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Most theories of morality take into account both the consequence of an individual's action and her state of mind.⁸ So does the law. For example, under both tort and criminal law, it matters whether the action was a mere fender-bender or a lethal collision. And material differences in the driver's state of mind—whether the crash was purposeful (trying to run over someone) or negligent (not getting the brakes serviced according to schedule)—also influence how we think about the moral and legal nature of that action.

Evidence of implicit cognitions, or as Eric Uhlmann, Andrew Poehlman, and Brian Nosek put it, “automatic associations” complicate our understanding of state of mind. Via various reaction-time measures, such as evaluative priming and the Implicit Association Test, scientists have collected overwhelming evidence of automatic associations in our minds (Nosek et al., 2007). What's more interesting is the finding of “dissociation”—that is, our automatic associations don't always line up with our consciously endorsed attitudes and beliefs.

For example, we might normatively embrace color-blindness, the idea that race and ethnicity should mean nothing more to us than, say, eye color or blood type. We might also believe that we are in fact color-blind. However, when we find evidence that we have automatic associations with racial groups—for example, associating blackness with negative words and weapons—then we can't so confidently brag about our color-blindness.

Culture-as-contaminant

One predictable response to such unflattering automatic associations is to say “it ain't me,” that these reaction times don't reflect anything about *my* state of mind. Instead, they reflect some aspect of culture that I simply happen to be aware of, like knowing that apple pie is American and popular. This interpretation of automatic associations is what the authors call the “culture-as-contaminant” view. On this view, automatic associations should have almost no individual behavioral manifestation.

The reasoning goes something like this: My knowledge that current American culture associates Blacks with criminality should not and does not influence my behavior toward African Americans; after all, my awareness that Nazi Germany's culture disliked Jews does not influence my behavior toward Jews, and my awareness that apple pie is American does not influence what I select from the dessert table. As Greenwald and Krieger (2006) put it, on this view, my clearer perception of a biased culture should have no more impact on my behavior than my clearer perception of "symbols on an eye chart" (p. 960).

As the authors demonstrate, however, automatic associations do have some predictive validity. Although we are not automatons, our behavior can be predicted in part by reaction-time measures of automatic associations. If so, almost by definition, the contaminant model cannot be entirely right. In particular, any attempt to say that automatic associations are somehow measures of things *solely* "out there" in the culture, but not *at all* "within me" fails. If that were so, there would be absolutely no individual predictive validity, which there is.

Culture-as-norms versus implicit attitudes

According to the authors, that leaves two potential theories remaining. The "culture-as-norms" view theorizes that automatic associations should predict behavior, which they do. However, that view specifies a particular mechanism via social norms—namely, "individuals [implicitly?] use others' attitudes to guide their actions."

By contrast, the implicit-attitude model suggests that automatic associations are "attitudes," as psychologists have long used that term, and that they share their typical features. In particular, those evaluative automatic associations (just like attitudes) are stored in memory, activated by circumstances, and alter behavior in the ways that attitudes generally do. To be sure, an implicit attitude may not be explicitly endorsed, but conscious recognition and acceptance is not definitionally required for an attitude.

Uhlmann, Poehlman, and Nosek provide various arguments about why the data support the implicit-attitudes interpretation more than the culture-as-norms interpretation. Accordingly, if one must choose between the culture-as-norms and the implicit-attitude theories, it appears that the latter theory wins.

Splitting hairs What the authors don't demonstrate, however, is why this fine scientific distinction matters for ethics, law, and policy. Early in the chapter, they underscore that the person-versus-culture question is important to "legal and public policies," ranging from "fair measures" (Kang & Banaji, 2006) to debiasing strategies (p. xx). In a crucial passage, they note: "if implicit measures are thoroughly *contaminated by cultural knowledge with no implications for individual behavior*, they do not provide even indirect support for policies such

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as those recommended by Kang and Banaji (2006) and others" (p. xx). But the italicized portion of the passage suffers some slippage. What's uncontroversially important is whether implicit associations have "implications for individual behavior"—the predictive validity question. If there are no behavioral consequences, lawyers and policymakers have more important things to worry about. That is why the authors' well-supported rejection of the culture-as-contaminant interpretation is so important. Once we know that individual behavior *is* altered by automatic associations, why should we care about the fine distinctions between the mechanisms of "contaminat[ion] by cultural knowledge"? Why should we, as a matter of morality or law, care whether contamination took place via "social norms" or "implicit attitudes"?

Consider the following hypothetical. Your child has teased to tears an overweight classmate on the playground. You have magic glasses that allow you to peer into your child's brain to find out why. You see that the teasing was caused in part by automatic associations between "fat" and "bad." In World 1 ("social norms"), you see that those automatic associations came from cultural cues suggesting that it is normatively permissible to taunt fat kids. By contrast, in World 2 ("implicit attitudes"), you see that those associations come from direct and vicarious cultural conditioning that juxtaposes fatness and bad things. In both worlds, your child does not personally endorse the association. Do you have a different moral reaction to your child in the two worlds? Do they provide different teaching moments?

Consider another hypothetical. A restaurant owner has just decided to hire a White hostess over a Latina hostess, although their qualifications are indistinguishable. You don your magic glasses to see again that automatic associations played a part in that decision. In World 1, the automatic associations were created by social norms that make a White woman the proper sort of person to smile and pass out laminated menus to patrons. In fact, all the restaurants seem to have White hostesses. In World 2, the associations were created by repeated exposures to White females and restaurant hosting (as well as other things warm and fuzzy). In both worlds, the owner is ignorant of his automatic association and would reject it as inappropriate upon conscious self-reflection. On the one hand, some people may believe that *neither* decision should be unlawful. On the other hand, some people may believe that *both* decisions should be unlawful. Regardless of one's view on this question, there seems to be no moral or legal justification for treating one hiring decision differently from the other.

Conclusion

The question "person or culture?" matters for law and policy because at issue is the viability of a new sort of "cultural defense." That defense says that the (often embarrassing) automatic associations aren't really measuring "me"; instead, they

are measuring something about “culture.” So don’t blame me, and don’t hold me responsible. Uhlmann, Poehlman, and Nosek’s chapter demonstrates that a strong version of the cultural defense—that it has absolutely nothing to do with me—cannot withstand the evidence of predictive validity.

What about a weaker version that concedes that automatic associations have something to do with me and have some predictive power, but that they do not amount to an “attitude” and instead influence behavior via “social norms”? Again, the authors demonstrate why the implicit-attitude interpretation better fits the evidence. As a policy matter, choosing the correct model will likely pay certain dividends, such as helping us design better countermeasures against “automatic association”-induced discrimination. That said, from an ethical and legal perspective, it is unclear what if anything should turn on that fine distinction in state of mind. Far more important are two simple questions: First, do we consciously endorse the automatic associations in our heads, whether we call them “contaminants,” “social norm cues,” “attitudes,” “Trojan horse viruses” (Kang 2005), or even “naughty neurons”? Second, what will we do to counter the automatic associations we consciously reject?

NOTE

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