

Critical Race Theory Meets Social Science

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Abstract

Social science research offers critical race theory (CRT) scholars a useful methodology to advance core CRT claims. Among other things, social science can provide CRT with data and theoretical frameworks to support key empirical claims. Social psychology and sociology in particular can help to explain how race constructs key aspects of social experience—for example, the role of race in suspicion of African Americans as potentially criminal and the use of excessive force by law enforcement. At the same time, a collaboration between CRT and social science risks undermining CRT critiques of objectivity and neutrality and potentially limits the theory's ability to combat structural forms of racial inequality. CRT scholars can mitigate these risks by choosing social science methods carefully and by recognizing that social science is only one among several modes of knowledge production.

INTRODUCTION

Over the past several years, an increasing number of scholars have argued that critical race theory (CRT) should engage more directly with social science (Carbado 2011, Carbado & Gulati 2003, Gómez 2012, Kang 2005, Obasogie 2013, Parks 2008b). Scholars from both sides of the aisle have been organizing opportunities for such a collaboration: In 2009, the UCLA School of Law organized a Critical Race Studies symposium on race and social psychology, followed by two workshops at the University of California, Hastings College of Law, that discussed integrating the social sciences into CRT.

A survey of existing literature shows a small number of critical race theorists working at the intersection of CRT and the social sciences. These scholars have worked in many areas, including sociology, social psychology, anthropology, economics, psychology, and political science, for example (Barnes & Chang 2012; Barnes & Onwuachi-Willig 2005; Bridges 2011, 2013; Brooks 2008; Carbado & Gulati 2000, 2003, 2009, 2013; Carbado & Harris 2008; Cho 2009; Gómez 2013; Haney-López 2000; Harvey 2012; Kang 2005, 2010, 2012; Lane et al. 2007; Obasogie 2006, 2008, 2011, 2014; Onwuachi-Willig et al. 2008; Parks 2008a,b, 2012; Parks & Rachlinski 2010; Parks & Roberson 2011; Paul-Emile 2012; Quintanilla 2011, 2012; Roberts 1991, 1995, 1997, 2001, 2004, 2008, 2011a,b, 2012a,b; Robinson 2008a,b; Roithmayr 2000, 2003, 2004, 2008, 2010, 2014). A small group of empirical critical race theorists has begun to mine the potential of this intersection more systematically, beginning in 2010 (Obasogie 2013).

The relative newness of this group and the absence of more scholarship at the intersection of CRT and the social sciences may reflect what some have called an “unacknowledged schism” between the two fields (Obasogie 2013, p. 184). Indeed, some critical race theorists have expressly argued that social science is potentially antithetical to the core critical commitments that characterize CRT (Brown 2004, Culp et al. 2003).

Given the relatively small amount of scholarship at the intersection of CRT and social science, this article forgoes a conventional review of the literature. Instead, we investigate the case for and against a CRT/social science collaboration. We conclude that critical race theorists should engage more deeply with social science. Social science research has much to offer critical race theorists, including empirical data and theoretical frameworks that support core CRT ideas.

At the same time, we acknowledge that such a collaboration can potentially undermine CRT’s core intellectual commitments. Collaborating with social science risks limiting CRT’s critique of objectivity and neutrality and potentially hinders the theory’s ability to expose and challenge structural forms of racial inequality. We describe these risks and suggest some strategies to mitigate them.

Three preliminary points are in order. First, this review explores the arguments for and against collaboration from the particular perspective of CRT. Separate arguments in favor of and against collaboration can be made from the perspective of social science, and others have already ably articulated these arguments (Carbado 2011, Gómez 2012, Obasogie 2013).

Second, this review focuses on social science of a particular kind. Although much social science is qualitative, this review focuses specifically on quantitative and statistical methodologies from disciplines such as economics, sociology, and social psychology. Quantitative social science methodologies are more likely to be in tension with CRT than methods and disciplines that might more naturally be allied with it (for example, ethnography). Our focus on quantitative methods thus opens up to CRT branches of social science that are otherwise thought to be incompatible with the theory.

Third, in thinking about a CRT and social science collaboration, we proceed from the view that disciplines are not static modes of knowledge production governed by rigid and fixed rules

(Wallerstein 2003). Rather, they are contingent intellectual arrangements whose boundaries shift in response to what scholars do to and within them (Ioannides & Nielsen 2007, Ross 1992). Understood in this way, both CRT and the social sciences can be affected by cross-disciplinary exchanges. Indeed, part of our aim in this review is to argue for such a cross-fertilization.

The remainder of the article proceeds as follows. The second section surveys some of the existing scholarship at the intersection of the two fields under discussion to make the more general case for a CRT turn to social science. In particular, we focus our analysis on potential links between criminal procedure and social psychology. The third section reviews the most common arguments against a collaboration between CRT and social science. We explore the arguments that an alliance risks (*a*) undermining CRT's critique of objectivity and neutrality, (*b*) legitimizing the view of CRT as intellectually soft, and (*c*) limiting the theory's ability to expose and challenge structural forms of racial inequality. The fourth section describes several strategies for mitigating these risks, drawing in part from social scientists' interrogations of their own disciplinary practices.

THE CASE FOR SOCIAL SCIENCE IN CRITICAL RACE THEORY SCHOLARSHIP

This section explores the argument that critical race theorists should engage with the social sciences. We conclude that critical race theorists can and should use social science to support key empirical claims and to develop useful theoretical frameworks.

