endorsement and espousal of hierarchy-enhancing beliefs is not limited to members of dominant societal groups (4). For instance, periods of surprisingly widespread support for punitive criminal justice efforts among Black politicians and community members may be understood, at least in part, as a product of the adoption of hierarchy-enhancing beliefs [e.g., pathologizing Black criminality (7)]. Hence, hierarchy-enhancing beliefs can blunt efforts by members of racially subordinated groups to challenge the system despite its severe racially disparate outcomes. Notably, a legitimizing belief does not have to be even remotely true to be effective in maintaining the hierarchy; what matters is the extent to which enough people believe it to be true such that it justifies hierarchy-enhancing policies, practices, and outcomes.

For most of US history, when considering racial inequality in criminal justice, American elites (e.g., elected officials, education leaders, scientists) and institutions actively propagated

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the hierarchy-enhancing myth that Black Americans are inherently more “criminal” than others, be it due to biology or culture, thus justifying the group’s unequal treatment and outcomes (1, 8). Over the past several decades, however, belief in the fundamental, hierarchy-attenuating principle of racial equality began to take hold. For example, in the first major national surveys of racial attitudes in the US, conducted in the 1940s, 54% of the white Americans surveyed supported racially segregated public transportation and 54% thought that white Americans (versus Black Americans) should get preferential access to jobs. Only a few decades later (circa 1970s), support for equal access to public transportation and employment was so widespread among white Americans that these items were dropped

from subsequent surveys (2). Indeed, this rise in egalitarian racial attitudes would seem to mark a shift toward support for a less hierarchical, racially stratified society.

Yet, during at least part of this same time period, the numbers of incarcerated racial minority group members, especially Black Americans, began to rise exponentially (Fig. 1) (1). The inmate population of jails and prisons in the US rose from ~300,000 around 1970 to roughly 2 million less than three decades later. Between 1983 and 2000, the zenith of this explosion in mass incarceration, the number of Black American prison inmates increased 27-fold (1). In the context of this new, racially egalitarian zeitgeist, the existence of a justice system whose outcomes are systematically influenced by racism would seem intolerable.

In the wake of this racially stratified criminal justice system, alternative explanations for systemic racial inequalities in carceral outcomes have emerged as a necessity.

We argue that Americans tolerate stark racial inequality in carceral outcomes partly because they fail to appreciate structural racism, focusing instead on the influence of interpersonal racism (e.g., focusing on “a few bad apples” among police officers). Because recognizing the role of structural racism in the criminal justice system would threaten its very existence, Americans are motivated to remain relatively ignorant of the structural racism that is endemic to criminal legal systems. Indeed, as recently as 2016, most Americans believed that racism in contemporary society is primarily an interpersonal problem rather than a structural one (9). The outsized endorsement of an interpersonal rather than structural view of racism is more prevalent among white Americans than among racial minority Americans (10). Notably, we contend that, as an implication of widespread endorsement of this legitimizing belief (e.g., the denial of structural forms of racism), Americans tend to be less responsive to evidence of structural racism than to evidence of interpersonal racism, both within the criminal justice system and in society more broadly. As a result, the racially stratified institutions in society are preserved. Fig. 2 depicts a conceptual framework to shed light on how hierarchical group rank (dominant versus subordinated) and motivation influence the acquisition of knowledge and understanding of structural racism that, in turn, shape the desire to maintain or dismantle racially inequitable systems and structures.

