Conflict and Conflict Management in Jewish Sources

Editor: Michal Roness

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The late Hans Bachrach of Melbourne, Australia was the visionary behind the founding of the Interdisciplinary Graduate Program on Conflict Management and Negotiation at Bar-Ilan University. We thank the Bachrach family for their ongoing support and encouragement.

The Program on Conflict Management and Negotiation, Bar-Ilan University is an interdisciplinary graduate program which integrates conflict resolution theories and models from the fields of psychology, political science, law and Jewish history. There are over 150 active students in the M.A. and Ph.D. programs. The project "Jewish Approaches to Conflict Resolution" is one of the ongoing research activities carried out in the framework of the program. Other activities include a research group on the Contact Hypothesis and its effects and a Campus Mediation Center.

English Stylist: David Brauner
Hebrew Translations: Shlomit Stern (Hazan)

Program on Conflict Management and Negotiation
Bar-Ilan University, Ramat Gan, 52900, Israel
+972-3-5318043 pconfl@mail.biu.ac.il
www.barilan-conflict.com
# Table Of Contents

Preface by Dr. Ephraim Tabory, Director, Program on Conflict Management and Negotiation, Bar-Ilan University ............................................. 4

Foreword by Sir Jonathan Sacks, Chief Rabbi of the United Hebrew Congregations of the Commonwealth ................................................................. 7

Jewish Sources on Conflict Management: Realism and Human Nature by Prof. Gerald Steinberg, Founder of the Program on Conflict Management and Negotiation, Bar-Ilan University ................................................................. 10

Editorial Note, Michal Roness ........................................................................................................ 24

1. Judaism’s approach to conflict and dispute
   1.1 Conflict from the Jewish perspective .................................................................26
   1.2 Dispute between Hillel and Shammai: A dispute for the sake of Heaven ...32  
      (Machloket Leshem Shamayim)
   1.3 Perpetuation of relationships despite conflict ..............................................36
   1.4 “You shall not separate yourselves” (Lo Titgodedu) ....................................38

2. The prevention of conflict
   2.1 Prevention of conflict between Jews and non-Jews .....................................41
   2.2 Treatment of an adversary ............................................................................44
   2.3 Ways of peace (Darchei Shalom) .................................................................47
   2.4 Ways of pleasantness (Darchei Noam) ..........................................................59
   2.5 Aaron, pursuer of peace (Aaron, Rodef Shalom) .......................................64
   2.6 Peace in the home (Shalom Bayit) ..............................................................67
   2.7 Manner of speaking ......................................................................................74
   2.8 Respect for one’s fellows (Kevod Habriyot) ...............................................77
   2.9 Baseless Hatred (Sinat Chinam) ..................................................................80

3. Methods for resolving conflict
   3.1 Violence .............................................................................................................83
   3.2 Separation .........................................................................................................84
   3.3 Follow the majority (Acharei Rabim Lehatot) ...............................................85
   3.4 Compromise ......................................................................................................88
   3.5 Laws of compromise .......................................................................................97
   3.6 Reconciliation ..................................................................................................105

4. Approaches to managing conflict
   4.1 Prohibition against revenge and bearing a grudge ....................................109
   4.2 Cities of refuge (Arei Miklat) ........................................................................111
   4.3 Excommunication and ostracism (Nidui, Cherem) ......................................116
   4.4 Forgiveness and pardon in family conflict ..................................................121
   4.5 Requesting forgiveness and pardon ...............................................................124

Bibliography of Translated Texts and Additional Literature ......................................................... 135
While conflict can lead to separation and division, it can also bring people and groups together. One social function of conflict in Judaism has been to establish borders between the profane and the holy, and between the pure and the impure. The ingroup can coalesce around a common identity as it becomes crystallized, while castigating and denouncing, vilifying and discriminating against an outgroup.

From this perspective, conflict can be beneficial, as it contributes to social cohesion. It can reduce pressure for change by negating the legitimacy of the other. Partnership in negotiation carries the potential for social change and the subsequent possibility of accommodation and even assimilation. As much as the Jewish world has suffered from prejudice and discrimination throughout generations, the psychological barriers, not to mention the ghetto walls that separated Jews from their neighbors, contributed to the vitality and independence of the Jewish people. Both peace and war can be threatening, each in its own way.

