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## Making Peace

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A few years ago, Donny Ebenstein had earned the kind of credentials most aspiring attorneys would die for -- undergraduate work at the University of Michigan, Phi Beta Kappa, graduated with highest distinction; followed by a juris doctorate from Harvard Law School, conferred *cum laude*.

The only problem was, on the way to positioning himself for a stratospheric career in law, the youthful Ebenstein realized that he no longer wanted to be a lawyer.

"You know, I thought I'd be a lawyer and it would be fun and interesting and satisfying and so on," he says via telephone from his mediation and negotiation office in Manhattan. "But I got to law school and it really wasn't what I had anticipated. It wasn't so fun. I worked a couple summers at firms and it was a lot more boring than I thought it would be. I thought, this is not that great for a summer; I can't imagine what it would be like for my whole life. I was pretty disillusioned."

Despite his youthfulness, Ebenstein realized that his ultra-competitive scholastic performance had been "a process of jumping through hoop after hoop after hoop." It was ultimately unsatisfying.

His searching weathervane, however, eventually found its direction.

"In the middle of my second year I took a negotiation workshop at Harvard," he says. "And I fell in love. I absolutely loved the material, I loved the way it was presented, the whole process of engaging the idea."

Today, after embarking on a successful and concentrated international career as a negotiator and mediator and, more recently, as a trainer of those professionals, Ebenstein compares the original feeling to finally finding a suit in a vast store of ill-fitting ones.

The one he found fit perfectly.

The talents and energy that Ebenstein, now 30, might once have brought to law have instead been directed toward mediation and negotiation, and the training thereof, in a wide variety of settings. Since leaving Harvard six years ago, he has set up an extensive career as an independent consultant, working for some very big corporations and governmental agencies in places like Costa Rica, Japan, Australia, Israel and the US.

Simply put, he loves working in negotiation and mediation, explaining for the uninitiated that a negotiator is an active and partisan party to a negotiation between two sides while a mediator is a neutral, unattached party in such a negotiation. Mediation is often imposed or ordered, sometimes by a court.

What Ebenstein saw in law -- which was primarily documents and computer screens, he says -- couldn't hold a candle to what he saw in mediation-negotiation, which was primarily human beings.

"The only thing that really captures my attention for any extended period of time is people," he says. "What I find fascinating is how people behave, what's going on in their heads, how they get along or don't get along, or helping them understand their own feelings or helping them see another person's point of view. If you're an artist, you can work with different materials -- clay or canvas or watercolors or oil paint, dance, sound, percussion. For me, the material, the thing I really get off on, is people."

And teaching the art of negotiation and mediation has become just as integral to Ebenstein's professional perspective as the actual practice.

He teaches techniques related to his chosen field for Jerusalem's Hebrew University Law Faculty and Haifa's Technion Institute of Industry and Management. He also helped found the Israel Center for Negotiation, dedicated to teaching conflict resolution and negotiation skills in the Middle East, obviously a region where both are badly needed.

"I am absolutely passionate about teaching," Ebenstein admits. "I've thought about why that

is. I don't know if I have an answer, but I love to teach. I *have* to teach. I almost can't resist."

"Conflict resolution" is a neat, civilized term, one which somehow belies the reality of what Ebenstein does professionally. He frequently finds himself directly between opposing groups of people in the midst of serious disputes, whether businesses colliding over a great sums of money, husbands and wives in the sad combat of divorce, or Israeli and Palestinian border guards trying to figure out how better to get along.

None of it phases him.

"Standing between two people who are yelling is really comfortable," he says. "In my family, it wasn't rare for people to raise their voices. It wasn't rare to have conflict. It's not pleasant, but it's not horrifying either. It would be a lot harder for me to deal with people who just say nothing; to try to draw somebody out."

Turning hostility and resentment into a constructive attitude toward resolution is the central challenge of a negotiator-mediator's work, Ebenstein says. It requires the person in the middle to strive to understand both the dynamics of the conflict and the feelings of the people who are parties to it.

"It takes effort but it can also be deeply satisfying," he says. "There are several things you need to do. One of them is building trust with that person and getting them to the point where they're willing to, and wanting to, share with you and let you in on whatever it is that's upsetting them or causing them grief."

Timing is critical.

"When I've taught mediators, I've said there's a sort of transition between looking at the past and looking at the future," Ebenstein says. "Mediation is about the future and how you can fix things. That means sometimes letting go of the emotion. It's kind of like martial arts. If someone is coming at you and you want to redirect your energy in another way, if you try to do it too soon, you don't have the right balance or footing, and it won't work. And if you wait too long to redirect it, they'll knock you over. You need to find that moment where you think the person might actually be ripe to say, 'Okay, I can let go of this.'"

To some degree, he acknowledges, this is matter of carefully reading people. Perhaps even more important, it's a matter of the negotiator or mediator reading himself or herself.

"I think the best mediators are the ones who read themselves very well and can be sensitive to whether they're losing their patience or getting stuck. A source of information in the process is also yourself, whether you're having a reaction or intuition about what's going on."

Ebenstein believes that well-learned technique is much more important than inherent traits in making an effective negotiator or mediator

"Can you spot a good mediator ahead of time?" he ponders. "I've been involved in doing research on that and I don't think anyone has found a good test for who is going to make a good mediator."

Nonetheless, he concedes, there are certain attributes, whether learned or intrinsic, that make the job a lot easier.

"You need to have patience," he begins. "Patience with the fact that a person is what they are, and as much as you think they *ought* to be making a decision . . . that person needs to be where they are. The acceptance of that probably comes with age."

Which leads to the next attribute.

"You need to have maturity. Life experience really helps. I sometimes see my own shortcomings in that. There are things I wouldn't have understood back when I was in law school that make sense to me now."

Basic smarts can be invaluable.

"You have to be quick on your feet. You need intelligence of a certain kind, because you're getting a lot of information very quickly and you need to assimilate, and also handle it, online. You need to be open to people and able to connect with them quickly. You may have a lot of the skills, but if it takes you a long time to open up to people, then that's going to be a factor against you. You walk into this room and there's a husband and wife in the throes of divorce. You need to build trust. Fast."

Coming from a Jewish background can be an extra boost for somebody thinking of a career in mediation or negotiation, Ebenstein adds. In his specific case, the fact that he was raised in a variety of "minority" contexts made it easy for him to view himself as something of an outsider, which is precisely where a mediator wants to be.

"I grew up as a Jew in the United States and as a religious person in the essentially secular world," says Ebenstein, who was raised in Detroit, the son of an Israeli mother and an American Jewish father. "I've had the experience of being half-Israeli here in the States and being an American in Israel. So in three different ways, I have felt part of and outside of the environment. Taking perspective comes easy to me."

More generally, Judaism itself offers valuable insight to the skills that Ebenstein values.

Describing himself as "very committed to observance," and settling for the label of modern Orthodox, he says that the Talmudic process itself teaches a lot about dialogue and debate.

"We preserve the minority opinion," he says of Judaism. "The Talmud is very terse, it doesn't mince words or waste space, and yet it brings down lots of opinions that are not the ones that are followed. Why? I think the process is important. We have respect for process and care about process. And the Talmudic sources in Jewish tradition highly value doing something called *peshara*, compromise, which means to have a judge encourage the parties to resolve their difference without having to give a decision. That's preferable to adjudication in the sources."

But, while being patient, mature, quick-witted, open -- and Jewish -- can be precious traits to a prospective mediator, Ebenstein points out that there is one ingredient that is simply indispensable.

"The most important thing is you've got to want to be a good mediator," he says. "You have to want to help people. The best mediators are impassioned about mediating. They love it and they want it."