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The Ninth of Adar: The Day Constructive Conflict Turned Destructive

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1. The Constructive Conflict of Beit Hillel and Beit Shammai

Scholars of conflict resolution have often referred to the relationship between Beit Hillel and Beit Shammai as the quintessential Jewish model of constructive conflict or *machloket l'shem shamayim* (dispute for the sake of Heaven).¹ As the Mishnah says, "What is a *machloket l'shem shamayim*? Such as was the *machloket* between Hillel and Shammai."² Thriving communities approximately two thousand years ago,

¹ Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (New York: Oxford Press, 2000), 177–178; Gerald Steinberg, "Jewish Sources on Conflict Management Realism and Human Nature," in *Conflict and Conflict Management in Jewish Sources*, ed. M. Roness (Ramat Gan: Bar Ilan University Program on Conflict Management and Negotiation, 2008), 13–15; Howard Kaminsky, "Constructive Conflict in the Jewish Tradition: *Machloket L'Shem Shamayim*, 'A Dispute for the Sake of Heaven,'" Occasional Paper, Pardes Center for Judaism and Conflict Resolution, Jewish Day of Constructive Conflict, Jerusalem, February, 2013. See also Howard Kaminsky, *Traditional Jewish Perspectives on Peace and Interpersonal Conflict Resolution* (New York: Teachers College, Columbia University, 2005).

² M. Avot 5:17.



Beit Hillel and Beit Shammai represented two dominant conflicting Jewish schools of thought, both considered “the words of the living God.”³ Despite their sharp differences of opinion, the two groups are often described as succeeding in maintaining strong peaceful relationships, respectfully disagreeing with one another, and continuing to marry into one another’s families. As the Talmud relates,

Although Beit Shammai and Beit Hillel disagreed, Beit Shammai did not, nevertheless, abstain from marrying women of the families of Beit Hillel, nor did Beit Hillel refrain from marrying those of Beit Shammai. This is to teach you that they showed love and friendship towards one another, thus putting into practice the scriptural text, “Love ye truth and peace.” (Zech. 8:16)⁴

On the basis of these texts and many others, Howard Kaminsky writes:

- 2. If one is involved in a conflict and finds that his or her attitude and actions conform to the Hillel and Shammai paradigm—that one is doing such things as engaging in dialogue, being receptive to the other party’s opinion, maintaining benevolent feelings, and exhibiting goodwill towards the other—then one can be confident that one is promoting constructive conflict.⁵ The Destructive Conflict between Beit Hillel and Beit Shammai**

However, it appears that the relationship between Beit Hillel and Beit Shammai was not always peaceful, and their conflicts were not always constructive. The Mishnah relates:

And these are some of the regulations enacted in the attic of Hananiah b. Hyzkiyah b. Gorion, when the rabbis came to visit him. They did a roll call and found that the disciples of Shammai were more numerous than those of Hillel, and they enforced eighteen regulations on that day.⁶

This day, when the students of Beit Shammai outnumbered the students of Beit Hillel, was considered by both the Babylonian Talmud and the Jerusalem Talmud as

³ Yevamot 14b.

⁴ Eruvin 13b.

⁵ See below, p. 18.

⁶ M. Shabbat 1:4.

a day as tragic as the one on which the golden calf was created. The Babylonian Talmud (Shabbat 17a) states:

They [Beit Shammai] thrust a sword into the study house and declared: “Whoever wants to enter may enter, but no one may leave!” And on that day Hillel sat in submission before Shammai, like one of the disciples, and it was as wretched for Israel as the day on which the [golden] calf was made.⁷

The description in the Babylonian Talmud of Beit Shammai bringing a sword into the beit midrash (study house) is indeed very dramatic, especially given the determination elsewhere in the Talmud that it is prohibited to bring a weapon into the beit midrash.⁸ Nevertheless, it appears that no one was actually hurt on that day. The Jerusalem Talmud, however, tells of a much more traumatic scene:

That day was as wretched for Israel as the day which the [golden] calf was made.... It was taught in the name of Rabbi Yehoshua Oniya: The students of Beit Shammai stood below them and they began to slaughter the students of Beit Hillel. It was taught: Six of them ascended and the others stood over them with swords and lances.⁹

This horrific description conveys how Beit Shammai Torah scholars brought weapons into the study hall and actually killed scholars from Beit Hillel who disagreed with them in order to make sure that the majority vote went according to Beit Shammai. This description is indeed very reminiscent of the story in Exodus 32 that describes what happened immediately following the making of the golden calf.

