

A Social Psychological Perspective on Perceiving and Reporting Discrimination

Cheryl R. Kaiser and Brenda Major

This article reviews social psychological theory and empirical research on perceiving and reporting discrimination. The article begins with an examination of factors that affect whether individuals perceive themselves as targets of discrimination. We then turn toward addressing whether individuals who perceive discrimination are willing to report their perceptions, as well as the interpersonal consequences they might face for so doing. Throughout this article, we examine how endorsement of the meritocratic worldview shapes these discrimination-related processes. Finally, we conclude by noting the potential for important theoretical, empirical, and applied advances on discrimination scholarship that can arise from interdisciplinary collaboration among legal scholars and social scientists.

At a recent academic conference examining the underrepresentation of women in fields such as mathematics and science, former Harvard University president Lawrence Summers made some now infamous remarks about one potential cause of this gender disparity. Summers suggested that gender differences in “innate abilities” might be one explanation for the underrepresentation of women in these fields. Not surprisingly, his comments provoked a firestorm of attention and controversy. For example, one supporter stated, “I think that Larry Summers is an excellent president of Harvard, firmly committed and deeply respectful of the role of women in universities and one who is anxious to strengthen and enhance that.” In contrast, a critic remarked, “when [Summers] began talking about innate differences in aptitude between

Cheryl R. Kaiser is an Assistant Professor of Psychology at University of Washington. She can be contacted via e-mail at ckaiser@u.washington.edu.

Brenda Major is a Professor of Psychology at University of California, Santa Barbara.

This research was supported by National Institute of Mental Health Grant 1R03MH071276 to Cheryl R. Kaiser and National Science Foundation Grant BCS-9983888 to Brenda Major.

men and women, I just couldn't breathe because this kind of bias makes me physically ill." Would it surprise you to learn that both of these comments were made by prominent female academics?

In this article we describe social psychological theory and research that has examined how members of historically disadvantaged (protected) groups respond to situations where they are potential victims of prejudice and discrimination. We begin by reviewing empirical research that has addressed how likely individuals are to perceive themselves as targets of discrimination and factors that affect this perception. Next, we review research investigating the likelihood that individuals who perceive discrimination will publicly report those perceptions and the social consequences of doing so. Collectively, this literature helps to understand why members of the very same social group can hear the same objective remarks and construe them so differently. Finally, we consider the implications of social psychological theory and research on discrimination for legal issues, as well as legal scholarship. For instance, judges and juries make assumptions that people who experience discrimination will recognize it and subsequently complain about this treatment. If these assumptions turn out to be inaccurate, the consequences are potentially quite serious.

Social psychology is a discipline that uses scientific methods in an attempt to understand and explain how the thoughts, feelings, and behaviors of individuals are influenced by features of the social context (Allport 1985). Social context includes the actual and implied presence of other individuals and groups, as well as cultural practices and beliefs. Scientific analysis of empirical data is central to a social psychological approach. Although findings based on this empirical approach may sometimes confirm commonsense notions about behavior, in many instances they challenge current social beliefs and lead to new insights about behavior. Thus, a social psychological perspective on the law uses scientifically derived findings about cognition, emotion, and behavior in social contexts to inform and bring new understanding to legal issues. In this article, we will examine how the meritocratic worldview acts as a social contextual factor that affects perceptions of and responses to discrimination.

PERCEIVING DISCRIMINATION

A perception of discrimination is a judgment that one has been treated unfairly because of his or her social group membership (Major, Quinton, and McCoy 2002). Because discrimination perceptions involve subjective construals of the environment, it is often difficult to determine whether an individual's perception of the amount of discrimination he or she is experiencing accurately reflects the level of discrimination that truly exists in a given context. There are two major types of perception biases that can occur. Individuals might see more discrimination than actually exists (a vigilance bias),

or they might see less discrimination than actually exists (a minimization bias). The question of whether individuals tend to err toward minimization or vigilance perception biases has been addressed in great detail elsewhere (see Major, Quinton, et al. 2002; Major and Kaiser 2005; Major and O'Brien 2005; Stangor et al. 2003 for reviews), so we touch on it only briefly here.

Vigilance Perspective

There are a variety of reasons why one might expect members of protected groups to be vigilant, or on guard, for signs that they might be victims of discrimination and to err on the side of seeing discrimination where it does not exist. A past history of experiencing discrimination can lead to increased activation of discrimination-related thoughts when individuals are faced with ambiguous circumstances. These thoughts, in turn, can bias how ambiguous events are interpreted (Inman and Baron 1996). Being vigilant for discrimination can protect an individual from potential harm if he or she is faced with a hostile work environment where prejudice is overt (Feldman-Barrett and Swim 1998). In addition, blaming negative outcomes, such as termination, suspension, or a poor job review on discrimination can buffer feelings of self-worth (Crocker and Major 1989; Major, Kaiser and McCoy 2003). Thus, there are good reasons why one might expect members of protected groups to be vigilant for evidence of discrimination (see Allport 1954; Cohen, Steele, and Ross 1999; Feldman-Barrett and Swim 1998; Steele et al. 2002).

Nonetheless, empirical evidence that members of historically disadvantaged groups claim discrimination when none exists, or even that they are especially sensitive to and vigilant for discrimination, is sparse. Members of protected groups are more likely than members of nonprotected groups to report on surveys that they have been victims of discrimination, but because the former are more likely than the latter to in fact objectively experience discrimination, this gives us no information about vigilance. In an effort to circumvent this problem, several experiments have compared perceptions of discrimination among protected and nonprotected groups in response to the same event, on the assumption that if the former are vigilant for discrimination, they will be more likely than the latter to interpret the same situations as due to discrimination. Several studies have shown that women are more likely than men to label negative treatment committed by a high-status perpetrator against a low-status victim as discrimination (Major, Kaiser, et al. 2003; Rodin et al. 1990). In addition, African American college students who received critical feedback on an essay they had written from an evaluator who was aware of their race were more likely to say that the evaluator was biased than were European American students who received the same type of feedback (Cohen et al. 1999). Importantly, both groups had received

identical critical comments from evaluators who were in fact unaware of their race. Thus, objectively, bias did not exist. Collectively, these studies provide suggestive evidence that members of protected groups may more readily perceive themselves as victims of discrimination than members of nonprotected groups in the same situation.

In contrast to these findings, however, other experiments have found no differences in the extent to which members of protected groups (women, Latinos) and nonprotected groups (men, European Americans) blame a rejection on discrimination, when the circumstances are identical (i.e., both are rejected by a member of the other group) (Major, Gramzow, et al. 2003). In addition, in the Cohen et al. (1999) experiment described above, African American students did not see the evaluator as more biased than White students did when the critique was accompanied by comments indicating that the evaluator thought the essay writer was capable of meeting high standards. This latter finding illustrates the extent to which perceptions of discrimination are influenced by subtle features of the social context. Another recent study showed that as the threat of discrimination in the environment increases, so too does vigilance for discrimination. In this study, women were led to believe that they were going to interact with a sexist or feminist man, via an exchange of an attitude questionnaire with the man. Women who thought they were going to interact with a sexist man paid more attention to subliminally presented words (words presented below conscious awareness) that were relevant to sexism compared to other threatening words that were not relevant to sexism. In contrast, women who thought they were going to interact with a feminist man tended to allocate less attention to subliminally presented sexism words that were relevant to sexism compared to the threatening words that were unrelated to sexism (Kaiser, Vick, and Major 2006).

