

## Marital Mediation: Transforming Marital Conflict through Facilitated Dialogue--Reclaiming Personal Strength and Marital Connectedness



Could it be true that what makes a marriage work is a couple's ability to fight well? Years of working with couples in divorce mediation supports a resounding "Yes." The notion that engaging in conflict with a spouse would strengthen both members of the couple as well as strengthen their marriage is not typically how conflict is viewed or expressed. This is probably because the *experience of conflict* itself is not pleasant for most people. Conflict often carries with it an assumption that it is bad, harmful or

not nice, thus not to be embraced but fought against, cajoled or ignored. This is human and part of the human condition. However, we posit that these assumptions, societal attitudes and the lack of experience with unaided fighting techniques have indeed lead to a breakdown in many marriages and been a major contributor to the high rate of divorce. In other words, how constructively a couple *does* conflict directly impacts the quality and longevity of their marriage.

Amidst a worldview that experiences conflict as dangerous, and thus harmful to relationships, the void of focus on marital fighting in relation to how it might *preserve* a marriage is not surprising. Has anyone heard a newlywed couple report that they were looking forward to fighting well together or that they wanted to get married so that they could have good fights? If the ability to engage in *conflict* is ever openly expressed by couples, it is often a mere whisper, as if taboo, that any healthy, loving, mentally balanced couple would even experience

conflict between them, let alone could pride themselves on how lovingly they engaged in their conflict struggle.

But, when one or both members of the thousands of couples who have entered the mediation process *to divorce* -- a decision made often by just one -- report the chief factors that drove them apart over the years were various forms of not facing or not engaging meaningfully with their marital conflicts, it makes sense for marriage experts to say couples need to communicate more. And we believe that couples need to communicate well about how to deal with the “conflict experience”, which for some couples includes how to fight well.

For those who dare to open conflict with a fight, there is often a negative toll on relationships. But the fighting -- or engaging with differences -- does not have to be destructive, and it does not have to exact such a high tariff to the most sacred of all relationships, the marriage. It has the potential to be a very intimate experience that leads to greater connection and loyalty. Thus, the time has come to offer to marriage what long-term married couples have known for centuries: the need to engage in conflict with strength of self *and* compassion for other.

We assert that what makes relationships and marriages work over time is directly connected to a couple's ability to move toward marital conflict and engage in conflict in a meaningful way that reconnects them. This is the direct nexus for why transformative mediation -- a forum that embraces conflict as human and inevitable and offers a constructive way to allow it to unfold -- may be one of the best opportunities for couples to deal with conflict constructively, face difficult issues and engage in meaningful dialogue to work through difficulties. This chapter will explore why this is so by looking at the conflict experience, marital research, different conflict theories and the latest research on the relationship between conflict and the brain. We posit that

couples choosing to work with a transformative mediator can honor these human experiences, engage the rational and limbic parts of the brain, and work with, rather than against, each other as they work through their differences by means of more constructive and compassionate interactions, regardless of the sharpness, ugliness or tenderness of what is being discussed or differed about.

Because transformative mediation is a decision-making forum for addressing conflict in a productive way, making quality decisions both about how to engage in conflict and how to resolve problems, one of the many possible outcomes of such an approach is strengthening of each partner individually as well as *fortifying and preserving* the marriage rather than tearing it apart. The time has come for mediators as well as couples to embrace the mediation process in a proactive way *for marriage* -- in a process we will call *marital mediation, or mediation to stay married*.<sup>1</sup>

## **MARITAL CONFLICT RESEARCH**

Social science researchers have investigated marital conflict in order to analyze the impact of marital distress, understand the types of marital conflict, predict the factors that lead to divorce and predict what helps marriages stay together. Over three decades of marital conflict research consistently prove that how well a couple *does* conflict directly impacts the quality and longevity of their marriage. By studying the marital interaction and observing thousands of marriages in crisis, longitudinal researchers from across the country are saying in one voice: “Marital success is directly related to how satisfied a couple is with the way they work out their differences.”

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<sup>1</sup> For many mediators, marital mediation implies divorce or is another term for separation and divorce mediation. A handful of mediators in the US and Australia, however, have, more recently, been offering “marital mediation” or “mediation for marriage”.

Researchers are able to predict, some with 90% accuracy, the successful life or inevitable death of the marriage. While it is true that couples seldom exclaim that the reason they want to marry is so they can fight, relational research is telling us that what makes relationships and marriages work well over time is directly connected to a couple's capability to constructively work out their disagreements.

### **Positive and negative impact on the spouses**

Many studies have found evidence that negative marital functioning has significance for physical health and mental well-being (Kiecolt-Glaser & Newton, 2001). Studies show direct physiological changes accompany negative spousal interactions. For example, high levels of negative marital communication behaviors such as hostility and aggressive avoidance have been associated with elevations in cardiovascular reactivity (Newton and Sanford 2003; Brown & Smith, 1992). Other negative effects include increased incidence of violence, significant immunosuppression, and mortality from diseases (Burman & Margolin 1992).

Research also points to the positive impact of marriage on the health and well-being of the couple. In a chapter "Social Science Finds: Marriage Matters," Linda Waite presents findings that the case for marriage is strong in producing more health, wealth, improved intimacy, and other benefits not enjoyed by those who live alone. (Waite, 1998) In that way, quality of interaction with another person on a regular basis can promote long-term health or destroy it.

### **Many are involved besides the couple**

Of course, marital conflict does not only affect the couple. Many others also experience a negative impact as a result of a couple caught in destructive conflict patterns. When a couple is engaged in patterns of destructive interaction, researchers have found it is the children who

especially suffer -- often from depression, health problems, poor academic performance and conduct-related difficulties (Wallerstein 1991; Garrity and Baris 1994; Neuman 1998; Amato and Afifi 2006; Amato and Afifi 2006). In fact, studies show that an even more important factor than divorce, for predicting various negative outcomes for children such as poor school performance, difficulty in forming friendships, and drug and alcohol abuse, is frequent and negative parental marital conflict (Amato, Loomis et al. 1995; Amato and Afifi 2006). Regardless of age, being caught in parents' pain and anger during high-conflict interaction has detrimental effects on children's happiness and human relationships (Garrity and Baris 1994).

While a casual observer might conclude it is better for such couples and their children to divorce, a 2002 study by a team of leading family scholars researched the question: "Does divorce make people happy? This study tested the popular assumption that a person stuck in a bad marriage has two choices: stay married and miserable or get a divorce and become happier. After interviewing over 5,000 couples, the researchers found no evidence that unhappily married adults who divorced were typically any happier than unhappily married people who stayed married. Even more dramatically, they also found that two-thirds of unhappily married spouses who stayed married reported that their marriages were happy five years later. Marital conflict is often episodic and situational and does not have to break a marriage.

