

can provide a means of seeing the realities of persons other than ourselves. They are especially useful in making evident the political and social realities of marginalized groups.

Certainly, ethnography is not the only research strategy that can be adapted and used toward a goal of producing social change. For those of us committed to making a better world, all knowledge can be applied to this task. Previously rigid categories of scholar and practitioner, within a paradigm of activism, are outmoded and need to be discarded. Theory and practice nurture, reinforce, and transform each other.

## 8 Whither Neutrality?

### *Mediation in the Twenty-first Century*

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In discussions of dispute resolution, we begin these days with the assumption that neutrality in mediation is essential. That we should even concern ourselves with where neutrality is going, therefore, may appear superfluous. Since the eighteenth century, neutrality has been a core element of dispute resolution theory and practice, both inside and outside U.S. courts. As we embark upon the twenty-first century and find ourselves in the midst of one of the periodic resurgences of dispute resolution in the history of the United States,<sup>1</sup> I believe we do well to examine mediation's core values, its effectiveness, and its ability to respond to the material conditions of U.S. society as well as to an increasingly global economy and political reality.

In the early years of the twenty-first century, what role does neutrality play in the structure of mediation and does it attend to the needs and expectations of the users of these services and of society? In what ways have central values of mediation such as neutrality been upheld or eroded by its increasing institutionalization and the formalization of its practices? And perhaps most importantly, whose interests are being served by mediation and other alternative dispute resolution (ADR) processes based on the concept of neutrality?

This chapter looks at the role of neutrality in the mediation field, followed by an exploration of its problems. I conclude with some recommendations and predictions about the role of neutrality in mediation's future in the United States. My primary interest in this interrogation of neutrality is to

challenge the discourse and mythology of neutrality that it serves all equally. As a consequence, the analysis of problems associated with neutrality and my attending recommendations will not be aimed toward demonstrating how our attempts to be neutral fail nor will I propose pathways to rectify shortcomings. Rather I wish to engage the reader in considering how a focus on neutrality is misplaced and actually perpetuates a hegemony that serves some better than others. Such results fall far short of offering everyone a fair and accessible process for self-empowered relationship and agreement building. We can undoubtedly do better, and both participants and the visions offered by our own field demand no less.

From the beginning of this new wave of attention to mediation, the goals of those promoting it have been diverse: increasing the efficient administration of overcrowded courts;<sup>2</sup> offering opportunities for self-determination and mutual problem solving,<sup>3</sup> transforming individuals into more morally developed human beings,<sup>4</sup> and using its “magic”<sup>5</sup> to aid in the healing of relationships and communities.<sup>6</sup> Nonetheless, there is a unifying set of beliefs that ties together these seemingly disparate visions of mediation as a tool of volunteers, as a profession, and as a field of study.

These shared beliefs are manifested in the typical descriptions of mediation. For example, mediation is commonly defined as a neutral process for resolving conflicts in which a neutral third party—someone not involved in the dispute—facilitates communication and resolution of a conflict.<sup>7</sup> These “neutral third parties” are framed as unbiased, impartial, and “disinterested” in the content of the discussion and any agreement to be reached by the parties. In fact, mediators are seen as only interested in the *process*, in ensuring that it is fair and that parties to the dispute are the decision makers on any mutually acceptable agreement formulated. The combination of these characteristics mark mediation as fundamentally different from other methods of dispute resolution. And central to the success and popularity of mediation, it is argued, are these qualities of self-determination, of win/win agreements grounded in a voluntary and fair process.<sup>8</sup>

It is instructive to unpack these core attributes and note their relationship to neutrality. Neutrality is seen as the condition making it possible for parties to raise any topic that concerns them, negotiate with other(s), and come to a resolution of their own accord. This aspect of neutrality

supports empowerment and self-determination and is referred to as impartiality because the mediator does not take sides over the content of the conflict or its resolution. The other element neutrality consists of is defined as equidistance—how mediators should position themselves in relation to the parties and to the content of their discussions. Equidistance requires mediators to balance their interventions equally (symmetrically) between all disputing parties, not favoring one person over the other. In other words, equidistance requires a symmetrical relationship between the mediators and the parties.<sup>9</sup>

