

**THE RACE
CARD**

HOW BLUFFING ABOUT BIAS
MAKES RACE RELATIONS WORSE

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The Subconscious on Trial

Almost anyone could be tarred as some kind of a bigot on the basis of her subjective aesthetic preferences. We should all strive for and expect equal treatment when it comes to jobs, housing, and access to public places, but are we really obliged to vet our record collections and Netflix rental queues for hidden bias? What led otherwise fair-minded and thoughtful professionals to leap to uncharitable conclusions based on such scanty and ambiguous evidence?

There's a larger idea that underlies these accusations: the idea that racial injustice and a growing list of analogous injustices are, first and foremost, problems of bad intentions—diseases of the mind, of the heart, perhaps of the soul. Such accusations are of-

ten controversial and contested because this state of mind is usually inscrutable. Only the accused party can know for certain whether he was motivated by bigotry, and he, for obvious reasons, can't be trusted to give an honest answer.

If the scales of justice pivot on a distinct but inscrutable state of mind—call it bias, prejudice, bigotry—we *have to* make much ado about little or nothing. If the pivotal issue is bias, but bias is hard to prove and easy to conceal, then we must look for the faintest of patterns, sniff out the weakest of scents, call on obscure and capricious oracles, devise ever more ingenious if indirect tests. Casual statements, unguarded turns of phrase, and everyday behavior without obvious social significance must be scrutinized for obscure signs of bias.

Sasha Frere-Jones asked, in his criticism of Stephin Merritt, “Is it possible to look at your own preferences and find something your consciousness was not letting you in on?” Harvard psychologists Mahzarin Banaji and Anthony Greenwald think so. They’ve developed a test designed to tease the unconscious out of its shadowy lair. The test requires the subject to match words and images by pressing keys on a computer keyboard. The images are of human faces—some black and some white. The words have either positive or negative meanings or connotations: “good,” “love,” “peace,” “success,” “beautiful” versus “evil,” “hate,” “failure,” “ugly.” The subject is instructed to press the *e* key when either white faces or “good” words appear, press the *i* key when either black faces or “bad” words appear. Later the test switches the pairing: the subject is to press *e* when either black faces or “good” words appear and *i* when white faces or “bad” words appear. The test asks the subject to complete the exercise as quickly as possible. The computer times each response

and records the number of “mistakes.” If you find it easier to associate good terms with white faces and bad terms with black faces—meaning you make the associations more quickly and with fewer mistakes—then you probably harbor what Banaji and Greenwald call an implicit bias in favor of whites and against blacks. (You can take this test online at *implicit.harvard.edu.implicit*. Pack for the guilt trip: 88 percent of white subjects tested positive for antiblack bias, as did half of *black* subjects. Most people also test positive for antigay, anti-elderly, and anti-Muslim bias.) The website for the Implicit Association Test (IAT) includes this quotation from Fyodor Dostoyevsky: “Every man has reminiscences which he would not tell to everyone but only his friends. He has other matters in his mind which he would not reveal even to his friends, but only to himself, and that in secret. But there are other things which a man is afraid to tell even to himself, and every decent man has a number of such things stored away in his mind.”

All of the ambiguous racial incidents I’ve explored so far in this book might have been caused by unconscious bias. Why not use the IAT as a racism polygraph? When politicians, employers, shop clerks, cabdrivers, bouncers, and restaurant hostesses deny that they are racists in the face of credible accusations, let them take the test and prove it. If we could have stopped Clarence Thomas’s confirmation hearings and given the Judiciary Committee the IAT, perhaps we’d have had a better idea whether their inquisitiveness about Anita Hill’s sexual allegations was a racially motivated “high-tech lynching.” When Hermès defended its Parisian employee, what if Oprah had asked her to take the IAT right there on national television? The New York Taxi and Limousine Commission could equip officers with laptops loaded with the IAT to administer to taxi drivers

suspected of refusing service on the basis of race. Some commentators have proposed using the IAT to screen biased jurors from serving in trials with minority defendants and to remove biased cops from police forces.

The authors of the IAT have rebuffed such proposals: indeed, Banaji and Greenwald have vowed to testify in court *against* the use of their test to “prove” discriminatory intent. They insist that the value of the IAT lies in raising public awareness of the prevalence of bias in society and of the possibility of a beast within: an IAT booster called it “unconsciousness raising.”

Why *not* use the IAT to unmask hidden bias in active conflicts? Banaji points out that the test can’t prove *discrimination* in a specific case—only implicit bias, which can be counteracted through conscious effort. If bias can be asymptomatic—people who “test” positive for bias might not act on it—and if almost everyone is at least a little bit biased, then what does the IAT’s conception of bias really tell us?

In the film *The Incredibles* the school-age superhero, Dash, is admonished not to show off his talents for fear of making his classmates feel inferior. “*Everyone’s* special, Dash,” his mother chides. Dash answers with the sharp insight of youth: “Which is another way of saying that nobody is.” Racism is similar. If almost everyone is racist, then, in a sense, nobody is. If “racism” comes to describe an almost universally held, unintentional associative bias that may have no tangible effect, it loses its appropriate connotation of moral censure. As IAT skeptic Philip Tetlock of the University of California at Berkeley insists, “We’ve come a long way from Selma, Alabama, if we have to calibrate prejudice in milliseconds.”

