

# If “unconscious biases” are bad, are the conscious ones fine?



by Lev Tsitrin

**Apparently so, if I understood** the admonition given to the potential jurors in Trump’s New York trial aright. How else to interpret the words of prosecutor Joshua Steinglass, “This case has nothing to do with your personal politics”?

I admit that Mr. Steinglass did not place his assertion in the context of “unconscious biases” that we are warned to be on the lookout for (since they lurk in every corner, ready to trip us into treating unfairly some person from a “historically-disadvantaged group). But think for a moment, and you will plainly see that Mr. Steinglass’ assertion is bonkers. After all, all there is to “unconscious bias” is undeservedly poor treatment we may accord a perfectly deserving person, unconsciously treating that person as if we

actually disliked him. The assumption here is crystal-clear: we are expected (as a natural human reaction) to treat shabbily those we dislike, denying them their due.

But apparently – if I understood Mr. Steinglass correctly – he thinks that this universal, natural, Pavlovian knee-jerk attitude does not kick in when we dislike someone consciously rather than unconsciously. Yet, with all due respect for Mr. Steinglass, I am willing to bet that those whose “personal politics” is opposed to Trump’s policies dislike not only those policies, but also the person who implemented them – i.e., President Trump himself. And given that if their disliking of Trump was unconscious, they would have treated him shabbily and undercut him at every opportunity, what exactly makes us expect that when that same disliking of him is conscious, they would treat him any differently than if they disliked him unconsciously? So, how is it, Mr. Steinglass, that jurors’ decisions won’t be influenced by their “personal politics”?

The *New York Times*’ report which contains this gem of a quotation is titled “[Day 2 of Trump’s Criminal Trial: Five Takeaways](#).” I would strongly recommend its authors to add yet another takeaway, the sixth one: lawyers are full of – defecation, and will say anything, no matter how absurd, to attain a court victory. Exhibit A is Mr. Steinglass, given that it is hard to find a more absurd assertion than that “This case has nothing to do with [one’s] personal politics.”