Minimization Perspective

An alternative perspective holds that people err on the side of “missing” discrimination, that is, they often fail to notice discrimination, underestimate it, or deny being the target of discrimination, even when they objectively are. This perspective is evident in the theorizing of many psychologists, political scientists, sociologists, and philosophers, who observe that hierarchical social systems persist in large part because members of low-status groups do not recognize the illegitimacy of their disadvantaged position in the status system (e.g., Crosby 1984; Jost 1995; Major 1994; Sidanius and Pratto 1999). Why might individuals fail to recognize that they are targets of discrimination when they objectively are? Some scholars assert that recognizing that one is a victim of discrimination is psychologically costly, in that it requires abandoning fundamental and adaptive beliefs, such as those conveying that the social world is personally controllable, fair, and legitimate (Jost and Banaji

1994; Langer 1975; Lerner and Miller 1978; Major 1994; Pyszczynski, Greenberg, and Solomon 1997; Taylor and Brown 1988). Others observe that individuals often fail to perceive discrimination, because it is difficult to detect on a case-by-case basis where each individual's outcomes can be attributed to multiple causes. Studies indicate that discrimination becomes more evident when a number of group members experience similar negative outcomes, thus increasing the salience of the link between negative treatment and social group membership (Crosby et al. 1986). Yet, another reason why individuals may not realize when they are victims of discrimination is that discrimination is often masked, hidden, or outwardly denied because it is socially frowned upon or illegal (Crandall, Eshleman, and O'Brien 2003; Gaertner and Dovidio 1986).

Results of several studies are consistent with the idea the people often err on the side of minimizing, or not seeing, discrimination when it is directed at the self. A number of studies have shown that people report that they personally experience less discrimination than does the average member of their social group (Crosby 1984; Taylor, Wright, and Porter 1994). Studies also have shown that people often avoid labeling their negative experiences as discrimination, even when these experiences qualify as such (Magley et al. 1999; Vorauer and Kumhyr 2001). University students in one study were asked to list just one social group membership they possessed that caused them to experience discrimination. They made their responses in complete anonymity. Women and ethnic minorities were more likely to list their gender and ethnicity, respectively, relative to men and European Americans. However, only 9 percent of the women reported experiencing gender discrimination and only 48 percent of the ethnic minorities reported experiencing racism. In fact 42 percent of the women and 36 percent of the ethnic minorities could not think of a single social group they belonged to that experienced discrimination (Stangor et al. 2003).

Evidence consistent with the idea that members of disadvantaged groups may not recognize when they are victims of subtle prejudice and discrimination also emerges from an experiment in which Aboriginal participants (a low-status group in Canada) engaged in a discussion with a White Canadian interaction partner (a high-status group) (Vorauer and Kumhyr 2001). On the basis of their scores on a prejudice scale they had completed earlier, the White partners were classified as either high in prejudice or low in prejudice toward Aboriginals. Aboriginal participants who were paired with a White interaction partner who was highly prejudiced experienced more affective discomfort and were more self-critical compared to Aboriginal participants who interacted with a low-prejudice White partner. This suggests that the former had been targets of subtle prejudice and discrimination. Nonetheless, Aboriginal participants who interacted with a highly prejudiced partner did *not* perceive that they were targets of prejudice. Furthermore, Aboriginal participants did not view high-prejudiced White partners as being

more prejudiced than low-prejudiced White partners, nor did they feel they had been stereotyped more by high-prejudice than low-prejudice White partners. Clearly, these results are inconsistent with a view of members of protected groups as especially sensitive to signs that they are targets of prejudice and discrimination.

Variability Perspective

In sum, there is some evidence to support both a minimization and vigilance perspective on perceptions of discrimination. In a review of this literature, Major, Quinton, et al. (2002) called for research to move beyond this dichotomy to examine the personal, situational, and structural factors that influence individuals' likelihood of seeing themselves (or their group) as a victim of discrimination. (We recommend that readers interested in a full understanding of the moderators of perceiving discrimination see their review.) In this article we focus on how endorsement of the meritocratic worldview—a worldview in which outcomes are seen as due to hard work, merit, and are deserved—affects perceptions of discrimination. In the following section we introduce theory on this meritocratic worldview and then summarize empirical research examining the effects of this worldview on perceiving discrimination.

MERITOCRATIC WORLDVIEW

All cultures provide social lenses for interpreting human thought, emotion, and behavior (Fiske et al. 1998). In the United States, one core cultural belief is the notion that individuals possess free will and largely control their own destiny (Fiske et al. 1998). For example, Plaut, Markus, and Lachman (2002) demonstrated widespread endorsement in the United States of three central values that characterize this core cultural feature: independence, the Protestant Ethic, and the American Dream. Independence involves the desire to live free from the constraint of others and the belief that survival depends upon self-reliance and stamina (Triandis 1995). The Protestant Ethic emphasizes the moral superiority of hard work, commitment to goals, and industriousness (Weber 1904/1958). The American Dream combines these notions about independence and the Protestant Ethic and conveys that the greatest good is to be individually successful and that almost anyone, regardless of life circumstances, can succeed through dedication, perseverance, and hard work (Hochschild 1995; Spindler and Spindler 1990). Together, the endorsement of these values, norms, and beliefs comprises a cultural belief system that we refer to as the meritocratic worldview.

Although we argue that the meritocratic worldview is a core component of U.S. culture, we do not mean to imply that this worldview is specific to

the United States. Indeed, Cuddy et al. (2005) have shown that across many individualistic (e.g., Germany, United Kingdom) and even collectivistic (Japan, Hong Kong) cultures, successful groups are seen as deserving of their success, and unsuccessful groups are seen as deserving of their failure. In this article we focus on how a meritocratic worldview relates to data collected in the United States, as well as the implications of these beliefs for legal processes in the United States.

The meritocratic worldview has been theoretically conceptualized and empirically investigated with a number of related constructs, including the Protestant Ethic, the Belief in a Just World (the notion that individuals get what they deserve and deserve what they get), and Individual Mobility Beliefs (the belief that advancement is possible for all people in America) (e.g., Biernat, Vescio, and Theno 1996; Katz and Hass 1988; Lerner 1980; Major, Gramzow et al. 2002; Quinn and Crocker 1999). Although these beliefs are individually held, they gain their influence through their collective endorsement within a culture. Moreover, even though individuals will vary in the extent to which they endorse the meritocratic worldview, the values underlying the worldview will continue to exert their influence through symbolic cultural representations (e.g., the Declaration of Independence) and systematic processes (e.g., the merit system) that are pervasive in society (Plaut et al. 2002). Thus, despite individual differences in endorsement of the meritocratic worldview, the belief system will still serve as the basis of powerful social representations within the culture.

