

## **Mediating in the First Century B.C.E.**

**By Mark Kleiman, Esq.**  
Community Mediation Services, Inc.  
Jamaica, New York

Conflict is the central operating feature of the universe. A basic physics principle says that its building block, a photon of energy, has two discrete and simultaneous characteristics: the individual character of a point and a relational character as a wave. The stability of existence is based upon finding a healthy balance between individual integrity and relational interdependence. It is also very clear that the more extreme the conditions the more difficult it is to find that balance. (Life at the bottom of the sea).

Rabbis Shammai and Hillel represented these two perspectives on living a Jewish life. One demanded the primacy of individual Jewish ritualistic responsibilities and nationhood as the mandate for Jews. The other focused more on the importance of positive, healthy relationships along with observance as expressing G-d's wishes for a Jew. Hillel and Shammai promoted these approaches under the extreme circumstances of political occupation. The failure to integrate Hillel's approach proved catastrophic.

How would we as a mediator have facilitated a discussion between the two schools of thought? First, it requires Mindfulness of what we are feeling and thinking about the situation, the participants and their ideas. Any biases or predispositions must be acknowledged to determine if we would be able to act impartially so that they would consider us neutral.

The main objective of a mediation is to have the disputants make as a wise a decision as possible. Research discloses that the basic elements of wisdom are knowledge, thinking and emotions. We need to explore as much information as possible. To elicit knowledge you must act respectfully, listen carefully and make certain you understand everything that has been said. Clarifying questions add to the story and summarizing shows you listened and understood.

Discover what is most meaningful and valued to each party. Then reflect back the goals you have heard from each side. "You want Jews to be observant maintaining their identity and freedom." "You want the Jewish nation to be at peace and autonomous." A thoughtful analytical approach is required to creatively solve the problems.

Throughout, recognize the presence of emotions, their connection to that which is important to the parties and that they form a normal context within which conflict

arises. Reflecting them to the parties deepens their sense of being understood and lowers the intensity.

The final question is whether all the circumstances and options elicited could result in a strategy in which Jewish identity would be secure while we reached an accommodation with Rome. It proved impossible to reconcile this in the first century B.C.E.

There are some interesting parallels today. It appears that this conflict continues on. Let us hope we can take some lessons from the past and recognize the value of promoting healthy relationships.