

# **Constructive Conflict in Jewish Tradition: *Machloket L'shem Shamayim,* “A Dispute for the Sake of Heaven”<sup>1</sup>**

By Howard Kaminsky

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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

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time would come to be adopted by an overwhelming percentage of conflict resolution theorists and practitioners.<sup>2</sup>

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.<sup>3</sup>

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.

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<sup>2</sup> 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 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*, 3<sup>rd</sup> ed. (Malden, MA: Polity Press, 2011), 38, 47.

<sup>3</sup> 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).<sup>4</sup> 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 that it was important to record this in order “to teach future generations that a person should not [stubbornly] adhere to his

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<sup>4</sup> 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]).

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.<sup>5</sup> 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 commentators<sup>6</sup> 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 scholars<sup>7</sup> focus upon the positive relationships the two schools were able to maintain while in the throes of their most critical and

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<sup>5</sup> 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).

<sup>6</sup> 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 Hanoach* (Jerusalem: C. Vagshal, 1999), Avot 5:17, *Yachin* 123.

<sup>7</sup> 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: 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

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).<sup>8</sup> 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.<sup>9</sup>

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.”<sup>10</sup> According to Rashi,<sup>11</sup> the last two of these attributes should be understood as saying that Beit Hillel made a point of taking into serious consideration and fully

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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.

<sup>8</sup> The *Tosefta* (in the Zuckerman 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.”

<sup>9</sup> Sarna, *Daliyot Yechezkel*, 309–10.

<sup>10</sup> 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.

<sup>11</sup> Rashi, Eruvin 13b, s.v. “*Veshonin divreihei*” and “*Shemakdimin divrei Veit Shammai*.”

addressing the arguments of Beit Shammai, and Beit Hillel showed deference to the opinion of Beit Shammai by mentioning it first.<sup>12</sup>

#### 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 come with a sweeping and total condemnation of Moses.<sup>13</sup> Rabbi Joseph Hayyun (d. 1497, Portugal) is of the opinion that this occurs when

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<sup>12</sup> 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*, 2<sup>nd</sup> ed. (Givat Shemuel: Bet Va’ad laTorah, 2005), 11–14.

<sup>13</sup> 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).

“they present themselves before Moses in an insolent manner and insult him.”<sup>14</sup> 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.”<sup>15</sup>

Other rabbinic scholars<sup>16</sup> 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 up on by a number of midrashim<sup>17</sup> 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

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<sup>14</sup> 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]...”).

<sup>15</sup> 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.”

<sup>16</sup> 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.

<sup>17</sup> 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.

and he will hereupon overwhelm me with his words...it is best that I do not engage him [in conversation].”<sup>18</sup>

## 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 atmosphere<sup>19</sup> and that it not in any way negatively affect the personal relationships of the parties involved.*

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

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<sup>18</sup> *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.

<sup>19</sup> 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.”



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.