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Implicit bias: a sin of omission?

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ABSTRACT

It is widely believed that implicit bias is common and that it contributes, in part, to the perpetuation of systemic injustice. Hence, the existence of implicit bias raises the question: can individuals be blameworthy for their implicit bias? Here, I consider what it is about implicit bias that renders agents blameworthy. I defend the claim that, when individuals omit to engage in activities that could prevent the influence of implicit bias on their behavior, they may be blamed for their implicit bias. The plausibility of my proposal depends on whether individuals are able to engage freely in such activities and on whether there exists an obligation not to be biased (broadly put). I will answer positively to the former question and open the way for an answer to the latter, and tougher, question.

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Implicit bias; omission; blameworthiness; responsibility; systemic injustice

1. Introduction

It is widely believed that implicit bias is common and that it contributes, in part, to the perpetuation of systemic injustice. Thus, the existence of implicit bias raises the following question: can individuals be responsible and further blameworthy for their implicit bias?

Although philosophers are divided about this question, several accounts have been provided, supporting that individuals can be responsible for their implicit bias. Whether the same behavior is blameworthy faces even more resistance. In this paper, I consider what it is about implicit bias that could make agents blameworthy for having them. I defend the claim that, when individuals omit to engage in activities that could prevent the influence of implicit bias on their behavior, they may be blamed for their implicit bias. The plausibility of my proposal depends on whether individuals are able to engage freely in such activities and on whether there exists an obligation not to be biased (broadly put). I will answer positively to the former question and open the way for an answer to the latter, and the tougher, question. With this view, I hope to emphasize the fact that individuals do participate in systemic injustice even if they see themselves as passive in regard to their implicit bias. The proposed framework makes implicit bias a matter of negligence.

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2. Implicit bias: a recap

The cases of implicit bias¹ mainly discussed in the philosophical literature are cases that involve attitudes which individuals harbor, possibly without being aware of it, and which can be socially harmful. By ‘socially harmful attitudes’ I mean attitudes which contain, for example, racist content, and which influence our actions accordingly. In turn these actions can be seen as both resulting from and participating in systems of social oppression.² Instances of implicit bias involve but are not restricted to: sexist bias, anti-black bias, anti-Muslim bias, ableist bias and so on. The use of ‘implicit bias’ in this paper henceforth refers to these particular cases of implicit bias, and more specifically, I take the term to encompass the influence of implicit bias on behavior as well as the state itself.

Here is one concrete example. In the United States, black women are more likely to die from complications related to childbirth than white women (Flanders-Stepans 2000; Martin and Montagne 2017; Riley 2018; Hosseini 2019; Leonard et al. 2019; Rabin 2019). Some claim that what partly explains this differential treatment is an implicit racial bias on the part of healthcare providers (Blair et al. 2013; Penner et al. 2014; Hall et al. 2015; FitzGerald and Hurst 2017; Martin and Montagne 2017; Chuck 2018; Maina et al. 2018; Riley 2018). An implicit bias against black women might manifest in taking their reports of pain less seriously than if they were white women for example (Martin and Montagne 2017). As a result, these healthcare givers might spend less time with a black patient or prescribe inadequate treatment. My aim in bringing this particular case to attention is to provide a firmer grip on the ways in which implicit bias plays out in concrete situations. What these cases give us to see is that even if the healthcare providers’ implicit bias might only be one part of the explanation for the increased likelihood of medical complications at childbirth for black women, individuals play a part in the perpetuation of certain harms. For many, this is reason enough to ask whether these individuals are blameworthy for their implicit biases.

3. The blameworthiness of implicit bias

I take it that an agent is blameworthy for certain act or state only when,

- (a) this act or state is wrong,³ and
- (b) this act or state is something for which they are responsible

Let us first look at a), by considering the effects of implicit bias on discriminated individuals. As we just saw, concrete manifestations of implicit bias, such as high rates of mortality resulting from childbirth amongst Black women, tend to indicate that it is at least deeply problematic. By affecting a great deal of our interactions and decisions in the way it is believed to, implicit bias is bound to influence, sometimes heavily, who finds a job, who obtains a loan, who receives adequate medical help, who is noticed, who is believed, who is feared, who is arrested, and in the most extreme – though not uncommon – cases, who lives or dies.⁴ On this basis alone, we could say that implicit bias is bad and thereby meets necessary condition (a).