CRT rests on a number of empirical claims about race, law, and society. The modernist idea that there are truths that we can discover about race leads CRT scholar Angela Harris (1994, p. 752) to suggest that "CRT is described very well by 'critical social science.'" Below, we list ten empirical arguments that represent CRT commitments. Although these arguments are not exhaustive of the "truths" that underwrite CRT, they reflect key modernist claims of the theory on which there is general consensus among practitioners in the United States.

1. Racial inequality is hardwired into the fabric of our social and economic landscape.
2. Because racism exists at both the subconscious and conscious levels, the elimination of intentional racism would not eliminate racial inequality.
3. Racism intersects with other forms of inequality, such as classism, sexism, and homophobia.
4. Our racial past exerts contemporary effects.
5. Racial change occurs when the interests of white elites converge with the interests of the racially disempowered.
6. Race is a social construction whose meanings and effects are contingent and change over time.
7. The concept of color blindness in law and social policy and the argument for ostensibly race-neutral practices often serve to undermine the interests of people of color.
8. Immigration laws that restrict Asian and Mexican entry into the United States regulate the racial makeup of the nation and perpetuate the view that people of Asian and Latino descent are foreigners.
9. Racial stereotypes are ubiquitous in society and limit the opportunities of people of color.
10. The success of various policy initiatives often depends on whether the perceived beneficiaries are people of color.

A collaboration between CRT and social science could shore up these claims and could help to dispel the myth that we are now postracial—beyond race. Proponents of postracialism in the United States often point to the election of the country's first black president to challenge the foregoing claims and to advance the more general argument that race is no longer salient to social

analysis (Roithmayr 2014). In the view of postracialists, if Barack Obama could become president, any African American can succeed if he or she makes the right choices (Crenshaw 2011). Social science data demonstrating the existence of racial discrimination, racial disparities, and racial inequalities would help counter these postracial claims about the social insignificance of race. Below, we illustrate the potential power of this CRT/social science collaboration in connection with CRT claims about race and policing.

Over the past two decades, CRT scholars have argued that African Americans do not receive the benefit of a presumption of innocence (Butler 2010, Carbado 2002, Lee 2012, Rudy-Cooper 2006). As critical race theorists have pointed out, the problem is not simply that crime is racialized (when we think of crime, we have African Americans in mind); it is also that race is criminalized (when we think of African Americans, we have crime in mind). This dialectical relationship between race and crime (crime → black, and black → crime) leads to the idea that being black is a crime in itself: hence what some scholars refer to as the crimes of “driving while black,” “walking while black,” and “being black” (Butler 2010, Carbado 2002).

Critical race theorists could mobilize recent work in social psychology to support these CRT insights. Consider, for example, Eberhardt et al. (2004), in which the authors describe their research investigating the relationship between stereotypical associations and visual processing. In one study, the researchers primed participants with images of either black or white male faces. Participants were then shown on a computer screen objects that are associated with crime (e.g., a gun or a knife) and objects that are not so associated (e.g., a camera or a book). The images of these objects were initially severely degraded, so that observers could not make out what they were. The images were then slowly enhanced, and the participants pressed a button to indicate when they could discern what each image was.

Researchers measured whether the time it took participants to identify the objects varied with the racial prime seen at the beginning. When participants were primed with white male faces, subjects took the same amount of time to identify crime kinds of objects as to identify noncrime kinds of objects. However, when participants were primed with black male faces, they identified the crime-related objects faster than the objects not associated with crime. The authors concluded that race and crime are associated in a very particular way—namely, that seeing blackness makes a participant more attuned to criminality.

The research team also observed that items or words associated with criminality made participants more attuned to blackness. Participants paid closer attention to black male faces than to white male faces when they had been primed with images of weapons. The team observed the same results when they tested police officers. The researchers concluded that blackness essentially primes us to think about crime and, in turn, crime primes us to pay close attention to black people.

The potential implications of this research are quite significant. Police officers think about crime constantly; according to the research, these thoughts encourage attention to blackness. In this respect, African Americans are always potentially (implicitly) on the mind of police officers on the beat, and even more so when officers patrol predominantly black communities. In that context, the problem is not only that police officers are thinking about crime and thus likely to be particularly attentive to African Americans, but also that the presence of black people makes police officers likely to be particularly attentive to crime.

Heuristics research also sheds light on the bidirectional relationship between race and crime. Richardson & Goff (2012) have developed a framework they call the suspicion heuristic—a representation of the mental shortcuts or rules of thumb that people use when assessing whether a person represents a threat. These scholars have drawn from social science work in cognitive heuristics and implicit bias to develop their concept. To appreciate how their framework operates, a few definitions are in order.

Heuristics are mental shortcuts that help people make quick assessments. When an observer tries to assess whether someone else is a threat, the observer relies on two common, everyday heuristics: the availability heuristic and the representativeness heuristic. The availability heuristic is a mental shortcut that helps people to evaluate what a criminal is likely to look like. Media representations and popular discourse about African Americans make it easier for people to retrieve examples of African Americans as criminals than to retrieve examples of people from other races; thus, according to available research, in most people's minds, the prototypical criminal is a black person.

Conversely, the representativeness heuristic helps people to evaluate whether a particular person is a criminal. People make this assessment by comparing the particular person to the prototypical criminal. Because black identity has become associated with criminality, available research suggests that people are more likely to assess African Americans as criminals because a black person matches the prototype. Accordingly, even in the absence of racial animus, the interaction of these two heuristics can shape police officers' judgments about criminal culpability beyond the officers' conscious assessment (Richardson & Goff 2012).