The meritocratic worldview serves several important functions for those who endorse it. Of primary importance to this article is the justification function of this belief system. Because the beliefs comprising the meritocratic worldview locate the causes of events internally within attributes of individuals, endorsing this belief system leads to the inference that individuals are responsible for their position in life (Furnham and Procter 1989; Kluegel and Smith 1986; Lerner 1980). The meritocratic worldview creates the perception that individuals who succeed in life are responsible for and deserving of their success because they have worked hard, and individuals who experience failure are responsible for and deserving of their outcomes because they simply have not worked hard enough.

In addition to justifying the outcomes and life situations of individuals, this meritocratic worldview carries with it the power to justify the outcomes and circumstances faced by entire social groups. Specifically, when beliefs in internal causality and personal responsibility are applied to the group level, they imply that groups at the top rungs of the social hierarchy are entitled to their privileged status because they worked hard, and groups at the bottom rungs of the hierarchy are to blame for their low status because they have not worked hard enough. That is, the meritocratic worldview makes what looks, at first glance, like evidence of injustice, appear as fair, natural, and legitimate, because the social hierarchy reflects differential inputs and efforts

of social groups (Jost and Banaji 1994; Jost and Hunyady 2002; Major 1994). Indeed, Sidanius and Pratto (1999; Pratto et al. 1994) have shown that Social Dominance Orientation (SDO)—the preference for group-based hierarchies—exists in the United States (and other hierarchically structured societies), and that this belief system predicts a number of behaviors aimed at preserving the status quo (e.g., SDO predicts opposition to affirmative action and other social-change based policies).

By providing individuals with the perception that the social world is a controllable and fair enterprise where individuals and groups receive what they deserve, the meritocratic worldview conveys a secondary benefit to those who endorse it. Because these beliefs provide individuals with a sense of control over their social world, those who endorse the meritocratic worldview experience a host of beneficial psychological outcomes, including enhanced well-being, motivation, hope, and mastery orientation (Abramson, Seligman, and Teasdale 1978; Greenberg, Solomon, and Pyszczynski 1997; Janoff-Bulman 1989; Tomaka and Blascovich 1994). Furthermore, because the meritocratic worldview serves to satisfy these fundamental human needs, individuals will be motivated to endorse this belief system and will feel threatened when they encounter evidence that is inconsistent with the cultural worldview (Greenberg et al. 1997; Hafer 2002; Jost and Hunyady 2003; Kaiser, Vick, and Major 2004; Lerner 1980).

The Meritocratic Worldview and Perceiving Discrimination

Endorsement of the meritocratic worldview has important implications for understanding when members of high- and low-status groups will perceive themselves as targets of discrimination. Because endorsing this meritocratic worldview results in seeing low-status group members as deserving of their poor outcomes, the more low-status group members endorse these beliefs, the more they will minimize the extent to which they face discrimination. This prediction, which Major, Gramzow, et al. (2002) dubbed “The Status-Legitimacy Hypothesis,” is grounded in theoretical insights from social justice research that demonstrates that the motivation to justify the status hierarchy is so pervasive that low-status group members are motivated to do this even when these hierarchies are disadvantageous to themselves and their social groups (Jost and Banaji 1994; Jost and Hunyady 2003; Kluegel and Smith 1986; Major 1994). In contrast, because endorsing the meritocratic worldview leaves members of high-status groups feeling entitled to their privileged position, the more they endorse the worldview, the more sensitive they will be toward perceiving signs of reverse discrimination. In other words, endorsing the meritocratic worldview leads members of high-status groups to anticipate preferential treatment (because they assume they have greater abilities), and they will feel threatened and slighted when members of low-status groups

receive better treatment than they do, particularly when the treatment occurs in domains that are relevant to status differentials (Jost and Hunyady 2003; Major, Gramzow, et al. 2002). Hence, seeing their negative outcomes as stemming from reverse discrimination can be one way to maintain their faith in the worldview that conveys that they should be at the top of the social hierarchy.

Evidence from correlational research supports this prediction that endorsing the meritocratic worldview is associated with decreased perceptions of discrimination among low-status group members. For example, among working women, a group that fares poorly on objective employment outcomes, such as salary and promotions relative to men, endorsing the Belief in a Just World is associated with reports of less discontent about the status of women workers (Hafer and Olson 1993). Similarly, the more African American and Latino American students endorsed individual mobility beliefs, the less likely they were to report that they personally have been victims of ethnic discrimination (Major, Gramzow, et al. 2002). Likewise, the more Latino American undergraduates perceived themselves as having personal control over their lives, the less likely they were to see themselves as targets of racism (Shoery et al. 2002). Thus, these studies suggest that endorsing the meritocratic worldview may lead members of devalued social groups to blame negative outcomes on themselves, rather than on discrimination.

Although studies examining perceived discrimination among high-status groups are relatively rare in the social psychological literature, there is some evidence that endorsing the meritocratic worldview is associated with increased perceptions of discrimination among high-status group members. For example, Major, Gramzow, et al. (2002) found that the more European American students endorsed individual mobility beliefs, the *more* likely they were to report that they personally had been a victim of ethnic discrimination. Additionally, among European American college students, endorsing Social Dominance Orientation is positively associated with seeing their ethnic group (but not themselves) as targets of racism (Shoery, Cowen, and Sullivan 2002). These data provide some evidence that members of high-status groups who endorse the meritocratic worldview might be most susceptible to perceiving reverse discrimination. Although correlational data provide some support for the claim that endorsing the meritocratic worldview has different implications for perceiving discrimination among high- and low-status groups, one must be very cautious about drawing causal conclusions about these relationships. Because these studies rely on self-report measures administered at a single time point, it is possible that perceptions of discrimination lead to changes in meritocratic worldview endorsement (rather than vice versa), or that some unidentified third variable is the cause of the association. Thus, it is important to consider the findings from research employing experimental methods.

In an experimental investigation of the Status-Legitimacy Hypothesis (Major, Gramzow, et al. 2002), Latino American and European American

undergraduates who had previously completed a meritocratic worldview measure (individual mobility beliefs) reported individually to the laboratory to partake in a study on workgroup performance. When participants arrived for the study, the experimenter led them to a private cubicle and informed them that two other participants had already arrived and were seated in other cubicles elsewhere in the laboratory. In actuality, there were no other individuals present except for the actual participant. Participants were then told that one of the other participants had already been randomly assigned to the role of manager and that the manager was to assign the remaining two roles to the other two participants. One of these roles was a desirable comanager position (the comanager was eligible to win a monetary prize), and the other was an undesirable clerk position (the clerk was not eligible for the monetary prize and was responsible for taking notes on the management team's decisions). The participants then completed application material and demographic information (including their ethnicity) for the manager to review.