The mere presence of “bias” deep in the recesses of the unconscious mind should be distressing. But frankly, it should

not be surprising. The modern commitment to racial equality is only a generation old. Plenty of people have attitudes formed during an era of explicit and state-sanctioned racism, and they've passed those attitudes on to their children. In the recent past, mass media perpetuated racial stereotypes on a daily basis: spend a few hours with a crime drama from the 1970s or 1980s and prepare to confront some nasty racial images. In many respects, things are better today. But while mainstream media, in the face of sustained and deserved criticism, has moved away from the crude racial stereotyping of past decades, many blacks have filled the void, perpetuating such stereotypes with impunity under the sham of inner-city ghetto "authenticity." These efforts have had their pernicious effect on individual psychology. As the IAT suggests, many people reflexively make negative associations with blacks and other minorities. The IAT tells us that we have a ways to go to eliminate racial bias *as a society*. But it doesn't tell us much about individual culpability.

It's also worth noting that the IAT presents race in an extremely stylized way. The test flashes images of faces deliberately cropped so as to exclude hairlines, chins, and cheekbones. The rules instruct the subject to look at the faces for only an instant before pressing the appropriate key. It's rare that we encounter actual people in such circumstances: divorced from social context; bereft of the telling nuances of grooming, attire, and demeanor that guide us in social encounters. The closest real life comes to the conditions of the IAT is when a taxicab driver assesses a potential fare at forty miles an hour, and even then the driver can glean additional information from surroundings, attire, and posture. Of course, the test's authors would insist that this is the point: the faces are cropped so as to isolate race as the

sole variable. It's the point, but it's also the problem. Real people aren't walking avatars of their racial identity. Real people have a lot of other relevant characteristics as well, so associative bias may often be outweighed by other individual characteristics.

And on a personal level, there's something invasive and uncharitable about the IAT, which evaluates us based on our most primal and unguarded impulses rather than on those improved and refined by conscious effort. The truest self is not necessarily the unguarded self. Just as an author deserves to be judged on his carefully edited final manuscript and not on a surreptitiously obtained first draft, so too perhaps critics should wait for the finished product—outward behavior—rather than seek access to the unedited, unconscious mind. As Banaji and Greenwald are careful to point out, people can overcome implicit biases through deliberate effort. Maybe one can live a virtuous life by remaining on guard against invidious biases and checking their effects. In and of itself, implicit bias doesn't demand condemnation, much less legal intervention.

Before it was passed into law, opponents of the Civil Rights Act criticized it as "thought control." They claimed the act would punish employers for their attitudes. The skeptical reactions of people like Professor Tetlock and, more tellingly, Professors Banaji's and Greenwald's own reluctance to apply the unconscious bias idea to specific conflicts with real stakes reflect a similar concern. Mandatory testing for implicit bias sounds like a job for the thought police. American law has tried and for the most part succeeded in making a rigorous distinction between the universe of tangible actions and the inner sanctum of thought. People should be held responsible for their behavior, but, as Dostoyevsky's quotation suggests, few of us would like to

publicize all of our *conscious* thoughts, much less try to defend or explain unconscious biases we didn't even know we had. A defendant in a criminal trial cannot be compelled to testify, in large part because there's something dehumanizing about using a person's own memories as a weapon against him. Isn't it worse to turn someone's own unconscious mind against him?

Ridding society of unconscious bias is a job for poets, pundits, writers, and artists—not lawyers and judges. As Professors Banaji and Greenwald acknowledge, attitudes don't respond to legislative edict, they change the same way they are formed: through evocative narratives, images, and experiences. Positive experiences with racial minorities can counter the effect of previously internalized negative stereotypes. Professor Banaji noticed that the results of the IAT improved when subjects were exposed to positive images of blacks before the test: the Reverend Martin Luther King, Jr.'s, "I Have a Dream" speech, Tiger Woods winning the U.S. Open, or Michael Jordan sinking a basket from mid-court. And whites with at least one close black friend were less likely to exhibit implicit bias than those with racially homogeneous social circles. Public policy can help to reduce bias by promoting social integration and sponsoring racially sensitive education and artistic expression. (Let's have a public service ad campaign: "Just say no to bigotry!") But the best the law can realistically *require* of individuals is that they keep whatever biases they have in check.

The theory of unconscious bias reinforces the reassuring belief that disputes about racism are fundamentally disputes about facts—we could achieve uncontroversial solutions if we just had more information—rather than intrinsically controversial ideological disputes about the requirements of social justice and the limits of social engineering. The lawyers who want to use the

IAT as evidence seem to think the case is closed if unconscious bias is established as a matter of fact. But most racial controversies aren't just factual, they're ideological. As Professor Tetlock suggests, the theory of unconscious bias begs rather than answers the question "Where are we going to set our threshold of proof for saying that something represents prejudice?"