DID *BROWN* FAIL?

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Martha Minow, *In Brown's Wake: Legacies of America's Educational Landmark*. New York: Oxford University Press, 2010, 320 pages, ISBN 987-0-195-17152-5. Cloth, $24.95.

Amy Stuart Wells, Jennifer Jellison Holme, Tina Tijerina Revilla, and Awo Korantemaa Atanda, *Both Sides Now: The Story of School Desegregation's Graduates*. Berkeley, CA: University of California Press, 2009, 368 pages, ISBN 978-0-520-25678-1. Paper, $26.95.

In 2004, the United States elaborately "celebrated" the fiftieth anniversary of *Brown v. Board of Education*. The country's mass media acclaimed May 17 as the date of a great national achievement while paying scant attention to the present racial scene in education. Yet those who believed in and fought for the racial desegregation of the nation's public schools found the widespread "celebration" grossly overstated and at best premature. With effective opposition to school desegregation unrelenting during the entire past half century, with the U.S. Supreme Court continually narrowing *Brown's* scope, and with African American and Hispanic American children still largely attending segregated schools, the nation's unmitigated self-congratulatory stance seemed unwarranted.

Adding to the confusion of this situation are the many misconceptions about the school desegregation process. Resisters to the process rushed in at once to demonstrate that the test scores of African American children in newly desegregated schools did not immediately rise—as if that were a realistic criterion. The myth took hold in the media and elsewhere that school desegregation had failed. But did *Brown* fail? And where does this process stand now?

The two informative books under review provide some answers devoid of the ideological rant that usually beclouds such discussions. They reach similar conclusions even though they could not be more different in style and focus. Martha Minow, the current Dean of Harvard University's Law School, provides a well-written and informed brief in legal fashion with more than a third of its pages devoted to supporting notes. By contrast, Amy Wells and her educational colleagues

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offer a detailed qualitative study of the products of six desegregated high schools a generation after their graduation. Yet these two quite different volumes neatly complement each other and reach strikingly similar conclusions.

A SWEEPING VIEW OF *BROWN*

Martha Minow, the author of *In Brown's Wake*, is uniquely qualified to write on school desegregation. Before going to Yale Law School, she first earned a master's degree in education at Harvard in 1976, and presently lectures at the Harvard School of Education. And it shows: Minow displays a mastery of the educational research literature that is rare among lawyers. She clerked for Associate Justice Thurgood Marshall at the U.S. Supreme Court before joining the faculty at the Harvard Law School in 1981. This training shows, too. Minow clearly sees the value of diverse student bodies in American schools while being fully aware of the problems that desegregation has faced. She emphasizes that the marked success of desegregated schools run by the U.S. military makes clear that such education can work well if sufficiently supported.

In citing the relevant social-science evidence, Minow makes a few mistakes of minor significance. But she rightly notes that relevant findings of social science are important but not infallible; science is always an ongoing process. Yet such findings are far more dependable than the untested beliefs of judges.

Consider how Associate Justice Clarence Thomas deflected the massive social-science evidence that demonstrates that intergroup contact typically reduces prejudice (Tropp et al., 2007). First, he demanded full agreement from social scientists before a finding could be held valid—a hurdle that the legal profession and the high court itself rarely meet. Thus, he emphasized that there was a "divergence of opinion" among social scientists when there must be unanimous agreement before he would accept social-science evidence that contradicted his private and unsubstantiated opinions. So he wrote in the Seattle case to be discussed below that ". . . it is unclear whether increased interracial contact improves racial attitudes and relations" (*Parents Involved in Community Schools v. Seattle School District No. 1 et al.* [2007] 551 U.S. 701, Thomas, concurring, slip opinion at 23). Apparently, Thomas considered inconclusive the findings of my meta-analysis with Linda Tropp of 515 studies involving more than 250,000 subjects from thirty-eight nations around the globe (Pettigrew and Tropp, 2006, 2011), which demonstrated that intergroup contact typically and significantly reduces prejudice. What more evidence did the judge need? Our study was included in at least two amicus briefs submitted to the court by the American Psychological Association and the American Educational Research Association. When solid and massive scientific evidence disproves personal and untested biases, judges can easily raise the bar to unreachable heights.

As the title implies, the principal point of *In Brown's Wake* is how widely the decision has influenced other areas and even other nations. Like the reviewer, most readers will be surprised at the extensiveness of its sweep. Indeed, it becomes clear that *Brown* should not be provincially judged by its limited racial effect on American schools alone.