### **Predictive factors and conflict patterns of married couples**

Two research groups in particular have explored the predictive factors and conflict patterns of those couples satisfactorily married and those couples heading for divorce (Gottman 1994; Gottman 1994; Markman, Stanley et al. 1994; Gottman 1998). These marital researchers all have more than thirty years of experience researching and working with marital distress. Each researcher group has contributed greatly to our understanding of marital conflict and has

made preventive educational materials available (Gottman 1994; Markman, Stanley et al. 1994; Stanley 2004; Gottman, Gottman et al. 2006).

In 1994, Dr. John Gottman and his colleagues at the University of Washington made a startling pronouncement that their research teams could predict with more than 90% accuracy whether a marriage would stay together or eventually divorce. Many times this accurate prediction only needed fifteen minutes of observation of a couple's interaction. Sybil Carrere, a recent Gottman associate, discovered that if they looked at only *three* minutes of a couple talking, they could still predict with fairly impressive accuracy who was going to get divorced and who was going to make it (Carrere and Gottman 1999). The truth of a marriage life or death can be understood in a much shorter time than anyone ever imagined. Early on in his research, Gottman was clear that "a lasting marriage results from a couples' ability to resolve the conflicts that are inevitable in any relationship" (p. 28 Gottman, *Why Marriages Succeed or Fail.*). Gottman studied more than three thousand married couples, each couple videotaped, and the results were analyzed using a coding system with twenty separate categories corresponding to specific emotions and behaviors expressed during a couple's conversation.

In a 2006 book entitled *Ten Lessons to Transform Your Marriage*, Gottman joined others to move from marital conflict analysis to divorce prevention (Gottman, Gottman et al. 2006). What Gottman and his associates advise, after decades of research, are two simple truths that may assist couples in developing skills to turn their relationship problems around and build a better future together:

- (1) "Happily married couples behave like good friends. In other words, their relationships are characterized by respect, affection, and empathy." Here Gottman highlights the five-to-one ratio in the couple's communication patterns:

....“spouses in happy, stable marriages made five positive remarks for every one negative remark when they were discussing conflict. In contrast, couples headed for divorce offered less than one (0.8) positive remark for every single negative remark” (p. 4).

(2) “Happily married couples handle their conflicts in gentle, positive ways” (p. 4).

Gottman notices the inevitability of marital conflict, “these couples don't get gridlocked in their separate positions. Instead, they keep talking with each other about conflicts. They listen respectfully to their spouses' perspectives and they find compromises that work for both sides” (p. 4). Gottman summarizes the four most poisonous patterns which damage relationships: criticism, defensiveness, contempt, and stonewalling. He balances the negative with four strengthening behaviors such as “softend start-up, turning toward your partner, repairing the conversation, and accepting influence” (p. 5).

Howard Markman and Scott Stanley Associates at the University of Denver, a marital research group studying couples for over thirty years, created a training program known as PREP (Prevention and Relationship Enhancement Program). PREP is both a comprehensive divorce-prevention and marriage enhancing program which offers principles and skills in a curriculum designed to help partners say what they need to say, get to the heart of problems, and increase their connection with each other.

“The way the spouses talk about how their day went, or the way they attempt to have an enjoyable conversation all provide clues that tell what kind of marriage they have; what they prefer, value, and protect in their relationship; and where their strengths and vulnerabilities lie. All the data, taken together from multiple methods, help tell this story” (Gottman 1994) p.7. These marital research and educational groups support the basic premise of a relational approach

to conflict, which is the approach that informs a transformative mediator. The health of a marriage is not so much about problem-solving but rather about the way the marriage couple interacts with each other.

### **Interplay between marital process and marital outcome**

Consistent findings across research laboratories show the stable interplay between marital interaction and marital outcomes. It is not so much the conflict issue as it is *how* the couple conflicts about the issue. Money is the thing people argue about most in first marriages, followed by children (Stanley, Markman et al. 2002). However, the consistent theme in marital research demonstrates: **what** couples argue about is not as important as **how** they argue (Markman, Stanley et al. 1994; Markman, Stanley et al. 1994; Stanley and Markman 2003). This finding is enough to catch the attention of any pre-marital counselor or marriage counselor, yet it seems to have been bypassed by the popularized belief that it's money and sex that make or break a marriage. It's quite revolutionary to embrace that it is *how* couples argue that is the true make or break of a marriage.

Early in the development of conflict theory, sociologist Lewis Coser noted that conflict can either bind people together or divide relationships (Coser 1956). Relationships in marriage, which go on over time, need to pay particular attention to the accumulative impact of either positive or negative emotional experiences. What binds couples together is positive and respectful interactions especially during stressful communication.

Observations of married couples, for instance, reveal that the interaction patterns of unhappy couples are structured, rigid and predictable. Moreover, Gottman contended that happy couples build up a surplus (or "bank account") of positive sentiments for their partner and their marriage. Over time, this surplus functions as a social resource. Couples that have this banked

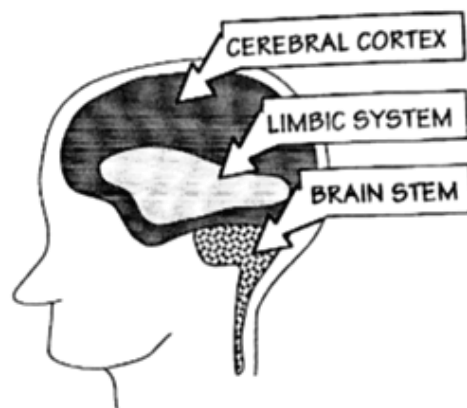


supply are less likely to escalate each other's negative emotions when faced with conflict (Gottman 1994; Gottman 1994; Carrere and Gottman 1999). And if and when they do escalate on a topic, they are more likely to use this resource to reflect on their interactions, take personal responsibility and find reconnectedness and forgiveness again. And this is classified as a skill.

Many marital researchers and educators demonstrate that relational conflict management skills can be taught to any race, culture or economic class and to couples at any stage of the relationship -- dating, engaged, newlywed, long-married, or remarried (Markman, Stanley et al. 1994; Sollee 1996; Carrere and Gottman 1999; Stanley 2004; Gottman, Gottman et al. 2006; Kellett 2007). While the earlier the skills are learned, the better -- the greater the chances for long-term success--- couples in already troubled patterns still have the ability to learn a different set of skills if there is the desire or the opportunity (Halford, Markman et al. 2003).

### **Three part brain**

We see clearly that marital conflict is upsetting and uncomfortable, with many couples stating that the worst aspect is the way they are interacting which leads to self-absorption, and we can find answers to why this is so by examining recent brain research. Making sense out of some of the “crazy times” by seeing how couples make some of their most important life decisions acting out of their instinctual brains (the lowest functioning of the 3-part brain) provides some clues to increasing our awareness and applying this new science for some good.