Moses stood in the gate of the camp, and said:

“Whoso is on the Lord’s side, let him come unto me.”

And all the sons of Levi gathered themselves together unto him. And he said unto them: “Thus saith the Lord, the God of Israel: Put ye every man his sword upon

⁷ Shabbat 17a. Regarding the question of whether or not this incident occurred on the same day as the eighteen regulations see Nathan David Rabinowich, “*Megilat Ta’anit Ugezerot Y”CH Davar,*” *Or Hamizrach* 30, no. 3–4 (1982): 236–8. Thank you to Howard Kaminsky for referring me to this source.

⁸ Sanhedrin 82a.

⁹ Y. Shabbat 1:4 [3c].

his thigh, and go to and fro from gate to gate throughout the camp, and slay every man his brother, and every man his companion, and every man his neighbour.” And the sons of Levi did according to the word of Moses; and there fell of the people that day about three thousand men.¹⁰

Nevertheless, some commentators on the Jerusalem Talmud expressed clear discomfort with saying that students of Torah actually killed each other. Rabbi David ben Naftali Hirsch Frankel (1707–1762, Berlin) wrote in his commentary on the Jerusalem Talmud:

“And they began to slaughter the students of Beit Hillel”:

Only if they [Beit Hillel] wanted to go up [to vote], however G-d forbid, they [Beit Shammai] did not [actually] kill anyone, so it seems to me.¹¹

According to this view, while Beit Shammai may have threatened to use violence to win their case, they never actually resorted to it in reality. However, other commentaries on the Jerusalem Talmud do acknowledge that students were indeed killed on this day. Rabbi Moshe Margalit (1710–1780, Lithuania) comments that one of the primary reasons that this day was so tragic was that the students of Beit Shammai killed the students of Beit Hillel.¹² In addition, Rabbi Moshe Feinstein (1895–1986, United States) writes that according to the commentary of the *Tosafot* on the Babylonian Talmud (Tos. Gittin 36b, “*Elah*”), one must understand the Jerusalem Talmud description in its literal sense, that students were indeed killed on this day.¹³ It is interesting to note that the tenth-century Karaite, Solomon ben Yerucham, in his polemics against the famous Rabbi Sa’adya Gaon (892–942, Babylonia), writes:

And the Pitomi [Rabbi Sa’adya Gaon] denied [this, claiming] that there was no war or killing of one another between Beit Shamai and Beit Hillel. And I brought

¹⁰ Exodus 32:26–28 (JPS, 1917 edition).

¹¹ *Korban Edah*, Jerusalem Talmud 1:4 (3c), “*Vehayu horgin.*”

¹² *Pnei Moshe*, Jerusalem Talmud 1:4 (3c), “*Gemara, otto hayom.*”

¹³ *Igros Moshe*, *Orach Chayim* 5:20.

the Talmud of the people of the Land of Israel, and opened up the laws where this incident is mentioned there.¹⁴

3. The Fast of the Ninth of Adar

In several rabbinic codes, dating back to the ninth century, there is a long list of fast days that include the ninth of Adar.¹⁵ Rabbi Yosef Karo (1488–1575, Spain/Land of Israel), in his classic code of Jewish law, the *Shulchan Aruch*, states:

These are the days that tragedies befell our forefathers and it is worthy to fast on them.... On the ninth of [Adar] Beit Shammai and Hillel disagreed.¹⁶

It is unclear, however, from this source, what exactly happened on the ninth of Adar that merits its declaration as a fast day. The commentaries on the *Shulchan Aruch* seem to be divided on the matter. Rabbi Mordechai Yaffe (1530–1612, Poland) writes:

On the ninth [of Adar], Beit Shammai and Beit Hillel disagreed with one another, and since a *machloket* [disagreement] fell between the scholars of Israel, even though their disagreement was for the sake of heaven, nevertheless the Torah had become, G-d forbid, as if it was two Torahs, this one forbids and this one permits, this one declares a matter impure, and the other declares it pure, and no law is known completely. Behold this is like a tragic day and we fast on it.¹⁷

Rabbi Yaffe explains here that even though the conflict between the two groups was *l'shem shamayim* (for the sake of Heaven), constructive and non-violent, nevertheless the very fact that they disagreed was tragic enough to declare the day a fast day.

