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Implicit bias in employment and mindfulness as a possible antidote

What is implicit bias?

In Implicit Bias: Scientific Foundations, 94 Calif. Law Rev. 945 (2006) Anthony G. Greenwald and Linda Hamilton Krieger offer the following definitions:

- *Explicit beliefs* are consciously endorsed. An actor has intent to act if the actor is aware of taking action for a particular reason.

- *Implicit cognition* means that actors do not always have conscious, intentional control over the processes of social perception, impression formation and judgement. Rather, we have automatic connections constantly occurring in our memory, which informs our experience of an interaction with another person.

Another way to understand this kind of thinking is to see it as "automatic processing." Kahneman's (2011) theory of System 1 thinking explains that we have one type of thinking which operates automatically and quickly, with little or no effort and no sense of voluntary control (habits, mental heuristics). This kind of thinking evolved because it promotes efficiency in information processing in a system of limited capacity.

To use an example from Kahneman's book, if you saw someone with an angry face, you would instantly understand the person was angry, that they might say angry words and you might take care not to encounter that person. You wouldn't need much explanation. This is System 1 thinking. It happens automatically and is quite efficient because it makes good use of the information we have and uses our unconscious mind — which can process a lot more information than our conscious mind — to come to conclusions. The only problem with this is sometimes it relies on faulty or incomplete information. As Kahneman notes in his book, *Thinking Fast and Slow*, "He had an impression, but some of his impressions are illusions."

Implicit bias towards groups different from our own arises because we have unconscious attitudes which have formed over the course of our lives. These attitudes have been formed by everything from media images to cultural values to expressed and implicit family values to our

own personal experiences. In a culture with our history of discrimination, it is only natural all of us should have these biases. The important thing to note is even a person who believes him or herself not to consciously harbor these sorts of attitudes has implicit biases. In other words, we can't escape being human.

Legal foundations of discrimination in employment

The legal cases in this article refer implicitly or explicitly to implicit bias in the context of employment law claims in litigation.

The origin of an employee's right to be free from discrimination in employment stems from the Civil Rights Act of 1964, 42 USC §2000e-2, which provides:

> "It shall be an unlawful employment practice for an employer -
>
> "(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin…"

Over the years, courts have interpreted this to mean that intentional discrimination in terms and conditions of employment on the bases of one of the protected classes (such as gender, sex, race, national origin, religion, age, disability, etc.) is illegal discrimination. An example of illegal intentional discrimination is telling someone they won't get a promotion because of their sex or race. In this kind of case, the plaintiff claims the employer intentionally discriminated against him or her in terms and conditions of employment based on protected class.

As these concepts evolved, courts saw there were other ways in which discrimination in the workplace operated which didn't always involve intentional or direct discrimination. Sometimes an employer had a policy that looked neutral, but it had a negative and disproportionate impact on a protected class. An example of this is to require all applicants for a job to be of a certain height. Height is neutral, or at least it could appear to be, but what could happen is women could be disproportionately screened out of applying for the job.

Because intent is not claimed, the defendant can prove the practice is a justified business necessity. So, the employer would need to show that height is legitimately required to do the job or make it possible to do the job. But if it turned out that height was not required to the job or completely unrelated to doing the job, then the otherwise facially neutral policy would probably be viewed as discriminatory. In this case, the plaintiff doesn't need to show discriminatory intent to prove the policy is discriminatory. This sort of case is called disparate impact, because the policy has a disparate impact on a particular protected class. Griggs v. Duke Power Co., 401 US 424 (1971).

Disparate impact in the case law has come to mean there are impermissible effects resulting from an otherwise facially neutral policy or condition. This means that an employment practice affects one protected class in a statistically significant way.

There is another category which has received a lot of attention in the media called harassment, which is a form of intentional discrimination. In a harassment case, the plaintiff shows he or she has been subjected to ridicule, demeaning behavior or other conduct based on his or her protected class which is so severe that it interferes with his or her ability to do the job, or is so prevalent that it can be seen as an illegal term or condition of employment. An example of this is a workplace in which people of a particular national origin are singled out for rude, contemptuous and insulting treatment based on their national origin.

