

# How is Marital Mediation Different from Marital Counseling?



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# What's in a Name

Marital Mediation

Marriage Mediation

Mediation to Stay Married

Couples Mediation

Marital Counseling

Marital Therapy

Couples Counseling

Couples Therapy

## Marital Mediation is about Action

- Action-oriented
- Looks to future
- Positive
- Builds on strengths



## Are the Issues different?

- Financial
- Careers/working
- Parenting
- Division of work
- Recreation
- Time together
- Spending
- In-laws, relatives, friends

# Can Mediators work with couples in ongoing marriages?

- Mediators work with people in ongoing relationships.
- Mediators work in civil disputes.
- Mediators work in disputes in the workplace.
- Mediators work with couples.
- Mediators can work with married couples. (Is there any reason why not?)

## Spouses often have conflict when driving.



- What does it mean?
- Could it be resolved in mediation?
- Can you resolve it by not going into the past?

## What other kinds of conflict do spouses have?

- Name some.
- Would mediation be useful?

## Mediators work with a couple to improve listening and speaking skills

- Help people take turns talking and listening to each other.
- This is actually very difficult!
- Each spouse talks without coming to a solution.
- People want to talk without wanting to hear or really listen to the other person.
- Talk about each person's reaction to what the other person said.
- Work with limiting “hot speech” and “hot” reactions by learning to identify them and analyzing (deconstructing) them.



## Active Listening and Mirroring.

- Active Listening and Mirroring
- Interpreting the message
- A spouse says something, the other spouse repeats back and checks in to make sure he or she got it right.

“You mean . . .”

“What I think what you are telling me is . . .”

“It sounds like you are saying . . .”

## Understanding overt and covert messages.

- Identifying assumptions
- Analyzing them and testing
- Some of them may be incorrect

## Reframing

- A spouse says something. The mediator rephrases it without losing the meaning, but in a more acceptable or positive way.
- The mediator rephrases it to demonstrate the underlying concerns and the way in which it was intended.
- Then spouses learn how to do it.
- Mediators do this.
- Do therapists do this?



## Modeling communication behavior.

- Mediators ask questions.
- Mediators probe.
- Mediators seek to help couple gain understanding about their communication.
- Couples start modeling this new behavior.

## What are the differences between marital mediation and marital counseling.

- Mediation tends to be action oriented.
- Mediation asks what are you going to do?
- Therapy is about feelings.
- Therapy asks how does that make you feel, and why?

## What are the differences between marital mediation and marital counseling

- Mediation explores the present and the future.
- Therapy uses the past to change the present and the future.

## What marital therapists do.

- Identify personality problems.
- Identify neuroses, psychoses.
- Look for symptoms of mental illness.
- Look at family history.
- Undertake to change longstanding personality or relationship problems.
- Make diagnoses.
- Look to improve mental health so that couples can enjoy better marriage.
- Work to cure “sick” marriage.

## What marital therapists do.

- Take case histories.
- Focus on what happened in the past to understand the present.
- Figure out the cause of the problem.
- Use analytic skills to provide context of the parties.
- Use analytic skills to help parties understand their behaviors.
- Process of self-understanding to lead to character or behavior modification.



## What marital therapists do.

- Expand psychological exploration.
- Look at pressing internal or intra psychic issues.
- Look at emotional needs.
- Explore relationship between an individual's emotional needs and the quality of the marital relationship.

## Comparison of what marital therapists and marital mediators do.

- Therapists expands inquiry.
- Mediators contain inquiry.
- Therapists explore deeply felt emotional issues and reactions.
- Mediators look for communication issues and find grounds for agreement.

## What marital therapists do

- Explore family history.
- His father was depressed, and he is depressed.
- Her mother was over-protective.
- Her father left the family for another woman.
- Explore history of the marriage.
- Explore personal histories.



## What therapists do.

- Therapists look at mental and emotional components of the spouses and the relationship, and how it affects marriage.
- Primary focus is to address feelings, and cure illness, including the unhealthy marriage.
- Focus on disfunctions, not functions.
- Explores dysfunctional relationship.
- Explores psychological background to individuals actions and how it plays out in the marriage.

## What marital therapy does.

- Therapists can delve into psychological problems and diagnoses.
- Therapists look at mental and emotional components of the spouses and the relationship, and how it affects marriage.
- Therapists address feelings, moods, cure illness, including the illness that leads to an unhappy marriage.