¹⁴ See B. Ratner, *Ahavat Zion VeYerushalayim* (Vilna: n.p., 1901), Y. Shabbat, 24–25. See Israel Eisenstein, *Amude Esh* (Lemberg: U.V.Z. Salat, 1880), *Kunteres Amude Yerushalayim 7b*, who explains that Rabbi Sa'adya Gaon must have understood the Yerushalmi like the *Korban Edah*. Thank you to Howard Kaminsky for referring me to this source.

¹⁵ *Hilchot Gedolot, Hilchot Tisha B'Av; Siddur Rav Amram Gaon, Seder Ta'anit; Siddur Rashi 541; Tur, Orach Chayim, Hilchot Ta'anit 580*. The list is also found in some manuscripts of *Megilat Ta'anit* in the *Ma'amar Acharon* (last article), a late addition to the early rabbinic work.

¹⁶ *Shulchan Aruch, Orach Chayim, Hilchot Ta'anit 580*.

¹⁷ *Levush, Orach Chayim 580, "Elah."*

However, Rabbi Eliyahu Shapiro (1660–1712, Prague) writes in his commentary on the *Shulchan Aruch*, “On the [ninth] of Adar they disagreed’: And three thousand of the students died.”¹⁸ This shocking source clearly understands the motivation behind the fast day as not merely the fact that there was a constructive and respectful disagreement, but rather that this disagreement became extremely violent, resulting in the deaths of thousands. While this source and others similar to it do not connect the ninth of Adar to the events described in the Talmud, there seems to be a strong hint to such a connection in other sources. Rabbi Eliezer ben Yoel HaLevi (1140–1225, Germany) writes: “On the ninth [of Adar] they decreed a fast day because Beit Shammai and Beit Hillel disagreed, and that day was as difficult as the day the [golden] calf was made.”¹⁹ This addition draws a clear connection between the fast of the ninth of Adar and the Talmudic stories mentioned above. It also may explain the significance of the other sources reporting that three thousand died on that day, as it is the same number reported killed the day the golden calf was made.²⁰

¹⁸ *Eliyahu Rabba*, *Orach Chayim* 580:7. The same language—“and three thousand of the students died”—is also found in one of the manuscripts of the early rabbinic work *Megilat Ta’anit*, where this list of fast days also appears. See Ad. Neubauer, *Mediaeval Jewish Chronologies* (Oxford: Clarendon Press, 1895), 24 (Ms Bodleian Library: Mich. 260 [Catalogue, No. 902, beg.]). In a fragment found in the Cairo Geniza, a slightly different tradition is found: “On the fourth of Adar a dispute erupted between the students of Shammai and Hillel and many were killed”; see Mordechai Margalot, *Hilchot Eretz Yisrael min Hageniza* (Laws of the land of Israel from the Geniza; Jerusalem: Mosad Harav Kook, 1974), 142.

¹⁹ *Ravya III*, *Hilchot Ta’anit* 889. The same addition may be found in Warsaw printed edition of *Hilchot Gedolot*, cited in E. Hildesheimer’s edition, *Sefer Halachot Gedolot*, vol. 1 (Jerusalem: Mekize Nirdamim, 1971), 397. A similar addition may be found in the *Aruch Hashulchan*, *Orach Chayim*, *Hilchot Ta’anit* 580.

²⁰ Exod. 32:28.



4. Reconciling the Myths and Realities of the Beit Hillel/Beit Shammai Conflict

How, then, do we reconcile the relationship between the sources that describe the violent battle and destructive conflict between Beit Hillel and Beit Shammai that occurred on the ninth of Adar with those sources that describe the very peaceful relationship and constructive conflict between the two disputing schools of thought? Rabbi Binyamin Lau claims that the reality of the relationship between them was indeed very violent. In his view, only

an alternative rabbinic tradition chooses to portray the relationship between Shammai and Hillel as one of reconciliation in almost idyllic tones. One such tradition is the Mishna in Tractate Avot (5:17), which cites the dispute between the houses of Hillel and Shammai as the model of a “dispute for the sake of heaven.”²¹