Quality decisions are made by taming and retraining the instinctual brain, while accessing both the cognitive rational part of the brain and the emotional limbic brain. To discount the

impact of the instinctual brain on decision making or attempts to exclude the importance of the limbic brain is to fail couples when assisting them through their conflicts to make the most informed and thought-through choices. Using brain research, we can understand marital conflict more deeply through the eyes of neuroscience. Getting smart(er) about how the brain is affected in high intensity, emotional conflict provides some insight about what takes marital processes off tract (Siegel 1999).

When human beings experience intense conflict, the oxygen flow to our brains constricts and we are not able to think as clearly as we could before the experience of conflict registered on our brain.<sup>2</sup> This is part of the human condition. It is what causes the flight, fight and, more recently researched, freeze responses. Brain research also proves that intensity of conflict interaction negatively affects a person's normal capacity to think creatively and rationally. The worst consequence of a negative (marital interaction) is that it can lead to "flooding" (Gottman 1994) p 11. "When this occurs you feel so overwhelmed by your partner's negativity and your own reactions that you experience "systems overload," swamped by distress and upset. You may become extremely critical, hostile, defensive, or withdrawn. Once you're feeling this out of control, constructive discussion is impossible."

The more intense the emotion, the more extreme the lack of ability to think clearly, or creatively, and the more extreme the fight, flight or freeze response. . When acting at the extremes of fight, flight and freeze, the negative aspects of our conflict interaction with another person, for example a marriage partner, also intensifies and moves from destructive to alienating to demonizing. So, it is very helpful in conflict to have an opportunity to get oxygen to the brain for clearer thinking and clearer and more authentic communication. A mediation process focused on quality deliberation can provide this. The tricky aspect for many mediators to be aware of is

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that while it is useful to offer a process to couples that slows down their interaction so that they can hear each other and speak more accurately, it is not useful to reframe emotional responses and experiences in order to problem solve. Reframes and glossing over negative conflict interaction merely stifle emotion and often send it underground where it festers and grows stronger only to escalate more intensely at another time. Scientific research also tells us that human beings *need* a certain amount of emotion in their interactions in order to make responsive and appropriate decisions. (Daniel Goleman) So, not responding to emotions or attempting to remove them from important discussions will have the opposite effect from what may be intended, which is to re-engage with rational thinking.

To further understand the phenomena of flight, fight or freeze as emotions intensify and oxygen to the brain constricts, we can understand the brain as having three (3) parts: the rational brain, the limbic brain, and the instinctive brain. It is in the rational brain where we do our thinking, analyzing and planning. It is in the limbic brain, just below the rational brain, that we experience our emotions, and it is in our instinctive brains, that portion of brain located in the lowest section of the brain, where our automatic survival instincts are located. We already know that when high stress and conflict intensify, human beings, both men and women, regardless of education and age, are affected physiologically, and this includes the ability to do integrated, rational, whole-brain thinking. When the pulse raises as few as ten (10) beats above a usual baseline, the rational part of the brain begins slipping out of gear as we move into our limbic brain, often experiencing flooding, where we begin talking, acting and reacting from the lower part of the brain as if we were experiencing more primordial memories of trauma from earlier times in our lives or in human evolution.

Such adages as “separate the people from the problem” and “set the emotions aside to talk rationally” are built on faulty understandings of the human brain, the human experience and the human condition. Indeed, healthy well-balanced human beings *need* to experience emotions, embrace their emotions as cues to what is important to them, and work with their emotions, honoring them, so that they are no longer flooding but have a form in which to make sense to guide informed and responsive decision making. This is one of the benefits of mediation from a transformative approach. When emotions are in overdrive, as clearly happens when couples are in conflict with so much at stake, is it any wonder that they might become fearful of opening up the conflict and instead choose to avoid the confrontation? Or may engage in a reckless way that is not understood and hurtful? Or may seek out an expert who responds to this state rather than appreciating that the person before them is not thinking clearly?

Brain research further helps to explain the phenomenon of why, as human beings in conflict, we act in ways that not only alienate us from others, but we also act in ways that are foreign or which alienate us from ourselves. This theme captures what is perhaps the most disturbing aspect of marital conflict: “I don’t know why I acted that way to someone I love”; “I don’t even recognize myself when I act that way”; “It just comes over me and brings out the worst”; “How can I so disdain someone whom I was so in love with? I can’t trust my own judgment”; “I am not sure who I am anymore”; “We are in a rotten pattern that we just can’t shake; it’s not good for either of us”; and “We really are both good people. Really. It’s just hard to see it right now.” A byproduct of the restriction of oxygen flow to the thinking part of our brains is that we are thrown into our emotional brain, our limbic brain, where flooding occurs which creates confusion, and when conflict is intense or has been repeated over and over, we

often operate from our lower brain, our instinctual brain, which tells the body that it is not safe, that there is an enemy and to protect itself.

So, when asked what it is that is most disturbing when in conflict, couples report how it *really is for them*. When in conflict, human beings become fuzzy in their thinking and self-absorbed. Add to this the vow that I am supposed to love this person and that this is the person with whom I have borne children, and the confused thinking can become hostile behavior quickly. The self-absorption can revert to a need to self-protect as well, hence the striking back in ways that one would normally under non conflicted situations never do.

Because the brain operates on habit, for those couples who find themselves in ruts of old conflict patterns, it literally takes the brain a lot to change, to repattern. It helps for the marital mediator to intervene often with lots of reflective statements and to be extremely patient as changes are often slow for adults whose brains have been in certain patterns for many years; small steps count a great deal for changing conflict interaction.

## **EXPERTS TREATING MARRIAGE**

Ironically, when couples experience times of conflict and difficulty that besiege the marriage or place stress on the family, the most trusted sources to whom they turn are often the very instigators -- unwittingly -- of further marital strife. The reason is that such sources often do not have a working knowledge of conflict -- how it damages the ability to think clearly and how it alienates human beings from their own true selves. Thus, what trusted sources often see are merely manifestations of the conflict experience, rather than what individuals are truly about or truly desire. Because the nature of such symptoms are weakness, pain, and suffering, it is understandable why many trusted sources respond they way they do out of what they know best.

It is the *conflict experience itself*, however, that is in most need of attention, not the symptoms. A well-intended fix of conflict symptoms for most marriages usually results in further damage to one or both of the couple over time, and often to the demise of the marriage. Such sources are not acting in bad faith, nor is it that their intentions or their expertise is not valued. But without an ability to work with the conflict experience or to work collaboratively with others who have an ability to work with the conflict experience, the expertise of many trusted sources to whom couples turn comes up short for strengthening spouses as individuals while also fostering or preserving their marital connectedness. The following are some examples -- in perhaps an exaggerated form to get the point across--of what often happens when one of the married couple chooses or dares to confide in someone else about marital difficulties or conflict with the other spouse.