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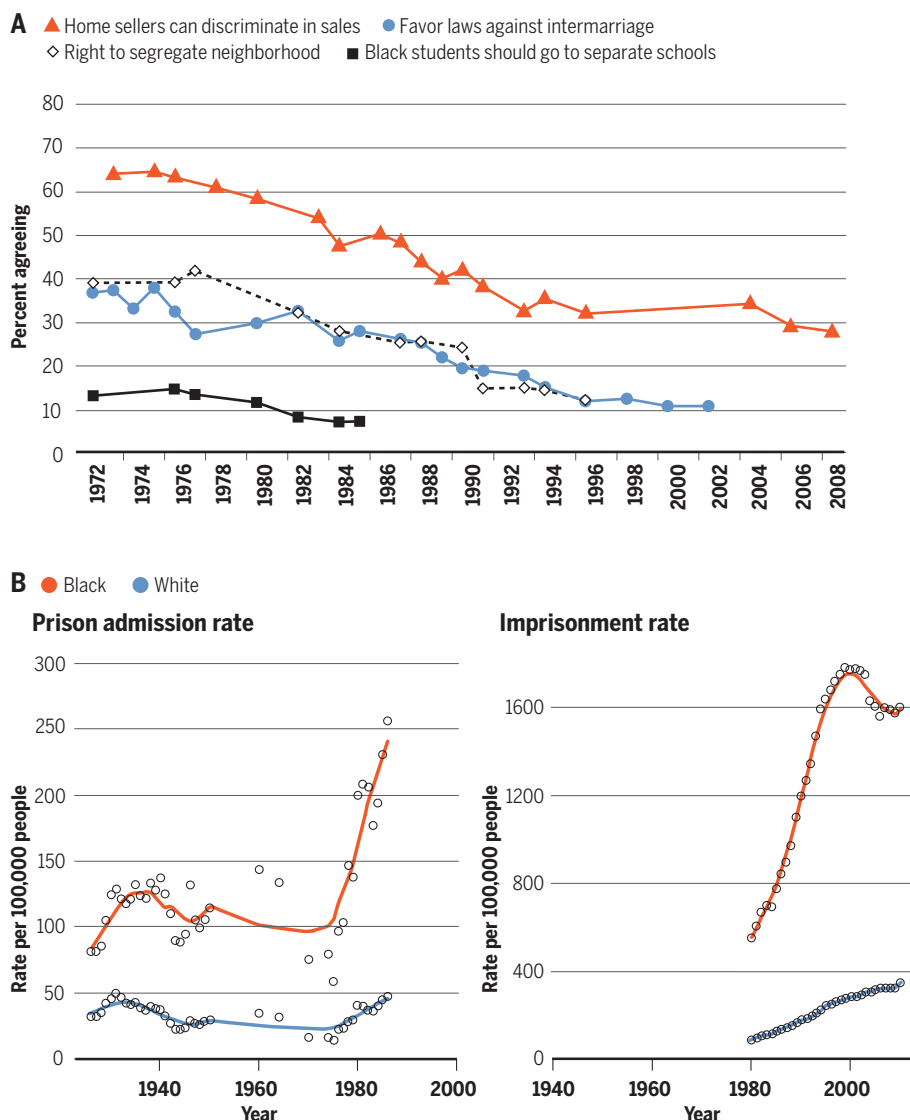


Fig. 1. Trends in self-reported racial egalitarianism and societal incarceration rates. (A) Declining self-reports of racial prejudice among white Americans from 1972 to 2008. [Republished with permission of Princeton University Press, from (55), permission conveyed through Copyright Clearance Center, Inc.] (B) Rising prison admission and imprisonment rates for white and Black Americans from 1926 to 2010. [Republished with permission of The National Academies Press, from (56), permission conveyed through Copyright Clearance Center, Inc.]

Acquiring a structural understanding of racism
The role of information

How do Americans learn about racism? For many, especially members of the dominant racial group, it is primarily through formal educational opportunities or the consumption of mass media, both of which have been found to limit, if not misrepresent, the very types of information that would foster an appreciation for structural racism (11-13). For others, especially members of racial minority groups, it is through formal education as well, but also partially through direct experience (14) coupled with the racial socialization efforts of family and community members (15-17). Although any of these informational pathways could lead to individuals’ acquiring information about racism in general and structural racism in particular, there is reason to believe that these different routes to learning about racism contribute to the racial group differences in endorsement of an interpersonal or structural view of racism. Indeed, Nelson and colleagues (18) found that white participants were less likely than Black participants to

acknowledge systemic forms of racism, in part because they had less knowledge about racism in US history than their Black counterparts. Similarly, Bonam and colleagues (19) found that an educational intervention designed to increase such historical knowledge (i.e., a brief lesson on racial “redlining” in US housing policy) subsequently increased the extent to which participants acknowledged structural forms of racism in contemporary society.

In other words, one reason why white Americans largely fail to recognize the role of structural racism in the criminal justice system—and in general—is the dearth of critical education, and the presence of miseducation, on the topic. This stands in contrast to the direct and vicarious experiences with racial discrimination in criminal justice that racial minority Americans have (14), in addition to exposure to historical accounts of mistreatment from parents, grandparents, and other members of their broader community (15). It is no wonder, then, that one component of civil rights activism in the 1960s, and again today, aims to increase awareness of racism in US society through education.

