

# Does It Matter if My Mediator Looks Like Me? The Impact of Racially Matching Participants and Mediators

By Lorig Charkoudian, Ph.D., and Ellen Kabcenell Wayne, J.D., M.S.

The mediation field has long debated the effect on mediation outcomes of a racial match between mediator(s) and mediation participants. The field of community mediation has extended the conversation by looking to reasons that a diverse mediator pool is beneficial beyond those related to mediation outcomes. Many community mediation practitioners and writers have argued that a diverse mediator pool both connects the concepts of collaborative conflict resolution to a range of communities and brings the diverse perspectives of these communities to community mediation, thus ensuring its cultural relevance. Few studies have considered the direct effects of matching mediators and participants by race and ethnic background, and only one of these took place in the United States. All of the studies have reported little or no benefit from the practice.<sup>1</sup>

On the other hand, a racial match can affect what the participant takes away from the mediation in ways unrelated to the direct mediation outcomes. In a previous study by one of the coauthors of this article exploring the definition of community mediation and its implications for the community, a mediation participant who later became a mediator and then staff at a community mediation center describes her experience in a conflict that occurred in a group of women of color:

I was worried that at a time when the group's conflicts made us so vulnerable we might be assailed with further challenges to our existence as a group. I really felt like we needed a mediator who looked like us. I was relieved to see an African-American woman introduce herself as our mediator. Not only was she a woman of color, she was an excellent mediator. I was inspired.

The mediation participant went on to become trained as a mediator, saying she was "motivated that someone who looked like me was making it happen."<sup>2</sup> Once trained as a mediator, the participant said she believed that a white or male mediator might have been able to offer a quality mediation process, but that person would not have had the effect of inspiring her to become a mediator. This experience highlights that there may be an impact of matching

that goes beyond agreement or process satisfaction.

## The Research

The new research discussed in this article comes from a multiyear research project conducted by the Maryland Association of Community Mediation Centers (now Community Mediation Maryland) in several community mediation centers, day-of-trial programs, and a program in a prosecutor's office in the Mid-Atlantic states. The cases included family, neighborhood, small claims, and interpersonal conflicts. The researchers observed 70 mediation cases. Slightly more than half the cases were co-mediated, and the rest involved one mediator. Researchers asked questions of participants before and after the mediation, and mediators completed a questionnaire before the mediation. Researchers then observed the mediation and coded all mediator and participant behaviors.

We determined whether there was a racial match by comparing the racial identifications that mediators and participants had provided in premediation questionnaires. Because each mediation involved at least two participants and either one or two mediators, the study looked at "matches" from two angles. First, it asked whether a media-



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tion participant was of the same race<sup>3</sup> as at least one mediator present (a variable labeled “no race match”). Second, if the participant had no race match with a mediator, the study looked at whether at least one mediator’s race matched that of the *other* participant—a variable labeled “other race match only.” The study therefore considered what happened when a participant had no mediator who “looks like me” and separately considered what happened when a participant had no mediator who “looks like me,” but had a mediator who does “look like” the other party.

The use of these variables creates three possibilities for a participant. First, she may have a mediator of the same race (race match). Second, she may not have a mediator of the same race (no race match). The variable “no race match,” by itself, does not indicate if the mediator’s race matches that of the other participant. Third, a participant may not have a mediator of the same race, but may face a mediator whose race matches that of the other participant (other race match only). These various options are shown in Table 1.

The study considered the effect of racial matching on participants’ responses to questions regarding a number of areas related to the quality or success of the mediation for that participant, such as whether the mediator listened without judging, whether the mediator was perceived to be taking sides, and participant satisfaction with how the mediation was conducted.

It also considered the extent to which participants’ attitudes changed from before to after the mediation in areas such as their sense of control over the situation,

and their perceptions of hope that the conflict could be handled productively.

It is important to note that participants were never asked directly about anyone else’s race or about how they thought race affected their mediation experience. They were only asked their own race as part of a set of questions about demographics. This research design makes any findings on race more legitimate because they cannot be biased by people’s belief about the role race might have played.








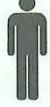


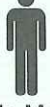





Another strength of this data set was that it included data reflecting what the mediators actually did in the mediation. As a result, researchers could isolate the effect of the racial match itself, without concerning themselves about whether mediator behavior that differed with the race of the participant(s) might actually be causing any of the differences they found.



### The Results and What They Mean

The research results showed that three of 14 measures of mediation success and attitude change were affected by whether there was a racial match with the participant or the opposing participant; the remaining measures were not. (See Table 2.)