In American court decisions and educational policies, the direct influence of *Brown* and its equality framework can be traced in the educational concerns involving immigrants, English-language learners, girls and boys, those of various stigmatized sexual orientations, disabled children, children from different religions and economic circumstances, as well as the special situations of Native Americans and

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Hawaiians. But Minow reveals that this influence is not always what one might expect. Supporters of *separate* schooling for girls or boys, for the disabled, and for Native Americans and Hawaiians have invoked *Brown* as well as those who favor inclusive student bodies. Minow speculates that *Brown* may end up having more influence on racial justice outside of racial school desegregation as well as more influence on American law outside of both race and schooling. It certainly encouraged judges to use—and misuse—social-science findings more than ever before in American law.

Minow has had firsthand involvement in educational issues concerning several of these groups; her analyses of what is educationally best for them are subtle and complex. There is, she writes, an "... irreducible tension between the goal of equality understood as access to mainstream success regardless of personal identity and the goal of pluralism understood as latitude for adults as individuals and groups to pass on the traditions and identities that matter to them" (p. 187). Indeed, the complexities entailed pose the question: *Is separate inherently unequal?* In African American history, the answer is an unequivocal *yes*; for some other groups, however, this may not always be the case.

Brown has also had considerable influence beyond America's borders. Equal-rights advocates have often evoked *Brown* throughout the world; the book provides fascinating examples from South Africa, Northern Ireland, and the Czech Republic. South Africa's Constitutional Court repeatedly cites *Brown* to bolster its contention that education is a vital institution for establishing a democracy in a multiracial society. Supporters of nonsectarian schools in Northern Ireland cite *Brown* as their inspiration and point to the positive effects of the few such schools that do exist in their embattled land. In Central Europe in 2007, the Grand Chamber of the European Court of Human Rights used *Brown*-like arguments to rule that Roma children in the Czech Republic were being denied their rights to an equal education by being disproportionately routed into inferior special schools.

Of particular interest to the readers of the *Du Bois Review* is Minow's perspective on the current legal state of school desegregation. She regards the present situation of massive school segregation for both African American and Hispanic American children as "stunningly disappointing." But as befits a writer who has been considered for nomination to the U.S. Supreme Court, she diplomatically describes as "unfortunate" the disastrous rulings in the Jefferson County, Kentucky and Seattle cases (*Parents Involved in Community Schools v. Seattle School District No. 1 et al.* [2007] 551 U.S. 701 and *Meredith v. Jefferson County Board of Education* [2007] 551 U.S. 701). A five-judge Republican majority held narrowly tailored desegregation plans of these two school districts to be violations of the equal protection clause of the Fourteenth Amendment. They arrived at this conclusion, the majority opinion argued, because prior state de jure segregation was not directly involved and because a few White children had been denied access to the schools of their first choice in order to further racial desegregation.

This sweeping ruling prohibited assigning students to public schools solely for the purpose of achieving racial desegregation and declined to recognize racial balancing as a compelling state interest. Earlier, four lower federal courts had consistently held these plans to be fully constitutional; but the high court abruptly overturned these rulings. These decisions were more than just "unfortunate." It is not hyperbole to describe these decisions as the twenty-first-century equivalents of the pro-segregation ruling in *Plessey v. Ferguson* ([1896] 163 U.S. 537) for these 2007 cases continued a spate of such regressive rulings that have virtually overturned *Brown* without saying so formally.

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Minow adds an additional point. The present reactionary (not "conservative" by any dictionary definition) majority of the high court holds *race* alone to be an unacceptable constraint for limiting school choice. No such restrictions have been explicitly applied to such other categories as gender, religion, social class, disabilities, family language, and so on.

TAKING A CLOSER LOOK

Both Sides Now employs a major qualitative study to examine the same issues from an up-close perspective. The project, begun in 1999, studied the 1980 graduates of six well-known racially desegregated high schools in Austin, Texas, Charlotte, North Carolina, Englewood, New Jersey, Pasadena, California, Shaker Heights, Ohio, and Topeka, Kansas. It conducted 268 intensive open-ended interviews with the graduates, 56% of whom are White, 33% Black, and 11% Hispanic, Asian or mixed race. 1980 was selected as the graduation year because it was the high point of the school desegregation effort, just before the Reagan administration began its energetic opposition to racial progress of all types.

Five major and interrelated themes emerge from these extensive qualitative data. First, save for the effective efforts of the U.S. military, schools were asked to attack the nation's racist structure virtually alone among the society's institutions. In particular, without significant breakthroughs in the nation's extensive racial segregation in housing, school desegregation was made enormously more difficult.

Second, the dominant use of a "color-blind" strategy in the six high schools denied the nation's racist social structure and made the transition from mere desegregation to genuine integration more difficult. Race was a major and obvious factor in these schools, yet it went largely undiscussed as a topic in class. As Schofield (1997) has long emphasized, color-blindness is not the same as tolerance and acceptance. It basically denies real group differences as well as American racism and its continuing effects on society.