Implicit bias and disparate impact

Implicit bias evidence comes into play in employment litigation in both disparate impact and disparate treatment cases, typically because one side or the other offers what is known as "social framework theory" evidence via an expert witness such as a psychologist. Social framework theory offers a theory of social science which can help explain the evidence to the jury in terms of how people can be implicitly biased towards a particular protected class.

Plaintiffs have challenged employment decisions under the disparate impact theory by claiming the "otherwise neutral policy" is the organization's policy to delegate decisions without objective criteria, resulting in subjective decision-making which is infected with implicit bias.

The argument can be structured in the following ways:

- "Top Down" management has been subsiding since the 1970s, often replaced by teams, more fluid environments and subjective evaluations with managers or supervisors having de-centralized and delegated discretion. See, Tristin K. Green, Discrimination in Workplace Dynamics: Toward a Structural Account of Disparate Treatment Theory, 38 Harv. C.R.-C.L. L. Rev. 91 (2003) (discussing Linda Krieger's application of social cognition theory to the employment discrimination project).

- In situations where this discretion has been delegated without constraints upon the manager's decision-making, it could become a situation which has potential to adversely impact those who are not within the same race or sex or other protected class of the decision maker.

- The question in the implicit bias class action (pattern and practice, or structural) discrimination cases is whether supervisors have been delegated the power to make subjective evaluations without guidance or constraint. Watson v. Fort Worth Bank and Trust, 487 US 977

(1988) ("We conclude, accordingly, that subjective or discretionary employment practices may be analyzed under the disparate impact approach in appropriate cases.")

The US Supreme Court considered this issue in Wal-Mart v. Dukes,180 L.Ed.2d 374 (2011). The question presented to the Court was whether the plaintiff class was properly certified under the Federal Civil Rules of Procedure. The plaintiffs argued that delegated discretion to local managers had an unlawful disparate impact on women; and because Wal-Mart was aware of these effects, it amounted to unlawful disparate treatment. The Court determined that the class was not properly certified because there wasn't sufficient evidence that the subjective discretion was used by management in common ways across the entire company and throughout the entire class of plaintiffs which amounted to more than a million people.

Some courts have held that Wal-Mart stands for the proposition that subjective decision-making cases are not appropriate for class actions based on the language in the majority opinion; others have described the Wal-Mart plaintiffs' case as suffering from a lack of proof as to commonality. See, e.g., Ellis v. Costco Wholesale Corp., 657 F.3rd 970 (9th Cir. 2011).

In Wal-Mart, Plaintiffs' expert, Dr. Bielby testified the strong corporate culture made Wal-Mart "vulnerable" to gender bias, relying on "social framework" analysis. However, Bielby also said he could not tell whether gender bias operated in .05 percent or in 95 percent of the employment decisions. The court rejected this generalized assertion that gender bias was operative at Wal-Mart in specific cases without proof tying general social bias to the specific situation. Wal-Mart did not explicitly overrule Watson v. Fort Worth Bank and Trust 487 US 977 (1988).

Since Wal-Mart, other cases have considered this issue, including the Seventh Circuit in McReynolds v. Merrill Lynch,672 F.3d 482 (7th Cir. 2012). In this case, 700 African American stock brokers petitioned to form a class to object to two policies, a "teaming" policy and an "accounts distribution" policy. With respect to the teaming policy, Judge Posner explained there was no corporate direction about who can join a team or whether one has to join a team. Teams were entirely voluntary, but many choose to join a team because they view the teams as providing better access to clients and increased profits. The accounts distribution policy provided a procedure for distributing customer accounts to other brokers when a broker leaves Merrill Lynch (such as because of a retirement). Brokers compete for those accounts, and the criteria for deciding who will win the competition include the brokers' records of revenue generated for the company, and the number and investments of the clients retained by the brokers.