These thoughts come to mind when reading Gerald Steinberg’s Introductory Essay to this volume, and the sourcework that Michal Roness has compiled. This volume constitutes the preparatory work for the fourth conference in a series on Jewish Approaches to Conflict Resolution held under the auspices of the Interdisciplinary Graduate Program on Conflict Management and Negotiation at Bar Ilan University. Previous conferences have explored whether there is a Jewish approach to conflict resolution. It sometimes seems that Jewish sages have sought to mitigate conflict between disputants who are considered to be integral members of the community, and to be less supportive of efforts at reducing conflict between parties when one of the sides represents what is perceived as an aberrant view of Judaism or Jewish life. Professor Steinberg notes in his Introductory Essay that an amicable agreement is sometimes preferable to strict justice. Perhaps that is more often found in communities where maintaining internal cohesion is a primary motivation, when it is feared that members who are dissatisfied might choose an exit option. A secure, autonomous society living in its own state might prefer a just solution when encountering disagreement, feeling that in the long run perceived justice might lead to greater legitimacy and identity by all parties, as the society is based on higher order principles rather than short term solutions that are fickle and can seemingly change by whim and circumstance.

This volume is being published in conjunction with the fourth conference in the Jewish Approaches to Conflict Management series. The specific topic of this conference (conducted in conjunction with the Departments of Political Studies and Jewish History at Bar Ilan University, and Beit Morasha of Jerusalem) is leadership in crisis. Beyond an expectation that leaders respond to crises, there is also substantial recognition of the fact that leaders themselves occasionally generate crises and conflict. Some political leaders seek peace, while others might prefer conflict, since accommodation could
entail concessions that are perceived as endangering the very existence of society, whether from a physical or metaphysical perspective. The divergent perspectives of rabbinical leaders in Israel regarding conflict and accommodation are evident in the shmitta year of 5768. This case, which pits nationalistic and non-nationalistic religious positions against one another, illustrates the impact of the relationship between identity and religion on social conflict.

In addition to questioning whether there is a Jewish approach to conflict management, one could ask whether there is a Jewish approach to forgiveness. Here too leaders could play an important role, as demonstrated in recent years by some world figures who have issued public apologies for actions their countries wrought against other societies in the past. Much has been written about the significance of apologies in conflict resolution. Saying that one is sorry can have a tremendous impact on conflicting parties, but a genuine apology implies a confession of being wrong, and this involves an admission of guilt that many conflicting sides cannot bring themselves to face. (One can only wonder how history might have been different had Adam expressed remorse and apologized to God for eating the apple, instead of blaming Eve.) Acceptance of an apology is also problematic and worthy of further analysis. Among the volatile issues in Israel in this regard were the disagreement about the symbolism of accepting reparations from Germany; hostility against the religious camp following the assassination of Prime Minister Yitzhak Rabin; and the resentment following the withdrawal from Gaza. In considering the role of apology in conflict, forgiveness enables accommodation, but forgetting (as in "to forgive and forget") opens the door to assimilation. It is no wonder that the Jews are commanded never to forget what was wrought upon them by Amalek.

Some actions are actually a pleasure to remember in Judaism, and there does seem to be a Jewish approach toward appreciation. In the interpersonal spirit of Hakarat Hatov [giving credit where it is due], it is very fitting here to express appreciation to the Chief Rabbi of the United Hebrew Congregations of the Commonwealth, Sir Jonathan Sacks, for his support of our Conflict Program since its inception. As he indicates in his Foreword, the topic of conflict resolution is close to his heart, and he has taken brave stands on recognizing and accepting the "other." We appreciate his encouragement to continue our work, and his ongoing contribution to our Program.

I also take this opportunity to thank Professor Gerald Steinberg, the founder of the Interdisciplinary Program on Conflict Management and Negotiation, who served as Director of the program from its establishment in 2001 until 2007. As Deputy Director, I had the opportunity of working with him and seeing how committed he was to developing an academic program with rigorous standards that confronted such an important discipline for Israel and peoples around the world. We dedicate this volume to him, in recognition of his devotion and achievements.