While waiting for the manager to make a selection decision, the participants were shown the digital photographs of the other individuals presumably taking part in the study. These photographs were used to manipulate the ethnicity of the manager and other comanager applicant. In one condition, the photographs displayed two individuals of the same sex as the participant but of a different ethnicity. Thus, Latino American students thought they were interacting with a European American manager and comanager applicant and European American students thought they were interacting with a Latino American manager and comanager applicant. In a second condition, the photographs displayed two same-sex participants, but this time the manager was always portrayed as the same ethnicity as the participant, and the comanager applicant was of a different ethnicity. Thus, Latino American participants presumed they were interacting with a Latino American manager and a European American comanager applicant and European American participants thought they were interacting with a European American manager and a Latino American comanager applicant.

Several minutes later, the participants learned that the manager assigned them to the undesirable clerk role because he or she thought they would not work well together. After experiencing this rejection, participants completed a measure assessing the extent to which they believed their rejection was due to ethnic discrimination. The results revealed that endorsing the meritocratic worldview had different implications in understanding how Latino American and European American participants interpreted being rejected by a member of a different ethnic group. When a European American manager selected another European American student to serve as the desirable comanager, the more Latino American participants endorsed the meritocratic worldview, the less likely they were to report that their rejection resulted from ethnic discrimination. In contrast, when a Latino American manager selected another Latino American participant for the comanager position,

the more European American students endorsed the meritocratic worldview, the more likely they were to blame their rejection on discrimination. When participants were rejected by a manager belonging to their own ethnic group, endorsement of the meritocratic worldview was not associated with discrimination perceptions for either Latino American or European American participants, suggesting that endorsement of the meritocratic worldview is related to discrimination perceptions only in situations where discrimination is a plausible explanation for one's treatment.

A subsequent experiment replicated the outgroup rejection experience described above with gender rather than ethnicity as a proxy for social status (Major, Gramzow, et al. 2002). In this experiment, male and female participants were rejected for a comanager position by a manager of the other gender who always chose a member of his or her own gender for that desirable role. Consistent with the status-legitimacy hypothesis, the more women endorsed the meritocratic worldview, the less likely they were to blame being passed over in favor of a man by a male manager on sexism. In contrast, the more men endorsed the meritocratic worldview, the more likely they were to blame being passed over in favor of a woman by a female manager on sexism.

Situational cues that temporarily activate beliefs associated with the meritocratic worldview can also affect how people interpret rejection. In a conceptual replication of the status-legitimacy gender study just described, McCoy and Major (in press) examined how temporary cognitive activation of meritocratic worldview beliefs affects how men and women interpreted being rejected for the comanager position by a manager of the other gender group. In this study, prior to the rejection experience, half the participants completed a task that served to prime meritocratic worldview beliefs (Bargh, Chen, and Burrows 1996; Srull and Wyer 1979). These participants unscrambled sentences, which when unscrambled created phrases consistent with the meritocratic worldview (e.g., "effort positive prosperity leads to" unscrambles to "Effort leads to positive prosperity"). The other half of the participants were primed with neutral content and were thus assigned to unscramble sentences that were unrelated to the meritocratic worldview. Consistent with the status-legitimacy hypothesis, when participants were primed with the meritocratic worldview, women were less likely than men to blame their rejection on discrimination. However, when participants were primed with neutral content, women were more likely than men to blame their rejection of discrimination. This experiment further demonstrates that the culture worldview is an important moderator of the relationship between social status and perceiving discrimination.

These experimental investigations of the status-legitimacy hypothesis are important for a number of reasons. First, by controlling the nature of the discriminatory event, they assured that both members of high- and low-status groups based their perceptions of discrimination on the same objective event. In correlational research, it is impossible to determine the type and severity of the events that members of low-status groups consider when judging

the extent to which they see themselves as targets of discrimination. Second, these studies demonstrate that the predicted relationship between meritocratic worldview endorsement and perceiving discrimination occurs only in contexts where discrimination is plausible (e.g., intergroup rejection) and not in less plausible contexts (e.g., ingroup rejection). This suggests that meritocratic worldview endorsement will predict discrimination perceptions in some but not all contexts. Third, these studies reach similar conclusions using both ethnicity and gender as proxies for social status. This suggests that the relationship between meritocratic worldview endorsement and perceiving discrimination is not limited to a single type of social hierarchy. Fourth, by manipulating the salience of the meritocratic worldview, the McCoy and Major (in press) experiment demonstrates that activation of the meritocratic worldview causes the observed changes in perceptions of discrimination. This suggests that environments where the meritocratic worldview is pervasive (such as meritocracy-based employment institutions), might lead members of devalued groups to minimize discrimination and members of high-status groups to become more sensitive to signs of reverse discrimination. Finally, these studies point to the importance of adopting a variability perspective when investigating whether individuals perceive discrimination. That is, low-status group members were on average no more or no less likely than high-status group members to perceive discrimination in the experiments. Status differences in perceptions of discrimination occurred only as a function of endorsement of the meritocratic worldview.

Perceiving Discrimination: Summary

Individual, situational, and cultural factors influence the extent to which individuals will regard themselves as victims of discrimination. The research described above illustrates that naturally occurring and experimentally manipulated variation in participants' endorsement of meritocratic beliefs dominant in the United States influence individuals' likelihood of seeing themselves as targets of discrimination. Members of protected groups who strongly endorse these beliefs are less likely to see themselves as victims of discrimination than those who reject them. In the next part of this article we consider the psychological predicament of individuals who publicly claim they are targets of discrimination. Again, we propose that the meritocratic worldview plays an important role in understanding this process.

REPORTING DISCRIMINATION

Individuals who do perceive themselves as targets of discrimination face a dilemma: Should they share their perceptions with others or keep this

information to themselves? What decision do individuals typically make? Scholars have addressed this question with three different types of research approaches, and the answer to this question seems to depend upon the methodological approach. Below, we briefly describe these approaches and review the merits of each methodological approach. In the section that follows, we focus primarily on reports of discrimination by members of low-status social groups. We focus on members of low-status groups because most empirical work has addressed this question among these groups. We discuss research on high-status social groups' reports of discrimination when we are aware of relevant data-based evidence.

Retrospective Reports

The most direct way to assess whether individuals report or suppress their discrimination perceptions is to simply ask them to reflect on how they handled past experiences with discrimination. For example, a recent telephone survey of roughly 1,000 Americans revealed that 28 percent of the African American respondents believed that they experienced workplace discrimination within the past year (being passed over for a promotion, being assigned undesirable tasks, and hearing racist comments were the most frequent complaints) (Dixon, Storen, and Van Horn 2002). Of these individuals who perceived discrimination, approximately one-third (32 percent) reported keeping their complaints to themselves. Of those who did report the incident, the most frequent responses were speaking with a supervisor (29 percent) and filing a complaint according to company policy (19 percent). Leaving one's job (4 percent), suing the company (3 percent), and confronting the perpetrator (2 percent) were all infrequent responses to perceived discrimination.

