

## **Jewish Conflict Resolution**

**Written by Matt Plen**

### **Contents**

- 1) Overview and Objective
- 2) Facilitator Guide
- 3) Definitions and Biographies
- 4) Additional Resources

These materials have been created by **KOACH** for the enhancement of your on-campus programming. They are designed to be adjustable based on your interests and the available time. This packet contains: background materials, a facilitator guide and list of additional resources. The background materials and facilitator guide will help you build conversations around the text and create connections between the text and contemporary life.

## 1. Overview and Objective

According to the old joke, a lone Jewish shipwreck survivor found on a desert island shows his rescuers around the home he has created for himself. He points out the various structures he's built, ending up with the fanciest one of all – his synagogue. His rescuers are puzzled to notice a similar building some way down the beach. “Oh that, that's the synagogue I wouldn't be seen dead in,” he explains to them.

Judaism is a *tarbut mahloket* – a culture of controversy. Our ancient rabbinic texts are structured as debates, preserving both majority and minority opinions on the issues under discussion. In the modern world, the Jewish community has a reputation for being fractious – we argue among ourselves over every possible issue.

This culture of controversy poses us a challenge: is it possible to resolve or at least manage the conflicts we face, while maintaining good relations among our families, friends, communities and the Jewish people? If so, how?

These study materials will enable you to explore various models of conflict resolution which emerge from Jewish texts and to evaluate these models as strategies for your families, your communities and for the Jewish people as a whole.

## 2. Facilitator Guide

The Facilitator Guide is designed to direct you through several discussion options. Although it is presented as a progression, you need not follow the format from beginning to end. Use the packet in its entirety or choose components based on the time you have available and the interest of the students in your group. For example, you might use the texts and questions as the basis for a *D'var Torah*. Or, use the sources as table cards for discussion at *Shabbat* dinner. Be as creative as you wish—just enjoy the experience of learning!

### Discussion questions:

1. Before looking at the texts, try to recall a situation of conflict you've recently experienced with a family member, friend, colleague, or even a stranger. What caused the conflict and, in retrospect, how do you feel about the way you tried to resolve it?

2. Next, read texts 1-3, each of which contains a story about conflict resolution. Think about or discuss the text using the questions which accompany it.

3. Now, process your thoughts about all three texts by reflecting on or discussing the following questions:

- What names did you give to each of the conflict resolution models?
- What are the advantages and disadvantages of each model?
- How would our families, communities and the Jewish people look if a given model of conflict resolution were to be adopted?
- What would an ideal model of conflict resolution look like? What elements would it draw from each of the four texts?
- How does the reality of our interpersonal relations and community life match up to this ideal?

4. Finally, read text 4.

The text distinguishes between two kinds of disputes. Conflicts for the sake of heaven such as those between Hillel and Shammai are generally taken to spring from a question of principle and to be guided by the search for truth. In contrast, conflicts which are not for the sake of heaven, such as those initiated by Korach and his congregation, are understood to be about power, dominance and self-interest. Of the two types of dispute, the Mishnah states that only conflicts for the sake of heaven will ultimately “*lehitkayem*.” The problem is that this term can be translated as either “sustained” or “resolved.” Is the text trying to give us hope that valuable, properly conducted disputes can ultimately be resolved, or is it challenging us with a message which is harder to handle – that the really meaningful debates are bound to accompany us, without resolution, for our entire lives?

## Text 1

*After the destruction of the Second Temple by the Romans in 70 CE, the Jewish community in the Land of Israel retained a degree of autonomy and was governed according to Jewish law. The experts on Jewish law were the rabbis, who invested all their energies in learned discussions in an attempt to arrive at the correct interpretations of the law. The story below recounts one of these discussions, a debate between Rabbi Eliezer, who interprets the law in one way, and the rest of the rabbis, who disagree with him.*