Therefore, symmetry (as demonstrated by procedural fairness) and impartiality are the key components of neutrality and are the *raison d'être* for many intervention strategies. Procedural fairness (read symmetry) is believed to create a legitimate process, thereby *servicing all participants*. This approach to conflict resolution reflects a particular cultural worldview that, for the most part, has gone unnamed and unexamined in the field.<sup>10</sup> Ironically then, while articulating a commitment to neutrality and presenting it as universally applicable and value-free, in actuality, the mediation field has routinely espoused a particular set of cultural beliefs that have been its driving force in this country.

These values are imbedded in a Western ideology of positivism that assumes it is possible for the observer to be separate from the observed; that one can conduct an intervention (whether it be as a scientist leading an experiment or as a judge, jury, or mediator engaged in a proceeding) without having one's own experiences or values permeate the process.<sup>11</sup> This outlook does not take into account that valuing distance between a conflict intervener and disputing parties is a cultural belief; it does not consider the impact the intervener has on the course of a mediation as he or she guides the process by asking certain questions and not others.

A commitment to the Western values of positivism and its attending concept of neutrality are at the core of the hegemonic paradigm permeating mediation literature and practice in the United States.<sup>12</sup> A desire for neutrality and symmetry is a part of Western liberal philosophy<sup>13</sup> that offers both as the antidote to inequality. Although this is undoubtedly driven by a care and concern for fairness, it raises the question, What are the consequences when a mediator treats equally those who are on an uneven playing field?

In a stratified society, we must ask what is the meaning of being neutral, of seeing oneself as capable of being neutral, and what is the result of treating all participants in the same manner? When differing experiences of violence and of access to power, decision making, and respect impact the lives of the participants, who is better served when power inequities are attended to by symmetry and neutrality? Such questions lead us into an examination of the scholarship of the field.

Interestingly, what has been central to the literature of both the champions and the critics of mediation is a discussion of fairness and its relationship to the sacred value of neutrality. In fact, critics have argued from early on that attempts to offer a fair and neutral process in private settings without the protection of public scrutiny and the ability to appeal or enforce agreements can reinforce power imbalances and steer disenfranchised populations further away from rights protection and enforcement.<sup>14</sup> In other words, a process may offer neutrality on its surface through procedural fairness, but despite this, it can reinforce those inequities that exist outside the mediation session and on a grander scale within society. Critics have been particularly concerned about how mediation can prevent or undermine structural changes based on precedent-setting legal decisions.<sup>15</sup>

Such critiques have focused primarily on mediation's role within a larger social system rife with inequality. And their conclusions have been that dispute resolution must be grounded in and responsive to the larger societal context, and that individuating and privatizing disputes within a so-called neutral setting violates this requirement. This literature—generated primarily by critical legal and critical race scholars—has challenged the heart of the mediation field and its belief that neutrality on a micro level is possible and is valuable.

Despite these attacks—and at times because of them—the vast majority of those defending and promoting mediation have focused on the positive aspects of neutrality for empowering people and resolving disputes on the individual, organizational, and community levels. Scholarship (both qualitative and quantitative) has rigorously sought to demonstrate—and many believe has done so successfully—the ability of mediation to achieve a neutral and fair process.<sup>16</sup> From theoretical analyses of why mediation works to training manuals and how-to books, the literature of the field is saturated

with the language of neutrality. It is presented as a central tenet of ethical standards for practitioners<sup>17</sup> and as *the reason* the field can offer procedural fairness. In this way, the neutrality of an intervener is offered as *the guarantee* of a fair process. According to this discourse, neutrality makes possible the resolution of disputes through a truly democratic process of empowered, participatory discussion and self-determined decision making by parties. It thus maintains its hold as the sacred fabric of mediation in the United States.