What of (b), the responsibility condition? Several authors argue that there are many cases in which implicit biases meet some condition for responsibility. In particular

when individuals are able to exercise indirect control over their bias and/or when they are aware of their bias at least to some degree. But what about instances in which an individual is no way aware nor in control of their bias? In what follows, I characterize such instances of implicit bias in terms of omission and argue that individuals can be responsible for such omissions. The argument runs as follows.

- (1) There are cases in which an individual falling prey to implicit bias is due to an omission to take certain measures that would otherwise prevent such situation.
- (2) If the right conditions are met, agents can be responsible for their omissions and for the consequences of these omissions.
- (3) When these conditions are met, individuals are responsible for their implicit biases.

In what follows, I unpack premise 1 and 2. In doing so, I shall address other accounts of responsibility for implicit bias, which have been put forward in the last ten years. I explicate how some of these accounts relate to mine and in which way they are compatible with each other. I shall also address the close relationship between the questions of blameworthiness of implicit bias and of the existence of an obligation not to be biased.

3.1. *Implicit bias as omission*

Part of the view that I am putting forward is the claim that individuals can be responsible for their implicit bias when these result from an omission on their part. For my proposal to be plausible, one needs to see how the manifestation of implicit bias can be characterized in terms of omissions (premise 1), and under which conditions one may count as responsible for their omissions and for the consequences of their omissions (premise 2). I start with the second premise.

Many agree that an agent may be responsible for an omission when it can be traced back to a point at which the agent consciously chose not to act.⁵ But, as Randolph Clarke (2014) stresses, many omissions that interest us are precisely omissions that do not trace back to such choices or actions. It seems to me that in some cases letting implicit bias influence one's behavior precisely falls within this category of omission. Thus, in order to account for this category of omission, Clarke proposes that an agent is blameworthy for her unwitting omissions

if she is free in failing to doing the thing in question and if her lack of awareness of her obligation to do it – and of the fact that she isn't doing it – falls below a cognitive standard that applies to her, given her cognitive and volitional abilities and the situation she is in. (167)

As we have seen at the beginning of this section, a condition for blameworthiness divides into two components: a condition for responsibility and a condition for wrongness. Thus, the first part of Clarke's condition establishes the responsibility of the agent, as it aims to capture the right kind of relation between the agent and their action (or omission or state) that would further allow us to either blame *or praise* the agent. Here this relation is understood in terms of freedom in failing to act. The second part of Clarke's condition establishes the wrongness of the omission, as it aims to capture what makes it worthy of blame (rather than praise for example), namely, that the agent's omission falls below certain cognitive standards. Here, I am interested in what the first part of Clarke's

condition tells us about responsibility for omissions. Reformulated to focus only on responsibility, the condition states that,

if an agent is free in omitting to *A*, then this agent is responsible for omitting to *A*.

This condition, which I dub the Freedom condition, relies on the same principle as many of our theories of moral responsibility for actions: typically, one kind of relation between an agent and their act which establishes responsibility between these relata is a relation of freedom. So, in the same way that it is sufficient for an agent to freely act in order for them to be responsible for so acting, it is sufficient for agent to freely omit in order for them to be responsible for so omitting. Denying this would amount to reject an ontological equivalence between action and omission, and although some argue that they are disanalogous entities, looking at the greater part of the literature, we see that philosophers aim for their views of moral responsibility for actions to, *mutatis mutandis*, also apply to omissions.⁶ This gives us warrant, I believe, to do the same here.