The allegation in this case was that the teaming policy delegated discretion with respect to forming a team to brokers and that this practice exacerbated racial discrimination, having an adverse impact on the African American brokers' pay and promotions.

Posner likened the practice to a police department which authorizes each police officer to select an officer junior to him to be his partner, and it turns out that the male police officers never select

female officers as their partners and the white officers never select black officers as their partners. Posner acknowledged there would be no intentional discrimination from the department hierarchy, but said the practice of allowing police officers to choose their partners could be challenged as enabling sexual and racial discrimination — because it had a "disparate impact" on a particular protected class group. Judge Posner wrote:

> "The teams * * * are little fraternities * * * and * * * the brokers choose as team members people who are like themselves. If they are white, they, or some of them anyway, are more comfortable teaming with other white brokers. Obviously they have their eyes on the bottom line; they will join a team only if they think it will result in their getting paid more, and they would doubtless ask a superstar broker to join their team regardless of his or her race. But there is bound to be uncertainty about who will be effective in bringing and keeping shared clients; and *when there is uncertainty people tend to base decisions on emotions and preconceptions, for want of objective criteria.*" [emphasis supplied].

Judge Posner never mentioned the phrase "implicit bias" in this case, but this is precisely the issue he was recognizing when he wrote this opinion.

Another case to consider implicit bias evidence in a disparate impact case since Wal-Mart is Pippen v. State of Iowa, (Iowa 2014). In this case, Plaintiffs' disparate impact class action alleged racial discrimination in hiring and promotion resulting from the State's failure to follow rules designed to ensure equal opportunity in the workplace. However, plaintiffs did not identify particular employment practices which were the cause of the disparity, which was the reason summary judgment was granted and upheld by the Iowa Supreme Court.

Anthony Greenwald testified for the plaintiffs that it was possible implicit bias affected Iowa decision makers. However, Greenwald did not review the hiring files nor any specific employment decisions. He could not rule out race-neutral causes for the statistical imbalance in the State's hiring system. The court found the plaintiffs had failed to carry their burden of proof that the hiring practices were not capable of separation for analysis. See also, Karlo et al v. Pittsburgh Glass Works, LLC, (W.D. Pa 2015) (barring Greenwald's testimony as an expert on implicit bias theory because the court found it lacked reliability and stating that evidence of implicit bias in a disparate impact claim "makes even less sense" because a plaintiff need not show motive).

Implicit bias and disparate treatment

Courts allow implicit bias evidence in some cases alleging disparate treatment. The cases sometimes struggle with differentiating between implicit or unconscious bias on the one hand and intentional or volitional action on the other. If implicit bias is unconscious, the argument goes, then how can it be intentional discrimination?

The importance of comparators

In Thomas v. Eastman Kodak, 183 F. 3rd 38 (1st Cir. 1999), the court struggled with this very issue, ultimately deciding that Title VII's prohibition against "disparate treatment because of race" extends both to employer acts based on conscious racial animus and to employer decisions that are based on stereotyped thinking or other forms of less conscious bias.

In this case, Myrtle Thomas, a long-term Kodak employee, was promoted and reclassified (upwards) over the course of her employment in Wellesley, Massachusetts until the time of her layoff, along with receiving awards and bonuses. Along with five other Customer Service Representatives (CSRs) working out of the Wellesley office, Thomas supported customers in an assigned territory who owned Kodak copiers and other Kodak equipment. Her performance was described as "excellent" and "far superior" to some of the other CSRs, she was "very much on top of things," and she was "the perfect support person." Her supervisors reported they were "delighted" with Thomas and she received uniformly positive ratings of 5s and 6s.

In 1989, Claire Flannery became Thomas' supervisor. From this point, Thomas' fortunes with Kodak began to wane. Thomas, who was black, alleged that Flannery treated her differently from the other five CSRs, all of whom were white (as were, in fact, all of the other CSRs during Thomas's thirteen years in the Wellesley office). According to Thomas, Flannery became overtly angry with Thomas, criticized Thomas for lack of computer skills but would not make training available to her, expressly discouraged her from applying for a management position because Thomas didn't have a Masters' Degree (she was studying for one at the time) even though no manager in the position had such a degree, and most concretely, evaluated Thomas at the level of 2, 3 and 4, when she had never received below a 5 on her reviews prior to Flannery. This below average rating is what figured prominently in her layoff.