תנא: באותו היום השיב רבי אליעזר כל תשובות שבעולם ולא קיבלו הימנו. אמר להם: אם הלכה כמותי - חרוב זה יוכיח. נעקר חרוב ממקומו מאה אמה, ואמרי לה: ארבע מאות אמה: אמרו לו: אין מביאין ראיה מן החרוב. חזר ואמר להם: אם הלכה כמותי - אמת המים לאחוריהם. אמרו לו: אין מביאין ראיה מאמת המים. חזר ואמר להם: אם הלכה כמותי - כותלי בית המדרש יוכיחו. הטו כותלי בית המדרש ליפול. גער בהם רבי יהושע, אמר להם: אם תלמידי חכמים מנצחים זה את זה בהלכה - אתם מה טיבכם? לא נפלו מפני כבודו של רבי יהושע, ולא זקפו מפני כבודו של רבי אליעזר, ועדין מטין ועומדין. חזר ואמר להם: אם הלכה כמותי - מן השמים יוכיחו. יצאתה בת קול ואמרה: מה לכם אצל רבי אליעזר שהלכה כמותו בכל מקום! עמד רבי יהושע על רגליו ואמר: לא בשמים היא. - מאי דברים ל' + לא בשמים היא? - אמר רבי ירמיה: שכבר נתנה תורה מהר סיני, אין אנו משגיחין בבת קול, שכבר כתבת בהר סיני בתורה + שמות כ"ג+ אחרי רבים להטת. - אשכחיה רבי נתן לאלהו, אמר ליה: מאי עביד קודשא בריך הוא בההיא שעתא? - אמר ליה: קא חייך ואמר נצחוני בני, נצחוני בני.

On that day Rabbi Eliezer brought forth every imaginable argument, but the Rabbis did not accept any of them. Finally he said to them, “if the Law agrees with me, let the carob tree prove it!” Sure enough, the carob tree uprooted itself and moved one hundred feet. “No proof can be brought from a carob tree,” they retorted.

Again he said to them, “if the Law agrees with me, let the stream prove it!” Sure enough, the stream flowed backward. “No proof can be brought from a stream,” they retorted.

Again he said to them, “if the Law agrees with me, let the walls of the study house prove it!” Sure enough, the walls of the study house began to fall. Rabbi Joshua rebuked them, saying: “why do you interfere when scholars are debating points of law?” The walls did not fall out of respect for Rabi Joshua, but did not right themselves out of respect for Rabbi Eliezer – to this day they stand at an angle.

Again Rabbi Eliezer said to the sages, “if the Law agrees with me, let it be proved from heaven!” Sure enough, a divine voice cried out, “why do you dispute Rabbi Eliezer, with whom the Law always agrees?”

But Rabbi Joshua stood up and protested, “It [the Torah] is not in heaven!”

But what does “it is not in heaven” mean? Rabbi Jeremiah explained: We pay no attention to a divine voice, because long ago, at Mount Sinai, You wrote in the Torah, ‘make your decisions according to the majority.’”

Rabbi Nathan met the prophet Elijah and asked him, “What did the Holy One do at that moment?” Elijah: “He laughed, saying, ‘My children have defeated me, my children have defeated me.’”

*Babylonian Talmud, Bava Metzia 59b*

### Discussion questions on the text:

- The rabbis are engaged in a debate about what may and may not be done in a Jewish community. We won't go into the details of the issue at stake. Rather, what *kind of arguments* does each side bring? What *proofs* do they use?
- Why does Rabbi Eliezer feel he has the right to decide?
- Why do the others feel he is wrong?
- How is the debate ultimately resolved?
- Does the text present this resolution in a positive or negative light?
- What name would you give to this model of conflict resolution?
- How do you feel about this way of resolving conflicts? What are the advantages and disadvantages?

### Text 2

*Today, if we want to know on what day a particular holiday falls, we look at a calendar that is worked out years in advance. Until about 1500 years ago, this was not the case. Rather, around the beginning of each month, people would search the sky for the new moon. The sighting of the moon signified the start of the new month (the Jewish calendar is a lunar one). When the new moon was sighted, the witnesses would pass on the news to the Sanhedrin (the Jewish Supreme Court), which had the exclusive power to regulate the calendar. If the sighting was reliable, Rabban Gamliel, the head of the Sanhedrin, declared that day to be the first of the month. From that point, the dates of all the holidays could be reliably calculated (for example, if today were the 1<sup>st</sup> of Tishri, you would know that Yom Kippur – the 10<sup>th</sup> of Tishrei – must fall in nine days time).*