In the following discussion, we build on Richardson & Goff's (2012) model to develop a more elaborate and racially specific version of the racial suspicion paradigm—something we call the black suspicion paradigm. In the first stage of our paradigm, media representations, popular and political discourses, and existing racial stratification together produce particular understandings about race (Gilliam & Iyengar 2000). This racial epistemology consists of (a) racial associations and stereotypes with regard to race and crime (African Americans are criminal) and (b) racial images of the prototypical criminal (criminals are African American).

In the second stage, this set of understandings produces the black criminal availability heuristic and the black criminal representative heuristic. Importantly, these two heuristics are not separate and distinct decision-making processes. Each of them reflects and contributes to the other: If blacks are more likely to be criminals and criminals are more likely to be black, then blacks are intrinsically suspicious and suspicion in the abstract is that the wrongdoer is black. In the last stage of the paradigm, the racial suspicion heuristic shapes behavior in the world. Racial suspicion motivates racial profiling by law enforcement, decision making by juries, and policy making by legislators.

Figure 1 illustrates the stages and processes that make up our racial suspicion paradigm. This paradigm is somewhat stylized, less a literal representation of what happens sociologically and more a general map of the relationship linking racial inequality, the creation of racial stereotypes and associations, and racial suspicion of African Americans as criminals. More generally, the paradigm shows how critical theorists might draw on social psychology to generate a theoretical model of racial suspicion.

Beyond racial suspicion, CRT scholars can also draw on social science to explain the persistent problem of excessive force by law enforcement. Critical race theorists have long decried the frequency with which police officers employ excessive force, noting that they are rarely held accountable for their behavior (Carbado 2002, Crenshaw & Peller 1993). Many CRT scholars attribute this problem to the existence of stereotypes of African Americans as both violent and dangerous (Armour 1994, Lee 2012).

Here, too, social psychology research supports the CRT insight. For example, psychologist Joshua Correll has developed a video game to explore whether implicit bias by police officers could affect whether and at what moment they shoot suspects (Correll et al. 2007, Kang et al. 2012). In the game, participants in the role of armed police officers encounter photographs of individuals (suspects) holding an object. If the object is a weapon, the participant is instructed to press a key to shoot. If the object is harmless (for example, a wallet), the participant must press a different key to holster the weapon.

The Black Suspicion Paradigm

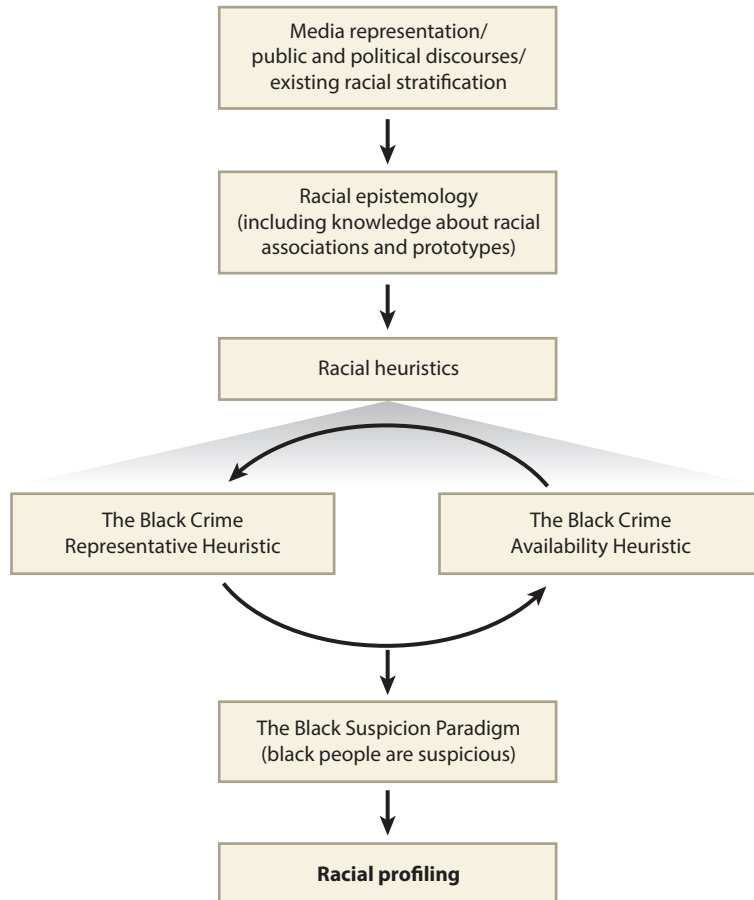


Figure 1

The black suspicion paradigm.

Correll has found that participants were quicker to shoot when the target was black than when the target was white. He also found that, under time pressure, participants made more mistakes (false alarms) and shot more unarmed black targets than unarmed white targets. In addition, subjects failed to shoot more armed white targets (misses) than armed black targets. The results for police officers have been more mixed (Correll et al. 2007, Kang et al. 2012).

In addition, Correll has found comparable amounts of shooter bias in African American and white participants. Correll's findings suggest that negative attitudes toward African Americans are not what drive shooter bias against blacks (Correll et al. 2007, Kang et al. 2012). Indeed, in Correll's game, the shooter bias effect did not correlate to a person's expressly held stereotypical or negative views. Correll's results suggest that something more subconscious was driving the results.

