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President's Column: "Work of the Heart"

By David A. Hoffman

Several years ago I had the privilege of conducting a mediation training in Israel. The practice of mediation is growing rapidly there, with mediation centers opening in every city and mediation trainings occurring monthly. Like the U.S., Israel has crowded court dockets and no lack of disputes.

Working with mediators in Israel was immensely satisfying for a number of reasons. First, it gave me an opportunity to make my first visit to a country I had wanted to see for many years. Because of my Jewish background, I wanted to experience, if I could, what had led a number of my relatives and friends to emigrate there. I was not disappointed: inside the ancient walls of the old city of Jerusalem, on the winding cobblestone paths of the Jewish quarter, the atmosphere felt both spiritually charged and very welcoming.

Second, my meetings with mediators in Israel confirmed my view that the people involved in dispute resolution work are, with rare exceptions, a wonderful lot. I was welcomed into the homes of mediators in Tel Aviv and Jerusalem, taken on tours of the desert and Dead Sea, given a place to stay -- by people who were glad to share some time and experiences with a fellow mediator. The spirit of collaboration that infuses the dispute resolution movement in the U.S. is very much a part of Israel's mediation scene as well.

Third, my conversations with Israeli mediators were strikingly, and reassuringly, familiar. I had been afraid that a wide gulf of culture and differing experiences would make such conversations difficult, but the Israelis were interested in the same issues and questions that perplex us in the U.S. -- ethics, co-mediation, qualifications, compensation issues, facilitative vs. evaluative styles, transformative mediation, caucusing, etc. I suppose one might say that there is a universal human logic inherent in the work that we do as mediators, but I think that a more likely explanation can be found in the fact that many Israelis have been trained by mediators from the U.S., including some of our own New England mediators and trainers: David Matz, Erica Fox, Frank Sander, Jonathan Reitman, and Bob Mnookin.

What was most satisfying, however, about working with mediators in Israel was encountering people who had a deep feeling of purpose in their lives. This is a feeling I often get from talking with mediators in the U.S.; in Israel, however, where the stakes for dispute resolution are as high perhaps as anywhere in the world, this feeling runs even deeper.

This sense of purpose permeates the ADR movement, and I think it can be traced, sociologically and demographically, to the activists and ideals of the 1960s and 1970s. This is more than our job – it is our work, a calling, the integration of intellectual challenge and heartfelt commitment.

This idea was expressed in the early 1980s by law professor Roberto Unger, who wrote movingly of his attraction to the progressive school of critical legal studies as a welcome reprieve from the sterility of legal formalism:

When we came, [the legal formalists] were like a priesthood that had lost their faith and kept their jobs. They stood in tedious embarrassment before cold altars. But we turned away from those altars, and found the mind's opportunity in the heart's revenge.

I have puzzled for years about the concept of the “heart's revenge,” and one of the meanings for me now is not so much the desire for retribution as the intense (perhaps defiant) yearning for a path in which our lives and our work are not alienated from each other.

In Israel I met mediators for whom the life of the mind and the life of the heart seemed to be one. Added to their sense of purpose in their work is a deep personal connection to the land in which they live -- a country in which their skills are desperately needed and are now being put to good use.

Mediators in Israel have begun to address the seemingly unresolvable tensions between Jews and Palestinians. In Gaza and the north, the Neaman Institute has begun mediation training for Israeli and Palestinian security forces at tense border areas. And, in the community of Neve Shalom/Wahat-al-Salaam (a half Jewish, half Arab community between Tel Aviv and Jerusalem), a primary school and a conference/training center for conflict resolution work provide, by their very existence, a model of successful effort to bridge a gap that others in Israel consider hopelessly vast. (The Hebrew word for mediation (*gishur*), I learned, comes from the same root as the word for “bridge.”)