However, we may conjecture other possibilities of the relationship between these texts. One option is to suggest that initially the conflict was indeed violent, but after that tragic day, the sides realized that moving forward they must conduct their disputes in a more constructive (*l'shem shamayim*) manner. Alternatively, it is possible that the relationship between the two groups was indeed complex, and at times the disagreements were managed in a constructive manner while at other times they were destructive in nature. As Louis Kriesberg, one of the most influential scholars of constructive conflict, points out, most conflicts indeed go through both destructive and constructive phases, sometimes even simultaneously.²² Therefore it is possible that Beit Hillel and Beit Shammai may have as a rule conducted their disagreements in a nonviolent and constructive manner; however, to every rule there is an exception, and on the ninth of Adar, their disagreement turned violent.

The ninth of Adar was declared a fast day commemorating these tragic events that occurred over two thousand years ago; however, it seems it was never part of

²¹ Binyamin Lau, *The Sages I* (Jerusalem: Maggid, 2007), 224.

²² Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution* (New York: Rowman and Littlefield, 2003), 3.



normative Jewish practice.²³ The Jewish Day of Constructive Conflict seeks to reinstate this somewhat forgotten day on the Jewish calendar, making it a day dedicated to the study and practice of *machloket l'shem shamayim*, or constructive conflict, and other Jewish models of conflict resolution. It is our prayer that through commemorating this day in this manner, we may indeed merit to transform the day from being a tragic fast day into being a day of rejoicing and happiness. As *Megilat Ta'anit* concludes its section describing the ninth of Adar and the other fast days:

In the future, Hashem [God] will turn these days into days of rejoicing and happiness.... Rabbi Eliezer said in the name of Rabbi Chananya: "Torah scholars increase peace in the world."²⁴

²³ Rabbi Yosef Karo, *Beit Yosef, Orach Chayim* 580, claims that he has never seen anyone fast on these days.

²⁴ Neubauer, *Mediaeval Jewish Chronologies*, 25.

Constructive Conflict in Jewish Tradition:

Machloket L'shem Shamayim,

“A Dispute for the Sake of Heaven”

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1. Constructive Conflict

In contemporary conflict resolution, the popularization of the term “constructive conflict” can be attributed to the “mother of conflict resolution,” Mary Parker Follet (1868–1933). From 1924 to 1933, Follet, whose specialization was in organizational psychology, had become a featured speaker at some of the most important business conferences of that period. In January 1925, at one of these conferences, she presented a paper entitled “Constructive Conflict,” in which she developed the idea of what is today referred to as an “integrative problem-solving approach,” which basically means a mutual-gains approach that seeks win-win solutions. Follet’s theories were enormously influential and over the course of time would come to be adopted by an overwhelming percentage of conflict resolution theorists and practitioners.²⁵

²⁵ See Mary Parker Follett, *Dynamic Administration: The Collected Papers of Mary Parker Follett*, ed. Henry C. Metcalf and L. Urwick (New York: Harper and Brothers, n.d.), 16–7, 30–49; Albie M. Davis, “An Interview with Mary Parker Follet,” in *Negotiation Theory and Practice*, ed. J. William Breslin and Jeffrey Z. Rubin (Cambridge, MA: Program on Negotiation Books, 1991), 13–25; Heidi Burgess and

Over the next half-century, the concept of “constructive conflict” and the factors that contribute to it were extensively researched and underwent considerable development. In 1973, Morton Deutsch, who for over half a century has been one of the leading figures in the field of conflict resolution, published his now classic *Resolution of Conflict: Constructive and Destructive Processes*, in which he summarized research and presented his theories on the topic. Among the main features of constructive conflict that Deutsch outlines are such things as having an appropriate level of motivation to solve the problem at hand, open and honest communication, recognizing the legitimacy of and being responsive to the needs and interests of the other party, maintaining trusting and friendly attitudes, possessing a certain requisite level of intelligence and applying it to the problem at hand, and being open-minded and flexible.²⁶

Taking into consideration the diversity of theories and approaches that exist in the field, it is somewhat difficult to make any type of ironclad generalization regarding what are considered the essential elements of constructive conflict according to contemporary conflict resolution theory and practice. However, Follet’s integrative problem-solving approach and Deutsch’s features of constructive conflict serve as good examples of the sort of elements of constructive conflict that are constantly being discussed and promoted in the massive, and ever-expanding, modern conflict resolution literature.