When the chosen confidant is a best friend, such person often sides with their buddy or their girlfriend in a way that aligns with or even adds to the difficulties by adding their own negative views of the other spouse or their own lousy experiences with their spouse, or their ex, to the mix. The effect of this is a cozy sort of feeling as if the friendship is deepened. “You know my secrets and I know yours.” It has a feeling of “we are both in this mess together and I have someone to talk to who truly understands and is on my side”. This friendship alignment, while comforting on the surface for the confiding spouse, has another face of increased confusion since it implies a distancing or ganging up against the other spouse who is the “cause” of the harm, or the source of the angst. “What do you expect? All men are selfish.” “She is just a bitch; like my ex.” “He’s always been an insensitive, pigheaded guy, remember when...” “She’s not good enough for you; spend time with me instead”. The alignment has further corrosive effects of introducing doubt and suspicion for the complaining or confiding spouse, and may even have the

spouse acting in ways towards her or his spouse that further alienate them and poison the marriage. Over time, there is often a drive to the friendship safe haven, to spend more and more time with the friend as an escape, as validation, doing so without any care or awareness of how such actions cause deep harm to the marriage. The ultimate irony comes about however when the confiding spouse realizes s/he is not sure about how s/he feels towards her spouse, an ambivalence, while juggling a desire to reunite with or to work through a difficulty with that spouse, but now faces a new emotion, guilt, that he or she will betray the friend with whom the false or situational sense of friendship thickens. In such cases, the friendship is often cooled or even curtailed, or the marriage is cooled or curtailed. Either way, generally speaking, the “we are in this together” response of the friend served neither spouse nor the friendship in the long-run.

Similarly, when the unhappy spouse chooses a family member as the confidant, the family member often tells the anguished sibling, son or daughter one of two things: “I knew you should have never married him/her to begin with” or “Now, now, honey, it’s going to be OK; it will pass; why don’t you go out and do something nice for yourself.” The effects of this trusted advisor’s words of wisdom are often either an escalation of the conflict experience (“I am finding out my whole family never liked him/her to begin with”) or a dismissal of the conflict experience as if a box of chocolates or a new dress will cure the problem. Both responses are ones of conflict avoidance. This is not surprising since not many family members want to get too involved with their other family members’ conflicts, yet they are often inextricably bundled together because of the initial response to the marital conflict. The effects are the same as above with the trusted friend, the aligning or minimizing response served neither the marriage nor the

larger family relationship, and it's even more profound since it's harder to shake one's larger family.

Another trusted source to whom an unhappily married spouse may turn is a priest, rabbi or clergy member who listens with remorse and sadness, often wanting the couple to stay together. The initial response is often to have the presenting spouse pray for discernment or that the other spouse will have a change of heart. Like one of the family member responses above, the religious response to conflict is often either to shame the distraught partner into staying in the marriage, praying for strength and letting God take care of it, or conversely, (in clergy trying to be modern) an endorsement for leaving the marriage since God never wanted any of His children to suffer or have unhealthy unions. There are even a number of pastoral counselors, after working with a couple, who have said, "There is nothing else I can do to save this marriage" followed with a message of "This marriage is over." We know because of the number of distraught people who have presented themselves for divorce mediation on the heels of such messages. And the couples, while in deeply hurtful conflict patterns, are not sure and are usually ambivalent about ending their civil marriage and breaking their religious vows, yet an expert has told them there is nothing more that can be done. Again, it is not bad or ill-intended religious advice, nor is it that their religious or spiritual expertise is not valued. It is about giving such advice at a time when married folks can least likely make rational decisions and are at their worst or are most out of control with their lives. It is no time for making marital life or marital death decisions.

The same bad timing and lack of understanding about the conflict experience often besets the therapist-client relationship when the issue presented is ongoing marital conflict and difficulties. Most therapists are trained in communications but not in conflict or in conflict



transformation. While many therapists, once they are exposed to the transformative approach, often remark that it fits with their therapy approach, many do not intuitively know how to deal with serious conflict experienced by and between the couple. Such marriage counselors or therapists usually do a good job with the couple who need basic relationship counseling and assistance with developing new communication skills. But many couples do not seek out marriage therapists for one reason or another. Other couples do, but their differences and interactions are so negative and destructive that the marriage therapist is often not trained to deal with both people together in such circumstances. What often happens then is that the counseling sessions break down and one of the couple will begin working with the therapist individually. A typical response from an individual therapist to the unhappy and distressed and confused spouse is “I am here for you. This is a time to stand up for yourself, to be selfish, to focus on what you need, what you want.” This of course, further alienates that spouse from the other, usually causes greater stress to the marriage and such advice may include the encouragement to separate. In addition to being a one-sided response, like the others above, it is also given at a time of great turmoil and confusion, and is often laced with encouragement to the client to “trust her/himself” when the ability to think clearly or openly is most impaired.

One of the last sources that one member of the couple may choose is a divorce attorney who is just that: someone trained in *divorce*, not marriage, and someone trained in litigation, the ultimate adversarial process for most marriages. Why on Earth an unhappy married person would consult a divorce attorney and expect anything other than a response that either says, “There’s not much you can do; you do not have a legal leg to stand on” or “I will get [the other spouse] for all s/he is worth and this is what we will do to [destroy/break down] him/her.....”. is hard to imagine, but recalling the conflict experience and the inability to think clearly and the fear and

confusion that set in, this attorney-client relationship, as unpalatable as it may be, is easy to understand. Both to-be-expected responses by legal counsel come out of a worldview that marital conflict is adversarial, and in the eyes of a divorce attorney, represents a contest of competing claims and rights, and the more the other spouse gets, the less the client gets, and the view that the attorney knows best. The divorce attorney has no use for collaborative processes, much less for experiences that heal relationships. Getting less is viewed as a failure and weak, and so the divorce attorney advocates to continue the fighting in an adversarial arena at whatever cost to champion or defend whatever legal right they have chosen, regardless of the financial, emotional and spiritual costs, the lost human energy and work productivity, jeopardized health and the strained and challenged parental relationships, personal integrity and eroded long-term resilience. Because these are often the sacrifices for such warfare, many spouses are quickly far down the litigation path with little strength left or moral fiber to call it off.

In all the categories of trusted advisors mentioned above, there are of course some friends, family members, clergy members, therapists and divorce attorneys who have a different response than the individualist worldview responses noted above. Unfortunately, however, they are in the minority.

Sadly, this individualistic worldview is also held by many mediators. When an unhappily married spouse seeks out a family mediator, most mediators make an assumption that there will be a separation or divorce; after all, it only takes one in this country to undo a marriage, as many divorced people and mediators know.

Problem solving family mediators, also informed by an individualist worldview of conflict and with good intentions just like the above noted professionals, seek to assist by doing what they are trained to do: control or ignore strong emotions and help the parties negotiate so

that the problem can be solved, or in other words, separate the people from the problem. The problem is defined as how to get a settlement, how to get divorced, without litigation.