#### NEUTRALITY'S LIMITATIONS

Over the past two decades, as a mediation researcher, teacher, trainer, and practitioner, I have witnessed what many refer to as the “magic of mediation”<sup>18</sup> as it seemingly lives up to its promises of empowerment and mutual engagement in democratic dispute resolution. I have also seen its ability to replicate disenfranchisement. Given its capacity for both, can an interrogation of the underlying principles and practices of mediation unearth identifiable patterns as to who is being better served by mediation's commitment to neutrality? Will it illuminate ways in which this is being carried out by mediators? How might increased understanding in these areas lead to meaningful changes in theory and practice? These are some of the questions that are driving my research.

This task has required examining the environment in which mediation is practiced. In 2007 as I write, U.S. society—similar to all time periods throughout its history—continues to be stratified, with resources differentially distributed based on socially constructed social group memberships such as age, ability, class, gender, race, sexual orientation, and religious heritage and affiliation.<sup>19</sup> Access to housing, employment, bank loans, educational opportunities, and health care are unevenly divided among social groupings.<sup>20</sup>

In such a society, mediation is challenged to consider its relationship to stratification. This is both problematic and necessary for a field that is concerned with procedural fairness and neutrality. Yet, for the most part, the field has failed to respond at all, let alone successfully, to this challenge.<sup>21</sup> Instead, it has lacked a sufficient critical analysis of social justice<sup>22</sup> concerns

as well as the necessary intervention techniques to assist in navigating the realities of inequality. And those whose works have scrutinized mediation with an eye to social inequities and power imbalance (who have been fortunate enough to have them published) have come almost entirely from outside the field. This gap in the scholarship speaks to the strength of the master narrative<sup>23</sup> of neutrality within the field.

Seeking to address this gap, I conducted a literature review of the field and identified themes relating to neutrality that are outlined below. Then, they are unpacked more fully in an exploration of an actual case. Critical theory provides a useful lens for analysis, and it illuminates both the centrality of neutrality to mediation as well as its ability to reinforce larger social inequities. The four themes relating to the problems of neutrality are as follows.

1. An approach to mediation organized around the principle of neutrality assumes that all parties have equal access to narration in mediation. In other words, this assumes that all parties feel equally comfortable and capable of raising any topic, the mediators will treat all narratives in the same fashion, and, therefore, all narratives have an equal chance of being addressed. Recent research has demonstrated that this is not the case specifically with respect to age, gender, and race issues.<sup>24</sup>

2. The second theme emerges directly from the first. Both qualitative and quantitative research demonstrate that parties have disparate procedural and substantive experiences in mediation.<sup>25</sup> Therefore, symmetry and neutrality fail to offer symmetrical experiences, and those who belong to groups in society with more power are often further privileged in mediation.<sup>26</sup>

3. The belief in neutrality results in diverting attention from the likelihood of mediator bias by assuming that it does not occur unless it is proven otherwise. This faith in neutrality belies research findings regarding the commonplace experience of bias in this society.<sup>27</sup>

4. The realities of those who experience systematic inequality in society do not drive the research agenda, intervention strategies, or models for mediating (which I believe explains why there is an assumption that a neutral approach to mediating is universally useful and applicable).<sup>28</sup>

A critical interrogation of neutrality reveals that not only despite its use but directly *as a result of its imposition*, those with greater power can

become more enfranchised in mediation than those with less power.<sup>29</sup> This observation serves as the focal point for examining the four thematic problems of neutrality.