Such efforts, however, have always been met with institutional obstacles. For example, growing scrutiny has been placed on media outlets’ overreliance on and underscrutinization of police accounts of crime reporting, especially in cases that may involve racial discrimination (20). Uncritical acceptance of these official police accounts, coupled with the exclusion (if not erasure) of perspectives of members of marginalized racial groups, leads to biased perceptions of these police incidents among the larger public. Consider, for instance, the demonstrably false official account of the murder of George Floyd submitted to media by the Minneapolis police department (21). Had there not been video footage of the event to contradict this misleading account, it is entirely likely that no one would have been held accountable, and the officer’s deadly behavior would have been sanctioned.

Similarly, substantial political resistance, such as recent efforts to ban “critical race theory” from US school curricula (22), also represents a noteworthy obstacle to increasing a structural understanding of racism in criminal justice and beyond. Such efforts clearly illustrate the role that societal elites and institutions play in shaping not only how Americans learn about racism but whether they learn about it at all. The lack of education on structural racism in criminal justice is neither accidental nor unintentional (23). In line with SDT, these efforts likely reflect a motivation among the dominant group to maintain their place atop the status hierarchy by further propagating the denial of structural racism, a powerful legitimizing myth. Hence, it is important to consider the role of motivation as a barrier to the acquisition of a structural understanding of racism.

The role of motivation

Denying structural forms of racism, past and present, serves the broad motivation to protect the group and self-image of white Americans [e.g., social identity threat (24)]. People are psychologically motivated to maintain a global, positive self-view and will strive to mitigate threats to their self-image (25, 26). Learning about the racism that is foundational to the nation, especially as perpetrated by white Americans toward Indigenous peoples and racial minorities, can be experienced as a direct threat to the image of one’s racial or national identity (27, 28). Further, structural racism can also present a meritocratic threat to white Americans insofar as holding membership in a group that may be unfairly advantaged in society suggests that one’s successes may not be solely attributable to one’s own hard work, talent, and effort (29).

These self-protective motives largely work in opposition to the educational and informational processes that facilitate the acquisition of a structural understanding of societal racism. Consistent with this idea, Adams, Tormala, and O’Brien (30) found that affirming the self-concepts of white participants before they were exposed to potential incidents of racial discrimination toward Latinos led them to more readily acknowledge that incidents were discriminatory compared with white participants who had not been affirmed. Notably, a reanalysis of these findings (31) revealed that this effect was stronger for incidents of systemic and/or structural discrimination than for more interpersonal incidents, which suggests that the denial of structural racial discrimination, in particular, is a motivated process.

Although these motivations are more common among white Americans, as noted previously, members of racial minority groups can also perceive information about societal racism as threatening (32). Further, it is possible for individuals—including those within the criminal legal system—to be especially motivated to understand the systemic and structural bases of racial inequality in society. Just as some actors work to maintain and enhance hierarchical systems, according to SDT, others work to reduce group-based hierarchies (33). Such individuals tend to value egalitarianism and have low levels of social dominance orientation (SDO) (i.e., the preference for group-based hierarchy) (3). Recent research suggest that individuals with lower levels of SDO are more likely to notice evidence of inequality than their higher-SDO counterparts (34).

Why does a structural understanding of racism matter?

We began this Review by noting the paradox between the rise in Americans’ adoption of racially egalitarian values and the coincident rise in racial disparities in carceral outcomes (1, 35). One explanation, well-established in

the social psychological literature, is the role of widespread implicit and/or automatic associations between young Black men and crime in shaping the views and behaviors of both the police and the public (36–38). We agree that these and other implicit racialized crime associations play an important role in the maintenance of systemic racial inequality in criminal justice. Indeed, it is structural racism and the inequities it produces that support and sustain these automatic associations between race and crime. In other words, implicit bias is itself a consequence of structural racism (39).

Additionally we argue that Americans’ ignorance of the role of structural racism in contemporary society contributes to our willingness to tolerate such stark levels of racial inequity in criminal justice outcomes. Consider, for instance, New York City’s “stop-and-frisk” program, which is ostensibly designed to get weapons off of the streets and allows the New York City Police Department (NYPD) to stop, question, and search individuals on the basis of “reasonable suspicion.” Between 2004 to 2013, the NYPD stopped 4.8 million people, ~80% of whom were Black and Latino. Of those who were stopped during this period, both Black and Latino individuals were more likely to be frisked and less likely to be found with a weapon than white individuals (40). In other words, the program produced racially disparate criminal justice outcomes. We contend that it may only be through the acknowledgment of structural racism that these disparities can be accurately perceived and meaningfully addressed.

