



Mediation in Israel can Build Cross-Cultural Empathy and Consensus

Dr. David Silvera, Mediator

Israel is a multi-cultural society. The major reason is immigration. The special quality of Israel's ethnic relations will become salient, if we define it in general terms. According to sociological research, most ethnic situations originate from conquest, immigration or annexation. One ethnic group usually emerges from such an encounter with superior resources, and aspires to preserve this superiority.

Jewish ethnicities in Israel come into contact as a result of immigration. This immigration was caused by relatively collectivistic motives, not just individual survival or pursuit of private goals, but also a vision of national revival. Nation building was the policy of the Israeli governments, in order to form the identity of Israeli-Jew - to change the former Yemenite or Rumanian or Polish or Russian etc. into a proud Israeli. Most of the immigrants, like Lot's wife in the Bible, cannot look back to their country of origins.

The inner conflict of Israeli society stems, as a result of the above policy, mainly due to the fact that most Jewish communities have adopted major components of culture from their countries of origins. Thus, Integration between European origins and Mid-Eastern or Arab cultures was difficult indeed. The presence of a sizable minority of Israeli Arabs, who cherish their separate identity as well as their attachment to the Arab world, indicates the conflict in which Israel society finds itself in.

Integration, inequality, conflict and pluralism have all been factors in building an Israeli Identity. Pluralism has been chosen: the idea that everyone has the equal right to be different.

Crossroads East and West

Crossroads East and West is the name of a book I wrote in 1989, based on a radio broadcast, providing information about the cultural identities of Jews from Arab Countries. At the time of writing the book, I did not know that it was dealing with mediation of a multi-cultural society: the Israeli society.

The message in the book was, that not only should pluralism stay, but cultural differences can enrich Israeli society and achieve the goal of nation building, but only if each ethnic group, religious and secular, western and eastern, will meet at the crossroad of the cultural differences. Knowing and respecting each other's culture and bridging differences by integrating cultural symbols will all contribute to the process of Nation Building.

The goodwill of ethnic groups, their readiness to accept the same and the different, based on the common ground of Jewish tradition, is the answer to overcoming differences. Even secular Jews cannot accept their being Israelis, without Jewish religious symbols - e.g. the Menorah as in the Jerusalem Temple, or the star of David, or even the Israeli flag with the blue stripes symbolizing the talit. They were emptied of their religious content by the secular Israelis and fully respected as religious symbols by the religious Jews. The Arab minority, not being Jews, do not accept most of those symbols. Most of them do not accept Israel as a Jewish state, and would prefer to create a democratic state of all its citizens, Jews and non-Jews alike. (Prof. Sami Samucha elaborated in his many researches on this).

In order to overcome some of the conflicts mentioned, in order to create a better understanding between the ethnic groups, religious and secular, Jews and Arabs, majority and minorities, there is only one answer: MEDIATION.

Mediation

Mediation is a voluntary, non-binding, private dispute resolution process in which a neutral person helps the parties try to reach a negotiated settlement. Mediation is voluntary in the sense that, in the vast majority of cases, it takes place as a result of the parties agreeing to enter the mediation process. It cannot happen if one or more parties refuse to participate, although it is quite possible that the parties who initially refuse may agree to mediate at a later stage. The mere fact that parties agree to mediate is in itself a step along the road to settlement – it may be the only thing they agree on and it is something to build upon.

Mediation is non-binding unless and until an agreement is reached. Entering the process itself does not bind them to settlement.

Mediation is private, conducted without prejudice, and usually with absolute confidentiality.

The Mediator is a neutral person who assists the parties in their negotiations. Parties often request a mediator who is a specialist in the particular area of dispute, who “can speak the same language”. However, a skilled mediator is needed for effective mediation, much more than a specialist in the field.

The role of a mediator is to direct the process, build trust and confidence, facilitate communication and explore options for settlement. The mediator can help develop creative “win-win” options, based upon the interests and needs of the parties, which would not occur otherwise.

Prof’ Karl Mackie of U.K. Centre for Dispute Resolution stated in the magazine *Resolution* no. 28 of summer 2001, that “ADR (Alternative Dispute Resolution) has become something of a buzz term in recent years. Business, public sector and the professions are all using it, and judges and government want to be a highly effective business tool for resolving disputes”.

Mediation in Israel

In her article “Mediation in Israel” published in the *Australian ADR Bulletin*, volume 5, number 2 (2002), a monthly newsletter on dispute resolution, and in “Sulcha” – the Israeli Mediation Website (www.sulcha.co.il), Dr Susan Zaidel explains “Mediation in Israel began in the late 1980s within the framework of the Israel Family Therapy Association. The earliest mediators were social workers and psychologists with a family systems orientation who adapted the American model of divorce mediation. The first Hebrew language book about divorce mediation for the Israeli public was published in 1993 (the English edition was published in Israel in 1991). At around that time, a paragraph was added to the laws governing the courts which defined mediation as a voluntary option for judges to suggest to litigants in any civil lawsuit.”

Explaining the development of Mediation in Israel, she quotes the Israeli chief Justice saying, that “mediation was a good thing – both as a means of reducing the overburdened court system and for its inherent qualities as a means of resolving disputes.” As a result of his influence, the court system began to integrate ADR into its systems by creating a new department for screening and referring cases to mediators.

Mediation and Adult Education

Adult education can be the platform on which mediation, as a life style can be diffused - mediation as a culture of tolerance, understanding, listening and mutual respect. Such a culture can prevent conflict at the outset. Can we hope for mediation to spread in Israel and the World and become a significant tool in creating a better society?

Dr. David Silvera is a certified mediator, manager of “Silpar” center for Mediation and the academic director of “Pathway” (derachim), a school for training mediators, recognized by the court management and the Ministry of Justice. He serves as member on the board of the Israel Adult Education Association, public representative at the Tel Aviv Labor Court and member of the managing board of “Sulcha”, the Israeli mediation website.