First, let us examine how narrative processes work within mediation. Despite the mythology and common rhetoric of mediation as merely an alternative forum for solving problems, in actuality it is a complex process of story facilitation. *The ability to tell one's story* in a mediation—to describe the events and circumstances involved—and *to have this responded to and built upon by others is a key unit of power*. Therefore, it is participation in a legitimized narrative that provides one empowerment in this setting. And the mediator's facilitation of narratives influences whose stories are told, responded to, and built upon.<sup>30</sup>

If a story is not fully told in mediation, it cannot be adequately engaged with, and therefore it will be left out as the parties develop a plan for the future. Such a plan is commonly referred to as the mediation agreement and is actually a future story. The results, then, of the underdevelopment of one's story about the conflict leads to disenfranchisement in co-constructing a future story.<sup>31</sup> This issue relates to the second theme of problems associated with neutrality: that the results actually are frequently asymmetrical in terms of both procedure and outcome. Mediators' microlevel decisions about questioning, summarizing, and other typical strategies significantly influence story development.<sup>32</sup> There is a direct correlation between mediator decisions and whose stories dominate not only the discourse of a session but the outcome as well. In fact, one study reveals that in more than 80 percent of the cases researched at numerous mediation centers, the mediators favored the story of the first party to speak and that the final agreements were designed in accordance with this speaker's narrative framing of the conflict.<sup>33</sup> What was found was that it is the mediator's reliance on turn-taking that discursively reinforces the first speaker's story, and this reinforces the second speaker into a defensive position. The mediator responds to accusations and then the turn-taking, based on symmetry, establishes a pattern that interferes with an ability to narrate a different story of what has occurred, one that comes from the second speaker's own perspective.

Thus, a mediator's assumption that all parties have an equal opportunity to narrate actually serves to undermine their full narration and participation.

The pattern of the domination of the first speaker is only one of several reasons why some stories are more fully engaged with by mediators. Another is that those stories that resonate with larger cultural stories—the master narrative—in society have reinforcement and are more easily understood and identifiable since they are mirrored by the culture at large.<sup>34</sup>

Story facilitation strategies privilege stories that resonate with the master narrative in a number of ways.<sup>35</sup> For example, mediators strive to achieve neutrality by allotting the same amount of time to speak to each party. However, this often results in privileging the speaker whose story is most easily understood by the mediators. This description of events does not require detailed explanation and justification because it reflects the master narrative and therefore resonates with their experience.<sup>36</sup> The facilitation and elaboration of a counternarrative<sup>37</sup> often require additional time and patience for those unfamiliar or uncomfortable with the essence of it. Despite this and in the service of symmetry, mediators often use the party who needs less storytelling time and support to have their story fully told and understood as a baseline for the amount of time each party gets to speak. This focus on symmetry undermines full access to storytelling and story development, and in this way it limits access to complete participation, empowerment, and decision making in mediation. Ironically, then, with an inherent asymmetry in their storytelling needs, many participants are faced with a process and outcome that structurally determine the perpetuation of inequality *because* of the focus on neutrality and, specifically, symmetry.

A look at an example may bring to life these concerns with neutrality as we move from abstract discussions to the way they play out in a real session. In this case, all the problems described above occurred as the parties attempted to narrate their stories. In a mediation between a tenant and an apartment manager, despite *repeated attempts* by two people who are Latinas<sup>38</sup> to engage in a narrative about the negative racialization<sup>39</sup> of the Puerto Rican tenant, this story (basically one of racism) never fully emerged during the mediation. As a result, the agreement made by the two participants (one of whom is a White Anglo<sup>40</sup> and one of whom is a Latina) was not based on this underdisclosed story.

In fact, six months later the Latina participant reported that the mediation had not taken care of what she had considered the “*real problem*”: being

negatively racialized at her apartment complex, which had led to false accusations, misleading police reports, and threats of eviction. Concerns about and experiences with racism were at the center of the narrative that was not fully told or dealt with during the mediation. The story that had been fully articulated and built upon was about accusations of rule violations; this was the story presented first and by the White Anglo party. The Latina party, who spoke second, spent much of the session defending herself against what she stated were false accusations. The narrative about the future—the agreement that was reached—was primarily about rules violations as well.

In the end, the Latina tenant was pleased to have her “name cleared” with the manager for not having violated the rules, but she was also disenfranchised both procedurally and substantively. At the same time the White Anglos associated with the mediation—the apartment manager, one of the mediators, and all the residents of the apartment complex who were affected by the mediation agreement—did not have to deal with the Puerto Rican party’s experience of being negatively racialized. In effect, then, the mediation resulted in White Anglo racial privilege in the procedures and in the substance of the agreement reached.