Of course, projects of this type exist in the U.S., where racial tensions often divide us as deeply as the Jews and Arabs who share the land of Israel. In Massachusetts, mediators with the Conflict Intervention Team in the Attorney General's office have been providing vital services when racial tensions have flared in our schools. These are important, but unfortunately isolated, examples of projects that need to be expanded. In addition, members of the ADR community have a responsibility to seek out opportunities to increase our personal involvement in this important work. I think of what we do as mediators (particularly when we address the racial divides in our society) as turning away from cold altars toward more promising avenues of commitment -- finding the

“heart’s revenge” in the work of healing. This is the work described in Judaism as *tikkun olam* (repairing the world) -- it is work that cannot be delegated.

I have long wondered how the mission of *tikkun olam* became so integral to Jewish life, because the concept does not come from a biblical text. My rabbi at Kerem Shalom congregation in Concord, Massachusetts, Michael Luckens, wrote the following in response to my inquiry concerning the origins of the concept of *tikkun olam* (this is an excerpt from a longer message):

The words *tikkun olam* are not found in the Torah. But the values behind the words infuse the Torah and Jewish thought. The words *tikkun olam b'malchut Shaddai* ("to establish the world under the sovereignty of Shaddai/God") are found in the *Aleynu* prayer. . . . It was probably composed by the Talmudic rabbi Rav in the third century CE. *Aleynu* became part of the daily service much later, in approximately 1300 CE.

The Kabbalists of 16th century Safed in Israel wrote about *tikkun* or restoration of the world through the study of Torah and the observance of *mitzvot*. Through these acts, holy sparks are released into the world, an idea later taught by Hasidism (18th century).

In contemporary usage, *tikkun olam* refers to the betterment of the world, bringing harmony through justice and peace, relieving human suffering, protecting our planet from various forms of destruction, etc. While these ideas are of a more recent vintage, the values themselves are rooted deeply in Jewish tradition. If we are all created *b'tzelem Elohim*, "in God's image," we need to be concerned about that divine spark and spirit that resides in every living thing, concerning ourselves with food, housing and health for all. When the Torah calls us to "pursue justice, only justice" (Deuteronomy 16:20), we are called to close the terrible gaps that exist between classes and peoples. The placing of human beings here in our Garden of Eden to work and to care for the earth (Genesis 2:15) teaches us that protecting the natural order is part of that justice, or as the Buddhists say, "right conduct."

In all of this there is a connection between the spiritual and the sociopolitical. This was and is the strong message of the prophets of ancient Israel, voices that give life to our contemporary expressions of *tikkun olam*. . . .

As this excerpt illustrates, the concept of *tikkun olam* is an integral part of the tapestry of Jewish life. Among the important threads of *tikkun olam* are (a) a commitment to action (*mitzvot*) as opposed to simply faith or prayer, (b) devotion to law (*Torah*) as the ordering principle that connects God to humankind, and (c) the pursuit of justice as a spiritual calling. These concepts help explain why

many Jews have felt drawn to the practice of law as both livelihood and an opportunity to redress wrongs.

There is a further element, however, that is equally important for those of us who see mediation as a form of *tikkun olam* – namely, the concept of “healing.” The pursuit of justice can be a rough business. Today’s Jewish settlers on the West Bank believe they are engaged in the pursuit of justice for the Jewish people, as do the Palestinians bent on removing them. Achieving justice through peaceful means offers the possibility of true healing and a more enduring “repair of the world.”

Conflict is, of course, an inevitable – indeed, essential – part of human life. Without conflict, democracy would be impossible. Resolving conflict in the best possible way, however, is not inevitable. Mediators bring the tools – intellectual, emotional, and spiritual – that enable us to truly heal conflict, rather than just reduce its symptoms to a tolerable level. Such healing may not be essential for democracy, but it is, in my view, a vital component of *tikkun olam*.

The practice of mediation thus can provide a link – a bridge, if you will – between the religious life and a life of commitment to justice. Seeking to deploy the mediator’s tools skillfully, compassionately, and with a realization that healing conflict on one tiny corner of the world contributes to the repair of the entire world, is a challenge that I embrace. It is a work of the heart as well as the mind and, because of the inevitability of conflict and the enormous task of conflict-healing that lies before us, I have the comfort of knowing that I will never be out of work.

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