## What mediators do.

- Focus on issues present by clients.
- Deal with discreet problems and issues.
- Provide feelings of closure.
- Manage conflict v. resolving conflict.
- Help solve mutual tasks.
- Typically short term 2-4 sessions.

## Mediators are . . .

- Task oriented.
- Time limited.
- Focus on specific concrete problems.
- Sometimes just resolve a few issues.

## What marital mediation does.

- Mediators more concerned with behavior than feelings.
- Feelings not helpful aid to mediation.
- Thoughts and analysis are predominant.
- Present-time process.
- What's happening now?



## Mediators help identify miscommunications

- Mediators help people figure out what they're arguing about.
- Maybe their biggest issue is not the one they think it is.
- Miscommunications are surprisingly common.

## Mediators . . .

- Help clients brainstorm solutions.
- Help clients reality test.

## Is there anything a Mediator can do Better?

- What might they be?
- What backgrounds do mediators have?
- How might that be helpful to people?

## Is there anything a Therapist or Counselor can do Better?

- What might they be?
- What backgrounds do therapists and counselors have?
- How might that be helpful to people?
- When to refer to a therapist or counselor?
- Can mediation and therapy or counseling happen at the same time?

## Results of Mediation

- Agreement (sometimes).
- Is a written agreement necessary?
- Is it good to “push” the clients to agreement?
- Reduce anxiety, conflict.
- The result can be “therapeutic”, but that is not the primary goal.

## Mediators work on financial issues.

- Divorce mediators are very experienced in this.
- Very concrete analysis of finances, etc.
- These are areas the clients might need.
- Most marital mediations have underlying financial, money and security issues that are primary.
- Therapists are not generally as experienced in this.

## Financial Issues often key in marital strife.

- Mediators help clients look at money issues.
- Mediators help clients look at financial documents and information.
- Mediators help clients get feedback on their relationship with money.

## What both marital mediation and marital therapy/counseling do.

- Encourage exploration of meanings, reactions.
- What else?



## Transformative mediation.

- Mediation can elicit transformation.
- You don't need to have an "agreement".
- Builds awareness and understanding of each other's views.
- Builds mutual compassion.
- Good for marriage and committed relationships.
- Transformative mediation less appropriate in the workplace or in civil disputes.
- Transformative mediation is why couples getting divorced via mediation or collaborative law often say, "If we could have worked with you while we were married...."

## “Traditional” mediation.

- Must have a specific and concrete goal.
- Must be a goal that has the potential to be “agreed to”.
- Must have an agreement, almost always written.
- Good for certain types of mediation – divorce, employment, etc.
- Appropriate for people in marriages?

## Therapy does not (generally) result in written agreements.

- Marital mediation can result in an agreement.
- Sometimes this can be a written, legally binding, postnuptial agreement.
- Sometimes people need agreement more than transformation or work on themselves and their underlying issues.

## Other issues relating to Marital Mediation

- What to say if a marriage counselor feels threatened or concerned?
- What are the challenges facing therapists or counselors who practice marital mediation.
- Any other issues?

## Marital mediators work with other professionals

- Marital mediators refer to, and work with, marital counselors, marital therapists, and individual psychotherapists.
- Marital mediators can closely work with other professionals, such as lawyers, financial planners and accountants.



- Who else can marital mediators work with?

Marital mediation and Marital therapy  
can be concurrent --  
They are not mutually exclusive.

- Couples often work with marital mediators at the same time they are working with a marriage counselor or marital therapist.
- Often marital mediation clients are concurrently in individual therapy or counseling.
- Marital mediators refer couples to marital counselors and psychologists.



## Practice the “elevator” talk.

- You explain that you are a marital mediator.
- They say “what’s that?”
- You explain.
- Then they ask: “What’s the difference between marital mediation and marital counseling?”

## About the presenter

Laurie Israel is a lawyer / mediator practicing in Brookline, Massachusetts. Her many years of divorce law and divorce mediation led her to work with clients who wished to preserve their marriages. She is a frequent presenter on the topic of marital mediation at professional conferences in Massachusetts and elsewhere in the United States.

Laurie is a member of the Massachusetts Council on Family Mediation (MCFM) and the Massachusetts Collaborative Law Council (MassCLC) and is a former board member of both organizations.

Her writings appear on [www.ivkdlaw.com](http://www.ivkdlaw.com), [www.mediate.com](http://www.mediate.com) and other internet sites. She is currently a writer (blogger) with The Huffington Post, writing about marriage, divorce, relationships, mediation, and collaborative practice. [www.thehuffingtonpost.com](http://www.thehuffingtonpost.com)