Retrospective research on women's responses to perceived sexual harassment also reveals that many individuals who perceive discrimination decide to keep their claims to themselves. For example, in a retrospective study of 8,000 federal employees (US Merit System Protection Board, 1995), 44 percent of the female respondents reported experiencing at least one incident of sexual harassment in the past two years. Ignoring the situation or doing nothing at all was the most common response to the harassment (45 percent). Of the reporting behaviors examined in this study, asking the perpetrator to stop (41 percent), making a joke about the behavior (14 percent), reporting the behavior to a supervisor (13 percent), and threatening to tell or telling others (13 percent) were the most frequently endorsed responses.¹ When the women in this study were asked what type of behavior

1. Percentages do not add up to 100 percent because respondents could endorse multiple behaviors.

they thought would be best suited to stopping the harassment almost all (88 percent) reported that asking the perpetrator to stop would be a highly effective remedy. Thus, these women thought that speaking up about the harassment would be helpful, but less than half of the harassed women chose to engage in this behavior.

Similarly, a study examining employed Hispanic women with a past history of perceived sexual harassment found that just 38 percent of the harassed women reported engaging in organizational level remediation attempts (such as speaking with a supervisor, reporting the perpetrator, filing a formal complaint, or a grievance) (Cortina 2004). Collectively, these retrospective studies suggest that there are barriers that prevent members of low-status groups from reporting discrimination, and that it would be a mistake to measure the prevalence of discrimination by examining reports of discrimination claims.

Though research examining reports of reverse discrimination claims is relatively rare, the limited work addressing this issue suggests that these types of perceptions are also likely to be suppressed. For example, of the European American respondents in the employment discrimination telephone survey described above, 6 percent reported experiencing workplace discrimination due to their race in the past year, and of these individuals, 50 percent reported keeping these perceptions of discrimination to themselves. Similarly, in the sexual harassment study of 8,000 federal employees previously described, 19 percent of the men in the study reported experiencing sexual harassment in the past two years. Of interest, male sexual harassment is perpetrated by other men at least as frequently as it is perpetrated by women (Waldo, Berdahl, and Fitzgerald 1998). The most common response among these harassed men was to ignore the harassment (44 percent reported this behavior). Those that did report the harassment relied on the following strategies: telling the perpetrator to stop (23 percent), making a joke about the behavior (15 percent), reporting the behavior to a supervisor (8 percent), and threatening to tell or telling others (5 percent).²

Although retrospective reports of reactions to discrimination are best able to capture reactions to real-world discriminatory events occurring to a wide variety of target groups, there are some problems with interpreting the results from these studies. First, participants need to label their experiences as discrimination in order to reflect on their responses in these situations. Because individuals sometimes avoid labeling objectively discriminatory behaviors as such (Magley et al. 1999), those who are willing to label behaviors as discriminatory might also be those individuals who are more willing to report the experiences. Second, because it might be threatening to oneself to recall instances where one experienced discrimination but failed to report it, individuals might disproportionately recall instances where they did report

2. *Ibid.*

discrimination. Together, these reporting biases might lead survey respondents to overestimate the extent to which they report discrimination. Finally, retrospective reports oftentimes do not examine the specific instances of discrimination survey respondents recall; thus it is difficult to know what types of discriminatory events individuals are considering, as well as the severity of those events (see Schwarz and Sudman 1994 for a review of research on the intricacies of retrospective reports).

Experimental Analogues

Experimental analogues represent a second methodology for assessing discrimination claims. In these types of studies, participants are asked to imagine being the target of discrimination and are then asked to predict how they would respond. These studies generally find that participants are highly confident that they would report discrimination if they were to experience it (Shelton and Stewart 2004; Swim and Hyers 1999; Woodzicka and LaFrance 2001). For example, when women were asked to predict how they would respond when a man made several derogatory comments about women in a group discussion context, only 1 percent predicted that they would ignore the comments. In contrast, most of the women (81 percent) predicted that they would engage in some form of confrontational behavior (e.g., remark on the inappropriateness of the comments, question the perpetrator, use sarcasm or humor) (Swim and Hyers 1999). Similarly, when women were asked to imagine being interviewed by a man who asked sexually harassing interview questions, most (62 percent) anticipated refusing to answer at least one of the interviewers' questions (Woodzick and LaFrance 2001). In short, experimental analogue research paints the picture that targets of discrimination readily report discrimination.

Although experimental analogues provide a great deal of control over the nature of discriminatory events participants are asked to reflect upon, this type of approach is particularly problematic. First, participants might be responding with their thoughts about how they should respond rather than how they actually would respond. Second, as we will highlight in more detail below, people often overlook the impact that situations have on their behavior (Gilbert 1998), and they may thus fail to recognize situational barriers that might prevent them from reporting discrimination. Indeed, the extremely high rates of anticipated reporting behavior suggest that individuals are not attending to these forces when predicting their behavior. As we will describe below, research has provided strong evidence that responses in experimental analogues are not particularly valid indicators of real responses to discrimination. That is, people are quite poor at accurately predicting how they would personally respond when facing discrimination—and more importantly, these perceptions do not accurately reflect victims' typical behavior.

High-Impact Laboratory Experiments

When researchers have placed participants in laboratory interactions that parallel the descriptions provided in experimental analogue studies, the findings are quite different. For example, when women actually interacted in a group where a man made derogatory sexist comments, the most frequent response these women made (55 percent) was ignoring the comments (Swim and Hyers 1999). Recall that just 1 percent of the women actually anticipated that they would ignore the comments. Similarly, when women were actually interviewed by a man who delivered sexually harassing interview questions, not a single woman refused to answer the interview questions (despite the fact that a majority of women in the experimental analogue study anticipated refusing to answer the questions) (Woodzicka and LaFrance 2001). These experimental data suggest that women often do not directly report discrimination to the perpetrator. Furthermore, individuals are unable to predict how they would actually behave when faced with experiences involving discrimination. This latter finding is consistent with a large body of research showing that individuals oftentimes fail to adequately account for the pressure that situational factors place on their behavior (Gilbert 1998).

There are a number of benefits associated with studying reports of discrimination in the laboratory. First, the laboratory affords a great degree of control over the nature of the discriminatory event. By holding discriminatory events constant, laboratory research circumvents some of the problems associated with relying on respondents' personal generation of discriminatory events, which can be influenced by memory distortions and reporting biases. Second, the laboratory assesses actual reporting behavior, so these reports are more valid than participants' predictions of how they think they might behave in discriminatory situations. However, the laboratory is not a panacea. Because college students represent an inexpensive and readily available study population, they are overrepresented in laboratory research, which can lead to questions about whether the behaviors observed among this population will generalize to other populations (Sears 1986). Additionally, because laboratory settings involve strangers who are typically involved in a brief single interaction, laboratory experiments lack some of the realism that might occur in interactions that unfold over time.

