

## 1. Core Sources:

### **A. Disagreements for the Sake of Heaven in Judaism**<sup>1</sup>

#### Mishna Avot, 5:17

(3<sup>rd</sup> Cen., Land of Israel)

Every disagreement (*machloket*) that is for the sake of Heaven will continue to exist (other translations: 'is destined to endure', or "in the end will exist"); but one that is not in the name of Heaven will not continue to exist. Which is the [kind of] disagreement that is in the name of Heaven? Such as was the disagreement between Hillel and Shammai; and which is the [kind of] disagreement that is not in the name of Heaven? Such as was the disagreement of Korah and his entire congregation.

### **B. Thakeft Ichtilaf (Ethics of Disagreement in Islam)**<sup>2</sup>

#### Qur'an, Surah 11. Hud, Ayah 118-119

If your Lord had so willed, He would have made mankind one people, but they will not cease to differ (*muchtalfin*), except those on whom Your Lord and Sustainer has bestowed His mercy, and for this did He create them.

### **C. Constructive Conflict**<sup>3</sup>

#### Thomas Jefferson to P. H. Wendover, 1815. ME 14:283

Difference of opinion leads to enquiry, and enquiry to truth; and that, I am sure, is the ultimate and sincere object of us both. We both value too much the freedom of opinion sanctioned by our Constitution, not to cherish its exercise even where in opposition to ourselves.

#### John Stuart Mill, On Liberty, 1859, chapter 2

Though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or

Never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

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<sup>1</sup> Howard Kaminsky, *Fundamentals of Jewish Conflict Resolution: Traditional Jewish Perspectives on Resolving Interpersonal Conflicts* (Boston: Academic Studies Press, forthcoming), chapter 3: "Rabbinic perspectives on constructive conflict: A "Dispute for the Sake of Heaven".

<sup>2</sup> Taha Jabit al 'Alwani, *Adab al Ikhtilaaf (Ethics of Disagreement in Islam)*, The International Institute of Islamic Thought, Virginia, USA, 1987.

<sup>3</sup> Johnson, Johnson and Tjosvold, "Constructive Controversy: The Value of Intellectual Opposition" in (Coleman, Deutsch and Marcus eds.) *The Handbook of Conflict Resolution: Theory and Practice, 3<sup>rd</sup> Edition*, Jossey- Bass, 2014, pp. 76 – 103.

## 2. What is the relationship between the disputants?

### A. The relationship between the School of Hillel and the School of Shammai Tosefta Yevamoth, 1:11

(3rd cen. CE, Land of Israel)

Even though these would forbid, and those would permit, they did not refrain from eating together, to fulfill that which is written “All the ways of a person are clean in their own eyes; but the LORD weigheth the spirits. (Proverbs, 16:2).

### Babylonian Talmud, Yevamoth 14b

Although Beit Shammai and Beit Hillel are in disagreement on the questions of (marital and personal status), 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' (Zechariah, 8:16).

### Sefer Ya'arot Devash ii, pp. 136

(Rabbi Yonatan Eyeschutz, 1690, Krakow – 1764, Altona)

Today is the 9th of Adar, on which Beit Shammai and Beit Hillel disagreed, and the rabbis declared it a fast day....

And it is important to pay attention to what is said (in the Mishnah Avot 5:17) “which is the *machloket* that is for the sake of Heaven?” And what is the (meaning of this) question? ... For, in this world every *machloket* no matter what it is, the evil inclination tempts the person and says that it is for the sake of Heaven and for a great *mitzvah* to subdue traitors and to break the arm of the mighty and so forth .... The rule of the matter is there is no *machloket* that does not have within it the evil inclination who is tempting the person and saying that the whole intention is for the sake of Heaven, and G-d forbid to say on a particular *machloket* that it is not for the sake of Heaven. If so, how can a person know where the truth is, if it is truly for the sake of Heaven or not?

With this a person can know. If the divided ones and the parties in conflict, other than regarding the matter over which they are disagreeing and opposing one another, are truly lovers in their heart and soul, this is the sign that their *machloket* is for the sake of Heaven. However, if they are enemies and are holding onto hatred for one another through their *machloket*, this is not for the sake of Heaven, and the Satan has settled himself within them. And this is the sign which the rabbis of the Mishnah passed on to us “which is the *machloket* which is for the sake of Heaven?” For in every *machloket* people say it is “for the sake of Heaven”. They said “like the *machloket* of Shammai and Hillel” who loved

one another and respected one another as lovers and friends. This is a sign that their disagreement is for the sake of Heaven. However, “like the *machloket* of Korach and his company”, where they were holding onto enmity and hatred and almost stoned Moshe and the like, this is not for the sake of Heaven.... This is a reliable sign in any conflict to understand if it is for the sake of Heaven or not.

### **B1. The relationship between Abu Bakr and ‘Umar ibn al khattab**

#### **Kitab Tabaqat Al-Kubra, 3:199**

(Ibn Sa’d al – Baghdadi, 784- 845)

(When Aboo Bakr nominated ‘Umar as his successor, some Muslims asked him: “What would you say to your Lord and Sustainer when He asks you about your nomination of ‘Umar over us although you know his harshness?”