Importantly, “other race match only” had a significant negative effect on participants’ perception that the mediators listened without judging; “no race match” had no effect on those responses. These results show that when the mediator is not of the same race as either participant, participants believe that they have been heard by the

Table 1  
Application of Race Match Variables

Participant Race	Mediator 1 Race	Mediator 2 Race	Other Participant Race	No Race Match	Other Race Match
		 Or No Med. 2		✓	
		 Or No Med. 2		✓	✓
		 Or No Med. 2			
		 Or No Med. 2			

 White  
 Black

**Table 2**  
**Measures Affected by Race Match Variables**

	No Race Match	Other Race Match Only
The mediators listened to what I had to say without judging me or my ideas		—
Increased sense of control over situation		—
Increased belief that conflict can usually be dealt with productively	—	

Measurements that were significantly affected by either of the race match variables include a negative sign, as all significant results were negative. In each case, the presence of the variable had a statistically significant negative effect, measured at the .05 level, when included in a regression analysis with a series of other factors about the mediation.

mediator. In contrast, when the mediator's race matches that of the opposing party, the participant is less likely to feel that the mediator listened to her. A similar negative effect occurs with regard to participants' sense of control over the conflict situation. This sense of control does not change when the mediators' race is different from both participants, but decreases from the beginning to the end of the mediation when the mediator's race matches only that of the opposing participant. Again, it appears less important to have a mediator who "looks like me" than it is to avoid having a mediator who "looks like" the other participant and no mediator who "looks like me."

Finally, "no race match" has a significant negative effect on participants' hope that conflict can usually be dealt with productively, while "other race match only" has no effect. In other words, participants are likely to feel decreased hope for constructive conflict behavior when the mediator's race does not match either participants' race (but presumably the participants' race matches much of the time), but do not experience that decrease when the mediator's race matches that of the other participant.

These results lead to the conclusion that when participants are racially isolated—placed in a situation where the mediator only "looks like" the opponent—they are more likely to feel that the mediator made judgments about them or that they lack power within the mediation situation as it progresses. Here, a negative view of the mediator's role as judgmental or biased, and as controlling the situation, seems to spring from the racial match or connection between the mediator and the other participant.

The decrease in general hope for productive conflict resolution when there is no mediator match is more puzzling. It is, however, consistent with the experience of the mediation participant, quoted above, who believes she felt connected to mediation work and inspired to become involved because the mediator in her own conflict shared her race.

In addition, there were many areas in which the impact of the racial match variables was not significant. This may occur because race or race matching does not actually affect these results. It may also occur because the race match is only a coarse approximation for culture, which has more subtleties than can be measured with the data

in this set. A lack of significance can also result, however, from a data set that is not large enough to capture effects.

### Conclusions and Implications for Practice

It appears that having a diverse group of mediators is important to connecting the process of mediation with different community groups and to inspiring further diversity. With regard to mediation outcomes, however, it is not so clear that creating racial matches between mediation participants and mediators is as important as we have thought in the past. This study shows no harm to participants' mediation experience when they had no racial match with a mediator—unless the other participant had a match.

On the other hand, in situations where a participant is left isolated in the face of a racial match between a mediator and the other participant, the mediator seems more judgmental, and the participant is disempowered. Such situations should therefore be strenuously avoided—even if it means that no racial match is made in a particular mediation. Avoiding the situation, of course, becomes more difficult if participants are of different races, and there is only one mediator. This finding appears to support the value of co-mediation, which creates more options for addressing racial balance amongst participants and mediators.

Finally, race may have more impact on attempts to integrate collaborative conflict resolution into the community than it does on the outcomes of individual cases. This possibility, which may be related to intercultural understanding, should be the subject of further research and exploration in the mediation community. ♦

### Endnotes

1. See Hari Viswanathan & John Ptak, *Power in Mediation: An Analysis of St. Stephen's Community House*, 1999, available at <http://efcj-fcjc.org/clearinghouse/drpapers/v&p.htm>; Linda Fisher & Jeremy Long, *Cultural Differences and Conflict in the Australian Community* (Working Papers on Multiculturalism, Paper No. 11, 1991) available at ERIC Document Reproduction Service, ED419059; MICHELE HERMANN, GARY LAFREE, CHRISTINE RACK, & MARY BETH WEST, *THE METRO COURT PROJECT FINAL REPORT*, 1993.
2. Lorig Charkoudian, *We Are How We Do*, ACR RESOLUTION, Winter 2006, at 12.
3. Although the demographic options available on the questionnaires included other racial and ethnic groups, the vast majority of participants and mediators were either African American or white. We have therefore used the label "race" with regard to this measurement.