In this case, the pattern of the speaking order influenced narrative domination. What of the pattern of domination by those stories that resonate with the master narrative? In this case, the narrative about negative racialization, and racism was repeatedly interrupted by a narrative about rules; this included discussions about the rules of a traditional mediation process as well as discourse on rules in society at large. I argue that this is not circumstantial or random; rather, it was a manifestation of a thematic in the master narrative that is replicated in mediation as it is elsewhere in society.<sup>41</sup> The master narrative is saturated with the valorization of rules as we are a “nation of laws not of men.” I argue that this thematic of the master narrative gave strength to the discussion of rules violations in the mediation as problems worth discussing and solving.

Accusations of racism, however, do not resonate with the master narrative. This is not surprising since the master narrative reflects the experiences of White Anglos and not of people of color and therefore essentially reflects and legitimates the viewpoints and interests of those in power and then frames them as universal. A direct result is the belief perpetuated in the

master narrative that racism is a deviation from the norm; that it does not exist unless it violates a law, can be proven, and was *intentional*.<sup>42</sup> Therefore, the functioning status quo is to assume that racism is not at play unless a narrative can properly justify that it actually exists. Despite the assumption of fairness imbedded in a “colorblind” approach, in reality what results is that stories that do not acknowledge racism are favored, placing additional burdens of proof on narrators describing racism. Forsaking any appreciation for the reality of an uneven playing field, a colorblind assumption hides the fact that racial stratification can be reinforced by aracial rules.<sup>43</sup> Instead, this dominant narrative promotes a belief that “the exercise of racial power . . . [is] rare and aberrational rather than as systemic and ingrained . . . [a] deviation by a conscious wrongdoer from otherwise neutral, rational, and just ways of distributing . . . power.”<sup>44</sup>

Therefore, telling a story about the reality of racism is a counternarrative, and in order to be seen as legitimate and resonant with the master narrative, such a story must provide proof of intentional race-based harm and a violation of a law. Strikingly, even in this dispute resolution forum, which does not require proof and does not engage in the official imposition of the law, the master narrative on racism and law invaded and impacted the storytelling process.

In this case study, the narratives about rules immediately and systematically followed attempts to engage in the narrative of racism. The mediators and the parties then proceeded to build upon the stories of rules and leave behind discussions of racism. Once again, neutrality was both procedurally and substantively a culprit in this domination of rules narratives over the narrative of racism. Time after time when the issue of race or racism was raised, the topic was changed to note that apartment complex rules and Federal Fair Housing laws were applied symmetrically and in accordance with a colorblind approach and that therefore racism could not have occurred. This repetition disrupted and finally ended all narration on race that had been undertaken by the Latina party and the mediators. In addition, during a mediators’ caucus when discussions ensued about the need to address the story of racism with the parties, the mediators were reminded of the norm of giving equal amounts of time to speak by the mediation coordinator as a way to ensure neutrality. He pointed out that since the White Anglo party

had already spoken less, it could be problematic from the standpoint of procedural fairness and neutrality to pursue further conversation with the Latina party.

This demonstrated a common pattern, that the narration structure of a session uses the person speaking from the master narrative to set the standard for the entire session. For example, here the coordinator assumed that if one participant had concluded telling her story in a certain amount of time, then the other participant should only receive approximately the same amount of time to speak. Otherwise, ironically, in mainstream mediation practice it is argued that the mediators are creating an imbalance and favoring one party over another. In this case, the participant who spoke English as her first language and was telling a story of rules that resonated with the master narrative completed her story more quickly than did the participant who was speaking English as her second language and was telling a counternarrative. Holding the entire mediation in English and then using the Anglophone’s time frame as the standard is a way in which an attempt at symmetry—without accounting for the realities of each party and each mediator—privileged the Anglophone party at the expense of the Spanish-as-a-first-language speaker.