The court was reviewing a district court's grant of summary judgment to Kodak and using the McDonnel Douglas/Burdine framework to decide if the case should proceed to trial. Under this framework, the court requires the plaintiff to provide enough evidence to create a prima facie case, meaning, some evidence on each of the allegations. After this, the organization's burden is to produce evidence which tends to show there is a legitimate business reason for its decision. In this case, Kodak argued the evaluations were fair and objective. After that, it was up to Thomas to show Kodak's legitimate business reasons were not true. For example:

- Was Flannery just a "tough grader" across the board? No. The court found that the other CSRs all received higher marks than Thomas.

- Was Thomas given a lower rating because she was new in her grade as of 1989? No, the court found that there was no policy to give lower ratings upon promotion, and other CSRs who changed grades were not downgraded in their evaluations.

- Did Thomas do significantly less work than the others? No, the court found that Thomas had 730 machines and 110 installations, whereas the next highest CSR had 504 machines and 81 installations.

The court explained Thomas was able to show Kodak's argument about legitimate business reasons was in fact pre-textual, and that:

> "There is no requirement that a plaintiff, having shown differential treatment and pretext, must present direct, "smoking gun" evidence of racially biased decision-making in order to prevail. Where the disparity in treatment is striking enough, a jury may infer that race was the cause, especially if no explanation is offered other than the reason rejected as pre-textual. That is the case here, since Kodak argues that Thomas's scores were objectively fair, not that they were unfair due to a personality conflict, as the district court surmised.
>
> "In fact, Thomas does present additional evidence on this point. She describes incidents and situations which suggest that Flannery had a general disregard for her professional abilities and status. It also appears, from the picture that Thomas paints (and which Kodak does not dispute) that Flannery was at times inappropriately upset or angry with Thomas, to the point of behaving unprofessionally. This, in turn, suggests that she did not respond neutrally to Thomas."

A recent unpublished case in Oregon, which involved sex, race, national origin and retaliation claims found a banker of Iranian descent may have been treated differently due to race, again with no explicit references to race where:

- She was not given specific constructive feedback about her work by her supervisor but white employees were;
- She was not given complete information about how to log contacts in a computer, then was downgraded for not logging as many contacts as her white peers (but once she was informed of the parameters, her contacts exceeded her peers' contacts); and
- She was downgraded for behaviors that white employees also engaged in without consequences

Arjangrad v. JPMorgan Chase Bank, N.A., (D. Or., 2012) (declining to imply national origin bias into an ambiguous comment, but also denying employer motion for summary judgement because of pre-textual employer reasons for its actions and ruling discrimination was a possible cause based on different treatment of comparator).

In addition, other cases have found implicit bias was a possibility in the case or evidence proffered by an expert was useful to the jury to help make sense of the evidence:

- Kimble v. Wisconsin Dept. of Workforce Dev., 690 F. Supp. 2d 765 (E.D. Wis. 2010) (Kimble, the only African American male among departmental supervisors, was denied raises by his manager; the evidence suggested that his supervisor viewed him as if he were “veiled with images of incompetency;” the Court found that “in addition to failing to provide a credible explanation of the conduct complained of, Donoghue [his supervisor] behaved in a manner suggesting the presence of implicit bias.”).

- Lindahl v. Air France, 930 F.2d 1434, 1439 (9th Cir. 1991) (holding that deposition testimony where a decision maker stated that he believed that female candidates get "nervous" and "get[ ] easily upset [and] lose[ ] control" is evidence of sex discrimination).

