

# Conflict Resolution

## Introduction

In this week’s Torah portion, *Matot*, the Israelites are at the gates of the Promised Land. All they need to do is cross the Jordan River. But the tribes of Reuben and Gad want to settle east of the Jordan because they have plenty of livestock and that land is ideal for grazing.

Moses is incensed because he counted on all Israel working together to fight and settle in the Promised Land. He tells the two tribes:

הֲעָחֵיכֶם יֵבְאוּ לִמְלָחָה וְאַתֶּם תֵּשְׁבוּ פֹה -- Shall your brothers go to war while you stay here? [Numbers 32:6]

He reminds them that God may well decide to cancel the entire project on account of them, as He almost did many times.

In the end they reach a compromise. The two tribes would be allowed to settle east of the Jordan with their families. But the men would go into the Promised Land and fight with the rest of the Israelites, in the frontline, until everybody is also fully settled. Only then could they go back to their families.

This is an early example of Jewish conflict resolution. It is different from a court decision, in which one side loses and one side wins. It strives to make both sides win, or one win and the other not lose, or both not lose.

Let us now examine how our tradition approaches this subject.

## Compromise

Moses would have preferred that the two tribes settle in the Holy Land and the two tribes would have preferred to avoid fighting. The Talmud says:

Rabbi Yehoshua ben Korḥa says: It is a mitzvah to compromise, as it is stated:

Execute the judgment of truth and peace in your gates. [Zechariah 8:16].

... Which is the judgment that has peace within it? You must say: It is compromise. [Both sides are reasonably satisfied]. [Sanhedrin 6b]

The Mishnah elaborates:

The world stands on three foundations: On justice, on truth, and on peace. [Avot 1:18]

Maimonides summarizes:

It is a mitzvah [for the court] to tell the parties at the beginning: “Do you want strict justice (*din*) or compromise (*pesharah*)? ... A court that always does compromise is praiseworthy... [However,] this is before the verdict... Once the case is finished, and [it is decided that] one is innocent and one is liable, you may not do *pesharah*, rather, let the *din* pierce the mountain. [Rambam, Mishneh Torah, The Sanhedrin and the Penalties within their Jurisdiction 22:4]

The Maharsha, from 16<sup>th</sup>-century Poland, notes a critical difference:

Compromise is arrived at with the agreement and willingness of both of the parties, which is not the case with judgment.

However, some point out that compromise can be unfair if it involves intimidation and threats, and a court decision is preferable. Others point out that a court decision engenders bitterness in the losing side.

## Inform

The above story does not end here. When they returned to their homes east of the Jordan, the tribes of Reuben and Gad built “a great, conspicuous altar”. This was prohibited because the Mishkan, the Tabernacle, had already been built and none other was allowed. The other tribes were incensed and prepared for civil war, fearing Israel would split in two nations as a result of this action:

וַעֲזַת יְהוָה מִהֶסֱמַעַל הַזֶּה אֲשֶׁר מַעֲלָתָם בְּאֵלֹהֵי יִשְׂרָאֵל לָשׁוּב הַיּוֹם מֵאַחֲרֵי יְהוָה בְּבִגְדוֹתָם לָכֵן כֹּה אָמְרוּ כָּל מִזְבֵּחַ לַמֶּלֶךְ הַיּוֹם בִּיהוָה:

Thus said the whole community of the Lord: What is this treachery that you have committed this day against the God of Israel, turning away from the Lord, building yourselves an altar and rebelling this day against the Lord!

But the Israelites first sent Pinḥas, who distinguished himself earlier by his zealotry. He told them that God might well punish all of Israel for their sin. The tribes of Reuben and Gad responded:

We did this thing only out of our concern that, in time to come, your children might say to our children, "What have you to do with the Lord, the God of Israel?" ... So we decided to [build] an altar—not for burnt offerings or [other] sacrifices, but as a witness between you and us, and between the generations to come... We reasoned: should [your children] speak thus to us and to our children in time to come, we would reply, "See the replica of the Lord's altar, which our fathers made—not for burnt offerings or sacrifices, but as a witness between you and us." Far be it from us to rebel against the Lord, or to turn away this day from the Lord!