Often in marital conflict—any conflict for that matter—the people *are* the problem. That is, the destructive way the couple respond, act and interact is the very problem itself. The need to tell someone and get some advice, the headache, the crisis of faith, the mental distress, the uncertainty, the negative communication patterns, and the craving to be understood are all symptoms of *that* basic problem. *Transformative* family mediators understand this. They also understand conflict dynamics and know that what is most needed is a change in that negative experience either before the other experts can be most effective or simultaneously.

### **A RELATIONAL APPROACH TO MARITAL CONFLICT**

Conflict propels us as human beings into relative states of weakness and self-absorption. Because conflict destabilizes the experience of both self and other, married couples in conflict respond to conflict and interact in ways that are both more *vulnerable* and more *self-absorbed* than they did before the conflict. The interaction -- the relating between the couple -- can quickly degenerate and assume a mutually destructive, alienating, and dehumanizing character.

Thousands of people across the nation, married and divorced, whom we have polled, consistently report without exception that the most troubling, most upsetting, or most disturbing aspect of their conflicts and disputes with their spouses and ex-spouses is the way they and the other partner negatively interacted with each other --or failed to interact. The automatic personal reactivity to each other fuels the alienation from oneself and from one's spouse. Time and time again, the experiences of real people with real-life stories support the view that conflict is a relational experience, involving self and other, and that regardless of the disputed topic, the

largest barrier to overcome in conflict resolution is the destructive interaction. This is the relational view of conflict and what forms the premises of a transformative approach to mediation.

In marital conflict, the negative conflict experience is often exacerbated because couples have years of conflict interaction patterns, years of memories and hurts, as well as being part of an ongoing relationship through which a large measure of personal identity is defined and linked. Additionally, there is a particular complexity related to the way that each issue in a marriage interfaces with not just one other issue, but with a host of other issues. No one single issue can be isolated without impacting so many other issues, and this may be especially unique to the intimacy of marital conflict. This interrelationship of issues is what researcher Louis Coser referred to in his marriage research as “cross-stitching” (Coser (1956)). In studying the basic human experience of conflict, Bush and Folger and the members of the ISCT have highlighted the importance of using a non-linear approach to mediation. In studying the functions of social discourse and social conflict between couples, Coser highlights the importance of using a non-linear approach to understand and work with marital conflict, and further suggests that “problem solving” is but a short term fix and does not reach the depths of the complexity of marital conflict. (Coser (1956)).

## **STRENGTHENING MARRIAGE**

Marriages go through seasons. Most couples go through changes. Most couples in long term marriages have negotiated “new” marriages along the way to enhance the marital bonds during the seasons of such changes. Indeed, Beverly Hovmand of Baltimore Mediation often says that in forty two years, she has been married six times...to the same man, and now at age 65

and going strong, she anticipates the negotiation of yet a 7<sup>th</sup> marriage upon her husband's retirement.

Recognizing and valuing the opportunities for opening up conflict, working through it and emerging stronger on the other side are what mark many long-term marriages. On the other hand, "drifting apart", "just not meant to be together", "just too hard", "we just don't love each other anymore" or "betrayal" are often the symptoms of years of not engaging constructively together in life's changes and challenges. To assume that what worked a few years ago or a few decades ago still works today is not necessarily true.

There are countless times in marriages when one or both know there is something wrong or dissatisfying but choose to ignore the problem, often afraid, ironically, of what upset may be brought to the marriage by addressing it, or hoping it will go away. Other couples find themselves falling into bad patterns of criticism and blaming and the negative conflict cycle of destructive personal reactivity to each other.

It is true that in marital conflict it might be risky to open up conflict in a society where divorce is commonplace and can be a *fait accompli* upon the initiation of just one of the partners. Marital conflict can also be more frightening than divorce conflict because there is no promise of where the conflict will lead, no laws to guide the couple, no equitable court standards to fall back on, and the fear may be especially acute if the couple has no history of fighting well and working with conflict to overcome the barriers, or if the couple has a very adversarial history and is again in crisis.

One of the most common things that propels married couples to use divorce or marital mediation is the child rearing years. Raising children, especially multiple children, takes enormous amounts of energy, monitoring, love, nurturing and organization. Often the couple's

philosophies or personal styles are at odds. Additionally, the couple may place the marital relationship on the back burner with the belief that it is strong enough, resilient enough, to withstand the hiatus from regular one to one spousal love and attention that the couple once provided to each other. Facing the conflicts of different parental philosophies, wrestling with them to better understand, and working through and around them to reclaim marital strength unites parents. Countless couples, both fathers and mothers, report that such parenting partnership, while not replacing, can be as gratifying and connecting as sexual intimacy.

Certainly not all marriages are disasters nor are all marriages fairyland stories without any conflict. Most marriages have experienced from time to time the tension, pull and drain of difficult situations and hard decisions, including conflicts between the spouses. Indeed, “we never fight” is not a sign of marital health. It’s the quality of how the couple faces conflict together that marks the likelihood of a successful, long-term and fulfilling marriage. As one leading marital researcher states so succinctly, “If there is one lesson I have learned from my years of research, it is that a lasting marriage results from a couples’ ability to resolve the conflicts that are inevitable in any relationship.” (Gottman, J. *Why Marriages Succeed or Fail*, p 28). This researcher noted it was a couple’s “ability to fight well” that was central to their marital happiness and longevity.

For those couples who choose never to fight, they often lose the juice of relationship; for those who bury the fight, they often miss the opportunity for greater intimacy and instead build up resentment over time; and for those who fight all the time in a haphazard, automatic way, they tear each other down, straining and severing their marital connectedness with an end result in our modern culture of divorce. The end result is also many years-after of rebuilding one’s sense of self and one’s life, not to mention rebuilding and reconstructing the lives of the couple’s

children, other family members, friends, co-workers and business partnerships. It doesn't have to be this way.

As a general matter, it helps a married couple when they agree on how they will *do* their disputing. Gottman highlights three styles of how married couples “fight”, or deal with marital conflict. If the couple agrees on any one of these three “fighting styles”, their relationship will likely work for both of them, and their marriage will be lasting. (Gottman). The *way* a couple does their conflicting does not need to occur in the same way, and couples may choose together from time to time more than one style or may choose to change styles.

The following are Gottman's three fighting styles of marriages related to conflict and working things out to the mutual satisfaction of both partners:

1. Validating Marriage: set aside specific time to discuss problems, calmly work out problems by being willing to compromise often, with tradeoffs for each;
2. Agree to Disagree Marriage (which I have renamed from Gottman's “Conflict-Avoiding Marriage” because of the misunderstanding of Gottman's use of the word “avoiding”): clear and respected role divisions; when a conflict presents itself, will defer to the spouse who has the expertise in that role; believe there are few conflicts between them; when and if there is marital conflict, will acknowledge the differences and agree to disagree, rarely confront conflict head-on; and
3. Volatile Marriage: conflicts erupt often, resulting in passionate exchanges by one or both, all issues out in the open, engage regularly, resolve it then or shortly thereafter, regular trade offs.