The mediators’ lack of attention to (albeit due to a lack of knowledge of) the impact of neutrality on reconstituting racial and linguistic privilege is also reflective of the master narrative. The faith that symmetry and equidistance are salves for inequality does not provide mediation practitioners with the theory or tools they need to tackle the realities of mediating in a stratified and multicultural society. Since “racism is embedded in our thought processes and social structures . . . [and] the ‘ordinary business’ of society—the routines, practices, and institutions that we rely on to effect the world’s work . . . [then] only aggressive, color-conscious efforts to change the way things are will do much to ameliorate [this] misery.”<sup>45</sup> Recognizing this, then, challenges the mediation field to rethink the place of neutrality in light of the reality of racism.

The findings of other studies should add to this call. Strikingly disparate results from mediation for White Anglos and people of color emerged from the findings of quantitative research conducted by the schools of law and sociology at the University of New Mexico in Albuquerque. In their study,

parties of color consistently fared worse than White Anglo parties whether they were the plaintiff or respondent in small claims mediation, and these results were more extreme than in the adjudicated cases to which they were compared.<sup>46</sup> These data are consistent with other findings on disparate outcomes from mediation that have uncovered the pattern of reconstituting privilege along group membership lines.<sup>47</sup>

The final theme of the problematics of neutrality is clearly elucidated by what has been previously outlined: the realities of the lives of those experiencing systematic racial inequality in society do not drive the ways in which mediation has been designed or functions. Therefore, it is not surprising to find that the majority of mediators are from racially privileged backgrounds; further, we find that most who are published and practicing in the United States are White adults who are middle class, able-bodied, and Anglophone, for example.<sup>48</sup> Therefore, many of the counternarratives attempted by parties in mediation will not reflect the life experiences of a mediator nor resonate with the master narrative. Rather than responding to the needs of each participant to fully tell their story of the conflict, an emphasis on neutrality actively perpetuates unequal access to storytelling, causing the colonization of counternarratives and the disenfranchisement of their narrators.

#### CALL FOR CHANGE

When we look beyond the mediation room it is noteworthy that the scholarship and research agenda of the field has not made even peripheral, let alone central, the concerns of those who are systematically discriminated against in society.<sup>49</sup> Universalizing the experiences of those in higher power groups has been a pattern of the vast majority of research—ironically, a discrepancy inconsistent with the rhetoric of neutrality and symmetry.

I do not argue that this flaw is intentional. However, in the long run, perhaps that is a moot point as it once again steers us to engage in the master narrative's definition of discrimination. Instead, my research has focused on identifying some of the ways in which not attending to the realities of inequality have perpetuated it. By implicating neutrality in this and by demonstrating how strategies carried out in its name structurally determine inequality, a centerpiece of mediation theory and practice is challenged.

Once we consider the impact of people's material realities on their participation in mediation and its outcomes, we begin to make a paradigmatic shift away from neutrality. As we move from assuming that neutrality and its components symmetry and equidistance are universally valued and applicable, the dispute resolution field faces new research questions and new possibilities for intervention.

Uncovering the political nature of facilitating narratives in mediation has demonstrated that relationships between all the players in the room are often asymmetrical, and so mediators need to be prepared to intervene asymmetrically to offer full access to storytelling and story construction to each participant. With this knowledge, research questions then emerge regarding how to create intervention models and train mediators to understand the politics of story facilitation and how to develop strategies that can effectively interrupt oppression dynamics within a session.

Given these indictments of neutrality, we must consider, "whither neutrality?" Additional research is needed to further investigate the problems fostered by efforts promoting neutrality. And we must explore what teaching and training methodologies, models of intervention, and programmatic structures might best respond to the needs of parties who come from differing positions and identities within society.