- Diaz v. Jiten Hotel Mgmt. Inc., 762 F.Supp.2d 319 (D. Mass., 2011) ("In this case, a reasonable jury could surely find that the plaintiff was denied raises on account of her age where the employer gave a false reason for denying a pay raise, fabricated reports about the plaintiff, and where the plaintiff's direct manager called her an “old shoe,” “old hankie” and “old pumpkin,” told her that she was turning the place into a “nursing home” when she hired a 52 year old, and repeatedly told her that she was getting old and asked when she was going to retire, and where another manager told her that “old people must remain home”; the court noted approvingly social science findings about implicit bias in scholarly literature).

- Bellaver v. Quanex Corp./Nichols Homeshield, 200 F.3d 485 (7th Cir., 2000) (male manager who acknowledged "good ol' boy" network still judged female manager as "too aggressive" while permitting males to behave in a comparable or worse way, leading to her termination; employer's motion for summary judgment denied).

- Stegall v. Citadel Broad. Co., 350 F.3d 1061, 1072 (9th Cir. 2003) ("Lastly, our decision comes after careful scrutiny of the record and in due regard of the history of discrimination against women in the workplace. Throughout the record, both Marathon and Citadel management repeatedly echoed the all too familiar complaints about assertive, strong women who speak up for themselves: 'difficult,' 'negative attitude,' 'not a team player,' 'problematic.' The district courts must reject such sexual stereotypes and learn to identify the oft employed rhetoric that could reveal illegitimate motives.”)

In Salami v. Von Maur, Inc. (Iowa App., 2013) (unpublished), the plaintiff was terminated ten months after a new supervisor took over the store where she worked as a retail clerk. As in other cases, Salami had received high evaluations and a promotion before the new supervisor came to her store. In this situation, the company's legitimate business reason for the termination was that Salami had received three complaints about her customer service. Salami contended her termination was the result of race discrimination.

The district court allowed the testimony of Dr. Phillip Goff because he "specialized in identity and social justice issues, particularly race and gender; and was not going to render an opinion or ultimate opinion on the question . . . whether or not there was, in fact, discrimination against this particular plaintiff, but will be allowed to testify regarding the concept of implicit racial bias and how the presence of certain factors may lead to discriminatory decision-making, even by well-meaning individuals."

Goff testified regarding a "social framework analysis" of racial discrimination. He discussed six elements that he asserted provide a context for understanding ways in which racial bias may have influenced the decision-making related to the discipline and termination of Salami, one of which was aversive racism or implicit bias. Goff did not attempt to tell the jury whether the manager was a racist, rather he simply noted "whether or not the kind of situations that we tend to study as social psychologists were present or absent in this particular case."

The six elements identified in Goff's testimony were:

(1) The "psychology of rumor"—perceptions and attributions for behavior are more likely to be consistent with group stereotypes when information is conveyed second or third-hand.

(2) "Aversive racism," which he explained as: "the vast majority of folks in the United States would like to see ourselves as non-racist. Many of us also feel uncomfortable when crossing racial lines...And that discomfort leads us to avoid certain situations, maybe just avoid the whole point of contact altogether."

(3) A "colorblind" ideology or approach to organizations is likely to produce "increased reliance on stereotyping and increased racial bias" in decision-making.

(4) Two different organizational factors, accountability and subjective versus objective criteria — are not optimal. When decision-makers are not held accountable to meet diversity goals, stigmatized group members tend not to receive rewards. And second, when decision-makers are encouraged to use subjective, as opposed to objective criteria, this tends to increase the degree of racial bias in decision-making processes.

(5) Customer service is a "stereotype relevant domain," that is, a situation where negative stereotypes would more likely occur: for example, black women would more likely be stereotyped as being loud, abrasive, sassy, angry, and rude. So "bias assimilation" would make it more likely that "someone might be willing to accept a stereotype of someone even though they never observed that person act in that manner."

(6) "Contemporary prejudice and the perils thereof." "[I]f you don't do anything to address contemporary forms of bias," racial bias is likely to "creep in" to organization and will affect how people affiliate and evaluate one another.