For the couple who do not have an agreed upon style of conflict engagement, use a style that does not work for both of them, choose a new style other than what has been customary, or who

continue to use a style that is no longer appropriate for one or both or for the situation, mediation can be useful in many ways.

### **WHAT DOES A TRANSFORMATIVE MEDIATOR OFFER FOR COUPLES?**

The marital mediator helps create the safe space for a couple to have a difficult discussion in a way that allows the conflict to unfold rather than being suppressed or ignored or diminished. Such couples can expect from their marital mediator a process which offers the opportunity to have a conversation, the opportunity to make requests of each other for how to have a productive conversation, a forum for the coherent expression of emotion, the ability to give and receive information in a way that is heard, enhanced opportunities for responding authentically rather than from hostility or not at all, opportunities to think more clearly through new information or the situation, a better or fuller understanding of the other person or of the situation, physical and emotional relief, identification of more choices and the ability to question, get information about and clarify the choices, with decision making opportunities highlighted throughout the process for oneself and for the other.

For instance, a transformative marital mediator may ask the couple if they have any requests of each other about how to have a constructive conversation or if they have an agreement on how to fight fair, or if they wish to explore assumptions about how best to engage in dialogue. It's up to them. The mediator follows the threads and themes of their conversation. A mediator can "sit in the fire" with couples and assist them with helping the conflict to unfold in ways that follow the strong emotion rather than tamping it down, dismissing it, or ignoring it. The couple may have a history that they wish to draw upon for reminders of what they do well, or they may not wish to look in the past to call upon this social resource. Without being hooked



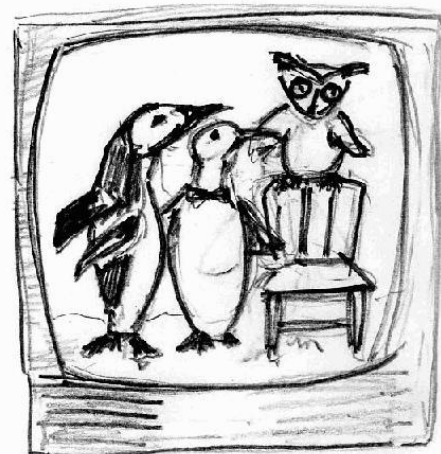
on any substantive outcome, the mediator highlights decision making opportunities that the couple may not have otherwise seen for themselves in heated conflict or during conversation about complex issues ranging from how it is that one spouse would like the other spouse to listen to her or him, to what additional information is needed to assist with a particular decision.

The mediator can also track the conversation topics for the couple. A mediator will provide ongoing reflections of each partner's views for further clarification and understanding. A mediator will also offer regular summaries of what the couple has discussed, drawing attention to the common themes and commonalities in viewpoint as well as highlighting and sharpening the differences. These conversation amplifiers and

enhancements come from a neutral mediator, who is unattached to and unhooked from whatever the parties decide to do or to say. This neutral lends a supportive "presence" for both of the couple, and proactively provides breathing space for the couple to slow down and get some oxygen to the brain to more fully consider all that has been shared.

Whether what is discussed is good, bad, ugly, tender, responsive or compassionate, the mediator stays focused on the quality of the deliberation

while following through on opportunities for decision making. The marriage may not have any other forum where assisted engagement can occur in the way it can in a transformative mediation process.



"Here a rare glimpse of penguins' secret for life-long mating: a conference with their mediator."

A skillful transformative mediator enhances the opportunities for fuller understanding and consideration of all points of view by helping to amplify what has been said in the mediation so that it can be considered or amended or retracted. Decisions, agreements, next steps, and clarity about the future are natural parts of the process as is a strengthened marriage and the re-establishment of a marital safe haven when that is the parties' goal, and it often is in marital mediation.

Another potential for couples in marital mediation, despite the destabilizing impact of negative interaction, is the ability to rebound and recover from conflict's alienating effects. Transformative mediators help couples do this faster and without as much destruction by highlighting the many opportunities for decision making in the way they are interacting. These choice points are often missed in unassisted conflict interaction because of the weakened and self-absorbed experience of conflict.

While quality interaction can never be forced by a mediator, couples often yearn for the experience of being deeply understood and reconnected, which can be assisted by the presence of a mediator highlighting the choice points for the couple. Because the mediator is neutral as to what the couple decides at any given moment, the mediator honors whatever choices each person makes while staying proactive to a relational model of fostering the opportunities for speaking for oneself and being open to the perspective of other. The value of a mediator is to assist the couple in lessening or removing the largest barrier to their productive conversation and decision making -- the way they interact. The previous experiences of not being heard, not being given a chance to explain one's view, being criticized and devalued, being taken advantage of, not being respected, being uncertain, rigid or hostile, not being given information, being suspicious of the other's ability or motives all have a greater chance of shifting to something more positive with

proactive interventions that allow conflict to unfold in meaningful ways with decisions made at many intervals along the way by the couple.

The mediator's attitude is never to force highlighted choices, and thus when shifts from the negative to the constructive occur in marital mediation, however small or gigantic, they are authentic. These shifts, otherwise known as Empowerment and Recognition shifts, begin to change the quality of the way the couple interacts or views oneself or the other. Cumulatively, these internal and external shifts produce what is called conflict transformation, which is a change in the quality of the conflict experience itself. When the couple is strengthened in their interaction interpersonally and with each other, they are more likely to make decisions that are more clearly thought through, more responsive to the other and to their situation and quite possibly are more compassionate choices for both.

While time itself can be a salve to many conflicts, marital mediation can assist in the process happening faster and with less fallout. For those unhappy couples cited in the above research who stayed in unhappy marriages rather than divorcing, rather than five years later finding themselves happy again in their marriages, marital mediation could have assisted with opening the conflict earlier and possibly to a more reconnected outcome faster. For the other unhappy couples who chose divorce, when couples are embroiled in the dynamic of negative interactions, decisions are often made that are not well thought-through for the long term, nor are they responsive to the entire situation and to others affected in addition to the couple. Marital mediation can help in this experience by assisting couples with qualitative and quantitative decision making opportunities, helping to widen the lens through which the conflict experience is being filtered, while the mediator is unhooked from the final decisions made by each partner.

Furthermore, so as to not perpetuate a possible misunderstanding about marital mediation, it is neither the mediator's goal to *get couples to agree*, to get couples to be nice to each other nor to tell couples to stay married. This may seem counterintuitive as well or even frightening to many couples seeking the process. These are fine goals for the couple, but the *mediator's* goals are to facilitate the dialogue, to suspend judgment and to enhance the opportunities for the couple's perspective taking and decision making.

For those couples who want to stay married and strengthen their marriage, working with a mediator focused on enhancing the quality of the interaction, *rather than* a mediator focusing on getting people to stay married or getting people to be nice to each other, provides many more authentic opportunities for the couple to decide for themselves, together, how they will stay together, how they will treat and be responsive to each other, and how they will face and work through their current difficulties. And indeed, couples regularly decide these very outcomes together.