Recommendations

Rather than argue that one type of methodology is best at accurately capturing reports of discrimination, we believe that there are beneficial aspects of both retrospective studies and high-impact laboratory studies, and by drawing on the strengths of each method, scholars will be in a better position to design strong approaches to examining this question. Scholars utilizing

retrospective reports of responses to discrimination might avail themselves of methodologies that are increasingly employed in social and personality psychological research, such as experience sampling methodologies or informant reports of behavior. Experience sampling methodology, such as having individuals keep diaries of their experiences with discrimination, might mitigate some of the memory distortion biases if respondents are encouraged to complete their diary entries after every experience with discrimination. Alternatively, experimenters could provide participants with PDAs or beepers and then contact them over a period of weeks and have them report their experiences with discrimination that occurred on that day. This type of approach also has the benefit of capturing detailed information about each type of discriminatory event, which will be useful in understanding how different characteristics of the events might contribute to various types of responses. The few studies that have used a daily diary approach to examine self-reports of discrimination experiences provide an excellent example of these benefits (Stangor et al. 2002; Swim et al. 2003). For example, Swim et al. (2003) found that African Americans experience small daily racial hassles more frequently than egregious racial events, but, nonetheless, these daily events are stressful. Additionally, African American students rarely reported these discriminatory experiences to university authorities, but more than half shared their experiences with friends.

High-impact laboratory studies can also be improved by drawing on some of the strengths of retrospective report studies. For example, by creating laboratory situations that closely resemble frequently reported discriminatory experiences, generalizations from the lab may have more ecological validity. Both the Woodzicka and LaFrance (2001) and Shelton and Stewart (2004) job interview studies described previously head in the direction of creating lab situations that closely resemble real-life settings. Additionally, lab studies could bring existing friends or work colleagues into the lab and create a situation where one member of the pair engages in discriminatory behavior (see Collins and Feeney 2004 for an example of conducting relationship research utilizing both members of dating couples). This type of approach can overcome the limitations that typically characterize stranger interactions in the laboratory. Finally, lab studies would benefit by more frequently examining the generality of the findings among populations other than college students.

Despite the various strengths and weaknesses of retrospective report and laboratory investigations of reporting discrimination, it becomes evident that both of these approaches reach at least one common conclusion: individuals who perceive themselves as targets of discrimination often do not share this information with others. This is particularly likely to be the case when one considers reports to authorities or legal institutions (Major and Kaiser 2005; Nielsen and Nelson 2005; Stangor et al. 2003; Swim et al. 2003). We next turn to examining reasons for this depressed reporting of discrimination complaints.

The Costs of Reporting Discrimination

Why would people who believe that they are targets of discrimination be reluctant to report it? Data suggest that this reluctance is due in part to the perception that the costs of reporting discrimination are sometimes too severe. Individuals who claim discrimination report that they fear being perceived as a troublemaker or experiencing retaliation (Kaiser and Miller 2004). Further, they report they often are targeted by retaliation when they make such claims (Feagin and Sikes 1994; Fitzgerald, Swan, and Fischer 1995; Kaiser and Miller 2001, 2003; Latting 1993). Experimental research substantiates these expectations that reporting discrimination is costly. Experiments show that blaming outcomes on discrimination can damage perceptions of the discrimination claimant's character, even if his or her claim is clearly reasonable.

In the first experiment to show this effect (Kaiser and Miller 2001), people (most of whom were European American) read a description of an African American man who had received a failing test grade from a European American evaluator. They also learned either that the test administrator had informed the man that it was unlikely, somewhat likely, or absolutely certain that the person who evaluated his test was racist. Participants then examined a survey ostensibly completed by the Black man, in which he indicated that his grade was due primarily either to discrimination, his test answers, or to the difficulty of the test. Participants then completed a measure of derogation of the man (e.g., ratings of the extent to which he was hypersensitive, irritating, a troublemaker, a complainer). When the man blamed his failing grade on discrimination, he was derogated to a greater extent than when he blamed it on his test answers or the difficulty of the test. Furthermore, this derogation effect occurred regardless of the likelihood that a racist evaluator graded the target's test. That is, when the man blamed his grade on discrimination, he experienced damage to his reputation even when discrimination was clearly responsible for the grade (Kaiser and Miller 2001).

A follow-up experiment assessed the boundaries of this derogation effect by having college students (again, predominately European American) examine the application material of an African American job candidate who failed to receive a job he desired (Kaiser and Miller 2003). Participants then read comments purportedly made by the European American interviewer in charge of the hiring decision that expressed either no animosity toward Blacks, moderate levels of racism, or blatant old-fashioned racism (i.e., he made statements such as "Black people are just not as smart as White people" and "I have never hired a Black person and I never will"). Participants then viewed a survey ostensibly completed by the job candidate, in which he attributed the job rejection to discrimination, his interviewing skills, or the strong competition for the job. As in the study described above (Kaiser and Miller 2001), the applicant who blamed his rejection on discrimination was derogated more than the applicant who blamed his rejection on other causes, even when he faced blatant old-fashioned racism.

Importantly, research indicates that members of low- as well as high-status groups react negatively to discrimination claimants. In addition, members of high-status groups who claim they are victims of discrimination are reacted to just as negatively as members of low-status groups who claim discrimination. This was shown in an experiment (Stangor et al. 2003) in which African American and European American individuals read about an individual (portrayed as either African American or European American) who blamed a negative event either on discrimination or on the poor quality of his answers. African American and European American participants were equally likely to derogate the person who blamed negative events on discrimination rather than on himself. Furthermore, the African American and European American discrimination claimants were equally likely to be derogated. This effect occurred among both college students and older adults. Similar results were found in another experiment in which male and female participants read about a woman or man who blamed a failing test grade from a sexist opposite-gender evaluator on sexism or his/her test answers (Garcia et al. 2005). Regardless of their gender, participants perceived the male and female test-taker as more of a complainer when he or she attributed failure to discrimination rather than test answers (Stangor et al. 2003 report similar findings). Additionally, individuals liked the test-taker belonging to their own gender group (but not the other gender group) less when the test-taker blamed failure on discrimination instead of test answers. This latter finding suggests that people may become particularly angry at ingroup members who make their own group look bad by blaming events on sexism (Garcia et al. 2005). However, this latter reaction might be especially characteristic of individuals who do not consider their ingroup as an important part of the self (Kaiser and Hagiwara 2006).

The social psychological laboratory work on claiming discrimination paints a consistent picture that claiming discrimination is an interpersonally costly behavior. Furthermore, these interpersonal costs are incurred by members of both high- and low-status groups, even when the audience for such a claim comprises members of one's own social group, and even when there is very good reason to claim discrimination. Given these costs to one's personal reputation, it is not surprising that individuals often are reluctant to share their discrimination perceptions with others. This may explain why individuals often opt toward sharing their discrimination perceptions with trusted others rather than with others who control important resources, such as employment outcomes (Shelton and Stewart 2004; Stangor et al. 2002; Swim et al. 2003). Though there is consensus that discrimination claimants do incur costs to their character and reputation, there is less understanding of why this occurs. We next turn our attention to arguing that the answer to this question can be understood by integrating this work with theory on meritocratic worldview endorsement.

