

Literature review:
mediator
communicative
competence



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Mediation and Divorce Introduction There are various aspects which the divorce process can tackle. Of all the issues surrounding divorce, child's custody may be the most intriguing and challenging for any communicative mediator. The process is emotionally, mentally, and financially draining for both parties, making them prone to emotional outbursts. Being at the center, it is the mediator's task to control the situation. As what Donohue, Allen, and Burrell (1988) stated, appropriate intervention tactics holds a vital role in the mediation process. Resolving an issue between individuals wishing to have divorce is a delicate task as it touches the private lives of each of the persons involved; however, communicative competence of mediators can help ease the problem.

Communicative Competence in Mediators

In the article " Mediator Communicative Competence," a divorce mediator's communication tactics to resolve a dispute is highlighted. Communication is a powerful tool to establish control over the two parties who are most likely to air out their emotions in an inappropriate way. According to Wall (1981) the purpose of mediation is to identify a " disputant's role in the process of negotiators exchanging information" (as cited in Donohue, Allen, and Burrell, 1988, p. 105). It is important for the disputants to realize their role during the divorce process, most especially after it. Divorce mediation is even preferred than that of formal court ruling. Talking about child custody, this is the most crucial part of any divorce mediation case. Settling the dispute when it comes to parental rights is essential because frequent misunderstanding about the other parent's role to the child will not only complicate the lives of the disputants, but also with the child. During the process, a mediator's presence alone would not suffice the need of the situation. He should have the initiative to take control and let the disputants

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feel that they are there to settle the issues between them and not to make another argument. Saposnek (1983) tackled five recommendations to make the mediation effective. The mediator should implement rules before even talking about an issue. The disputants should be reminded that each party has their time to talk, and interrupting will not be tolerated. Second, the mediator must know how to keep track with the topic. Derailing the issue would not resolve the conflict on time. Mediators should encourage both parties to express what they want to achieve. In that way, the mediator can think of ways how to reconcile both interests. Meeting half-way is the best option for the disputants. Let them feel that both have positive views about the matter. This will not only help them to survive emotional distress but will also make them think of better choices for them and for their children.

Mediators are also expected to have a sound understanding of the case of the disputants, what they want to achieve, and their differences. If in case one of them expresses something ambiguous or vague, it is necessary to ask for a clarification (as cited in Donohue, Allen, and Burrell, 1988). Conclusion Divorce mediators have a crucial task of resolving issues between the disputants. It should be expected that the persons involved might not be able to control their feelings. The task of the mediator is to keep everything diplomatic, where at the end of the session, the issues are already resolved. Communicative competence for mediators does not only mean fluency, but the overall eloquence to handle such situation. Reference Donohue, W. A., Allen, M., & Burrell, N. (1988). Mediator communicative competence. *Communication Monographs*, 55, 104-119.