Let's turn back our attention to implicit biases. I contend that in at least some cases, letting one's implicit bias influence one's behavior meets the sufficient condition provided by the Freedom condition. Thus, in the case of implicit bias, an individual counts as responsible for their omission to engage in activities that would have prevented their implicit bias from manifesting or from influencing their behavior if they were free in failing to do so. In other words, individuals are responsible for their implicit biases if they are free to engage or not to engage in activities that would have prevented their implicit bias from manifesting or from influencing their behavior. Arguably, it is plausible that there are such activities and that these activities are free. In fact, that such set of activities exists and that it can be free is precisely what many philosophers defend when they argue that individuals can exercise indirect (and even direct) control over their implicit bias. Such activities range from exposure to counter-stereotypical exemplars (McGrane and White 2007; Joy-Gaba and Nosek 2010; Columb and Plant 2011; Lai et al. 2014), to identifying the self with the outgroup (Hall, Crisp, and Suen 2009; Brannon and Walton 2013; Maister et al. 2013; Peck et al. 2013; Woodcock and Monteith 2013; Gündemir et al. 2014), as well as removing the possibility of implicit bias influencing one's behavior, for example by anonymizing CVs. Here I am interested in the latter set of measures specifically, as their causal relations to the influence of implicit bias on behavior is evident. If the opportunity to manifest implicit bias is removed, there can be no manifestation of implicit bias. This is what happens when we anonymize CVs, job applications, journal articles, and so on. What would be interesting to know is whether measures that fall within this category could also be available for individuals in high stakes situations such as health care givers in a hospital. I leave aside the former set of activities because their efficacy on moderating the manifestation of implicit bias has shown to be less consistent.

The claim that agents can be responsible for their implicit bias when these result from an omission on their part depends on the possibility of *freely* engaging in activities that would be able to prevent one's implicit bias to influence one's behavior. A large body of literature happily admits the results coming from the empirical research on implicit bias as suggesting that individuals can exercise some control over their implicit bias. For Natalia Washington and Daniel Kelly (2016), the possibility of such control is a reason, at least, not to excuse individuals for having implicit biases. For Jules Holroyd

(2012), these results even show that nothing speaks against the possibility for implicit bias to sometimes meet traditional conditions of responsibility.⁷ For these authors, these activities which may either prevent or moderate implicit bias translate into indirect control over implicit bias. By framing the influence of implicit bias on behavior as the result of omissions to engage in these activities, I propose to shift the focus on the activities themselves. This shift has the advantage to avoid committing to the view according to which engaging in these activities amounts to exercising indirect control over implicit bias. All that matters for my view is that it be possible to engage freely in these anti-bias activities.

We have seen that there can be responsibility for omissions even when they do not trace back to a conscious choice not to act. One can be responsible for this type of omission to act (and for its consequences) when one was free to so act. The influence of implicit bias on behavior sometimes results from an omission to engage in a certain set of activities. In that sense implicit bias is the consequence of an omission. Moreover, there is no reason to presume that this set of activities is potentially less free than any other one. After all many authors admit this, as we will see below. Therefore, when one's implicit bias results from an omission to take measures to prevent it and when one was free to take these measures, one is responsible for their implicit bias.

The condition I have just put forward is a sufficient condition for responsibility for implicit bias, and so it is compatible with the aforementioned views that currently exist in the literature. Let me highlight here further reasons why my view offers a novel outlook on the question of blameworthiness for implicit bias. By framing responsibility for implicit bias in terms of responsibility for the consequences of omissions I emphasize the passive, not to say neglectful, dimension of our attitudes toward implicit bias. Indeed, implicit bias instantiates one way in which individuals passively participate in the perpetuation of injustice.⁸ By 'passively', I specifically mean without explicit intention to perpetuate injustice and without awareness of doing so. Even though discrimination is enforced not only because of individuals and their implicit biases, but also because of our institutions and the ideology they embrace, this is fully compatible with the fact that individuals unwittingly *channel*⁹ oppressive ideologies, precisely because they harbor states which causes them to behave contrary to their principles, like implicit bias. Going back to the case of implicit bias against black women in health care, we can expect that many healthcare givers are not explicitly racist, yet they, as individuals, participate in the implementation of a racist system when they let themselves unwittingly enact these ideologies. By framing responsibility for implicit bias in terms of responsibility for something individuals are omitting to do, my view invites us to understand the fight against systemic injustice to be incumbent upon the greater part of the population, instead of restricting it only to those who explicitly and actively promote harmful values.