It is always a pleasure to express our appreciation to the Bachrach family for their contribution to the development and success of the Conflict Program. The late Hans Bachrach of Melbourne, Australia was the visionary behind the founding of the Interdisciplinary Program on Conflict Management and Negotiation. Our deepest
gratitude goes to Mrs. Gini Bachrach and family for their ongoing support.

Finally, special thanks to Michal Roness, M.A. (Conflict Management, Hebrew University of Jerusalem), who compiled the sources that appear in this volume for her initiative in undertaking this project and seeing it through to fruition. We hope that this initial work (to be expanded in the future) will be of assistance to researchers and those interested in further considering the relationship between Judaism and conflict resolution. Michal Roness, together with Shlomit Stern (Hazan), also organized and coordinated the Leadership in Crisis Conference, and the entire Conflict Program faculty express their appreciation to them for their professional work.

Ephraim Tabory, Director
Interdisciplinary Graduate Program on Conflict Management and Negotiation
Bar-Ilan University
מצון תשס"ו, December 2007
Foreword

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By Chief Rabbi Sir Jonathan Sacks,
Chief Rabbi of the United Hebrew Congregations of the Commonwealth

It may sound strange, but I believe it to be true, that conflict management is the single greatest unsolved problem in Jewish history, and equally so in the Jewish present.

Three times the Jewish people has gone into exile: in the days of Joseph, after the Babylonian conquest and the destruction of the First Temple, and after the destruction of the Second Temple in the days of the Romans. Each time, the cause was the same.

In the first case, the chain of events that led to the Egyptian exile began with Jacob’s children unable to live peaceably together. As the Torah puts it: ‘When his [Joseph’s] brothers saw that their father loved him more than all his brothers, they hated him, and could not speak peaceably to him.’

In the second, the Israelites, having conquered the land and achieved sovereignty, were divided into twelve tribes. The Book of Judges laments, ‘In those days, there was no king in Israel; everyone did what seemed right in his own eyes.’ Eventually the people appointed a king, but after only three generations – Saul, David and Solomon – the nation split in two, the northern kingdom of Israel, and the southern kingdom, Judah.

Always a small nation surrounded by large empires, the people needed a high degree of national unity to survive. When the kingdom divided, it was only a matter of time before each fell before a stronger power. In 722 BCE the northern kingdom fell to the Assyrians. Its people were deported and disappeared, the so-called ‘lost ten tribes’. The southern kingdom fell to the Babylonians, the Temple was destroyed and most of the elite sent into exile.

Eventually, many returned. Yet the nation seems not to have learned the lesson of history. The impression we have of Second Temple Jewry is of a people deeply divided along class, religious and political lines. There were, says Josephus, Pharisees, Sadducees and Essenes. There were moderates and zealots. Josephus paints a chilling picture of Jews inside the besieged Jerusalem, more intent on fighting one another than the enemy outside. Inevitably, the city fell. With the defeat of the Great Rebellion, and the Bar Kochba revolt sixty years later, there began the longest exile ever suffered by a people. It lasted until 1948.

The significance of these three episodes can be measured by the fact that the Israelites, and later the Jews were attacked by some of the greatest empires that ever bestrode the stage of history: from the Egyptians, Assyrians, Babylonians, Persians, Greeks and Romans, to Nazi Germany and the Soviet Union. All have vanished. Israel and the Jewish people survives. Only one people in history has had the power to threaten the very existence of the Jewish people, namely, the Jewish people. In a literal and tragic sense, we have been our own worst enemies.
Nor, after all that had happened in the biblical era, did Jews succeed in solving the problem. In the early thirteenth century, Jews burned Maimonides' writings; within years, the Dominicans were doing the same. From the sixteenth to the nineteenth century, Jews turned to the non-Jewish authorities to resolve their internal conflicts, immeasurably weakening their own position. Jews denounced Hassidic leaders like Rabbi Shneor Zalman of Ladi to the Russian government. The Reform Jews of Rumania brought accusations against the orthodox Chief Rabbi, Meir Loeb Malbim, who was imprisoned and eventually deported. Even in the Warsaw ghetto, the Jews involved in the uprising were unable to unite to form a single fighting unit.