At various milestones along the way, married couples who hold marriage dear and who need to engage in difficult dialogue about one or many challenges or new situations they face have the benefit of choosing a transformative mediator to assist them with those conversations. Likewise, couples exploring options for their marriage, or how to salvage a marriage by negotiating new terms rather than negotiating a severance package also have the benefit of a process focused on their quality interaction and quality decision making. Marital mediation is a powerful opportunity for married couples in conflict to reclaim their individual personal strength, reconnecting with what is important to self, and to reconnect with each other and their marital values.

Married couples are not exempt from the human experience of conflict and indeed may be more vulnerable to it because of the cross-stitching effect of the issues and the personal nature of what is at stake in marital conflict. Happily married couples are those who do conflict constructively or have a mediator assist with constructive conflict interaction. Happily married couples have many other benefits as a result, including better health and greater sense of self-esteem. This is why mediation from a *transformative framework* is an attractive process for couples who care about their health, happiness, well-being, and their marriages.

## **THERAPY V. MEDIATION**

Some practitioners reading this chapter may be asking, “So what is the difference between marital mediation and marital therapy?” Since marital therapy is a treatment option that has been available to couples in distress for decades, what is the need for marital mediation? Are they the same with different names or do definite differences exist? Isn’t it therapy that has the expertise to deal with emotions, not mediation? Here we look at the similarities and differences of marital mediation and marital therapy. No doubt we can all agree that having more “therapeutically” or relationship trained practitioners available for marriages in distress is an asset.

**Similarities:** For decades in our mediation trainings, attorneys and therapists regularly ask the question of what is the difference between basic mediation and therapy. Our reply is to highlight that a common outcome of therapy and mediation is “therapeutic”, e.g, brings back the zest for living as well as providing dimension and insight. We distinguish that mediation is not therapy, yet the hope is that it is therapeutic, restoring health and healing or clearing to the relationship. One similarity then is this therapeutic aim, to do no harm, but rather to do some

good, provide open space, uncluttered from the blaming, attacking, positioning stances that the marital parties often bring to either marital mediation or marital therapy.

Another similarity is that mediators and therapists are concerned with communication patterns and relationship dynamics, assisting parties to clarify the ever changing roles and responsibilities over the life of the marriage. Whether the couple decides to see a mediator or a therapist, the decision is voluntary and the presenting issues are often similar.

**Differences:** Marital therapy often implies a therapist's bias that the goals are to improve communication, to overcome specific relationship dysfunctions, or to treat the pathology of one of the partners. While the mediator's goals are to facilitate quality dialogue and highlight decision making opportunities, the outcome goals of marital mediation process are guided by the clients' definition (not the professional's), and the goals arise out of the mediation dialogue. A mental health diagnosis is given to one or both clients in marital therapy; this is absent in marital mediation. In some cases, a couple chooses mediation knowing they would generally avoid entering a therapy office for fear of being labeled with a mental illness or mental or emotional deficit. The stigma of getting help is much less for couples as they enter the mediation office. On the other hand, some couples may use marital therapy since their managed health care plan provides financial coverage while mediation is not covered by most health insurances.

Marital mediation, like mediation in general, primarily looks at the present and future relationship concerns, with minimal looking at past events unless such events are raised by one or the other of the couple. As they often are in marital mediation, the focus remains nonetheless on the couple's choices of further exploration into the past if they believe doing so will lend meaning to the present. On the other hand, marital therapy can have as a primary goal a comprehensive history assessment where the therapist searches the couple's relational history,

and proactively probes it searching for the family of origin dynamics of each individual in the couple relationship. While the presenting issues may be similar, therapy is often more about individual, internal growth and introspection. Mediation is focused on the interpersonal conflict as explored by the parties, not the third party, and the focus in the mediation is on the interaction of both people. A key difference in mediation is that the mediator neither formulates nor applies the solution, but rather allows the parties to create the solution which most couples are capable of doing with a skillful mediator who recognizes the decision making nuances, while in marital therapy, the third party agent (the therapist) often formulates the diagnosis and guides the intervention.

Mediators from a transformative approach are not intervening to change the person or to analyze the person, but rather are intervening to clarify opportunities for decision making. Mediators are accustomed to working with both parties together at the same time, while many therapists are primarily trained in individual work. One study raises the concern that only a small percentage of marital therapists are required to take even one course in couple's counseling even though 80 % of all private practice therapists in the United States say that they offer "marital therapy" (Doherty 2007). While mediators typically meet with multiple parties in the session intended to have a face to face quality, what needs to be quickly added is that many mediators receive not only a minimum of 40 hours of basic training but have also received at least 20 more hours in advanced issues relating to the couple's dynamics. Ironically, however, mediators are not required to take nor are family mediation trainers mandated to offer even one specialized course that deals with the emotional intensity of marital conflict with all of its triangles and hidden, historical content. While therapists have years of educational input on

psychological and relationship content, mediators have experiential expertise of working with multiple parties in joint sessions.

Given this brief look at the similarities and differences of marital mediation and marital therapy, what we need to say is that the clear boundary lines have been blurred over the decades, as therapy has become more process focused (rather than diagnostic) and an approach to mediation was newly articulated a decade or so ago which embraced emotions and relational dynamics. No longer is the old boundary line so clear as some might have indicated in saying that “therapy resolves emotional problems and mediation helps divorcing couples to make decisions about the business aspects of their marriage” (Cohen 2007). One thing that most mediators and therapists agree on is the complaint that putting the two fields together in such terms as “therapeutic mediation” or “mediation therapy” blurs the boundary lines even further and destroys the potential in both interventions. Some therapists critique “mediation therapy” as being misleading and mediators on the ConflictNet complain that the term “therapeutic mediation” leads to a confused practice and is a contradiction in terms (Wiseman 1990; Grebe 1992; Mclsaac 1994).

So what is the difference between marital therapy and marital mediation? The difference lies chiefly in the goals of the interventionist and secondarily in the goals of the client(s). It is imperative that the persons using the service need clarity about the third party’s role and orientation. Once again, the transformative mediator is not there to decide or to make the marriage succeed nor to decide for the couple if it is dysfunctional (failing). The transformative mediator outlines a process for the couple in crisis, working together in dialogue, allowing for the conflict to unfold from which the couple might have more understandings and more informed



decision making opportunities about the course they wish to take for their marriage and how to get there.

### **EXPANDING WHAT WE OFFER**

When couples in conflict look to the mediation profession for help, the only service that is readily available is divorce mediation. Not only is divorce mediation inadequate, it overlooks the central “conflict experience” of most couples who encounter difficult times or alienation from each other. As a conflict resolution community, we need to expand what we offer from divorce mediation alone to divorce and marital mediation. We need to shift our focus from assisting a marital death to creating a hospitable space where the couples in conflict might learn to fight well and live well together.

