Truth Denial

“It’s like pointing to an apple and saying, ‘this is an orange.’ It takes practice to train your mind to be able to do it…. You have to convince yourself, not so much that an apple is an orange, but that there is no such thing as what the object ‘really’ is. . . . Or rather, that on the question of what the object is, there are *only* competing answers—no objective fact of the matter.”

A Stunning Orthodoxy

The nature of truth: “there ain’t any.”

It is as if our entire movement, much like our fractured body politic, responds to factual complexity with a collective shrug and easy slide from “it’s hard to know” to “it’s unknowable.”
In Mediation Land

There is the past—a troubled and confusing place, which is contrasted with a much more attractive future—one that parties can control and shape.
That Troubling “Past”

“That Troubling “Past”

“Focus on the future, not the past. A mediator helps parties shape their future. Past events influence that design. But the mediator must remember that no one can change what has happened and that the impact of past events becomes less dominant as their details become ambiguous and disputed. A mediator must not let the parties’ competing visions of their past paralyze them.”

STULBERG & LOVE, THE MIDDLE VOICE 2ND EDITION 96 (Carolina Academic Press 2012)
A More Attractive Future

“Getting out of the past into the future…. While the mediation might have to devote some time to dealing with prior events, it is not obsessed with the past and with historical facts, as are other forms of dispute resolution such as adjudication. The mediator is able to redirect the parties’ attention from a negative and destructive past to a future which can be different and more attractive.”

Boulle, Mediation: Skills and Techniques 46 (Butterworths 2001)
“Right or Wrong” is for Court

“Focus on the Future. It is healthy to remind parties that they cannot change what happened in the past, but they can decide how they want things to be in the future. As a means of comparison, the traditional litigation process focuses on the past, determining what happened, and who was wrong or right. In mediations involving an ongoing relationship, what happened in the past need only be relevant in helping parties determine how they want to behave in the future.”

Alfini, Press, Sternlight & Stulberg, Mediation Theory and Practice 2d Edition 128
(LexisNexis 2006)
The Power of “Story”

“What is truer than the truth?” It answers, “The story.” How is it possible for a story to be “truer than the truth”? Stories contain not only the truth of factual description, of events, people, and places, but also fragments of the storyteller’s truth. They expose the shadow that falls between emotion and response.

The “Unknowable” Truth

“Stories therefore are not viewed as either true or false accounts of an objective ‘out there’ reality. Such a view is not possible, because events cannot be known independently of the dominant narratives known by the knower. It is therefore more useful to concentrate on viewing stories as constructing the world rather than viewing the world as independently known and then described through stories.”

JOHN WINSLADE AND GERALD MONK, NARRATIVE MEDIATION: A NEW APPROACH TO CONFLICT RESOLUTION 3 (2000).
“Truer” than Truth

“Mediators need to understand that they must listen to each party’s story and be able to see how that party views events, but they need not judge or determine what version of events constitutes “fact.” By preserving for each party an uninterrupted platform for speech, the mediator offers an important vehicle to achieve the objectives of party empowerment and intraparty recognition….

While an arbitrator or neutral expert must attempt to find “facts,” a mediator must give each party the storytelling floor and allow the parties to be shifted by the power of the other’s narrative… From a mediator’s perspective, the parties, as first-hand participants, are in the best position to judge the “truth” around the events related to their conflict.”

Why are we **SO** sure?

In an era where political polarization so routinely leads to outright denial of objective fact with resulting loss of personal accountability, why is the mediation movement so confident that entitlement to separate “truths” is the preferred path forward?
A Societal Contagion?

We’re giving people permission to do what they are inclined to do anyway: confront complexity by living their own truths (rather than doing the uncomfortable or difficult job of sorting out reality, of separating fact from fiction).