3.2. Blameworthiness and the obligation not to be biased

In the last section, I have argued that one way to understand responsibility for implicit bias is in terms of responsibility for omissions. I now turn back to blameworthiness. I started out by asking whether individuals are ever blameworthy for their implicit biases. In order to answer this question, we must determine whether individuals can be responsible for their implicit bias and whether implicit bias is wrong. If we accept that

responsibility is a necessary condition for blameworthiness, then at least one part of the conditions is met. The second condition for blameworthiness requires the act or state for which the agent is responsible to be wrong. As have already pointed out at the beginning of section 3, a simple way to show that having an implicit bias is wrong is to point to its harmful consequences. This however might seem a little weak to some. This is where my view can help to strengthen the claim that implicit bias also meets the wrongness condition. The omission account puts emphasis on what the agent omits to do. When there exists an obligation incumbent on the agent to act in a certain way and the agent fails to so act, by failing to so act, the agent fails to meet an obligation. If in the cases I have been focusing on, there existed an obligation not to be biased or not to be influenced by one's implicit biases, the wrongness of implicit bias would not merely be dependent on the amount of harm it produces but would consist in the violation of an obligation. In such cases, we would clearly see why the agent is not only responsible for the omission but also why such omission is wrong and therefore blameworthy.

It seems that in some situations, there is an obligation to perform the kind of actions that can prevent our implicit bias from manifesting. For instance, sometimes there is at least an obligation to remain unbiased in order not to discriminate, in virtue of the position we occupy. It is ultimately these obligations, incumbent on us in virtue of the social role we accept, that makes us, at least in part, accountable¹⁰ for our implicit biases, according to Robin Zheng, as I understand her view: 'Where people enter into positions that call for them to make decisions regarding others' merits and ability—hiring, promotions, evaluations, admissions, and the like—they accept responsibility (as accountability) for that position' (Zheng 2016, 74). A further, and tougher question concerns the existence of a similar obligation incumbent on all of us. Such obligation would not be limited to specific positions but extended to most autonomous adult agents, in virtue of the place they occupy in society. For Zheng 'we would do well to focus our energies on elucidating this criterion of reasonable expectation for general duties of preventing and eliminating bias' (73) and at least 'the duty to avoid harming others is not a burden one can refuse' (75).

One might be reluctant to accept that some obligation exists or that a certain agent meets conditions for responsibility or blame, not because one disagrees that this is the case, but because they think it would not be fair. In the same way, we might resist the idea that individuals are blameworthy for maintaining their implicit bias not because we disagree that such obligation could exist but because we think it would not be fair to hold each other to such standard. Some might indeed judge that a standard which requires individuals to moderate their implicit bias is simply too high. In dealing with this question however, we should be careful not to confuse the question whether there exists a certain obligation to A (or whether there can be responsibility for a state or an act) with the question whether this obligation is fair. Helen Steward (2012, 242) points out that often, in thinking about conditions for responsibility and blame, in terms of alternative possibilities for example, what underlies our reasoning is in fact the question: would it be fair to blame this agent? I think the same remark might apply to the question of obligation. It does not seem unlikely that the same kind of consideration ('Is it fair to say that there is an obligation not to be biased?'), might guide our reasoning about the question whether such obligation exists. Crucially however, whether the existence of such obligation is fair should be distinct from the question of

its existence *tout court* and deserves a whole discussion to itself. What I have been arguing is that in situations in which it is established that there is an obligation not to be biased, letting one's implicit bias occur freely counts as an omission for which the agent is blameworthy.