It is hard to read this history without weeping for the harm Jews brought on themselves by their inability to manage their internal conflicts. Ruth Wisse, in her recent Jews and Power, asks the important question, 'Why are Jews so bad at politics?' The simplest answer is that they lacked the ability to manage and contain internal conflict. Maimonides in his Letter to the Sages of Marseilles says that the Second Temple fell because Jews neglected 'the art of martial defence and government'. This is an insightful comment. The Talmud says that it fell because of sinat chinam, gratuitous hatred. Maimonides' point is that some form of conflict is inevitable within any society. Politics, the art of government, is about mediating conflict. When politics fail, sinat chinam is the inevitable outcome.

It continues today. Israel is still riven by deep conflicts, between religious and secular, Orthodox and ultra-Orthodox (dati and haredi), Ashkenazim and Sefardim, and many other rifts. During the first Gulf War (1991) I was living in Jerusalem together with my family. The war produced an unusual casualty: family life. Israeli families were unused to spending long periods together in a sealed room while the SCUD missile attacks were taking place. I was contacted by someone from Teddy Kollek's office, asking whether I would be willing to sit as the rabbinic representative on a group dealing with family stress. I asked, 'Are there no other rabbis in Jerusalem?' 'Yes', came back the reply, 'but none trained in family therapy'. Again it highlighted how remote the ideas of conflict resolution and mediation are from the empirical mainstream of Jewish life.

One of the most compelling, if controversial, explanations was given by the late Rabbi Moshe Avigdor Amiel, Chief Rabbi of Tel Aviv from 1936. He argued that in Judaism, the individual has a higher value than the collective. This is counterintuitive, but Rabbi Amiel was one of the most brilliant Talmudists of his time, and did not make the suggestion lightly. It was precisely the refusal of the individual to yield to the majority, he said, that was the greatest Jewish strength in the Diaspora and its greatest danger to the new State (Amiel did not live to see the State; he died in 1946). Had Jews followed the majority, they would never have survived dispersion, where they were always a minority. But the refusal to yield to the majority threatens to render Jews ungovernable when they become a sovereign nation in their own land.

Whether this view is sustainable in Jewish law is open to question. But the psychological insight is unmistakable. Jews are strong individuals; we tend to be at our weakest when it comes to yielding to consensus and working together for the common good. Hence the vital importance of conflict management.
In truth, Judaism contains one of the most profound forms of conflict management ever to appear within a culture. The sages called it ‘argument for the sake of heaven’. Judaism is the only religion in which God and human beings argue. All Judaism’s canonical texts — Tanakh, Midrash, Mishnah, Gemarah, Maimonides’ code, the Shulkhan Arukh, and the standard editions of Torah with commentaries — are anthologies of argument. Conflict management, in Judaism, is about conversation and the protocols of respectful debate. It is about speaking and listening. Jews tend to be good at the first, less good at the second. That is why, in my new edition of the Siddur, I have translated Shema Yisrael as ‘Listen, Israel’. Shema in one or other of its forms appears no less than 92 times in the Book of Devarim. In Judaism, listening is a religious act.

One of the creative developments in 19th century Jewish life was the Mussar movement associated with Rabbi Yisrael Salanter. It focused on ethics, but in a specific way. It tended to speak about shlemut, personal perfection. But personal perfection is easy. It is interpersonal perfection that is hard. Were anyone to attempt to create a Mussar movement for the 21st century, they would be advised to concentrate on the Zwischenmentsliche, the virtues that make possible a world of intersubjectivity: listening, respecting, praising, mediating and finding lateral solutions offering a way beyond the zero-sum game of conflict. Without these, we will find it hard to sustain marriages, communities and a cohesive Jewish society. The finest essay on the subject is the introduction of the Netziv (R. Naftali Zvi Berlin) to his commentary to the Book of Bereishith. Every word of it is relevant today.

So it is an honour and privilege to commend Bar Ilan University, and especially Professor Gerald Steinberg and his team, for creating a department of Conflict Management and producing this set of classic texts. Professor Steinberg’s essay in this volume is a superb introduction to the subject, and he and his department are genuine pioneers in a field in which there is much to say that has not yet been said.