These studies shed light on the persistent use of excessive force by law enforcement. The public policy discussion on race and excessive force continues to be framed around whether the police officers engaging in the practice are intentionally racist. But interventions designed to change

conscious thought likely will be ineffective if law enforcement's use of excessive force is driven by implicit bias rather than conscious stereotypes or intentional racism.

Beyond law enforcement, Correll's study may also help to explain why jurors might excuse officers engaged in excessive force. As a matter of law, excessive force claims roughly turn on whether the officer acted reasonably (*Tennessee v. Garner* 1985). This inquiry purports to be objectively based on whether a reasonable person in the officer's situation would have experienced the same fear and responded with the same level of force.

Implicit bias can infect the way a juror applies this standard. Given the existence of shooter bias, a juror might well conclude that the police officer's conduct was objectively reasonable (and not a function of the subjective particularities of the officer) because the juror too would have feared for her life under the circumstances the officer describes.

In sum, social psychology offers critical race theorists empirical support and theoretical frameworks with which to describe the role of race in suspecting individuals as potentially criminal and in using force in their apprehension. This is just one example of the way in which CRT scholars might employ social science to support claims that critical race theorists have been advancing for quite some time.

THE RISKS OF A CRITICAL RACE THEORY-SOCIAL SCIENCE ALLIANCE

In this section, we explore the potential risks that a collaboration with social science might pose for key intellectual commitments in CRT. CRT scholars have long been aware that social science might provide useful empirical support for key CRT arguments, but few have engaged in collaboration, judging that the benefit of any collaboration might be outweighed by the potential risk that such collaboration would undermine key CRT claims. In particular, CRT scholars have argued that collaboration poses two significant risks: (a) Relying on social science methodology risks undermining CRT's critique of neutrality and objectivity, and (b) focusing on social science models of racism, which tend to focus on the individual, potentially obscures CRT's focus on the structural dimensions of race. We consider each of these risks in turn.

Undercutting the Critical Race Theory Critique of Objectivity and Neutrality

First, commentators argue that the foundational principles of social science are potentially at odds with the foundational principles of CRT (Brown 2004, Culp et al. 2003). As the following discussion explains, CRT historically has defined itself as critical precisely because of its critique of discourses (e.g. color blindness) that purport to be neutral or objective.

CRT critiques of neutrality find a foundation in early critical theory, specifically the Frankfurt School. Critics like Horkheimer, Adorno, and Habermas argued against the supposed objectivity of social science as part of a broader set of claims about the relationship between science and objectivity. In particular, these theorists pointed out that scientific understanding of social facts depends on some preexisting categories, classifications, and conventions about what counts as a true or useful scientific fact [Horkheimer 1937 (1972), Wilson 1986]. These theorists argued that categories, classifications, and conventions are politically and socially constructed and are not themselves factual or observable in any independent way. These early thinkers also observed that the political and social construction of so-called objective facts is often hidden from view, as scientists claim to be simply representing the world as it is.

An example may prove useful. In the critical account, when scientists set out to record observations about the social world, for example, in observing a tree, they focus on some aspects of

the tree, like the root system or the bark, and regard other aspects as irrelevant to the observation, like the birds sitting in the tree or the color of the leaves. Having separated the world into irrelevant and relevant pieces, scientists then analyze the latter using some existing framework of understanding in order to give these parts their contemporary meaning and relevance. So, for example, trees are differentiated from other plants in the Linnaean system by focusing on whether they have woody stems, and not on the basis of the color of their leaves. The woodiness of the stem is important to the scientist because a preexisting classification template uses the stem to differentiate, but the template itself is the product of earlier observation and analysis that is also ungrounded [Horkheimer 1937 (1972)].

Likewise, social facts are the product of scientific observation that focuses on some phenomena and not others, and analysis uses preexisting templates and classification systems that themselves have no objective ground. For example, social scientists may set out to investigate the link between race and heart disease by observing as relevant the racial identity of the participants, but not the degree of residential segregation or median wealth levels of the neighborhood in which the participants live. Many social science models pay less attention to group-level traits or history; prevailing theories of identity and illness have focused on individual-level determinants of health. But an alternate framework might focus on the measure of residential segregation in a participant's neighborhood. Thus, social science knowledge is inevitably contingent, socially produced, and constructed by a preexisting view of what facts are relevant to the inquiry.

Several core intellectual commitments of CRT build on this original critique of objectivity; indeed, this critique is part of what makes CRT distinctly critical. In the following discussion, we rehearse three key CRT critiques that spring from these early beginnings. We describe these critiques and then show how they potentially undercut any potential collaboration between CRT and social science.

The neutrality critique. Critical race theorists put forward a critique of neutrality that proceeds along two dimensions. The first, which is a weaker critique, focuses on the ways in which legal doctrines, legislative enactments, institutional policies, and scholarship end up representing the interests of a small privileged group. For example, CRT scholars have argued that, as a historical matter, ostensibly race-neutral scholarship on civil rights actually represents the views of mostly white centrist liberals and excludes the views of progressive people of color (Delgado 1984, 1992; Houh 2006). This exclusion prompted many critical race theorists to urge people engaged in antiracist work to “look to the bottom” to capture the perspectives of people of color (Matsuda 1987).