Other cases have not found implicit bias evidence helpful. For example, in Jones v. Nat'l Council of Young Men's Christian Ass'ns of U.S., (N.D. IL 2014), the court criticized Professor Greenwald's proffered expert testimony on implicit bias as blurring "if not eras[ing] altogether, the line between hypothetical possibility and concrete fact." The court also rejected the evidence as speaking to implicit or unintentional bias, and so not relevant to an intentional bias claim.

Employer arguments against implicit bias evidence

- It holds employers responsible for society-wide ills (Young)
- It is unreliable and untested (EEOC v. Morgan Stanley; Karlo; Wal-Mart)
- It says nothing about whether or not bias actually was a factor in the case before the court (Wal-Mart, Young and others)

Thoughts on the current legal status of implicit bias evidence

First and most importantly, implicit bias does not automatically mean that there is discrimination in employment. Remember, in order to show discrimination, a plaintiff must show he or she suffered adverse treatment in terms and conditions of employment because of protected class.

Second, the disparate impact cases suggest negligence/notice theory could be a viable path forward for using implicit bias or social framework theory. The argument might go that a reasonable, prudent employer should consider whether implicit bias is operating in the organization through otherwise facially neutral policies or procedures to deprive members of protected classes terms and conditions of employment. An employer who, realizing this, implements training for its workforce and provides constraints in decision-making on topics related to terms and conditions of employment might be considered to be acting reasonably under this theory.

Third, in disparate treatment cases, the use of implicit bias theory appears to be most effective with a narrative of discrimination (meaning adverse action because of protected class occurred) that happened to the people involved — not a theoretical possibility that it could have happened. This is most effectively shown through evidence showing the plaintiff was treated one way, and similarly situated comparators who were outside the protected class were treated quite differently.

Fourth, implicit bias or social framework evidence has been used to counter the “stray remark” defensive strategy, as in Diaz, where the court explained he would not consider the remarks of the manager as mere stray remarks:

> "[D]iscrimination is a complex phenomenon, in general, and in particular, in the case at bar. It is about concepts like bias and motivation, precisely the kinds of concepts least suited for resolution by a judge. And the evidence that bears on bias and motivation is rarely direct; few decision makers will say, for example: I am firing you because you are old (or a woman, or a minority). Rather, discrimination must be inferred not only from the statements of the relevant actors, but also from the context in which they were made, including the relationships between the various actors, the speaker and those around him" (footnote omitted).

Finally, comparator evidence is crucial. Cases like Thomas, Arjangrad and Kimble would not have been decided favorably to the plaintiffs if there had not been the comparator evidence of different treatment. An employer who wishes to show no discrimination took place would likewise investigate how comparators were treated in relation to the plaintiff.

What is mindfulness?

In 1979, Jon Kabat-Zinn founded the Mindfulness-Based Stress Reduction (MBSR) program at the University of Massachusetts to treat the chronically ill which launched the application of mindfulness ideas and practices in medicine for the treatment of a variety of conditions in both healthy and unhealthy people. MBSR and similar programs are now widely applied in schools, prisons, hospitals, veterans centers and other environments.

Mindfulness practices were inspired mainly by teachings from the Eastern world, particularly from Buddhist traditions. It has since been widely adapted in secular settings, independent of religious or cultural contexts.

Who is studying mindfulness and what are they finding?

Please note this is a tiny summary of the studies which are currently ongoing with mindfulness and a myriad of issues, including mindfulness' relationship to ethical decision-making, interpersonal relationships and many, many other topics.

US Military: Mindfulness training — a combination of meditation and body awareness exercises — can help U.S. Marine Corps personnel prepare for and recover from stressful combat situations. The study suggests that incorporating meditative practices into pre-deployment training might be a way to help the U.S. military reduce rising rates of stress-related health conditions, including PTSD, depression and anxiety, within its ranks (Science Daily May 16, 2014).

Medicine: Mindfulness has been used to treat/reduce many illnesses and medical problems at the University of Massachusetts Medical Center's Center for Mindfulness including chronic pain, heart disease, stress disorders, cancer, personal well-being, anxiety, Hypertension, major

depression, diabetes, hot flashes, sleep disturbances, mood disorders, fibromyalgia, HIV, gastrointestinal disorders and asthma. http://www.umassmed.edu/cfm/stress-reduction/faqs/.