This source-book shows how rich is the classic Jewish literature in this field. The rabbis were deeply aware of the destructive impact of machloket, and — as Professor Steinberg makes eloquently clear — their principles are based on psychological and political realism. The prophets had visions of a utopian peace at the end of days. The sages — through such concepts as darkhei noam and darkhei shalom — sought peace in an unredeemed world, in the here-and-now of ordinary human interactions. The pragmatism of the rabbis is less inspirational than the idealism of the prophets, but it is more effective. It deserves to be better known than it is.

The work of Professor Steinberg and his team stands firmly within the tradition attributed to the disciples of Aaron, who ‘sought peace and pursued peace’. There is no higher achievement than to help bring peace between individuals, groups, and nations. For pointing the way, may Professor Steinberg and his colleagues be blessed.
Moslems have Sulha; Christians have forgiveness and confession; Buddhists speak of "mindful mediation", and other culturally specific approaches to managing internal social conflict are used in many other societies. But as yet, there is no systematic and recognized Jewish approach to mediation and conflict resolution. And this is not surprising, given both the Jewish emphasis on machloket (disputes and strife), and the long and diverse social and political contexts in which Jewish communities have found themselves during the past 4000 years. Thus, the concept of a coherent and specifically Jewish approach to dispute resolution and mediation, or at least conflict management, is an admittedly difficult concept to consider; much less to define.

Given these frameworks for containing or preventing social conflict, it is logical to look for a parallel Jewish tradition, derived from behavior and not only based on idealistic hopes and norms. And given the importance of managing the intense conflicts that mark the modern Jewish condition, both within Israel and in the Diaspora, such a behavioral framework is also necessary. With restored Jewish national sovereignty and the accompanying responsibilities, the costs of allowing conflicts to expand until communities break up is too great -- internal disputes and power-struggles cannot be allowed to escalate and expand into "senseless hatred". (Intra-community conflict and therefore also dispute resolution is very different from the framework governing conflict with outsiders – the following analysis is focused only on the internal conflict dimension.)

As in most other areas of Jewish life, the search for this pragmatic and behavioral, as distinct from normative or theoretical, approach to conflict resolution (what Michael Walzer calls "the concrete life of the Jews") begins with a review of Jewish texts from the Bible, Talmud, early and modern commentators and philosophers. These sources provide numerous quotes, examples, analyses and legal rulings, which, as will be argued in this essay, form the components of a coherent and different approach. The overarching framework, I argue, differs fundamentally from the idealist and altruistic foundation of the standard Christian prescriptions for dealing with conflict, but rather is anchored in a hard-headed "realist" understanding of human nature and social interaction, including the inherent role of conflict.

The realist approach to conflict is based on the political theory espoused by Hobbes, rediscovered by Morgenthau and E. H. Carr after World War II, developed

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*This discussion is an extension of my previous essay, "Conflict Prevention and Mediation in the Jewish Tradition", in Jewish Political Studies Review (Special Volume on “Jewish Approaches to Conflict Resolution”), Fall 2000 12:1 & 2. I thank Michal Roness, Dr. Ephraim Tabory, Dr. Ben Mollov, and my colleagues and students in the Program on Conflict Management at Bar Ilan University for their insightful comments and suggestions.
further through game theory, and applied to negotiation theory by Fisher and Ury ("Getting to Yes"). Schelling, and others. Realism, in various forms, views interests, power and rational calculation of costs and benefits, and, when necessary, coercion from a legitimate authority, as the keys to successful conflict management.

This approach stands in contrast to the predominant idealist perceptions and prescriptions for relationship or personality transformation and social harmony in much of the conflict resolution and ADR ("alternative dispute resolution") literature. The process of transformation, as delineated in the publications of Bush and Folger and of Riskin and many others, are based on changing human behavior. These idealistic prescriptions are very difficult to implement, and the evidence of success in broad social contexts is sparse.

