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# Psychology and Family Law

## Empathy as Emotional Intelligence

By Mark Bear, Esq.



I recently read an article titled, *The Groundbreaking Study Proving Dogs Can Help Us to Be More Fully Human*. It was based on the results of teaching teens serving time in juvenile correctional facilities to provide obedience training to sheltered dogs, in order to increase the likelihood that they would be adopted. The author explained that such teens don't typically possess the emotional skills necessary to live in a civilized society. Children typically learn these skills through healthy attachments, which can impact how children see themselves, discern the world, and interact with others. The study found that those who completed the program demonstrated "increased emotional intelligence, decreased self-serving/anti-social behavior, and increased empathy. [Since] empathy is what makes us human, dogs are teaching us to be human."

These results seem incredibly meaningful and important in today's world. Consider the recent report by Harvard's Making Caring Common Project. The report stated, "Selfishness and indifference to others among both children and adults are commonplace. Too often, students who are different are mocked or bullied, too many children are disrespectful to both other children and adults, and too few children and adults feel responsibility for their communities.... Our findings suggest that youth's fundamental values are awry.... Youth appear to value caring for others less as they age.... When children don't prioritize caring, they're also less motivated to develop the social and emotional skills, such as empathy, needed to treat people well day to day." In other words, anti-social teens are by no means alone with regard to their lack of emotional skills needed to live within a civilized society.

Usage of the word "empathy" appears to have increased a lot recently. In fact, people tend to throw that term around quite a bit, describing themselves as empathic. Unfortunately, since most people are not very self-aware, how they see themselves is often different than the way others see them. In actuality, empathy is not necessarily a natural or easy ability. It involves accurately perceiving someone else's perspective.

Interestingly, learning empathy is often shaped by one's personal life. In fact, this was the point of a recent article pondering the derivatives of judicial empathy subtitled, *Does Having Daughters Cause Judges to Rule for Women's Issues?* The authors state: "Judges with daughters consistently vote in a more feminist fashion on gender issues than judges who have only sons. More broadly, this result demonstrates that personal experiences influence how judges make decisions." The authors mentioned that this was consistent with most public opinion scholarship literature, which reflects that individuals who have daughters tend to be more liberal with regard to political and social issues.

This is also consistent with what we have seen play out in national politics with regard to issues pertaining to the LGBT community. For example, it took having a gay son for conservative Ohio Senator Rob Portman to reverse his hardline position against gay marriage. When announcing his change of opinion, Sen. Portman said the following: "I've come to the conclusion that for me, personally, I think this is something that we should allow people to do — to get married, and to have the joy and stability of marriage that I've had for over 26 years. That I want all of my children to have, including our son, who is gay. My son came to Jane, my wife, and I, told us that he was gay, and that it was not a choice, and that it's just part of who he is, and that's who he'd been for as long as he could remember."

When Tim Cook, CEO of Apple announced that he was gay, he said, "Being gay has given me a deeper understanding of what it means to be in the minority and provided a window into the challenges that people in other minority groups deal with every day. It's made me more empathetic, which has led to a richer life."

In *The Journey to Empathy*, author Martin Golder notes that in conflict resolution, "... empathy is a central tool and way of being." Thus, in any conflict situation, a mediator must be able to accurately perceive the parties' perspectives, if she is to succeed in finding a common ground of compromise and agreement. If a mediator, a judge, a politician, or anyone for that matter, did not become more empathic by being a member of a minority group that is discriminated against, what personal relationships did shape their learning process? I think this is an extremely important question to ask.

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