3.3. Being aware of one's obligations

An individual is blameworthy for their implicit bias when they omit to engage in activities that could prevent the influence of implicit bias on their behavior. We have seen that the soundness of this view depends on whether an individual is responsible for their implicit bias, in the form of an omission, and whether this omission may be considered wrong. In the previous section, I have provided further support to the idea that the omission to engage in activities that could prevent the influence of implicit bias on one's behavior is sometimes wrong. Indeed, I have argued that such omission is wrong when there exists an obligation to engage in activities that could prevent the influence of implicit bias on one's behavior. I conceded that the plausibility of my view ultimately hinges on the existence of such obligation. A further and important concern remains: does an individual need to be aware that this obligation exists (when it exists) in order to be blameworthy for their implicit bias? Answering this question lies beyond the scope of this paper¹¹; let me nonetheless briefly address how it bears on my view.

My view does not assume that agents must be aware of their obligations. There might be cases in which the agent is indeed aware that this obligation exists. However, this needs not be the case. Being aware that one performed a certain action whilst not being aware that one violated a norm when one performed this action is not sufficient to relieve an agent from blame for this particular action (or omission or state). In other words, the agent's ignorance of their obligation in regard to *A* is not sufficient to excuse them for their omission to *A*. This is because the agent's ignorance undermines neither the wrongness of their omission to *A* nor their responsibility in *A*-ing. Imagine that when traveling in a foreign country, I extend my left hand to my host, unaware that there is a norm that requires me to use my right hand to greet people. Crucially, that I am not aware of this norm does not change anything to the fact that I violated it. In the same way, that I am not aware of an obligation not to be biased does not change anything to the fact that I have violated this obligation. So, when the agent is responsible¹² for omitting to engage in activities that could prevent the influence of implicit bias on one's behavior, the agent is blameworthy, whether they are aware or not of their obligation in regard to their implicit bias.

4. Conclusion

I have argued that when individuals omit to engage in activities that could prevent the influence of their implicit bias on their behavior, they may be blamed for their implicit bias. My argument depended on accepting the view of responsibility for omissions according to which all that matters in order to be responsible for an omission to act in a certain way is that the agent was free to so act, and on the claim that many anti-bias activities can be undertaken freely. I further argued that conceiving of responsibility for implicit bias in terms of responsibility for omissions offers a neat picture of why we are

sometimes blameworthy for our implicit biases: in cases in which there exists an obligation to prevent the influence of implicit bias on their behavior and the agent fails to so act, by failing to so act, the agent fails to meet an obligation. I concluded the paper by offering a basis on which to start discussing the existence of such obligation.

Notes

1. The phenomenon I call ‘implicit bias’, following (Mandelbaum 2016; Brownstein and Saul 2016; Holroyd, Scaife, and Stafford 2017; Levy 2017), is also referred to in the literature as ‘implicit attitude’ (Brandenburg 2016; Buckwalter 2018; Levy 2014, 2015) and ‘implicit prejudice’ (Baston and Vosgerau 2016; Lai, Hoffman, and Nosek 2013). I take my project to build on this body of literature.
2. There is a fair amount of dispute as to the exact nature of implicit bias. Some think it is a belief or an attitude (Mandelbaum 2016; Schwitzgebel 2010) and other think it consists in an association between concepts (Gendler 2011; Madva 2016). For the sake of the argument, I take implicit bias to consist in attitudes (in the sense psychologists use it) – this choice should make no difference to my proposal.
3. Most authors commit to this general picture of blameworthiness one way or another most. That is, independently of their views on responsibility and moral wrongness, these two components are present. As Holly Smith (1991, 279) puts it ‘[a]n account of blameworthiness or praiseworthiness should answer two questions: it should tell us what makes a person responsible for what she does, and it should tell us what makes a person good or bad for what she does’.
4. Here I have in mind mortality in childbirth and likelihood of being shot during an interaction with law enforcement (Pleskac, Cesario, and Johnson 2018; Kahn and Davies 2017; Correll et al. 2007).
5. See for example (Nelkin and Rickless 2017).
6. Evidence for this point can be found in the following statements (my emphasis): ‘What arouses guilt in an agent is *an act or omission* of a sort that typically elicits from other people anger, resentment, or indignation’ (Williams 1993, 89); ‘We have set ourselves the task of providing a ‘comprehensive’ account of moral responsibility. This involves presenting a theory of moral responsibility for *omissions and consequences, as well as actions*’ (Fischer and Ravizza 1998, 254); ‘Note, in addition, that Appraisability gives conditions for moral appraisability for actions. It does not address omissions or consequences of actions or omissions. However, I believe that it should be possible to work from this principle to arrive at others that deal with *omissions and consequences*’ (Haji 1998, 175); ‘Here and elsewhere in the chapter, I will use “acts” in a broad sense that encompasses *omissions as well as positive actions*’ (Sher 2009, 40); ‘I shall speak loosely of moral responsibility for conduct and trade between cases in which the object of responsibility is an action, *an omission*, or the consequence of either an action or an omission’ (McKenna 2012, 17); ‘[A]gents can only be morally responsible for certain outcomes in the world if they are causally responsible for those outcomes, in the sense that there is *some act (or omission)* of theirs that causally contributed to those outcomes’ (Sartorio 2016, 23); ‘On one conception of the reflective ability needed to be responsible for *an action or omission*, an agent must have the opportunity ability to reflect at the time of action or omission’ (Nelkin 2020, 300).
7. Another traditional condition for moral responsibility is awareness. Alex Madva (2018) has argued that the awareness of our own implicit biases that we do have is sufficient for responsibility.
8. Some authors have pressed, however, that injustice is structural at heart. By structural, they mean that injustice should be fought at the institutional level and not only at the individual level. On this view, trying to moderate one’s implicit bias seems far below sufficient. Sally Haslanger (2015, 12) who has argued for a similar position nonetheless reminds us that,