מעשה שבאו שנים ואמרו ראינוהו שחרית במזרח וערבית במערב אמר רבי יוחנן בן נורי עדי שקר הם. כשבאו ליבנה קיבלן רבן גמליאל ועוד באו שנים ואמרו ראינוהו בזמנו ובליל עברו לא נראה וקבלן רבן גמליאל. אמר רבי דוסא בן הרכינס עדי שקר הן היאך מעידים על האשה שילדה ולמחר כריסה בין שיניה אמר לו ר' יהושע רואה אני את דבריך:

שלח לו רבן גמליאל גוזרני עליך שתבא אצלי במקלך ובמעוטיך ביום הכפורים שחל להיות בחשבונך הלך ומצאו רבי עקיבא מיצר אמר לו יש לי ללמוד שכל מה שעשה רבן גמליאל עשוי שנאמר (ויקרא כ"ג) אלה מועדי ה' מקראי קודש אשר תקראו אתם בין בזמנן בין שלא בזמנן אין לי מועדות אלא אלו בא לו אצל רבי דוסא בן הרכינס אמר לו אם באין אנו לדון אחר בית דינו של רבן גמליאל צריכין אנו לדון אחר כל בית דין שעמד מימות משה ועד עכשיו שנאמר (שמות כ"ד) ויעל משה ואהרן נדב ואביהוא ושבעים מזקני ישראל ולמה לא נתפרשו שמותן של זקנים אלא ללמד שכל שלשה ושלושה שעמדו בית דין על ישראל הרי הוא כבית דינו של משה נטל מקלו ומעותיו בידו והלך ליבנה אצל רבן גמליאל ביום שחל יום הכפורים להיות בחשבונו עמד רבן גמליאל ונשקו על ראשו אמר לו בוא בשלום רבי ותלמידי רבי בחכמה ותלמידי שקבלת דברי.

On one occasion, two witnesses came and said, "We saw the new moon at its proper time," but on the night that should have been a New Moon it was not visible. However, by that time Rabban Gamliel had accepted the witnesses' testimony, and had already declared the New Moon. Rabbi Dosa ben Horkinas said, "They are false witnesses." Rabbi Joshua said to Rabbi Dosa, "I agree with what you say."

Then Rabban Gamliel sent word to Rabbi Joshua: "I order you to come to me with your staff and your money on the day that according to your reckoning should be Yom Kippur."

Rabbi Joshua went to Rabbi Dosa ben Horkinas, who said to him, "If we call in question the decisions of the court of Rabban Gamliel, we may well question the decisions of each and every court that has arisen since the days of Moses until now."

Hearing that, Rabbi Joshua took his staff and his money, and went to Yavneh to Rabban Gamliel on the day on which, according to his reckoning, Yom Kippur fell.

As soon as Rabban Gamliel saw him, he rose up from his chair, kissed Rabbi Joshua on his head, and said to him, "Come in peace my master and my disciple – my master in wisdom and my disciple because you adopted my decision. Blessed is the generation in which men of great distinction obey those of little distinction."

*Mishnah Rosh HaShanah 2:8-9*

### Discussion questions on the text

- What is the bone of contention between Rabban Gamliel and Rabbi Joshua?
- What does Rabban Gamliel hope to prove when he orders Rabbi Joshua to appear before him? (According to Jewish law, it is forbidden to carry a staff or money on Yom Kippur).
- Why does Rabbi Dosa advise Rabbi Joshua to obey? What principle is he trying to defend?
- What would the implications have been if Rabbi Joshua had refused to obey?
- How would you describe Rabban Gamliel's method of winning the argument?
- What name would you give to this model of conflict resolution?
- How do you feel about this way of resolving conflicts? What are the advantages and disadvantages?

