

# Kluwer Mediation Blog

## What's Wrong with Trust and Respect?

Charlie Irvine (University of Strathclyde) · Thursday, July 13th, 2017



This post riffs on Elvis Costello's "What's So Funny Bout Peace, Love and Understanding?" to probe the usefulness of the words "trust" and "respect" in mediation.

### **Invitation**

Mediators the world over are taught to invite their clients to speak. We're not there to tell people what to do; rather to ask them what they want to discuss. Terms include identifying the issues, uninterrupted time, agenda-setting and, in legal circles, opening statements. This invitation has several goals: to let people tell their story; to ensure they hear the other story; to calm things down; to chunk an overwhelming conflict into its component parts; to convey the message that it's the parties who are in charge; to let the mediator know what's going on; and of course to set the agenda.

And yet it would be an unusual mediator who had no input at all. One common move is to display the topics on a flipchart. This involves an act of interpretation, as the mediator selects the words s/he thinks most apt and writes them in the order s/he chooses. The more careful among us will frame these as an offering, for the parties to accept or correct. Nonetheless, quite shortly into a session everyone in the room finds themselves looking at or listening to a list. And, depending on the subject area, two words often occur: trust and respect.

### **Tricky Issues**

To paraphrase Elvis Costello, what's wrong with trust and respect? Both are universal human aspirations. Particularly in the areas I specialise in – workplace, family, professional complaints – their absence is keenly felt. I tend to ask two opening questions. First: “What do we need to tackle?” People often say “lack of trust” or describe a litany of disrespectful treatment. Second: “What do you hope to achieve?” Here the term “respect” frequently appears, alongside more conventional aspirations like convincing the other they are wrong or an apology or simply money.

Imagine a workplace mediation. You've chosen to use a flipchart. Here's what's written:

- Respectful working relationship
- Performance management process
- Incident at team meeting in April
- Trust within the team
- How we speak to each other

Where do you start? Well, NOT with either trust or respect. Why not? I've puzzled over this for years. The answer touches on the nature of language and the nature of mediation.

### **Respect**

Trust and respect are abstract terms. In English they are both nouns and verbs. As nouns they are broad and imprecise, invested with new meaning in each conversation and by each generation. I once took a job in a West London music store buying guitars and hi-fis. One day I made a low-ish offer to a young West Indian chap. He said: “You got no respect, man.” With hindsight I see his point: a white man, behind a counter, with power to judge the quality of his possessions, had confirmed the discourse of privilege he'd probably seen all too often.

We could have had a chat about respect. But however fascinating that may have been, I suspect we'd have boxed each other into defensive corners. What we really needed in that moment was a solution, via a relatively simple, numerical negotiation that would have enabled him to see the logic of my position (I didn't see myself as powerful at all, being bound by rules and targets) and me to see the logic of his (he brought in something that cost him £X and I offered 10% of £X!) And in doing so respect could have been modelled.

A tip for mediators. The abstract nature of language and the pragmatic nature of mediation tell us to leave trust and respect till the end. As a rule move from the particular to the general. The reason? As abstract evaluations, usually of others' behaviour, trust and respect are not subject to negotiation. But concrete matters like what was said and done and, more helpfully, what needs to be said and done can be negotiated. And in the course of that negotiation parties gain new, rich data on which to base their evaluation of trust and respect. After a successful negotiation they can be asked the new question: “Was that handled respectfully?”

### **Trust**

Trust too is tricky. It often emerges as a lack: either “there’s no trust” or, even if there once was, trust is now “gone”, “broken”, even “shattered.” Lewicki and Tomlinson assert that trust and distrust are fundamentally different, defining distrust as “confident negative expectations”.<sup>[1]</sup> Against this backdrop I’ve found little value in attempting to discuss trust (though, being long enough in the tooth to have made most mistakes, I have tried). But usually the conversation winds up in emotionally arousing allegation and recrimination, with each accusing the other of being the source of distrust: “you started it!”

Another mediator tip. More useful than trust is the term “trustbuilding.” Again we work from the particular to the general. Under this heading we can discuss what comes next. I don’t favour sweeping the past under the carpet, but there’s a world of a difference between delving into who is to blame and saying “what can we learn from these events that will help you build trust in the future?” Trustbuilding also implies small steps: when trust is low, a single trustbuilding move may be all anyone can contemplate. And if those, admittedly low, expectations are fulfilled then further steps can be planned. As with respect, parties are in a better position to evaluate trust after something concrete has occurred in the real world. Quite early in my mediation career one cliché came readily to mind: “actions speak louder than words”. I still find it useful, and would encourage every mediator to build a ready back-catalogue of clichés for tough moments.<sup>[2]</sup>

## Conclusion

Much has been written about both respect and trust. I’ve nothing against either. The simple lesson from practice is that broad, abstract terms are not terribly useful as headings for a conflict or dispute resolution conversation. It’s usually more effective to work from the particular to the general; or to stick with the particular and let the parties muse on the general at their leisure. Respect and trust are qualities you show more than discuss. We can’t force anyone to do anything, but we can try to walk the walk of mediation’s purported values. By showing the parties respect, and trusting their words and judgements, we provide a glimpse of reasonable human interaction. That’s an invitation that’s hard to reject.

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