Consistent with this position, we found that individuals who tend to have a more structural (versus interpersonal) understanding of racism also tend to believe that racial minorities are disadvantaged in the criminal justice system relative to white Americans (41). Further, the tendency to endorse the idea that structural rather than interpersonal racism is a more important problem in contemporary society accounts for a substantial amount of the gap between white and Black Americans’ perceptions that the criminal justice system is unfair. In other words, to the extent that white Americans understand structural racism, they also tend to perceive societal inequality in a way that is similar to Black Americans’ views.

Because structural racism is characterized by policies, practices, and/or laws that have a disparate impact on members of particular racial or ethnic groups, evidence of racially disparate outcomes is the first indicator of its operation. Hence, racial disparities in a domain are likely to be met with extra scrutiny by people with a structural (but not necessarily those with an interpersonal) understanding of racism. Recent work suggests that absent an appreciation of structural racism, white Americans are likely to interpret evidence of racial

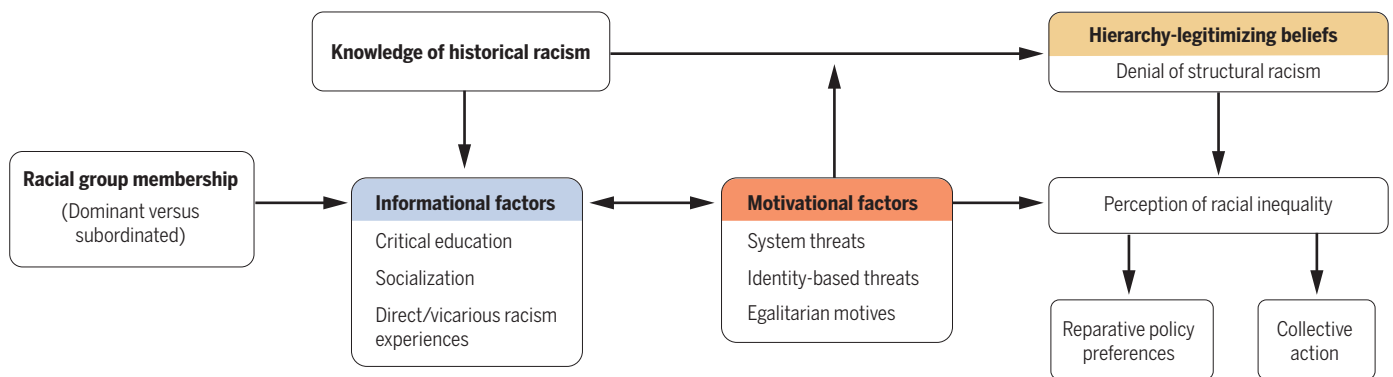


Fig. 2. A framework of the antecedents and consequences of denial of structural racism. Dominant versus subordinated racial group membership predicts differential exposure to racism (e.g., direct or vicarious experience, socialization, critical education), which informs individuals' overall level of knowledge about historical and contemporary racism. Group status also shapes individuals' motivations (e.g., self- and/or group esteem, system justification) to seek information about racism and acknowledge (or deny) the existence of structural racism, which in turn predicts willingness to perceive racial inequality and support for reparative policies or collective efforts designed to redress it.

disparities in incarceration through the lens of stereotypes about racial minority criminality (36–38, 42), thereby justifying the inequality. Consistent with this notion, in a longitudinal study conducted shortly after Hurricane Katrina, O'Brien and colleagues (43) found that white undergraduate students in New Orleans who held a relatively interpersonal understanding of racism, compared with those who held a structural understanding, were less likely to perceive racism as a cause of the racially disparate relief efforts and outcomes.