The research findings point to the importance of providing mediators and mediation program coordinators with both theoretical and practical tools for facilitating the narratives in a mediation from a critical (race) perspective. In addition, they need an in-depth understanding of narrative theory and processes; learning how stories are constructed and how facilitation techniques can foster or hinder story development. On a programmatic level, mediation centers may want to consider structural changes based on the assumption that the participants attend mediation with different needs and resources, specifically with regard to narrative participation. Therefore, having a diverse pool of mediators who can mediate in a number of languages is particularly important.

Just as important is in-depth training on issues of oppression. If mediation training is grounded in a social justice approach to critical race mediation, interveners could learn how to mediate with the assumption that racism and other forms of oppression are commonplace and that privilege

is more likely than not to be at play in a session. This will require teaching a counternarrative—that the status quo is not neutral or colorblind and that symmetry does not invariably create equality in a mediation process.

What we must still research further are the techniques and strategies that mediators can apply for disrupting oppressive narrative processes. It is this, much more than merely understanding and appreciating the theory and values behind social justice mediation or critical race mediation, which can prepare mediators to encourage and protect full storytelling for all participants. Finally, as part of training and ongoing support for mediators, opportunities for reflective practice could provide rich learning experiences. The use of videotaping, jointly analyzing interactions with one's co-mediator and coordinator, and receiving feedback from role-players and, most importantly, from actual disputants can foster constructive critique and encourage experimentation.

New questions for investigation have emerged out of my research related to identity, power, and conflict narration. We are in need of furthering our study of the relationship between these elements in mediation if this method of dispute resolution is to serve all parties based on the realities of their lives. Historically, the field has underserved large segments of the population, making it urgent that mediation participants themselves help to define the research agenda for the field and not remain invisible or merely become objects of study. In fact, there is a role in research for listening to those who are *not* choosing to come to mediation. And if we do not take these new paths as researchers, then whose interests will our research serve?<sup>50</sup>

Dispute resolution educators are challenged to introduce students to mediation by *presupposing* that racism and other forms of oppression are tied to the participation of both the mediators and the parties to a conflict. We must search for new and creative ways to generate understanding that these experiences are intertwined. How might this objective influence our teaching modalities? What texts can we include in our introductory and advanced courses on mediation, dispute resolution, and conflict theory that can encourage critical thinking about these issues? An introduction to critical race theory could provide a new generation of students a useful prism through which to view mediation and, I hope, invigorate ourselves as well

to creatively take on the challenge of eradicating racism and other forms of oppression from mediation practice.

All these recommendations require that we turn away from a focus on neutrality and symmetry, building a counternarrative to that thematic imbedded in the master narrative. As scholars, educators, and practitioners we are conduits for narrative advancement; the question becomes, In the service of which narratives will we work? There is no room for neutrality in the answer to that question.

There is a rising awareness—a more visible critique of neutrality underway from *within* the mediation movement than ever before. There are several factors influencing this development. Previously, critiques of neutrality from within the movement were ignored or ostracized<sup>51</sup> as irrelevant or undermining to the growth of a movement. Although some mediation scholars and practitioners, overwhelmingly people of color, have long articulated the problematic nature of a lack of attention to cultural and power inequities in mediation, their voices have not set the research agenda for the field. This must change if the field is to reflect and serve all members of our communities.

Interestingly, as the field has begun to reach maturity through its institutionalization in society<sup>52</sup> the attending security has fostered opportunities to reflect and critique *from within the mediation movement*. This is increasingly being valued within the field. Note, for example, the Symposium on Intentional Conversations about Race, Mediation and Dispute Resolution at Hamline University School of Law, annual conferences on Eliminating Barriers to Minorities in Dispute Resolution at Capital University Law School, and the Seventh Annual Facilitated Discussions on Racism and Conflict Resolution at the Association for Conflict Resolution conference in Fall 2006. The field has become secure enough that inside critiques are not considered threats to its relative stability. This bodes well for furthering a research and practice agenda that scrutinizes and deconstructs neutrality. However, it also denotes that such efforts are likely to stay as relatively contained counternarratives, with the thematic of neutrality being buttressed by the master narrative throughout all of society's cultural and institutional apparatuses—even dispute resolution.