Guy M. Burgess, eds., *Encyclopedia of Conflict Resolution* (Santa Barbara, CA: ABC-CLIO, 1997), vii, s.v. “Mary Parker Follet”; Oliver Pamsbothom, Tom Woodhouse, and Hugh Miall, *Contemporary Conflict Resolution*, 3rd ed. (Malden, MA: Polity Press, 2011), 38, 47.

²⁶ Morton Deutsch, *The Resolution of Conflict: Constructive and Destructive Processes* (New Haven: Yale University Press, 1973), 352–65.



2. *Machloket L'shem Shamayim*

By the third century CE, we find that the Jewish sages, the *tannaim* (mishnaic scholars), in the fifth chapter of Pirkei Avot (5:17) had already established a basic, and somewhat cryptic, typology of constructive and destructive conflicts:

Any dispute that is “for the sake of Heaven” will in its end endure [it will have enduring value], but one that is “not for the sake of Heaven” will in its end not endure. What is a dispute that is for the sake of Heaven? This is a dispute of Hillel and Shammai. And one that is not for the sake of Heaven? This is the dispute of Korah and his group.

This rudimentary *tannaic* system of conflict classification and its defining criteria were expounded upon by literally hundreds of rabbinic scholars and commentators over a period of approximately nine hundred years (eleventh century–present).²⁷ When one studies the commentaries to this Mishnah, one discovers an array of what are essentially rabbinic perspectives on constructive/destructive conflict. I would like to share a number of these that I personally consider to be extremely noteworthy.

3. The Attributes of Hillel and Shammai and a Dispute for the Sake of Heaven

In developing their views on the essential features of a dispute for the sake of Heaven, or—in modern terminology—constructive conflict, the commentators focused upon the Mishnah’s exemplars, Hillel and Shammai, and the characteristics that are attributed to them and their disputes in earlier rabbinic sources. One such source is found in the beginning of tractate Eduyyot, where after discussing three different disputes that took place between Hillel and Shammai (Eduyyot 1:1–3) the Mishnah recounts how both Hillel and Shammai in one of the cases ultimately retracted their opinions in favor of a third opinion. The Mishnah then goes on to state

²⁷ The earliest known commentators to discuss the mishnaic concept of “a dispute for the sake of Heaven” are Nathan ben Abraham II (d. before 1102, Israel); Maimonides (1135–1204, Spain/Morocco/Egypt), in his commentary to Avot; and the anonymous author of the commentary to Avot that is found in the *Machzor Vitry* (which has been ascribed to various possible authors, most often to Jacob ben Samson [early twelfth century, France]).

that it was important to record this in order “to teach future generations that a person should not [stubbornly] adhere to his words” (Eduyyot 1:4). Based upon this source, some commentators include the receptivity to alternative opinions as an essential feature of a dispute for the sake of Heaven.²⁸ In a similar vein, but working with the assumption that the proper nouns “Hillel” and “Shammai” in this Mishnah are not referring to the actual personages of Hillel and Shammai themselves, but rather are idiomatically referring to Beit Hillel (the “School of Hillel”) and Beit Shammai (the “School of Shammai”), a significant number of commentators²⁹ cite cases in which one of the schools retracts its opinion in favor of the opinion of the other school (e.g., Eduyyot 1:12–4 and Y. Terumah 5:2). Thus, for these commentators, the inclination to readily admit that one is wrong, which is seen as being indicative of an adherence to principles of intellectual integrity and a devotion to truth, is a primary characteristic of a dispute for the sake of Heaven.

Other commentators and rabbinic scholars³⁰ focus upon the positive relationships the two schools were able to maintain while in the throes of their most critical and

²⁸ See Shlomo Zalman Hershman (Ragoler; nineteenth century, Lithuania), *Bet Avot* (Berlin: Tsvi Itskowitz, 1889), 98a; Naphtali Herz Wessely (1725–1805, Germany), *Yen Levanon* (Warsaw: Yitshak Goldman, 1884), 287. See also Joseph Alashkar (fl. c. 1500, Algeria), *Mirkevet Hamishneh* (Lod, Israel: Orot Yahadut HaMagreb, 1993), 292–3 (citing a Gemara that is based on the Mishnah in Eduyyot).