THE MERITOCRATIC WORLDVIEW AND REPORTING DISCRIMINATION

Earlier in this article, we argued that endorsement of the meritocratic cultural worldview is an important moderator in understanding whether members of high- and low-status groups perceive themselves as targets of discrimination. We also believe that this worldview has important implications for understanding the costs associated with reporting discrimination. Because a meritocracy worldview leads to the inference that individuals and groups are responsible for the outcomes they receive in life, this worldview justifies hierarchical social arrangements. When members of low-status groups claim to be the target of discrimination, they call into question the basic assumptions upon which the meritocratic worldview is based. They also represent a challenge to the legitimacy of the status hierarchy. Specifically, when individuals make discrimination claims, they communicate that the United States is not an open and fair society and that some social groups face unfairness, have little control over their outcomes, and are less able to obtain the American Dream. Thus, according to this perspective, individuals who endorse the meritocratic worldview should be particularly likely to derogate discrimination claimants (see Kaiser 2005 for a more detailed discussion).

Several studies provide evidence that members of low-status groups who report discrimination are most likely to experience reputational damage at the hands of members of high-status groups who strongly endorse the meritocratic worldview. For example, in one study men completed the Social Dominance Orientation Scale, a measure that taps components of the meritocratic worldview (Sidanius and Pratto 1999) and then engaged in a computerized interaction with a male and female confederate (the confederates were actually computer scripts) (Maass et al. 2003). In one condition, the female confederate was portrayed as a feminist who worked with a union that defends women's rights, and, in the other condition, she was portrayed as traditionally feminine. In the former condition, one could infer that the confederate blames discrimination for women's devalued position in the social hierarchy. Thus, she should pose a strong challenge to the meritocratic worldview. Under the guise that the experiment concerned picture memory, the men were instructed to send computer images to the women. Some of these images were hardcore pornographic. During the interaction, the male confederate sent several hardcore pornographic images to the female confederate (who objected each time) and encouraged the male participant to follow his lead by also sending pornographic images to the female confederate. Results indicated that the male participants harassed the female confederate to a greater extent (i.e., sent her more frequent and offensive pornographic images) when she was portrayed as a feminist than when she was portrayed as feminine. Moreover, across both the feminist and feminine conditions, participants who endorsed social dominance orientation were more likely to engage in sexual harassment.

However, this relationship between social dominance orientation and harassment was especially strong when the female confederate was portrayed as a feminist. This study provides important evidence that women who publicly blame their gender group's outcomes on prejudice are treated negatively by men, particularly if those men endorse the meritocratic worldview.

Another series of studies also provides evidence that endorsing the meritocratic worldview moderates high-status individuals' reactions toward low-status discrimination claimants (Kaiser, Dyrenforth, and Hagiwara in press). In one study, European American participants who had previously completed a Just World Beliefs measure engaged in a computerized interaction where they witnessed an African American man receive a failing test grade from a White evaluator who made a blatant racist comment. Participants then saw that the African American man attributed his grade to discrimination, his test answers, or the difficulty of the test. Participants then completed a measure of the extent to which they perceived the African American man as a complainer. The more participants endorsed the Belief in a Just World, the more they perceived the African American man as a complainer when he blamed his failure on discrimination. Endorsement of the Belief in a Just World was not positively related to derogation of the African American man in the answer attribution and test difficulty attribution conditions. Thus, this study demonstrates that derogation of discrimination claimants is more likely to occur among individuals who strongly endorse the meritocratic worldview.

In a second study, European American students who had previously completed a measure designed to tap several components of the meritocratic worldview read an essay that had been purportedly written by an African American student at their university (Kaiser et al. in press, Experiment 2). In one condition, the student wrote about receiving a poor grade and subsequent rude treatment from a teaching assistant. The essay writer went on to argue that he had spoken with a friend who works in the teaching assistant's department and learned that other minority students also reported having problems with this teaching assistant. Finally, the essay writer concluded his essay by stating that the teaching assistant was a racist. In a second condition, the participants read the exact same essay, but the student learned that other students had reported problems with the teaching assistant, claiming he was rude to *all students at the university*. In this condition, the essay writer stated that the teaching assistant was a jerk. This latter condition is important because it controls for the possibility that individuals dislike people who generally blame their failure on other people. In other words, this experiment compares two conditions that involve failing to take responsibility for one's failure, but only one (the racist teaching assistant condition) threatens the legitimacy of the status hierarchy. The more participants endorsed the meritocratic worldview, the more negatively they evaluated the discrimination claimant (viewed him as a complainer and disliked him). This relationship between meritocratic worldview endorsement and negative evaluations was

not evident when the essay writer blamed a negative event on a teaching assistant who was a jerk. This study provides important evidence that individuals who endorse the meritocratic worldview are particularly likely to react negatively toward individuals who blame events on racism, and not just on any manifestation of unfairness.

Finally, a study by Jost and Burgess (2000) also is consistent with the notion that meritocratic worldview endorsement will result in negative reactions toward discrimination claimants and further demonstrates that this relationship may also characterize the responses of members of low-status groups. In this study, men and women read about a woman who sued her university after she was denied entry into the university's honors program (her qualifications were ambiguous). Additionally, participants learned that men were accepted into the program at a higher rate than women. Participants then completed a number of measures including their attitudes toward Ann (e.g., "I feel proud of Ann," "I feel that Ann has been unfair to the university" (reversed)), as well as a measure of meritocratic worldview endorsement (Belief in a Just World Scale, Rubin and Peplau 1975). The results revealed that the more men endorsed the Belief in a Just World, the less favorably they evaluated Ann. The same relationship was observed for women, but it was not significant (though the relationship was not significantly different than the one observed for men). This latter finding provides some evidence that meritocratic worldview endorsement is important in understanding how low-status group members respond to discrimination claimants belonging to their own ingroup. This latter finding is certainly worthy of future research.

Reporting Discrimination: Summary

A review of the empirical literature reveals that even when individuals perceive themselves as targets of discrimination, they will oftentimes be reluctant to share these perceptions with others. Because discrimination claimants often experience reputational damage (even when their claims are reasonable), it is not surprising that people are reluctant to share these perceptions with others. Of importance, however, our review highlights that the costs of reporting discrimination will be most evident when the audience for these reports endorse meritocratic beliefs associated with the dominant meritocratic worldview. In the final section of this article, we will consider the implications of our research review for legal issues and scholarship.

IMPLICATIONS FOR LEGAL ISSUES

There is growing interest in examining how theoretical and empirical insights from social psychology can inform law and legal processes. Indeed,

a number of legal scholars are applying social psychological research on prejudice (particularly social cognition research) to the study of legal issues, such as employment discrimination law (Krieger 1995, 2004; Nielson and Nelson 2005), affirmative action law (Krieger 1998), sexual harassment law (Beiner 2004), disparate impact and disparate treatment law (Green 2003, 2005), judicial decision making (Haney Lopez 2000), the effectiveness of internal grievance procedures and Equal Employment Opportunity training (Bisom-Rapp 2001a, 2001b), and laws regulating media coverage of programming where ethnic minorities are frequently viewed in stereotypic contexts (Kang 2005).