The second and stronger version of the neutrality critique suggests that certain practices will always exclude outsiders because the practices themselves are problematic, structured in a way that privileges those who already have power and excludes others who don't. For example, Haney-López (2000) has investigated racial exclusion in California's grand jury selection process in the 1960s, a process commonly understood as race neutral. In the 1960s, grand jury selection relied heavily on the social and professional networks of state officials. California state law authorized jury commissioners to draw up lists of prospective grand jurors. Superior court judges were authorized to select grand jurors from these lists but were also authorized to select whomever they deemed to be qualified to serve, so long as the persons they selected satisfied the minimum qualifications.

Judges rarely chose grand jurors from the jury commissioners' lists. For the most part, they selected people whom they knew personally. Because few superior court judges personally knew any Latinos, grand juries in Los Angeles County were overwhelmingly white, despite the fact that Mexican Americans constituted 14% of the population at the time (Haney-López 2000). Judges

were not intentionally discriminating, and the procedures were facially race neutral. But because Latinos were not included in white judges' social networks, these purportedly neutral procedures by definition operated to exclude Latinos.

Haney-López's insight about the exclusionary effect of facially neutral practices applies to the social sciences. In particular, ostensibly neutral practices regarding the choice of dependent and independent variables necessarily preclude more nuanced and more structural investigations of race. So, for example, the standard approach is to treat race (assumed to be an easily identified and "natural" demographic variable) as an independent variable—the causal agent of some dependent variable or outcome (for example, test scores).

But this approach by definition frames the potential cause as located in individual identity and disregards the possibility that the cause is located in surrounding structural conditions. The earlier example of race and health illustrates this point. Using a simplified concept of race as an independent variable makes it easier to render African Americans the cause of their difficulties—for example, the source of their test performances or health disparities (Gómez 2004).

The identity-based approach is not intrinsically necessary. As Gómez (2004) notes, social scientists could easily choose to make racial inequality, ideology, racism, or racial stratification the dependent variable or the central subject under study. The choice to focus on racial identity and not on structural conditions helps to explain why in the social sciences people of color are often represented as social problems that must be fixed (Gómez 2008, Guthrie 1998, Zuberi & Bonilla-Silva 2008).

To remedy this skewed approach, some social scientists have recently urged the creation of an explicitly race-conscious social science (Zuberi & Bonilla-Silva 2008). This kind of social science might focus on the social processes that make race a salient social category to replace the more conventional construction of race as a one-dimensional and naturalized independent variable (Gómez 2012, 2013).

The framework critique. The framework critique suggests that the frameworks we use to understand and describe social facts are constructed in the context of particular political and social activities and projects. CRT scholars like Kimberlé Crenshaw, Ian Haney-López, Neil Gotanda, and others have developed the critique of ostensibly neutral concepts like equal protection, merit, and equality of opportunity. These scholars argue that the legal framework of equality itself (and not just its application in a particular instance) reinforces racial privilege as part of a broader conservative project to limit a wide-ranging redistribution of resources along racial lines (Valdes et al. 2002).

Consider the legal framework of intentional discrimination that governs equal protection law (*Personnel Administrator of Massachusetts v. Feeney* 1979, *Washington v. Davis* 1976). According to the relevant doctrine, the equal protection clause prohibits only conscious, intentional conduct on the part of individuals. Although this framework appears racially neutral, it puts the burden of proving discrimination on the victims and leaves in place a range of racial inequalities that cannot be traced to intentional individual discrimination. CRT scholars have pointed out that, given such a frame, phenomena such as the resegregation of public schools produced by white flight are largely beyond legal remedy because they cannot be traced to individual intentional behavior (Freeman 1988).

Likewise, the ostensibly neutral concept of colorblindness reflects an account of race that is ideologically contingent. As CRT scholars have noted, courts could easily have taken a more contextual approach that distinguishes between benign uses of race in affirmative action and invidious uses of race in discriminatory legislation. Nothing in the Constitution or most statutes compels a colorblind interpretation instead of a race-conscious one (Carbado & Harris 2008,

Crenshaw 1996). More to the point, the colorblindness frame renders race-conscious remedies presumptively suspect as a matter of law (*Adarand v. Peña* 1995).

Central to CRT is the notion that the intentional discrimination and colorblindness legal frameworks are neither neutral nor dictated by law. Rather, these frameworks reflect the political purposes and preferences of legal actors, some of whom are ideologically committed to limiting the scope of antidiscrimination law and repealing affirmative action and other race-conscious remedial policies (Crenshaw 1988). More specifically, these frameworks do conservative political work in the context of particular historical periods to protect white interests.

Social science is subject to a similar framework critique. As Horkheimer's [1937 (1972)] original essay pointed out, social science and the categories and classifications that scientists use to understand the social world are shaped by the social purposes and political projects that give rise to and form the context for such research. Even a cursory review of US history reveals that on many occasions, social science and its classifications have served the ideology of white supremacy and the political project of racial segregation and exclusion.

Indeed, at the turn of the twentieth century, social scientists were responsible for some of the most retrograde ideas about race, including the claim that racial divisions are both natural and biologically determined (Gould 1981). The connection between political projects and social science is evident in the work of Friedrich Blumenbach, who helped to establish the field of physical anthropology. For example, in his third edition of *On the Natural Variety of Mankind*, Blumenbach [1795 (1865), pp. 264–65] described five groups of mankind—the Mongolian, American, Malayan, African, and Caucasian—the last of which “in general” was thought to be the “the most handsome and becoming.”