²⁹ Simeon ben Zemach Duran (or *Rashbats*; 1361–1444, Spain/Algeria), *Magen Avot* (Jerusalem: Erez, 2000), 377; Judah ibn Shu’aib (fourteenth century, Spain), *Derashot R. Y. Ibn Shu’aib* (Jerusalem: Machon Lev Sameach, 1992), 363–4; Alashkar, *Mirkevet Hamishneh*, 292; Wessely, *Yen Levanon*, 287; Meir ben Elijah Ragoler (d. 1842, Lithuania/Israel), *Derech Avot*, in *Sifre HaGera Vetalmidav al Masechet Avot* (Jerusalem: Yerid Hasefarim, 2001), 33a; cf. Jacob Reischer (c. 1670–1733, Bohemia/Germany/France), *Masechet Avot im Perush Iyun Ya’akov* (Brooklyn: Tiferet Bachurim deBobov, 1994), 88; and Israel Lipschutz (1782–1860, Prussia/Germany), *Tiferet Yisrael: Yachin Uvoaz*, in *Mishnayot Zecher Hanoch* (Jerusalem: C. Vagshal, 1999), Avot 5:17, *Yachin* 123.

³⁰ Joseph ibn Aknin (c. 1150–1220, Spain/Morocco), *Sefer Musar: Perush Mishnat Avot LeRabbi Yosef ben Yehudah* (Berlin: Tsvi Hersh Itskovski, 1910), 167; Wessely, *Yen Levanon*, 287; Ragoler, *Derech Avot*, 33a; Yechezkel Sarna (1889–1969, Lithuania/Israel), *Daliyot Yechezkel I* (Jerusalem:

intense debates. Even when grappling over the weightiest of issues, for example, laws regarding marriage and personal status (i.e., questions of *mamzerut*, bastardism), the Talmud states that the schools of Shammai and Hillel “treated each other with love and friendship” (Yevamot 14b).³¹ Rabbi Yechezkel Sarna (1889–1969, Lithuania/Israel) eloquently sums up this approach when he writes that the clearest indication that their arguments were for the sake of Heaven was in the fact that these arguments never became personal; rather, they always remained simple differences of opinion.³²

It is noteworthy that some rabbinic scholars cite in connection with our Mishnah the Gemara in Eruvin (13b) that teaches that Beit Hillel was “gentle and [forbearing when] insulted” and would “study their opinion and the opinion of Beit Shammai,” and “put the words of Beit Shammai before their own words.”³³ According to Rashi,³⁴

Mosad Haskel, 1975), 308–10; Eliezer Ben-Zion Bruk (1904–1985, Russia/Poland/Israel), *Hegyone Musar* (New York: n.p., 1969), 182–3. See also Jonathan Eybeschütz (c. 1690–1764, Bohemia/Germany), *Sefer Ya’arot Devash* II (Jerusalem: Machon Even Yisrael, 2000), *Chelek* 2, *Derush* 8, p. 184; Reischer, *Iyun Ya’akov*, 88, n. 6; Dov Berish Gottlieb (d. 1796, Poland), *Yad Haketanah* (Jerusalem: Or Hasefer, 1976), *De’ot* 10:49–52, pp. 233b–34a; Lipschutz, *Tiferet Yisrael: Yachin* 122–3; Israel Bornstein (1882–1942, Poland), *Kerem Yisrael* (Piotrków: Chanoch H. Folman, 1929), 169–70, quoted in Asher Rossenbaum, *Binat Asher* (Tel Aviv: n.p., 1968), 38–9.

³¹ The *Tosefta* (in the Zuckermantel edition, Yevamot 1:1; in the Vilna edition of the Talmud, Yevamot 1:3) cites an alternative version, “They ‘conducted’ truth and peace between them.”

³² Sarna, *Daliyot Yechezkel*, 309–10.

³³ See for example, Chayim Shemuelevits (1901–1979, Lithuania/Israel), *Sichot Musar* (Jerusalem: n.p., 1980), section 2, *Ma’amar* 33, pp. 123–4; Joseph Gibianski (b. 1846, Poland), *Zechut Avot* (Warsaw: Alexander Ginz, 1876), 82–83; and Ben-Zion Dinur (1884–1973, Ukraine/Lithuania/Israel), *Masechet Avot* (Jerusalem: Mosad Bialik, 1973), 127–8. Evidently, the reason that there are relatively few sources that cite this Gemara in connection with a dispute for the sake of Heaven is because the Gemara attributes these qualities only to Beit Hillel and not to Beit Shammai, and therefore the association between it and a dispute for the sake of Heaven, which applies to *both* Hillel and Shammai, is somewhat tenuous.