In a *Time* essay entitled "How to Make Marriage Matter," Amitai Etzioni details how marriage is treated so lightly that "marriages in contemporary America can be terminated by practically any one at any time, and without cause" (Etzioni 1993). In just a few decades we have moved from marital bonds permanently knotted to a culture described as "the divorce culture" where the marital knot is easily untied (Whitehead 1997). While divorce mediation in the past rescued personal marital battles from the courts and provided a significant contribution over the last decades, it is now time to expand what we offer, so that we, the mediators, are not adding to the escalating divorce statistics. *We can make a difference by expanding what we offer.*

The growth of mediation, no matter what the approach, in recent decades has a history in marital conflict of helping marriages come apart. Professionals who care about building healthy marriages are pleading for a change, asking for new practices in our society that value marriage

(Sollee 1996; Stanley 2004; Sollee 2007). “We need a cultural ethic that would make it just as irresponsible to terminate a marriage without seeking professional help as it would be to let someone die without seeing a physician” (Doherty 1998) p 165. Doherty is speaking to his psychotherapy community, but his words are equally important for mediators working with couples.

As one important segment of society, the conflict resolution community needs to acknowledge getting caught up in the divorce culture. The growth of divorce mediation arose from a well-intentioned premise to take the family conflict out of the courts and put the decision making in the hands of the couple themselves. Many community mediation centers and private practices have grown in numbers of cases that are designed to make divorce possible.

As conflict practitioners, we need to take some of the responsibility of providing divorce services for marital matters, not forgetting that the reason we are in business is to facilitate a process for community persons to see conflict as an opportunity for relational growth. Death to the relationship is not the only option. Offering marital mediation with an option of divorce mediation allows a spectrum of possibilities for the couple in crisis. Our expertise as conflict practitioners can be used to make marriages stronger, more resilient and alive, rather than mainly to assist in the marital death.

## **CONCLUSION FOR MARRIED COUPLES**

A change in the conflict interaction, experienced in a transformative mediation, can increase a couple’s future resiliency. Specific outcomes of transformative mediation from workplace conflict can be extrapolated for predicting outcomes for marital mediation. As such,

we posit that the “upstream effects”, the positive effects that continue outside the mediation process, as a result of the mediation experience are the following.

- Marital mediation from a transformative approach strengthens the couple’s personal capacity for analysis and decision making (the "empowerment" effect).
- Marital mediation from a transformative approach increases the couple’s willingness and ability to see and appreciate the other partner’s perspective different from his/her own (the "recognition" effect).
- As a result of marital mediation from a transformative approach, the couple perceives more choices and feels increased control over their situation.
- The couple feels less defensive and they are more likely to believe they can resolve problems on their own.
- The couple perceives an improvement in how they relate to one another.

If mediators concentrate on fostering empowerment and recognition shifts, the mediation process itself can result not only in resolutions of the couple’s immediate problem, but also in significant changes in their personal capacities for self-determination and responsiveness to each other--that is, decision making, communication and compassion--both in the specific situation and beyond.

The beauty of marital mediation is that couples can access the process for one or few sessions when they hit a rocky patch in the marriage, or a difficulty in their parenting, or a new wrinkle in their lives. Savvy couples who are committed to their marital relationship as well as to themselves are calling upon the mediation process knowing it is there to support both partners, without sides being taken or alignment, as they work with a mediator whose focus is on the nuances of their quality interaction and the subtle decision making opportunities that they might

otherwise overlook on their own during unaided difficult interactions. And, mediation is an opportunity for couples as well as a breakthrough to be embraced on its own or in partnership with other religious or therapeutic professionals.

Life brings change to every marriage. Some changes may be sudden and crisis oriented such as an illness, a death, a job loss, knowledge of an affair, or a child expelled from school. Clearly mediation is tailored to assist a family through the process of making decisions in a time of turbulence. But many changes in a marriage are not, nor do they have to be, traumatic in order to derive the benefit of the mediation process. Indeed, there are many changes that can be expected such as the stress of certain children's developmental stages on a marriage, how money is earned, spent, saved or invested, job and career choices, moves and retirements, interactions with children and others, empty nest and growing old together. With change often comes conflict as well as opportunity. Mediation practiced from a transformative approach is a process that is responsive to and fits for married couples.

Marital Mediation can allow for a relational tune-up rather than allowing a slow leak or waiting for the blow-out. Though the marital mediator is also not afraid of the blow-out, a couple tune-up can be proactive as well as preventative. Using a mediation process is a way to provide the necessary maintenance to take care of what we love. This is what any responsible owner does in order to protect the investment in valued property. How about the investment in the most intimate and precious relationship you have?

## **CONCLUSION FOR MEDIATORS**

Human beings have the inherent capacity for both self-determined choice and responsiveness to other, even when confronted with conflict. Thus, the most salient meaning of

conflict is a crisis in human interaction. This crisis generates negative and destructive interaction. Thus, the most important product of conflict intervention is a change in the quality of the conflict interaction itself, from destructive to constructive, negative to positive, a change in the *relating*. What better more precious place to do this work than with those who have taken one of the greatest relational risks of all: married couples.

Indeed, the uses of mediation for a wide variety of family issues is becoming more widely known as some domestic mediators are stepping outside the divorce context and offering their services for families in matters such as elder care family conflicts, family business disputes and estates and trusts disputes. It is time for domestic mediators to consider expanding their services for marriage.

Marriages can be *strengthened* through a transformative approach. For mediators, this is an opportunity and an imperative if you believe in the positive aspects of conflict and in the most precious of all adult relationships: a marriage, [a monogamous union].

Having made the case for the match of marital mediation to couples in distress, our message and our training and brochures need to be revised. Let us be transformed. Let us clean up our mistakes, even if we made them unknowingly. We can now think more clearly, taking responsibility for the way we in the mediation field shape the quality of something as precious as a marriage relationship. Marital mediation offers an opportunity to transform marital conflict from an impending divorce to a facilitated dialogue where the couple reclaims their personal strength and marital connectedness.

We urge mediators practicing from this framework to consider it a calling, or even a responsibility, to see the applicability of mediation to couples and to marriage. Mediators could contribute on the large scale to the betterment of society by taking part in a process that has as a

likely outcome strengthened marriages. Research from many arenas has clearly documented that strong marriages have higher likelihoods for producing healthier babies, more balanced and nurtured children, children who have more economic stability, family members who have less health problems and injuries, greater spiritual life, more work productivity and greater work satisfaction.

Working with and through marital conflict is a call for partnership between couples and mediators. For couples, this is an opportunity as well as a breakthrough to be embraced on its own or in partnership with other religious and therapeutic professionals. For mediators, it is an imperative partnership.

The outcome of such a partnership may be a positive reinforcement to the most age old, venerable and core institution of our society on which so much of our daily societal interchanges and satisfaction levels with work are premised and our happiness derives—the marriage.

THE END.

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