Blumenbach presented his work as an objective discovery; the foregoing groups were already intelligible social formations that simply needed to be mapped. But historical analysis reveals that these formations were demonstrably aligned with ongoing European colonial projects and views about humanity (Carbado 2009). This alignment was not mere coincidence. Blumenbach's work, and the work of the nineteenth-century social scientists who followed him, posited theories about race that reflected the political and social projects and commitments of the time (Raghuandan 1989).

Contemporary versions of Blumenbach's racial theories remain in the social sciences. For example, *The Bell Curve* by Herrnstein & Murray (1994) reprised the notion that racial differences in IQ are partly traceable to genetic causes. Moreover, such ideas might be endemic to the empirical method and the notion of quantitative measurement. Recent work by sociologists Zuberi & Bonilla-Silva (2008) traces to the eugenics movement the foundational idea that both race and intelligence could be measured in some objective way. Zuberi & Bonilla-Silva argue that the eugenics movement gave birth to the idea of race and intelligence as fixed and static rather than produced by social processes and political projects. Their analysis helps to explain why critical race theorists remain deeply skeptical of any disciplinary methodology that purports to describe social facts about race as objective, politically neutral, and unmediated by contemporary social projects.

The interpretation of facts critique. This critique focuses on the way in which the language and theoretical method used to frame an inquiry shape not just the observer's interpretation of facts but also what the observer perceives to be a fact in the first place. For example, CRT scholars have argued that the observer's subject position shapes whether she views fleeing the police as evasive behavior (and thus evidence of wrongdoing) or behavior to avoid potential police brutality. Community knowledge or personal experience of how the police operate shapes the choice between these two frames (Carbado 2002, Williams 1992).

To the extent that social science understands itself as an enterprise in which the subject position of the researcher plays no role, the discipline is vulnerable to the interpretation of facts critique. Some branches of sociology have recognized that a sociologist's knowledge of the world cannot be separated from her own position (Gouldner 1975, Mills 1959). But other branches of sociology and other disciplines (such as economics and social psychology) largely assume that the researcher's subject position plays no role in shaping her results. Perceiving the researcher to be detached and neutral is potentially at odds with a crucial starting point of CRT: the idea that knowledge production is contingent on the combined effects of the researcher, the social and political context in which she is situated, and the inquiries and frameworks she employs.

Obscuring Structural Inequality

Beyond undermining CRT's critique of neutrality and objectivity, a collaboration between CRT and social science can obscure the role that structural inequality plays in reproducing racial disparities. Conventional models describe racism primarily as an individual trait: Individuals exclude on the basis of race for reasons related to in-group love or out-group hate, rational decision making about hiring, or social dominance (Roithmayr 2014). But such models are potentially at odds with CRT's position that racial disparities cannot be fully reduced to or predicted from individual behavior and are instead a function of structural forces.

This conceptual problem is particularly salient with respect to social psychology models, such as implicit bias, that locate the engine of group dynamics in individual behavior. Proponents of the Implicit Association Test (Banaji et al. 2004) explain persistent discrimination by focusing on the link between individual behavior and unconscious associations between race and violence, among other negative traits. The implicit bias model relies on a significant distinction between conscious and unconscious racial motivation. This distinction helps to explain why definitions of discrimination based on the intentionality of the actor are likely ineffective (Krieger 1995, Lawrence 1987). Additionally, the conscious/unconscious distinction explains why, even after the election of a black president, voters reveal the same amount of favoritism toward whites as before the election (Parks & Rachlinski 2010).

At the same time, the implicit bias model is potentially (though not necessarily) in tension with CRT arguments about structural inequality. More specifically, a focus on implicit bias assumes that the individual and her unconscious are the primary source of racial inequality, in contrast to CRT's claims that broader institutional structures of inequality are the primary source.

As we discuss elsewhere, the implicit bias model can be employed to interrogate broad structures of inequality. Typically, however, implicit bias is employed to suggest that even well-intentioned individuals (those with "good hearts") have implicit biases ("bad minds") that shape their actions in the real world. Although implicit bias is a phenomenon that makes sense only in the context of groups and group stereotypes, as **Figure 1** illustrates, its focus is still on the individual psyche and not on social structures or processes.

Accordingly, proposed remedies for implicit bias target the individual. For example, diversity training projects are designed to educate people about their implicit bias by making individuals aware of their unconscious favoritism and increasing their exposure to diverse colleagues. But these individual-oriented remedies reinforce the view that racial disparity is produced primarily at the level of the individual rather than at the level of structural process.

The effects of remedial approaches that focus on individuals can be quite pernicious. Consider the fact that some proponents of remedies targeting implicit bias have encouraged institutions to hire or admit debiasing agents—for example, black people who are not stereotypically black—to reduce the implicit biases people have of African Americans. As critical race theorists have pointed

out, however, this intervention prompts employers to screen African Americans for those who act white, and encourages prospective African American employees to diminish or tone down their racial salience (Carbado & Gulati 2013). In addition, the structural practices of the institution remain largely unchanged.

Not all social science models are focused narrowly on individual processes, however. Other disciplines have developed models that highlight structural and institutional processes at the level of the group. Recent work by Roithmayr (2014), for example, relies on the rapidly evolving social science of networks and the connection between network effects and persistent racial bias. This work has focused on the self-reinforcing effects created by social and institutional networks when families pass down wealth that earns family members more wealth, friends pass down high-wage (or low-wage) jobs in homophilous social networks, and institutions hire according to job descriptions that are tailored to those who first occupied the institution or position.

