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Race, Gender, and Class How Much Of A Role Do They Play In Mediation?

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Recent studies have come to life as to the role race, gender and class of the mediator plays in mediation. Does race play any discernible role in mediation compared to gender or socioeconomic class? Recent studies show that race plays no discernible role in mediation compared to gender and gender does not matter as much as socioeconomic class. Race has become less discernable because recent political events have raised racial biases and stereotypes to our conscious levels and we no longer operate on autopilot when it comes to biases.

Professor Phyllis E. Bernard, director of the Center on Alternative Dispute Resolution at Oklahoma City University School of Law, has concluded in her research that race plays no discernible role in mediation. In so far as race matters, race probably does not matter as much as gender; and probably gender does not matter as much as socioeconomic class. In her study, mediations involving minorities reported that race, ethnicity, or national origin played no discernible role in the mediation. Many may be surprised by her research because in the United States issues involving race, ethnicity and national origin often lead to volatile responses. She states that a number of interpretations could explain this fact. Conceivably, the United States may be evolving into a truly color-blind society where the mediator and parties do not notice or have a predetermined opinion about color. At a conscious level the participants opted to make color a secondary consideration. Equally as likely, the mediator steered the parties in a neutral direction or race or ethnicity drifted into the background because of the mediator's style of neutrality and respect.

Another reason that she alludes to but does not raise is the conscious v. the subconscious level of biases. Extensive research has been conducted on biases. Researchers found that we have biases at a subconscious level. We obtain biases and stereotypes from our surroundings, family, friends, neighbors, music, television, movies and what we read, as well as our own experiences. These experiences begin when we are very young children. The rules from our culture are not what is written but are learned from those around us, and as children we accept these unwritten rules without question. We operate on autopilot. When we communicate it is often made up of predicting and anticipating another person's responses. Communicating with people who are cultural "strangers" often relies too heavily on stereotyping which is largely done on a subconscious level.

Researchers of studies conducted by various universities have concluded that biases are not something we can easily remove or factor out of our decisions because it operates subconsciously. We are far better at spotting bias in others than in ourselves. We see ourselves as highly objective, with little or no biases. However, for a person to shift from the autopilot mode self-awareness is vital to

breaking biases and stereotypes. People have to recognize they have biases and engage in discussions regarding biases and stereotypes which stem from biases.

Mediators may have been taught behaviors that protect against bias and prejudice, but the change in behavior has been reinforced by constant awareness of racial issues by the media. The election of a black president to the United States caused racial biases and stereotypes to rise to the conscious mind. The media has engaged us in a level of self-awareness and our subconscious autopilot has been turned off. We have read articles, heard newscasts and watched movies and have been told by others that our actions and words can signal a bias toward a race. Articles have been written about the racial biases in others. Others are quick to point out our racial biases. We have become overly politically correct in referring to individuals of different races. We have been forced into self-awareness, what some may think is a colorblind society.

Interestingly, Professor Bernard's research showed that gender and socioeconomic class mattered more in mediation than race. It appears that gender and class biases are still on autopilot in our subconscious mind. The media has done very little to create a self-awareness of those stereotypes and biases. The press tends to exaggerate and over-generalize findings that suggest natural cognitive differences between the sexes, while downplaying findings that suggest cognitive similarities -- or variabilities having little apparent connection to sex. It is a stereotype that, women because of their "natural" abilities as mothers and in running the household, have some sort of innate multi-tasking abilities that allow them to engage in different activities at the same time more often than men. According to myth, men are analytical and women are more emotional. The press affirms popular biases as was evident in the last election, when a woman was running for President. As a result, it is not surprising that gender mattered more in mediation than race. Despite the fact that mediators were taught behaviors that protect against gender and class biases, there is no reinforcement by the press or media.

Gender and class will continue to matter more than race in any mediation, until some action is taken to continually raise the biases and stereotypes that toward gender and class which will turn off our autopilot. What will it take? Maybe a female as the next President of the United States?

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