... drawing attention to implicit bias can be strategically useful as a starting point for discussion of social injustice because there is empirical evidence to support the claim

that we are all biased; insofar as we are able to control or change our biases, it is a potential site for moral responsibility and moral improvement; attention to implicit bias is philosophically interesting because it challenges philosophical views about the transparency of the mind, human rationality, and other related assumptions; it helps explain why social injustice is so intractable in spite of substantial efforts to bring about legal and institutional change.

9. By ‘channel’ I mean to manifest and to promote a certain set of values through one’s behavior as a result of being influenced by the presence of this set in one’s environment, whether one explicitly accepts this set of values or not. I borrow this term from Kate Manne’s book *Down Girl: The Logic of Misogyny* (2018), here addressing the problem of misogyny: ‘many if not most of us at the current historical juncture are likely to be capable of *channeling* misogynistic social forces on occasion, regardless of sincere egalitarian beliefs and feminist commitments’ (my emphasis, [77]).
10. More precisely, Zheng (2016) argues that individuals can be accountable for their implicit biases, even in situations in which they are not responsible for their bias in the attributability sense, i.e. in Zheng’s own words, even when no ‘special metaphysical or psychological relation between an agent and her actions’ (68) takes place. Poignantly, Zheng says:

We are accountable because it is appropriate for us to clean up after our own actions when a mess has been made—spilled milk has got to be wiped, though we need not impugn a person’s character just for having spilled it! This need to make amends is particularly urgent when the “spilled milk” is the harm suffered by the victims of implicit bias. After all, from the victim’s perspective the damage is done whether anyone is attributively responsible for it or not: harm is harm, and she is owed compensation, apology, and redress. (74)
11. This issue falls under the heading of a rich and long-standing debate in metaethics about the nature of the so-called *epistemic condition* for responsibility (Zimmerman 1997; Haji 1997; Ginet 2000; Sher 2009; Wieland and Robichaud 2017; Peels 2017).
12. Note that the agent’s ignorance of an obligation is not pertinent to the question of the agent’s responsibility for their omission. Matters pertaining to obligations are relevant to the agent’s blameworthiness because they affect the *wrongness* of their action (or omission or state). The agent’s responsibility is affected by matters pertaining to the relation of authorship between the agent and their action (or omission or state).

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Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Marie van Loon is a postdoctoral researcher at the philosophy department of the University of Zurich in Zurich, Switzerland. Her work focuses on doxastic responsibility, epistemic blameworthiness, and the ethics of belief.

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