However, white Americans with a relatively structural (versus interpersonal) understanding of racism—especially individuals with strong egalitarian attitudes—should be less likely to support punitive criminal justice policies after exposure to evidence of racial disparities in the criminal justice system (41). In a recent study, we examined this possibility directly and found that increasing awareness of structural racism (as opposed to increasing awareness of implicit racial biases) through an educational intervention led white Americans to express greater support for policies designed to reduce racial inequality (10). Similarly, Adams and colleagues (11) found that a multiday tutorial that expanded knowledge of the structural basis of racial discrimination increased support for antiracist policy initiatives (e.g., reparations, race-conscious admissions policies), compared with a similar tutorial that focused exclusively on interpersonal racial bias and with a no-treatment control. Together, this work suggests that a structural understanding of racism may be crucial to motivate efforts to address the stark and obstinate racial disparities in criminal justice, as well as in other societal domains.

In addition to the implications for members of groups atop the racial status hierarchy (e.g., white Americans), research suggests that a structural understanding of racism may have important implications for members of margi-

nalized racial groups. This insight was central to the theorizing of Paulo Freire, who argued that education designed to foster a critical analysis of societal inequity is essential for members of subordinated groups to reclaim their full humanity and resist their oppression (44). More recent empirical work has demonstrated the benefits of developing an understanding of structural racism among marginalized youth, finding it to be associated with positive individual outcomes [e.g., improved mental health, greater educational achievement and engagement (45)] as well as increased civic engagement (16).

In sum, the literature surveyed here suggests that an appreciation of the structural nature of racism predicts not only the extent to which individuals perceive, or perhaps acknowledge, racial stratification in the criminal justice system but also their propensity to support reparative social policies. Moreover, this work underscores the fact that for members of the dominant group (i.e., white Americans), strong egalitarian motives are insufficient to disrupt the normal psychological processes that result in the justification of racially inequitable criminal justice outcomes. Instead, egalitarian values need to be paired with an appreciation for structural racism. For members of marginalized racial groups, developing a structural analysis of racism may serve as an important buffer against internalizing negative stereotypes about one's group and, ultimately, engaging in behaviors that serve to justify the dominant group's position. Moreover, a structural understanding of racism may be especially vital to engendering collective action to change the system, for both members of advantaged and disadvantaged groups.

Summary and self-reflection

In this Review, we sought to illustrate key social-psychological factors that shape the maintenance and justification of a racially

unjust criminal justice system, despite large-scale support for racially egalitarian values. Psychological motives to substantiate the racial hierarchy and protect one's self-image work against opportunities to increase exposure to critical education on the structural underpinnings of contemporary racial inequality. In essence, ignorance and denial of structural racism protect against an indictment of the legitimacy of the criminal justice system. By contrast, acknowledgment of structural racism in society motivates efforts to reduce racially disparate outcomes. With this framework, it becomes clear that merely holding egalitarian attitudes is insufficient to reform and dismantle systems that reproduce racial inequality—a structural understanding of racism is integral to these objectives.

This work also has implications for psychological science as a field. We, as psychologists, should examine our role in encouraging, if not promulgating, an interpersonal understanding of racism at the expense of more structural accounts (11, 23). Explicit (or implicit) animus toward or even stereotypes and beliefs about members of marginalized racial groups are troublesome and worthy of comprehensive inquiry, but it is essential that they be properly situated in a structural context (39, 46). Moreover, these attitudes and beliefs stem from our culture and our cultural products, be they the holidays we celebrate, the memorials we erect, the social policies we adopt, or the histories we teach. In other words, our collective cultural socialization shapes what we come to believe, consciously or unconsciously, about the racial inequalities we observe, or fail to observe, and our explanations for those inequities (47). To the extent that this socialization communicates that some groups are valued more than others or are more capable or suitable for certain tasks than are others, our implicit and explicit attitudes will reflect these contingencies (48–50).

Consequently, we join others (23, 51) in calling for a psychological science of racism that carefully and regularly reconnects the processes of mind under examination to the sociocultural context(s) in which they arise. This “mind in context” approach is not novel. Social psychological research has long studied both interpersonal and structural (including cultural) forms of racism (52–54). In essence, we call for a return to this type of embedded scholarship. An embedded approach to understanding racism, in criminal justice and beyond, seeks to elucidate how individuals’ everyday decisions, practices, and behaviors shape—and how they are shaped by—racially unjust societal structures with or without animus or intention. Without this embedded approach, the contributions of our field are likely to fall short of meaningfully reducing the pervasive racial inequality that exists in multiple domains of American life, including criminal justice. Instead, we are likely to contribute to a framing and (mis)understanding of racism that serves to uphold the societal status quo.

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