Before elaborating the evidence for realism in Jewish sources, it is necessary to acknowledge that numerous texts exist on social conflict that reflect an idealist and altruistic approach. But justice (zedek or din) and peace (shalom), as demanded by the Jewish prophets in their sharp condemnations of official corruption and exploitation of the widow and orphan, are distinct from the daily events of ordinary life and society. And the overall theological objective of human perfection and peace, based on creation in God's image (B'zelem elokim), divine revelation, and fulfillment of the commandments (mitzvoth) generally operates in an entirely different dimension. There are some tzadikim (saintly individuals) who are able to combine the two realms of idealism and realism, but these are rare exceptions. While striving for perfection, in day-to-day interaction, even the archetypal tzadikim – Abraham and Moses – were engaged in familiar human interaction and sometimes mundane interpersonal conflict.

This is also the approach taken by many respected Jewish philosophers. Rabbi Eliezer Berkowitz, for example, emphasizes concepts such as darchei noam ("gentle pathways"), and the many halachic rulings that are not consistent with the strict letter of the law, but are the result of the importance of actions that are permitted and even encouraged for shalom bayit – "peace in the home", and mipnei darchei shalom -- "for the sake of peace". Similarly, leaders are enjoined to seek and pursue peace ("bakesh shalom v'rodfehu").

But such emphases are philosophical and normative, in contrast to the descriptive behavioral emphasis in my analysis. As noted above, in practice, Jewish history is highly confrontational, and the sensitivity required for darchei noam on a daily basis is quite rare.

While generalizations are dangerous and contradictory evidence can always be found, the following analysis presents the claim that, in a practical sense, the Jewish approach to social disagreement does not require perfecting or changing human nature. Indeed, in Leviathan, the founding text of political realism, Hobbes' description of the state of nature and conflict, and the need for centralized authority and law based on social covenants echoes and quotes from the Jewish biblical texts.

The emphasis on realism in conflict – not as a distant ideal but as a description of and guide to actual behavior -- is clear and abundant from the beginning in Genesis, in which the Jewish tradition presents human beings as far from perfect ("man's heart is
evil from his youth - "זֹר לַב חָוָד וּמְצוּאָר". This framework does not seek to discover and impose a formula for the elimination of interpersonal disputes.

Rather, the behavioralist Jewish approach to social and interpersonal conflict is based on managing the often harsh reality and curtailing the impact of the inevitable power struggles and other quarrels that are part of any society. Instead of demanding a different form of human nature to prevent or resolve conflict, the goal is to contain the negative impact of the inevitable quarrels within Jewish communities, and to prevent a process that escalates and deteriorates into bitter personal discord, destructive behavior, and Sinat Hinam – unfounded hatred.

Pragmatic conflict management, as distinct from resolution, is a frequent theme. Abraham – the founding father – opted to part ways from his nephew Lot in the wake of growing tension between their camps; he did not attempt to resolve this dispute, or to fight for principle or interest – this would be counterproductive “because we are brothers”. (In contrast, in conflicts outside the family and against external enemies, Abraham did not hesitate to use force when necessary. Texts and rules of engagement related to war and relations with outsiders are fundamentally different from the conditions of domestic conflict, not only in the Jewish framework but in general. Similarly, Yaakov and Lavan, and then Yaakov and his brother Esau also agree to disagree, rather than engaging in violent conflict.

Later, the biblical text devotes a relatively high level of attention to the establishment of “Cities of Refuge” (Numbers, 35; Joshua, 21) where the perpetrators of accidental deaths (manslaughter) can be safe from the blood avengers common in many Middle Eastern societies. The immediate objective here is not to perfect human behavior by condemning and uprooting the practice of revenge killing in response to accidental death, as this practice is apparently too deeply rooted in human nature and social mores of the time in order to change by fiat. Rather, by taking a realist approach and making revenge and vendettas all but impossible, while also isolating and imposing a limited punishment on the perpetrator, the escalation chain of violence is broken and communal peace is fostered.