³⁴ Rashi, Eruvin 13b, s.v. “*Veshonin divreiheh*” and “*Shemakdimin divrei Veit Shammai*.”

the last two of these attributes should be understood as saying that Beit Hillel made a point of taking into serious consideration and fully addressing the arguments of Beit Shammai, and Beit Hillel showed deference to the opinion of Beit Shammai by mentioning it first.³⁵

4. The Attributes of Korah and a Dispute Not for the Sake of Heaven

Similar to their approach in explaining a dispute for the sake of Heaven by analyzing the characteristics that are attributed to Hillel and Shammai, the commentators developed the concept of a dispute that is not for the sake of Heaven by analyzing the biblical narrative (Num. 16:1–17:15) and earlier rabbinic sources that relate to Korah.

A number of commentators focus on the perceptible display of ill will and acrimony on the part of Korah and his group, which is viewed as being a manifestation of a dispute that is not for the sake of Heaven. According to Rabbi Menachem Meiri (1249–1316, France), this occurs in the biblical narrative when Korah and his group

³⁵ These qualities are cited by the Gemara in explaining why the normative halachah as a general rule follows the opinion of Beit Hillel. As to the correlation between these specific qualities and the normative halachah, Rabbi Joseph Karo (1488–1575, Turkey/Israel), Rabbi Judah Loew ben Bezalel (the “Maharal of Prague”; c. 1525–1609, Moravia/Bohemia), and others explain this Gemara as saying that these qualities enabled Beit Hillel to consistently discern the truth regarding any given topic being debated and that is why we should follow their opinion. Joseph Karo, *Kelale HaGemara*, in *Halichot Olam*, by Jeshua ben Joseph Halevi (Jerusalem: Machon Sha’ar haMishpat, 1996), *Sha’ar* 5, chapter 1:6; Judah Loew ben Bezalel, *Be’er Hagolah*, vol. 2, *Habe’er Hachamishi* 1 (Jerusalem: Machon Yerushalim, 2003), 4–7; vol. 1, *Be’er Harishon* 6, 94–7; Judah Loew ben Bezalel, *Netivot Olam* (Tel Aviv: Machon Yad Mordechai, 1988), vol. 2, *Netiv Haka’as*, chapter 1, 583–4; and Judah Loeb Edel (1757–1828, Poland), *Iye Hayam* (Warsaw: Shemuel Argelbrand, 1865), vol. 1, 29a. Cf. Zalman Nechemyah Goldberg, *Darche haPesak*, 2nd ed. (Givat Shemuel: Bet Va’ad laTorah, 2005), 11–14.

come with a sweeping and total condemnation of Moses.³⁶ Rabbi Joseph Hayyun (d. 1497, Portugal) is of the opinion that this occurs when “they present themselves before Moses in an insolent manner and insult him.”³⁷ And Rabbi Jonathan Eybeschuetz (c. 1690–1764, Bohemia-Germany) focuses on “the animosity and hatred” exhibited by Korah and his group towards Moses and (based upon a midrashic source) how they were “on the verge of stoning him.”³⁸

Other rabbinic scholars³⁹ view Korah’s reluctance to engage in dialogue as a sure sign of a dispute not for the sake of Heaven. A cursory examination of the biblical account of the “dispute” that took place between Korah and Moses reveals that it was conspicuously one-sided. We find that Moses responded to the accusations brought against him (Num. 16:8–11) and attempted to convene with his accusers (Num. 16:12). This is in stark contrast to those who opposed him, who throughout the story never responded to what Moses had to say and at one point adamantly refused to meet with him (Num. 16:12b). This facet of the narrative is clearly picked

³⁶ Menachem Meiri, *Bet Habechirah al Masechet Avot* (Jerusalem/Cleveland: Machon Ofek, 1994), 263. This is in line with the midrashic interpretation that has Korah saying, “I argue against and nullify all things that were done through him” (*Midrash Tanchuma*, Korah 1; Buber edition, Korah 3).