Third, White privilege asserted itself in many ways that placed extra burdens on minority children. "Green follows Whites," as the saying goes. Resources tend to be maximized in schools with predominantly affluent White students. Minority parents are well aware of this fact, and it is an important reason for their favoring racially diverse institutions. The study found that high-status White parents required the schools to meet their demands, or they would leave for private schools or segregated suburbs. Indeed, private schools strongly contribute to racial segregation rather than help the problem (Clotfelter 2004). For example, special advanced classes were set up primarily for White students. Such schools within the schools meant that most interracial contact had to occur in extracurricular activities.

Fourth, for all the problems, the 1980 graduates of desegregated schools believed twenty years later that their racially diverse experience was invaluable. Members of all groups believed that their desegregated high school education had better prepared them for an interracial world. They often noted how different their reactions to other groups were compared to those of their spouses and in-group friends who had not attended such schools. These findings fit directly with those of large-scale quantitative research (Pettigrew 2004). African Americans from desegregated schools, when compared with comparable African American students from segregated schools, are more likely to attend and finish majority-White colleges, to work with White co-workers and have better jobs, to live in interracial neighborhoods, to have somewhat higher incomes, to have more White friends and contacts, and more positive

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attitudes toward Whites. Similarly, White products of desegregation have more positive attitudes toward Blacks than comparable Whites from segregated schools.

Fifth, given the nation's continued racial barriers, these products of integration often have not been able to exercise their beliefs in later life. Both Black and White graduates complained how difficult it had been for them to keep in touch with their friends of other races and to live in interracial neighborhoods. Many of the Whites interviewed were unable to understand why they could not act on their views cultivated in high school—a direct result of the color-blind focus that had kept their high schools from discussing how racist social structure operates in America.

The authors were aware that these themes had been uncovered in earlier research, yet their contribution was to illustrate them richly in six high schools spread across the entire country. Although there were unique aspects to each school's social situation, this research shows how these themes were remarkably similar across all six schools.

The only weakness in the volume is its general failure to link its important qualitative findings to the relevant and extensive quantitative research literature. This omission is regrettable. Indeed, there is an unfortunate disdain expressed for quantitative work, although such work can also uncover subtle phenomena when properly employed. Social science needs both—qualitative work to obtain the rich detail such as provided by *Both Sides Now*, and quantitative work to test rigorously the phenomena unearthed. This is especially true here, for neither the six schools involved nor the particular graduates selected for study were chosen at random. Furthermore, salient methodological details—such as rater reliability of the qualitative data—are not provided. Thus, the book's significant findings could easily be dismissed by a strict methodologist, although in this instance the methodologist would be wrong in doubting the findings.

The relevant quantitative research literature strongly supports the book's major findings, but such support is rarely provided in the text or the notes. In particular, the authors seem largely unaware of the immense body of recent social-psychological research on such directly relevant topics as intergroup contact (Pettigrew and Tropp, 2006, 2008). Had such work been cited, the authors' contentions would have been far better grounded and more fully convincing.

Consider two pertinent examples. Many of the 1980 graduates reported that having attended a racially desegregated school had helped them later to interact with many different types of people—not just members of another race. This finding is significant, because it reveals that the positive effects of racial desegregation had generalized to cross-group interaction broadly. And rigorous quantitative research using longitudinal survey data from probability national samples have repeatedly demonstrated this very same effect (Pettigrew 2009; Tausch et al., 2010). For another instance, some of the graduates interviewed demonstrated genuine empathy for members of other races. They were able, at least in part, to see and feel as other groups view and sense the world. This important phenomenon, going far deeper than mere attitude change, has also been repeatedly uncovered by quantitative research (Pettigrew and Tropp, 2008, 2011).

SUMMING UP

So, did *Brown v. Board of Education* fail? As these two books demonstrate, in many ways the decision succeeded; Minow shows how *Brown* has strongly influenced educational rulings for many nonracial groups and other areas of the law itself. *Brown*

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has even influenced legal rulings in other parts of the world. Wells and her colleagues show how *Brown* succeeded in beneficially serving the graduates of desegregated high schools when it was briefly given a chance to operate in the late 1970s.

But did *Brown* succeed in desegregating American education and fundamentally altering the nation's racist structure? From their different perspectives, both of these important books sadly report the answer is *no*. They agree that such a criterion of success is far too much to expect when the rest of the nation's institutions, save for the military services, did not engage in comparable changes. Worse, opposition to the decision has been unrelenting ever since the high court handed down the ruling. With the Republican Party adopting a so-called "southern strategy" in the 1960s and maintaining it successfully to this day (Aistrup 1996; Murphy and Gulliver, 1971), a major political force has consistently led the fight against *Brown* and virtually all other efforts to improve American race relations. It is not coincidental that the five Supreme Court justices currently undercutting *Brown* are all Republican appointments.

Brown did not fail America; rather, America failed *Brown*.

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