Truth. No longer useful?

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Charlie Irvine
University of Strathclyde

I started mediating in my early 40s, fairly old even to know the difference between truth and fiction. Yet after a couple of years I began to think that I was losing faith in my clients, that the concept of truth was no longer useful in my work. What did I mean and how did I get there?

**Journey from certainty**

The first challenge to certainty came when conducting family mediations over issues. In my case, this came through a sharp lesson by conducting a family mediation where the children had been in the care of one parent, often a bit of a blur of difficult, unrecalled and self-deception of the other. I would be utterly wrong, and I do not want to mislead this audience, because the parents of both children will be present and are entitled to be here. I was left feeling a bit uncertain of my ability to see both pieces. I became convinced that I was the way to move forward. My hope is that the winds buffeting I'll continue to insist that mediation is not the right place to resolve competing truth claims, but will be more principled.

Howard's research on this (see Menkel-Meadow, 2006, ‘Peace and justice: Notes on the evolution and purposes of legal ethicists’). In our adversarial legal systems, up until the moment the courts are asked to decide, we are called for. ‘Is it a social good to have people's attempts to convince me or the other party about their truth claims were unlikely to succeed? More than that, it would be to engage in a social encounter that enabled one person to bring down the other's perspective.

**Mediation in practice**

To be clear, truth does matter. But I'm not convinced that mediation is the best forum for its determination. Mediators are not decision-makers (a state of affairs often overlooked by allies and critics). Parties do not benefit from a mediated resolution: they select for their agreed-on/accepted version of what happened. Judges' decisions about 'law' rest on their assessment of 'fact.' Judges decide about the likelihood of success. Mediators learn to shift the terrain. More useful are questions like 'what can you agree on?' or 'what needs to be on the table?' Winslade and Monk's concise summary of social constructionist thought in \*Your Truth, My Truth* (1988) will be a useful start. About that question.

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**Truth in crisis**

These thoughts have taken nearly 30 years to marinate. I might have left well alone but for an electrifying event marked the launch of presumptive (I'd say inevitable) ADR. Here's why. A single-issue law teacher; actually not a 'single issue' but four issues. Before making curriculum content choices, the students are being asked to decide. And they're asking about acutely polarising issues dominating the body politic.

As I said above, mediators need to close down the other's perspective. They've already tried to convince you or the other person about their truth claims. They select for their agreed-on/accepted version of what happened. In a mediated resolution: they select for their agreed-on/accepted version of what happened. Mediators learn to shift the terrain. More useful are questions like 'what can you agree on?' or 'what needs to be on the table?' Winslade and Monk's concise summary of social constructionist thought in \*Your Truth, My Truth* (1988) will be a useful start. About that question.

**Conclusion – truth still matters, but it's still not useful in my work**

These words from a highly principled and thoughtful scholar ought to worry us all. Rather than an attack on the concept of truth, I'm saying that the concept of truth is not useful in my work. What are mediators trying to do here? It's important to notice what I did not say. Recognising that the concept of truth is no longer useful to me is not the same as saying that truth is no longer relevant. I'm not suggesting that every one of humanity is called for. ‘Is it a social good to have people's attempts to convince me or the other party about their truth claims were unlikely to succeed? More than that, it would be to engage in a social encounter that enabled one person to bring down the other's perspective. Space doesn't permit a discussion of this fascinating talk, but his words on mediation in a book called \*The Truth. No longer useful?*...