³⁷ According to Hayyun, they insult Moses when they say, “Is it not enough that you have brought us out from a land flowing with milk and honey so as to kill us in the desert, yet you still rule over us?” (Num. 16:13). Hayyun, *Mile De’Avot*, 251. Cf. Sarna, *Daliyot Yechezkel*, 304; Bruk, *Hegyone Musar*, 183 (and cf. *Targum Pseudo-Jonathan*, Num. 16:2, “They stood up with *chutspa* [insolence]...”).

³⁸ Eybeschuetz, *Sefer Ya’arot Devash, Chelek 2, Derush 8*, 184. Though he does not cite a specific midrash, this is evidently based upon *Numbers Rabbah* 18:4, which states that “they desired to stone him.”

³⁹ Wessely, *Yen Levanon*, 289; Shemuelevits, *Sichot Musar*, section 2, *Ma’amar 33*, 123; Bruk, *Hegyone Musar*, 183–4, quoted in Moshe Levi, *Mishel Ha’avot* (Bnei Brak: M. Levi, 1992), 3:143; see also Gottlieb, *Yad Haketanah*, 233b–34a; and Aharon Walkin (1865–1942, Poland), *Metsach Aharon* (Jerusalem: 1971), 150–1, quoted in Levi, *Mishel Ha’avot*, 140.

up on by a number of midrashim⁴⁰ that focus upon Korah's reticence and his rejection of Moses's conciliatory overtures:

With all these words Moses attempted to appease Korah, and you do not find that he responded in any way. This is because he was prudent in his wickedness. He said, "If I respond to him, I know that he is exceptionally wise and he will hereupon overwhelm me with his words...it is best that I do not engage him [in conversation]."⁴¹

5. Conclusion

Based upon the aggregate of the qualities that the commentators attribute to Hillel and Shammai and Korah and his group, and their interpretations of a dispute for the sake of Heaven, we may assert that they would attest to the following:

Constructive conflict requires that one engage in dialogue, carefully consider the opinions of the other party, and be amenable to retract one's opinion. Such conflict also entails that it not be conducted in a hostile atmosphere⁴² and that it not in any way negatively affect the personal relationships of the parties involved.

⁴⁰ See *Tanchuma* Korah 6; Buber edition, 15, 17; see also Menachem M. Kasher, *Torah Sheleimah* (Jerusalem: Hotsa'at Bet Torah Sheleimah, 1992), Korah, Numbers 16, nn. 77, 91, 115, and p. 18, citation 51.

⁴¹ *Midrash Tanchuma* Korah 6; Buber edition, Korah 15. In quoting this midrash, I have purposely included an elision in the text that alters its meaning in order to facilitate a better understanding of the explanations of it by those who cite it. See Gottlieb, *Yad Haketanah*, 233b; Shemuelevits, *Sichot Musar*, section 2, *Ma'amar* 33, 123; and Bruk, *Hegyone Musar*, 183.

⁴² This does not mean to suggest that in the course of a conflict the parties may not at certain points resort to intense and impassioned forms of argumentation. The Gemara in Kiddushin (30b) states that "even a father and son, Rabbi and student, when they are preoccupied in Torah [study] in the same gate [i.e., the same study hall; alternatively, the same topic] they become 'enemies' of each other; however, they will not move from that spot until they come to love each other."

It should be self-evident that in elaborating upon the concept of a dispute for the sake of Heaven the Rabbis were not merely attempting to define it only on a theoretical level. Rather, they were intent upon prescribing practical standards of comparison to be used in testing and evaluating the true nature of real-life conflicts that one either encounters or engages in. That means to say, if one is involved in a conflict and finds that his or her attitude and actions conform to the Hillel and Shammai paradigm—that one is doing such things as engaging in dialogue, being receptive to the other party’s opinion, maintaining benevolent feelings, and exhibiting goodwill towards the other—then one can be confident that one is promoting constructive conflict. If, on the other hand, one’s attitude and actions correspond to the Korah paradigm—namely, that one is resistant to dialogue, is unable to even consider opposing views, experiences feelings of malevolence, and exhibits ill will—one may be assured that one is contributing towards a dispute that is not for the sake of Heaven and is promoting destructive conflict. And in such a case, one should take the appropriate steps of trying to alter one’s attitude and actions so as to rectify the situation.