At the same time, in Jewish tradition, for offenses such as heresy and rebellion against “the yoke of the commandments”, conflict management and compromise are simply not on the table. When Korakh led a rebellion against Moses in the wilderness (Numbers, Chapter 17), he and his followers were punished by death. Similarly, after the incident of the golden calf, Moses ordered his supporters from the tribe of Levi (Aaron’s tribe) to take their swords and go from “gate to gate” in the camp, to punish “each man his brother, each man his neighbor, and each man his relative”. In this punitive action, 3,000 men were killed “And the Lord smote the people, because of the calf that Aaron made.” (Exodus, Chapter 32). In other eras and communities, rabbis have excommunicated members of sects that deviated from normative behavior or challenged their power and authority. In Eastern Europe, Hasidim and Mitnagdim excommunicated each other, and involved the Gentile authorities in these conflicts. The realist approach to conflict also emerges in the Talmudic discussions on the tension between truth (emmet) and justice (mishpat). Talmud (Sanhedrin) includes a
detailed discussion of mediation in civil disputes, including instructions on the choosing of mediators, and concluding that an agreed resolution is preferable to a legal judgment. But, through the process of machloket, other sages argue that mediation avoids the legal process, and obstructs justice and truth. However, the social benefits of mediation compensate for the legal detours.

This point is also emphasized in the extensive Talmudic and midrashic discussion of conflict prevention between Joseph and his brothers following the death of their father Jacob (Israel) the Patriarch. As is generally the case in these sources, the goal is not only academic, in the sense of understanding the text, but is also a reflection of the day-to-day issues that were of concern to the community leaders, including internal conflict and violence. This family saga had many episodes of violence involving the twelve sons (the founders of the 12 tribes), including the kidnapping and sale of Joseph. But in the final scene, when the brothers fear that Joseph would exact his revenge, the brothers invent a story, claiming that from his deathbed, their father had commanded reconciliation. In this case, the ends – conflict prevention in the family – justified the distortion of the truth.

Taken together, these texts, commentaries, examples and explanations form a foundation for a Jewish approach to communal and interpersonal conflict based on a realist perception of society and the human condition.

**Machloket – Constructive Conflict “for the Sake of Heaven”**

The realist approach to conflict is reflected in and amplified in the Talmud – both the Mishna (written in the Land of Israel in the two centuries before and after the Roman destruction) and the Gemarra (developed in parallel in Babylonia and the remnant of the Jewish community in the Land of Israel after the redaction of the Mishna). Indeed, in the Talmud, the emphasis on Machloket (disputation and conflict) as an essential value in Jewish tradition emerges. The process of Machloket is a central mechanism for discerning the meaning of texts and their implications, as well as for renewal and adaptation in response to a changing environment. Through the continuous process of explication and machloket, the law (halacha) and meaning of revealed texts are in constant revision – the canon of interpretation is never closed. In these debates, which continue in the Responsa, in the yeshivot (schools of Jewish learning), and among commentators, rabbis discussed specific instances of community strife covering a very wide range of issues. As a result, Machloket, in the form of constructive conflict, is viewed as a part of community life, the Torah learning center interaction and family relationships.

As these texts demonstrate, however, what may have started as “constructive” conflicts often led to splits in the Jewish communities – kehilot and minyanim (prayer quorums) divided on the basis of disputes on doctrine, practice, and other issues. As is often the case, principled disputes on relatively minor issues escalated and became personal disputes, with the protagonists becoming bitter enemies. This type of “senseless hatred” (sinat chinam) is said to have led to the destruction of the Second Temple.

But the 2000-year exile that followed served to increase the process of dispute
and separation, since there was little penalty for such divisions. Shalom Bayit – literally, “peace in the home”, is more of an abstract goal than a practical approach. For generations, conflict has divided communities, synagogues and schools of learning. In effect, this process of division in the face of conflict has been a survival mechanism. When a dispute led to a split and the groups broke away from each other, they began to function again independently, each evolving and developing in its own way. In the Diaspora, the possibility of division with a very limited cost was generally available, and machloket was not only acceptable, but in addition, the social and political environment served to encourage groups to split. Without the need for political and social unity, the costs of such divisions appeared to lower than the risks of a violent explosion.