Aboo Bakr replied: “I would say: ‘O Lord, I have nominated as my successor the best of Your adherents.

#### **Hayaat al Sahaabah, 1:646**

(Muhammad Yusuf Kandhlawi, 1917 - 1965)

(When one of the Muslims told ‘Umar) :“You are better than Aboo Bakr.” ‘Umar wept and said: “By God, one night of Aboo Bakr’s life is better than [the life of] ‘Umar and his family.”

#### **Taha Alwani, Ethics of Disagreement, chapter 4**

These are examples of differences between these two men of great wisdom and stature. Their opinion differed but not their hearts, because they looked up to God’s pleasure and not down to earthly power.

### **B2. The relationship between Umar ibn al Khattaab and Abdullah Ibn**

#### **Mas’ood**

I’laam al Muwaqqi’een, 2:118

(Ibn al Qayyeem, 1292-1350)

Ibn Mas’ood and ‘Umar ibn al Khattaab differed on a hundred juristic issues.

Al – Ihkam fi usul al- ahkam, 6:61

(Sayf al –Din al- Amidi, d. 1233, Syria)

Two men came to Ibn Mas’ood.

One of them was instructed [in reciting the Qur’an] at the hands of ‘Umar ibn al Khattaab and the other was taught by another Companion.

The former said: “Umar ibn al Khattaab taught me to recite.”

Ibn Mas’ood and the other was taught by another Companion.

The former said: “Umar ibn al Khattaab taught me to recite.”

Ibn Mas'ood wept on hearing this and then said: "Recite as 'Umar has taught you to recite. He was indeed a fortress for Islam..."

Ibn Sa'd, Tabaqaat 4:161

One day while 'Umar was sitting, he saw Ibn Mas'ood coming towards him and said: "There comes a citadel full of wisdom and knowledge."

Taha Alwani, *Ethics of Disagreement in Islam*, chapter 4

May God be pleased with these two men. Despite their differences of opinion on some issues, their feelings towards each other only increased in mutual respect and love. From these events we can derive a body of ethics which can be a model of treating problems relating to disputes.

### **C. The relationship between the disputant sides in a constructive conflict**

Johnson, Johnson and Tjosvold, "Constructive Controversy, p. 90

*Interpersonal Attraction and Support among Participants:*

Decision making, must be conducted in ways that bring individuals together rather than create ill will and divisiveness. Within controversy, disagreement, argumentation, and rebuttal could create difficulties in establishing good relationships. Constructive controversy, however, has been found to promote greater liking among participants than did debate, concurrence seeking, or individualistic efforts.... In addition, constructive controversy tends to promote greater social support among participants than does debate, concurrence seeking, or individualistic efforts.... The combination of frank exchange of ideas coupled with a positive climate of friendship and support not only leads to more productive decision making and greater learning, it disconfirms the myth that conflict inevitably leads to divisiveness and dislike.

## **3. How do the sides manage the conflict between them?**

### **A. The constructive management of the conflict between the School of Hillel and the School of Shammai**

Mishna [Edoyot](#), chapter 1

(1) Shammai said...and Hillel said...and the Sages said, not like the words of this and like the words of that....(4) And why do they record the opinions of Shammai and Hillel when these do not prevail? To teach the generations that come after that none should persist in his opinions, for indeed, the 'fathers of the world' did not persist in their opinion....(12) These are the matters that Beit Hillel reverted to rule in accordance to the words of Beit Shammai....

### Babylonian Talmud, Eruvin 13b

R. Abba stated in the name of Samuel: For three years there was a dispute between Beit Shammai and Beit Hillel, the former asserting, 'The halacha is in agreement with our views' and the latter contending, 'The halacha is in agreement with our views'. Then a *bat kol* (a Heavenly voice) issued announcing, '[The utterances of] both are the words of the living G-d, but the halacha is in agreement with the rulings of Beit Hillel'. Since, however, both are the words of the living G-d' what was it that entitled Beit Hillel to have the halacha fixed in agreement with their rulings? Because they were kindly and modest, they studied their own rulings and those of Beit Shammai.

### Magen Avot, 5:17

(Rabbi Shimon b. Zemach Doran, Majorca – Algeria, 1361 – 1444)

And it is possible to explain that the opinion of both will continue to exist, the one who forbids and the one who permits, because both are the words of the living God. (Eruvin 13b).