This type of interdisciplinary approach has the potential to discover (and ideally remedy) legal processes that rely on inaccurate assumptions about human thought and behavior. For instance, in the case of discrimination law, many scholars have noted that legal definitions of discrimination are outdated (e.g., discrimination has been viewed as reflecting conscious motivation on the part of the perpetrator) (see Krieger 1998, 2004) and would benefit by incorporating social psychological work on implicit social cognition (e.g., which argues that discrimination can also occur without self-awareness and conscious motivation) (e.g., see Fiske 1998 for a review). The realization of this gap between legal and social psychological processes was particularly disheartening to one of the authors of this article while she served in a jury pool in a case involving a Latino defendant. When each prospective juror was interviewed, the judge handling the case asked each juror in public whether the defendant's ethnicity would influence how he or she processes the information presented in the case. Not surprisingly, all jurors stated in open court that they were not prejudiced people and would not consider the defendant's ethnicity during the trial. To a social psychologist, this type of approach (although good-intentioned) is flawed. It ignores the likely pronounced influence of self-presentational concerns on juror's responses (e.g., not wanting to appear as a racist) (e.g., Crandall et al. 2002), the substantial evidence that people are often unaware of their mental processes (Nisbett and Wilson 1977), and evidence that even those who attempt to suppress negative stereotypes are often unsuccessful at doing so (Bodenhausen and Macrae 1998).

In the remainder of this article, we will explore some potential areas where social psychological research can contribute to an understanding of the legal processes involved in perceiving and reporting discrimination. Our discussion is not meant to be exhaustive, but rather to serve as a jumping off point for a continued dialogue between lawyers and social psychologists. We believe this type of interdisciplinary approach to employment discrimination holds a great deal of promise for both social psychologists and legal scholars (see Nielsen and Nelson 2005 for an excellent example of this interdisciplinary approach).

The research reviewed in this article has a number of important implications for employment discrimination law and public policy. Perhaps of

greatest significance, employment discrimination litigation relies in large part on the ability of individual employees to recognize personal discrimination and, once recognized, to seek legal remedies for these claims. That is, that the most common type of employment discrimination litigation involves individual private litigants making claims of disparate treatment (Donohue and Siegelman 1991). Because cognitive and motivational processes represent significant barriers that prevent individuals from recognizing and reporting discrimination, this type of legal approach is likely to be of limited value in remedying discrimination in the workplace.

For example, because modern forms of discrimination are often subtle, difficult to detect on a case-by-case basis, and at odds with strongly held beliefs that motivate individuals to see their world as fair and legitimate, employment discrimination will frequently go unnoticed or undetected. Furthermore, even when discrimination is recognized, substantial interpersonal barriers, such as the fear of retaliation, job loss, and social rejection more generally, will prevent those who perceive grievances from seeking legal action. Thus, a legal system that relies on the individual claimant to recognize and report discrimination (i.e., current EEO policy) is misguided, according to the social psychological literature (see Kreiger 1998 for a similar discussion).

The cognitive and motivational barriers to perceiving and reporting discrimination represent just the initial difficulties facing an individual discrimination claimant. Indeed, Nielsen and Nelson (2005) estimate that only 28 percent of the discrimination claims brought to the EEOC result in favorable decisions for the plaintiff (of these favorable decisions, 99 percent stem from EEOC actions and legal settlement and 1 percent stems from litigated trial victory). Thus, individual employment discrimination cases are typically unsuccessful from the plaintiff's perspective.

The social psychological research reviewed in this section indicates that there are a variety of reasons why judges and juries may be predisposed to think that a discrimination claim brought by a single member of a targeted group is unjustified. First, because the information concerns a single individual rather than a group, judges and juries might have difficulty discerning a systematic pattern of discrimination and by default look for unique characteristics of the individual as an explanation for negative employment treatment. Second, judges and juries may falsely assume that members of protected groups err on the side of vigilance—claiming discrimination when it does not objectively exist, rather than on the side of minimization—failing to see or report discrimination even when it occurs. Third, judges and juries are unlikely to recognize the significant social costs entailed in bringing a discrimination claim. Like the participants in the studies by Swim and Hyers (1999) and Woodzicka and LaFrance (2001), they may falsely think that if they were in that situation and it truly was discrimination, they would speak up. This false insight might lead them to wonder why other group members have not stepped forward to bring similar charges against the employer. Fourth, judges

and juries, like the participants in our studies, are likely to think that the person who claims he or she is a victim of discrimination is a troublemaker, even if the evidence is quite clear that the plaintiff had good cause (Kaiser and Miller 2001). This will be especially true for individuals who strongly endorse meritocratic beliefs or when these beliefs are activated in the situation (Kaiser 2005). In short, lawyers face an uphill battle when they represent single individuals who are bringing group-related discriminatory charges against an employer.

Lawyers for the plaintiff can draw upon social psychological research to counter these biases. Social psychological experiments showing minimization biases can be cited to document how difficult it can be to perceive discrimination. Experiments showing the social costs of reporting discrimination can be used to illustrate the difficulty of publicly claiming discrimination. Experiments can be cited to show that reporting discrimination is an infrequent behavior and that most individuals have false insight into their own willingness to report discrimination.

Social psychological research can also be used to inform jury selection decisions in discrimination cases. For example, experiments show that individuals who strongly endorse meritocratic cultural beliefs are more likely to negatively evaluate individuals who claim they are victims of discrimination. Experiments also show that lawyers should not assume that jurors who share social categorical memberships with their clients will necessarily display greater empathy with the client than those who belong to different groups. As noted above, there is some evidence that people are harder on members of their own group who claim discrimination than they are on members of an outgroup.

Finally, social psychologists possess powerful tools—methodological expertise and empirical data derived from controlled experiments—that can help contribute to the success of legal processes. The successful use of sound empirical data can help lawyers overcome the biases inherent in relying on commonsense understandings of human behavior. Social psychologists' methodological expertise can help to clarify apparent inconsistencies in human behavior, for example, between what people say they will do and what they actually do when they encounter situations where they are potentially targets of discrimination. By educating judges and jurors about social psychology and the research process, legal scholars and lawyers can help bring important evidence to bear on legal decisionmaking. Unfortunately, social psychologists are often untrained in how to go about contributing to the legal profession, and they will need assistance from lawyers in understanding prevailing models of legal processes, advice on how to competently convey experimental evidence in court, and on being an effective expert witness more generally. Once armed with a greater understanding of legal processes, social psychologists will be better able to collect the empirical data that are most useful to those in the legal profession. We believe these gains can best be made through collaborative, interdisciplinary exchanges between legal scholars and social psychologists.

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