In the same vein, social network scholars explain the racial disparities in occupational positions and wages by noting the difference in the architecture and composition of black and brown social networks through which people refer jobs. Black and Latino job referral networks are more tightly clustered, contain fewer loose ties to friends of friends, and contain far fewer people who hold high-skill jobs that have opportunity for advancement (Cho 2008, Finneran & Kelly 2003, Roithmayr 2014).

Social network models focus on historical differences in employment caused by discrimination. Disparities are passed down over time as blacks and Latinos use social networks to find low-skill jobs. In turn, new jobholders become job referees for the same low-skill jobs for those who come after them. Likewise, racial differences in social networks can help to explain racial disparities in public contracting (Cho 2008). Scholars have recommended changes to structural practices to diminish the effect that racialized networks have on institutional composition (Cho 2008, Roithmayr 2014).

Such models help illuminate CRT's claims about structural process, but they are not central in the social science literature. Many existing models of sociology, social psychology, economics, and political science tend to focus on racism as an individual phenomenon or as a collective phenomenon that aggregates individual-level motivations or behaviors. As a result, a collaboration with social science may undermine CRT's position on structural inequality.

MITIGATING THE RISK OF A CRITICAL RACE THEORY-SOCIAL SCIENCE ALLIANCE

Some commentators have acknowledged that the foregoing risks make a CRT collaboration with social science potentially difficult (Brown 2004, Culp et al. 2003). In this section, we explore potential ways to mitigate the risks identified above, as a way of encouraging the possibility of collaboration.

One way critical race theorists might mitigate the general risks is to recognize that some forms of social science may be more amenable to CRT than others. As noted earlier, for example, sociology has adopted many of the critiques of objectivity put forward by CRT. A critical social science, of the kind that Zuberi & Bonilla-Silva (2008) explore, might effectively navigate the tension between the disciplines.

Critical race theorists might also explore ways to connect existing models to structural claims. For example, Kang et al. (2012) use the implicit bias model to explore institutional processes in the courtroom. Specifically, they investigate the cumulative effect of implicit biases at crucial decision-making points in the criminal justice system, including a police officer's decision to arrest, a defense attorney's decision to plea bargain, a prosecutor's decision to charge, a jury's decision

to convict, and a judge's decision to sentence (Kang et al. 2012). Each of these decisions involves implicit bias at a key point in the criminal case but also interacts in a structural way with the preceding and subsequent decisions.

Likewise, critical race theorists and social scientists might investigate the relationship between implicit bias and group ideology. Although conventional readings of Lawrence (1987) focus on the unconscious racism of particular individuals, Lawrence himself focuses on the racial dimensions of the collective unconscious. A CRT/social science collaboration could investigate the connections between implicit bias and Lawrence's notions of "shared ideology," a "collective belief in white supremacy" that is ubiquitous "in culture" (Lawrence 1987). Work of this kind can reduce the risk that CRT's engagement with social psychology will obscure the structural dimensions of racial inequality.

A third way critical race theorists can mitigate the risks we have described is to avoid privileging social science at the expense of other methods of knowledge production that critical race theorists have historically used. These include, among others, storytelling, internal critique (in which the scholar closely reads legal doctrine or rules to uncover their gaps, contradictions, and inconsistencies), and deconstruction. Jettisoning any one of these methodologies and according a particular emphasis to social science would be a mistake.

Consider, for example, the cost of eliminating storytelling from CRT's intellectual repertoire. Storytelling is a method of scholarship in which scholars produce knowledge in the form of fictional and non-fictional narratives. Storytelling is not necessarily an essential component of CRT (although some CRT scholars would disagree on this point; see Lawrence 2012). Moreover, some CRT storytelling is better than others, and the scholarship varies in the degree to which it conforms to the range of conventions appropriate to narrative more generally.

Storytelling has been roundly criticized, often in the context of a broader attack on CRT. Judge Richard Posner (1997) called those who engaged in storytelling "labile and intellectually limited." Legal scholars Dan Farber and Suzanna Sherry (1997) argued that storytelling made for bad scholarship because narrative scholarship deprived scholars of an agreed-upon set of criteria to empirically verify facts as true or false, independent of the identity of the author or reader. Journalist Jeffrey Rosen (1996), in an article provocatively titled "The Bloods and the Crits," argued that CRT storytelling undermined notions of objectivity and truth.

But social science itself has recognized storytelling as a valuable way of describing the racial and political landscape from within it. For example, Ellickson (1991) uses storytelling as a central method in his study of ranchers in Shasta County and their relation to legal regulation. Ellickson draws from ranchers' accounts of their informal norms to argue that law plays little role in regulating their behavior. Until Ellickson's work, legal regulation and Coasean economic theory had entirely dominated contemporary accounts of social order. Coase (1960) had assumed that people knew the law well enough to understand their initial legal entitlements, and this was the foundational starting point for Coasean bargaining.

The ranchers' stories recounted by Ellickson made it clear, however, that in fact most ranchers neither knew nor paid attention to the law when generating the informal norms that governed ranching in Shasta County. The ranchers' stories in *Order Without Law* (Ellickson 1991) were valuable precisely because they described the landscape from within. Likewise, CRT storytelling can be of great value because the stories it generates, too, are stories from within.

We do not want to overstate the Ellickson/CRT analogy. Our basic point is that the claim that storytelling is suspect because it lacks objectivity, neutrality, intellectual rigor, and integrity proves unwarranted. Ellickson's use of the storytelling methodology makes that plain.