### Text 3

*Aaron was Moses' brother. He was known as a "people person," tending to the needs of the people of Israel during the Exodus from Egypt, in contrast to Moses whose primary responsibility was receiving God's revelation and communicating it to the people. Hillel was a rabbi in the period of the Second Temple (first century BCE), known for his tolerance and his flexible attitude towards Jewish observance.*

הלל אומר: הוי מתלמידי של אהרן. אוהב שלום ורודף שלום. אוהב את הבריות ומקרבן לתורה. אוהב שלום כיצד? ... שני בני אדם שעשו מריבה זה עם זה. הלך אהרן וישב לו אצל אחד מהם ואמר לו בני ראה חברך מהו אומר מטרף את לבו וקורע את בגדיו אומר אוי לי היאך אשא את עיני ואראה את חברי בושתי הימנו שאני הוא שסרחתי עליו. הוא יושב אצלו עד שמסיר קנאה מלבו והולך אהרן ויושב לו אצל האחר וא"ל בני ראה חברך מהו אומר מטרף את לבו וקורע את בגדיו ואומר אוי לי היאך אשא את עיני ואראה את חברי בושתי הימנו שאני הוא שסרחתי עליו. הוא יושב אצלו עד שמסיר קנאה מלבו. וכשנפגשו זה בזה גפפו ונשקו זה לזה.

Hillel said: Be of the disciples of Aaron, loving peace and pursuing peace, loving human beings and bringing them near to Torah.

Loving peace. What does this mean? ....

When two men had quarreled with each other, Aaron would go and sit with one of them and say, "My son, see what your companion is doing! He beats his breast and

rends his clothes as he moans, ‘Woe is me! How can I lift my eyes and look my companion in the face? I am shamed before him, since it is I who offended him.’” Aaron would sit with him until he had removed all rancor from his heart.

Then Aaron would go and sit with the other man and say likewise, “My son, see what your companion is doing! He beats his breast and rends his clothes as he moans, ‘Woe is me! How can I lift my eyes and look my companion in the face? I am shamed before him, since it is I who offended him.’” Aaron would sit with him until he had removed all rancor from his heart.

Later, when the two met, they would embrace and kiss each other.

*Avot de-Rabbi Natan Ch. 12*

#### **Discussion questions on the text**

- What was effective about Aaron’s way of fostering peace?
- In what ways is his method problematic?
- How does Aaron’s method help resolve the conflict (the issue at stake) between the two men? Or does he avoid resolving it?
- How do the parties feel (in themselves and about each other) after Aaron’s intervention?
- How would a community look if this method of conflict resolution dominated?
- “Peace” is the dominant value in this text. What important values in conflict resolution are neglected?
- What name would you give to this model of conflict resolution?
- How do you feel about Aaron’s way of fostering peace? What advantages and disadvantages are there?

#### **Text 4**

כל מחלוקת שהיא לשם שמיים, סופה להתקיים; ושאינה לשם שמיים, אין סופה להתקיים. איזו היא מחלוקת שהיא לשם שמיים, זו מחלוקת הלל ושמאי; ושאינה לשם שמיים, זו מחלוקת קורה ועדתו .

Every conflict which is for the sake of heaven will ultimately be sustained/resolved. That which is not for the sake of heaven, will not ultimately be sustained/resolved. Which is a conflict for the sake of heaven? The conflict of Hillel and Shammai. And which is not for the sake of heaven? The conflict of Korach and all his congregation.

*Mishnah Avot 5:16*

### 3. Definitions and Biographies

Avot de-Rabbi Natan (The Fathers According to Rabbi Natan) – a minor tractate of the Talmud and a commentary on Pirkei Avot (the Ethics of the Fathers)

Hillel and Shammai – foremost teachers of Torah in the first century BCE, mentioned in Pirkei Avot as the last of the ‘pairs’ of spiritual leaders of the people.

Korach – the leader of a revolt against Moses’ leadership (*Bamidbar* Ch. 16)

Rabban Gamliel (2<sup>nd</sup> century CE) - *Nasi* (prince) and head of the Sanhedrin at Yavneh.

Rabbi Eliezer – Eliezer ben Hyrcanus (c40-120 CE), one of the leading Jewish legal authorities; teacher of Rabbi Akiva.

Rabbi Joshua – first to second centuries CE, one of the most distinguished early rabbinic teachers, colleague and frequent scholarly opponent of Rabbi Eliezer.

#### **4. Additional resources**

Elliot Dorff, "Pluralism: Models for the Conservative Movement" in *Conservative Judaism*, June 1995.

David Hartman, *A Heart of Many Rooms: Celebrating the Many Voices Within Judaism*, Jewish Lights Publishing, 1999.

Reuven Kimelman, "Judaism and Pluralism" in *Modern Judaism*, May 1987.