

The Importance of Words in the Pre-Mediation and Mediation Process

The impetus for this article comes from the SCMN meeting held at Musselburgh on the 20th of January 2010. Discussions took place at that meeting regarding the difficulties of mediating in a situation where mediators are brought in at a late stage. In particular it was noted that very often the use of unhelpful language contributed to dispute escalation and made reaching agreement much harder.

Language is crucial in the community mediation process as it is in human communication generally. By exchanging words we communicate ideas, thoughts and information and are guided and influenced by others. The use of language affects the way we interact with other people. If I tell you Mr. Smith is a “great bloke” you will, based on your knowledge of me, make certain assumptions. If, on the other hand I describe him as ‘well dodgy’, this too will affect your views of him and/or me. Similarly, when neighbours in conflict are told they are ‘victims’ or ‘perpetrators’ this will inevitably influence their views of both themselves and the dispute.

Unfortunately some people in conflicts referred to mediation services by other agencies or professionals have already been exposed to such terminology. This is usually inadvertent and arises from the type of language used in many anti-social behaviour procedure manuals, tenancy management manuals and other official documents.

The breakdown in the relationship between neighbours only rarely involves criminal activity or clear and substantiated breaches of tenancy agreements. In all other cases the reference to “victim”, “perpetrator”, “complainant” and “defendant” is unhelpful as it is using the language of the criminal law outwith its proper context and usually with out evidence that would stand in any court of law. Using this language can demonise the parties in a neighbour dispute and add fuel to the conflict – if you are described as a “perpetrator” and you feel you are the victim then you may well become angry, aggressive and uncooperative. Unconsciously you are adopting the role unfairly assigned to you. Equally this may be true of the so called “victim”. Think of an example where someone called you a name you felt was unfair. How did that make you feel? What did you want to do about it?

Mediation services need to address this – we need to attempt to influence referring agencies to make referrals at as early a stage as possible before ‘investigating’ disputes and defining the conflict in quasi-legal terms. We need to keep suggesting that their first action should be to get the mediators in and let them do the talking. Equally we need to try and influence the language of these policies and procedures themselves and prevent people being defined as ‘victims’ and ‘offenders’ in cases where some positive communication could result in positive outcomes to simple disagreements and misunderstandings