However, the critique of CRT's use of storytelling remains common in legal scholarship. Indeed, it often anchors the claim that CRT is intellectually deficient, if not bankrupt. Against

the backdrop of this view, one could interpret a CRT turn to social science as an effort to render the theory less subjective and ideological and more intellectually rigorous and sophisticated. In short, a CRT/social science collaboration could be understood as a move to make CRT more “respectable”—that is, more palatable to mainstream and conservative legal academics.

Accordingly, critical race theorists should make it clear that they view social science as just one method of knowledge production, with its attendant possibilities and limitations. Conceiving of social science in this way reduces the risk not only that CRT/social science collaborations will acquiesce in the view that CRT is intellectually deficient but also that such collaborations will undermine CRT’s critique of objectivity and use of narrative.

We are at pains to make a final point regarding risk mitigation. One could read the foregoing discussion about neutrality and knowledge production as an argument that critical race theorists should cherry-pick social science scholarship, citing the scholarship that supports their normative commitments and ignoring the scholarship that does not. This is not the case. Critical race theorists are first and foremost critics, and holding a critical position on social science scholarship includes addressing the scholarship on its own terms in addition to pointing out its political implications and assumptions.

Critical race theorists did not, for example, ignore the controversial “mismatch” social science research, which argued that race-conscious affirmative action increases black failure rates on the bar exam because such programs admit black students whose abilities are “mismatched” to the law schools they attend (Sander 2004). Critical race theorists took the research to task, pointing out, among other things, the study’s atypical data and unrealistic assumptions (Harris & Kidder 2004) and the lack of control for the impact that law school environments have on bar passage rates (Johnson & Onwuachi-Willig 2005). Notably, CRT scholars critiqued the mismatch argument on its own terms and pointed out its dangerous implications—that is, the resegregation of American elite colleges and universities.

CRT and social science scholars can keep working from within the frameworks of their respective disciplines and at the same time transform disciplinary practices through their engagement with the other field. Just as social science should not dismiss CRT’s commitment to the critique of neutrality, the critique of neutrality or objectivity should not prevent CRT from collaborating with fully engaged social science.

CONCLUSION

Critical race theorists can remain committed to their critical positions by acknowledging both the benefits and the costs of collaboration with social science. The argument for doing so bears some resemblance to the position of CRT on rights. In the mid-1980s, scholars from critical legal studies argued that the use of rights arguments in critical organizing was counterproductive, alienating, and inconsistent with a core commitment to politics over law (e.g., Tushnet 1984). In response, CRT scholars defended the use of rights as a means with which to pursue social change (Crenshaw 1988, Delgado & Stefancic 1994, Matsuda 1987, Williams 1992). CRT scholars emphasized the transformative possibilities of rights discourse, even as they fully acknowledged the potential costs critical legal studies scholars attributed to rights.

Likewise, CRT scholars can acknowledge that collaborating with social science carries both risks and possible benefits. Existing scholarship illustrates this point. For example, Carbado & Gulati (2013) have used organizational theory, sociology, economics, and social psychology to argue that racial judgments are based in part on how black a person is perceived to be. Social science research indicates that people evaluate others both implicitly and explicitly based on racial performance. Assessments about competence and professionalism are based on perceptions of how

people “work their identity” with respect to accent, demeanor, dress, associational practices, and overall “racial orientation.” These assessments create an incentive for people to manage their race to appear racially palatable; this is a process that takes time, effort, and energy and that can result in people “racially closeting” themselves (Carbado 2013, p. 14).

Carbado & Gulati’s (2013) use of social science to support these claims offers significant benefits. Their CRT/social science collaboration expands the concept of race beyond phenotype and ancestry. Moreover, their analysis reveals that the social construction of race is a bottom-up phenomenon—that is, constituted in and through interpersonal interactions—and not just a top-down phenomenon—that is, dictated by law and formal policies (Carbado & Gulati 2013).

In another example, Roithmayr (2014) has employed a wide range of social science (economics, social psychology, sociology, history, anthropology, and political science) to argue that racial inequality reproduces itself structurally even in the absence of intentional discrimination. Here, social science helps to theorize more precisely the structural nature of inequality. The social science understanding of network effects helps explain how collective action produces racial patterns that cannot be reduced to or predicted from individual behavior.

In both examples, social science has supplied a descriptive method—a mode of knowledge production—that helps to theorize the connection among racial inequality, individual agency, and collective action, to uncover the way in which processes that appear to be race neutral in fact reproduce racial subordination.

At the same time, both projects necessarily trade on the truth-legitimizing dimensions of social science to make claims about findings that appear to be independent of the researcher and the frameworks used. In this sense, one could argue that these projects undercut core critical positions adopted by CRT.

Our view is that the benefits of the turn to social science in these works outweigh the costs. Time will tell whether we are correct. Time will also tell whether a meaningful number of critical race theorists can engage with social science without undermining or limiting the scope of CRT and whether the risk-mitigation strategies discussed above will maximize that possibility.

We remain guardedly optimistic about the possibilities for this disciplinary collaboration. Indeed, the seeds for the collaborative scholarship we imagine, a critical race social science able to navigate the tensions we have described, have already been planted in the work we referenced at the outset of this review. In particular, work by scholars like Gómez & Lopez (2013) on health disparities and Obasogie (2014) on the social cues that make race socially cognizable exemplifies the newfound possibilities of such collaboration. More social scientists and critical race theorists should look for opportunities to pursue similar collaborations.

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