Pinḥas ... approved... The Israelites were pleased and they spoke no more of going to war against them. [Joshua 22:10-34]

The lesson is: Make sure the sides have all relevant facts, emotions, and motivations before proceeding.

## **Make sure no one loses**

Jewish law considers an outcome permissible when:

זֶה נֶהֱנֶה וְזֶה לֹא חָסֵר -- *Zeh neheneh vezeh lo chaser*

This one gains and that one does not lose. [Bava Kamma 20b]

Nobody must lose, but it's acceptable if only one side gains.

## **Lie**

Lying is permitted for the sake of peace. Aaron, Moses' brother, was a "lover and pursuer" of peace, and did not hesitate to lie to achieve it, witness this story in the Talmud:

When two people had a dispute, Aaron went and sat near one of them and said to him: "My son, see what your friend is doing? He is beating his heart and tearing his clothing saying: "Woe is me. How can I lift up my eyes and look at my friend. I am ashamed of myself since I was the one who offended him." Aaron would sit with him until he removed the hatred from his heart.

Aaron would then go and sit next to the other and say to him: "My son, see what your friend is doing? He is beating his heart and tearing his clothing saying: "Woe is me. How can I lift up my eyes and look at my friend. I am ashamed of myself since I was the one who offended him." Aaron would sit with him until he removed the hatred from his heart.

When the two met, they would hug and kiss each other.

[Avot D'Rabbi Nathan 12:3]

Lessons:

- Peace is the ultimate goal of conflict resolution.
- Use a mediator.
- Hold separate meetings to achieve your goal. (Not allowed in court.)
- White lies do not hurt anybody. (Not allowed in court.)

In general Moses put the law above all else and Aaron put peace above all else (he even helped make the Golden Calf to buy time until Moses came down from the mountain, to avoid a civil war).

## **Make sure your cause is worthy**

The Mishnah says:

Every dispute that is for the sake of Heaven will endure in the end. But one that is not for the sake of Heaven will not endure. Which is a controversy that is for the sake of Heaven? The controversy between Hillel and Shammai. And which is a controversy that is not for the sake of Heaven? The controversy between Korach and his entire congregation. [Avot 5:17]

## **Consider the opponent's arguments**

The other side's arguments must be considered and respected. We learn in the Talmud that Hillel prevailed against Shammai *just* because his disciples were kind and humble, and always quoted the other side's opinions before their own:

Rabbi Abba stated in the name of Shmuel: For three years there was a dispute between the followers of Shammai and those of Hillel, the first saying "The halachah agrees with us" and the second [also] saying "The halachah agrees with us".

Then a heavenly voice [bat kol] was heard saying: *Ellu v'ellu divrei Elokim Hayyim* – These and these are the words of the living God, but the halachah agrees with Beth Hillel.

However, since both are the words of the living God, what was it that entitled Beth Hillel to have the halachah agree with them? Because they were kind and modest, and studied both their own rulings and those of Beth Shammai and were even so [humble] as to mention the opinions of Beth Shammai before their own. [Eruvin 13b]

The logic was sound in both camps, so God sided with the humble and considerate side who tried to understand the emotions of the other side.

## **Don't let the dispute become personal**

The dispute is not a personal matter and the sides must not let it spoil their personal relationship. The Talmud tells us this was the case with Beth Shammai and Beth Hillel:

Although Beth Hillel prohibit [certain things] and Beth Shammai permit them ... Beth Shammai did not refrain from marrying women from Beth Hillel, nor did Beth Hillel refrain from marrying women from Beth Shammai. [Even though they sometimes disagreed on ritual purity] they did not refrain from handling ritually pure objects with one another. [Yevamot 13b]

## **Conclusion**

Jewish conflict resolution puts peace above all else. It values truth and making sure the cause is worthy. It recommends settling out of court, possibly with a mediator. It advises to compromise, inform, and even tell white lies if necessary. It makes sure neither side loses anything. It exhorts us to consider our opponent's arguments and not let the dispute become personal.

Shabbat shalom.