Law Enforcement: Hillsboro Police Department's Mindfulness Training (first of its kind in the nation):

> [T]he Hillsboro Police Department['s mindfulness program is] the first of its kind. It's designed to teach mindfulness techniques so officers not only cope better with the myriad stresses of their jobs, but are better able to serve their communities, with greater awareness and empathy. It also helped the department become more open to talking about stress and taking an out-of-the-box approach to dealing with it." http://www.mindful.org/mindful-magazine/glimpse-police-work. See also, http://www.oregonlive.com/hillsboro/index.ssf/2014/04/mindfulness_in_policing_hillsb_1.html for the Oregonian's article.

Law and Alternative Dispute Resolution: Professor Leonard Riskin, University of Florida, is a pioneer in the use of contemplative practices to improve conflict management and resolution skills. http://www.law.ufl.edu/academics/institutes/imldr.

Mindfulness' relationship with implicit bias

It is still early, but there appears to be promising research on the ability of a mindfulness practice to reduce implicit bias. Lueke, A. K., and Gibson, B. (2014). Mindfulness meditation reduces implicit age and race bias: The role of reduced automaticity of responding (Social Psychological and Personality Science). In this study:

- 72 white students completed the Implicit Association Test (IAT)
- Before the IAT, half of the participants listened to a 10-minute audio recording about mindfulness meditation.
- The other half listened to a 10-minute discussion of natural history

The study found:

Students who listened to a 10 minute mindfulness meditation audio tape showed significantly less implicit racial and age bias than did participants who listened to a neutral audio tape. According to Lueke, in follow-up analysis, this reduction in implicit bias for the participants who meditated was the result of an actual weakening of the negative stereotypes affiliated with race and age.

This finding seems quite logical. If mindfulness practice interrupts automatic thinking, then it surely would have the ability to interrupt automatic biased thinking.

In their paper, Lueke and Gibson make note of the studies which have shown implicit attitudes are better predictors of discriminatory hiring decisions than explicit attitudes; those which indicate implicit attitudes predict trust in group members better than explicit attitudes; and those which show implicit attitudes are better predictors of subtle changes in body language toward a group member, which in turn leads to more negative evaluations of the interpersonal interactions.

Conclusion

Consider the usefulness of being mindful of one's own reactions to others in the context of discrimination, whether intentional or otherwise. The first, very crucial, step is to notice one is having a negative response to another person. Without being mindful, we would not notice this. Then, having noticed our own reaction, we can question ourselves. Why is this happening? Is it based on the facts of this situation? What am I basing my reactions on?

Likely, this sort of internal reaction might even take place outside of conscious thought. But being mindful puts us in a frame of mind to be paying attention to reality — what is truly before us — rather than automatically believing our own impressions, which, as Kahneman notes, are sometimes illusions. This would allow us to make judgements based on reality rather than based on our unconscious associations, if you believe the potential implications of the mindfulness and implicit bias study.

If like me, you believe we all have implicit biases, the more we know, the more we become aware we can be (to quote Kahneman again) both blind to the obvious, and blind to our blindness.

Resources for further Reading

- Anthony G. Greenwald - implicit bias articles available on UW Homepage: http://faculty.washington.edu/agg/
- Implicit Bias: Scientific Foundations, Greenwald et al, http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1250&context=californialawreview
- Philip Goff – implicit bias articles available on UCLA homepage: https://www.psych.ucla.edu/faculty/page/goff
- Lueke, A. K., and Gibson, B. (2014). Mindfulness meditation reduces implicit age and race bias: The role of reduced automaticity of responding (Social Psychological and Personality Science) www.researchgate.net/profile/Bryan_Gibson2/publication/269700255_Mindfulness_Meditation_Reduces_Implicit_Age_and_Race_Bias_The_Role_of_Reduced_Automaticity_of_Responding/links/54ac23d40cf2479c2ee76e29.pdf

