

## The Ninth of Adar: The Day Constructive Conflict Turned Destructive<sup>1</sup>

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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).<sup>2</sup> As the Mishnah says, "What is a *machloket l'shem shamayim*? Such as was the

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<sup>1</sup> This article was prepared for the Pardes Center for Judaism and Conflict Resolution's Jewish Day of Constructive Conflict, February 2013, Jerusalem.

<sup>2</sup> 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).

*machloket* between Hillel and Shammai.”<sup>3</sup> Thriving communities approximately two thousand years ago, Beit Hillel and Beit Shammai represented two dominant conflicting Jewish schools of thought, both considered “the words of the living God.”<sup>4</sup> 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)<sup>5</sup>

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

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.<sup>6</sup>

## **2. 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.<sup>7</sup>

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

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<sup>3</sup> M. Avot 5:17.

<sup>4</sup> Yevamot 14b.

<sup>5</sup> Eruvin 13b.

<sup>6</sup> See below, p. 18.

<sup>7</sup> M. Shabbat 1:4.

as 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.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

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 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

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<sup>8</sup> 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.

<sup>9</sup> Sanhedrin 82a.

<sup>10</sup> Y. Shabbat 1:4 [3c].

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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup> 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 the Talmud of the people of the Land of Israel, and opened up the laws where this incident is mentioned there.<sup>15</sup>

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<sup>11</sup> Exodus 32:26–28 (JPS, 1917 edition).

<sup>12</sup> *Korban Edah*, Jerusalem Talmud 1:4 (3c), “*Vehayu horgin*.”

<sup>13</sup> *Pnei Moshe*, Jerusalem Talmud 1:4 (3c), “*Gemara, otto hayom*.”

<sup>14</sup> *Igros Moshe*, *Orach Chayim* 5:20.

<sup>15</sup> 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.

### 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.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup>

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. 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.”<sup>19</sup> This shocking source clearly understands the

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<sup>16</sup> *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.

<sup>17</sup> *Shulchan Aruch, Orach Chayim, Hilchot Ta'anit* 580.

<sup>18</sup> *Levush, Orach Chayim* 580, “*Elah*.”

<sup>19</sup> *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

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.”<sup>20</sup> 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.<sup>21</sup>

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Mordechai Margalio, *Hilchot Eretz Yisrael min Hageniza* (Laws of the land of Israel from the Geniza; Jerusalem: Mosad Harav Kook, 1974), 142.

<sup>20</sup> Ravva 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.

<sup>21</sup> Exod. 32:28.

### 3. 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.”<sup>22</sup>

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 (*I'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.<sup>23</sup> 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

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<sup>22</sup> Binyamin Lau, *The Sages I* (Jerusalem: Maggid, 2007), 224.

<sup>23</sup> Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution* (New York: Rowman and Littlefield, 2003), 3.

of normative Jewish practice.<sup>24</sup> 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."<sup>25</sup>

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<sup>24</sup> Rabbi Yosef Karo, *Beit Yosef, Orach Chayim* 580, claims that he has never seen anyone fast on these days.

<sup>25</sup> Neubauer, *Mediaeval Jewish Chronologies*, 25.