### **B. The constructive management of the conflict between Ali ibn Abi Talib and 'Umar:**

#### Sahih Muslim

(Muslim ibn al-Hajjaj, 817/18 -874/75 CE)

There was a woman whose husband was away. `Umar, who was then the khaleefah, was told that she admitted men into her house in the absence of her husband. As `Umar disapproved of this, he sent someone to summon her to him. "Go to `Umar," she was told and she said: "Oh, woe unto me! Why should `Umar want to see me?" The woman was pregnant, and on her way to him she was so scared that she went into labor. She therefore entered a house where she gave birth to a child who died shortly afterwards. `Umar consulted the Companions of the Prophet, some of whom advised that he was not to be blamed for anything; he was only doing what his office required of him. `Alee, on the other hand, kept silent. Noticing that, `Umar came up to `Alee and asked him: "What do you say?" `Alee replied: "If what these Companions said is what they really think, then their opinion is wrong. But if they said that in order to please you, they have not given you proper advice. I believe that you have to pay compensation (deeyah) for the child. It is you who scared the woman, and she miscarried because of you."

#### Al Tabaree, Tafseer, 10/62

(Abu Ja'far al-Tabari, 839 – 923)



(After a disagreement between Abu-Bakr and 'Umar regarding enforcing the payment of the zakaah)

['Umar said] May Allah bless Abu Bakr for his clear understanding of Islam and his determination to confront those who tried to separate salaah from zakaah.

### **C. Skills for disagreeing constructively**

Johnson, Johnson and Tjosvold, "Constructive Controversy, p. 91-92

*Skilled Disagreement*: For controversies to be managed constructively, participants need both cooperative and conflict management skills. The following skills are necessary for following and internalizing these norms:

1. I am critical of ideas, not people. I challenge and refute the ideas of the other participants, while confirming their competence and value as individuals. I do not indicate that I personally reject them.
2. I separate my personal worth from criticism of my ideas....
3. I listen to everyone's ideas, even if I don't agree.....
4. I change my mind when the evidence clearly indicates that I should do so.

## **4. Summary:**

Alwani, Ethics of Disagreement in Islam, chapter 4

Ethics in the Pursuit of Truth:

When differences of opinion were inevitable .... They would remain firmly within the bounds of what is allowed in striving to reach the truth. They would admit their errors without any bitterness or embarrassment while always having a tremendous respect for people or virtue, knowledge, and understanding. No one would overestimate himself or disparage the ability or the rights of his brother Muslim. The search for truth and for the correct judgment was the mutual endeavor, and they willingly accepted the truth from whichever quarter it came.

Kaminsky, Rabbinic perspectives on constructive conflict, chapter 3

The basic prerequisite for constructive conflict is *the adherence to principles of intellectual integrity*. In accordance with the concomitant elements that are associated with Hillel, Shammai, and Korah, these principles would require a *diligent, objective, and honest analysis of the issues involved* in combination with *an open-mindedness to views that oppose one's own*, which should be *grounded in the most honorable and righteous motives*. When these conditions are in place and are functioning in conjunction with each other, they allow for constructive responses to the discordant opinions and situations that will be encountered in the course of the conflict and ultimately lead to a constructive outcome.

**How can Disagreements be Constructive?**

**Responses from Jewish, Islamic and Western Traditions**

Johnson, Constructive Controversy, p. 101-102

Thomas Jefferson based his faith in the future of democracy on the power of constructive conflict.... Engaging in the constructive controversy procedure skillfully provides an example of how conflict creates positive outcomes.

## **5. What happens when conflicts are not managed constructively?**

### **A. The violent conflict between the School of Hillel and the School of Shammai**

Shulchan Aruch, Laws of Fasts (580)

(Rabbi Yosef Karo, 1488–1575, Spain/Land of Israel)

These are the days that tragedies befell our forefathers and it is worthy to fast on them.... On the 9<sup>th</sup> (of Adar) Beit Shammai and Hillel disagreed.

Eliyah Rabba, Orach Chayim 580:7

(Rabbi Eliyahu Shapiro, 1660-1712, Prague)

On the (9th) of Adar they disagreed: And three thousand of the students died... And so I found it (written) in Megilat Ta'anit.

Mishnah Shabbat 1:4

And these are some of the regulations enacted in the attic of Hananiah b. Hezekiyah 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.

### **Jerusalem Talmud, Shabbat 1:4 (3c)**

That day was as wretched for Israel as the day on 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 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.

Rav Avoon, Rav Judah in the name of Shmual: We read 'The eighteen (decrees) even a greater (Bet Din) cannot abrogate, because they were ready to give their lives for them.'

### **B. The violent conflicts between the Companions**

Alwani, Ethics of Disagreement, Chapter 4

**Daniel Roth**

**How can Disagreements be Constructive?**

**Responses from Jewish, Islamic and Western Traditions**

For reasons only known fully to God, grave incidents of civil strife in which the Companions physically fought against each other did occur. Yet even in these dire and momentous circumstances the Companions never lost sight of each other's virtues and merits.

[Al Sunan, 8:173](#)

Transmitted by al Bayhaqee:

Alee was once asked whether those who fought against him in the Battle of the Camel were polytheists. He, may God be pleased with him, said: 'From polytheism they fled.' When asked whether they were hypocrites, he replied: "Hypocrites only rarely remember God." When asked what in fact they were, he replied: "They are our brothers who committed an injustice against

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