The distinction between constructive machloket which encourages growth, development and renewal, and dangerous disputes that lead to sinat chinam, is a familiar theme in Jewish texts. Pirkei Avot, (often translated as the Ethics of our Fathers) distinguishes between conflicts "for the sake of heaven", and those that are not "for the sake of heaven" (Chapter 2, Mishna 17)

"Every controversy that is in the name of heaven, the end thereof is [destined] to result in something permanent; but one that is not in the name of heaven, the end thereof is not [destined] to result in something permanent. Which is the [kind of] controversy that is in the name of heaven? Such as was the controversy between Hillel and Shammai; and which is the [kind of] controversy that is not in the name of heaven? Such as was the controversy of Korah and all his congregation."

Korach (a priest of stature during the period in the Sinai desert following the Exodus) presents the archetype of an individual who seeks fame and power. He is presented as self-centered who, instead of focusing on the greater good of society, sought self-promotion. In stark contrast, the goal of the many disputes between Hillel and Shammai – sages during the early Mishnaic period -- was to discover the law and its truth. This is the positive archetype of "machloket" -- dispute for the sake of heaven. The conflict does not prevent open communication and mutual respect, with the goal of serving a higher purpose, and without emotion, violence or the rhetoric of incitement, it is encouraged and even welcomed.

Although the disciples of Hillel and Shammai, which formed into different schools of thought with different traditions, quarreled sharply over basic interpretations of the law, and over 300 such differences are recorded, their relationship was also marked by mutual respect, at least until the final decades of the Second Temple period. In one famous dispute recorded in the Talmud (Eruvin) which went on for three years, a heavenly voice ("bat kol") finally declared that while the law is based on the majority that supported Beit Hillel's interpretation, “Eilu v’eilu divrei elohim chayim" ("both of these are the words of the living God.") In other words, both views are legitimate, and the majority of rabbis (from Beit Hillel) did not discard or demonize the minority position.

Indeed, according to even these two groups disputed the details of the laws of
yibum, levirate marriage, they continued to intermarry with each other. (Tractate Yebamot, 14b)

Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals............, Beth Shammai did not, nevertheless, abstain from marrying women of the families of Beth Hillel, nor did Beth Hillel refrain from marrying those of Beth 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.

The Jewish perspective on constructive conflict, as illustrated in the central example of the schools of Hillel and Shammai, separates the substantive issues from personalities and emotions. In other words, they respected the other’s opinions, and agreed to disagree. This principle is also important to modern Jewish leaders and philosophers. In his book, Arguments for the Sake of Heaven, Rabbi Jonathan Sacks emphasizes the difference between the positive process of constructive conflict, which promotes debate and does not end with a decision or labeling of “winner and loser”, with destructive conflict which seeks to gain power, property, or control for one of the participants. In another analysis using this theme, he wrote: When two sides fight, not with weapons but with ideas, they recognize that their very disagreement presupposes an agreement: about the value of argument itself. Two chess players may be bitter adversaries, but they agree on the rules of chess and their love of the game.”

Conflict Management: The Examples of Abraham and Joseph

The core Jewish texts contain numerous examples of living with and managing conflict, rather than the more ambitious and often unattainable goal of shalom bayit. Indeed, the foundations of the human society and the Jewish people as depicted in the archetypal events described in the Book of Genesis, reflect continuous conflict situations. Some of these are resolved peacefully, while others end in intense violence.

The example of Lot and Abraham (Genesis 13:7-9) illustrates the conflict management theme within the family.

"And Abram said to Lot, Let there be no strife, I beg you, between me and you, and between my herdsmen and your herdsmen; for we are brothers. Is not the whole land before you? Separate yourself, I beg you, from me; if you will take the left hand, then I will go to the right; or if you depart to the right hand, then I will go to the left."
from kidnappers, or from the murderous mob in Sodom. (Lot’s wife, it will be recalled, disobeyed the command not to look at the destruction and was turned into a pillar of salt. Lot was more prudent, and survived.) And after each such episode, Abraham was ready to forgive and forget, because Lot was family and at the core of Abraham’s interests.

When the conflict between their respective herdsmen broke out, Abraham understood that if left untreated, it would escalate and threaten the unity of the family -- emotions would overcome interests. His response was not to seek a resolution or to find a mediator; the conflict was part of the human condition -- the Hobbesian “state of nature”. Justice was also not a factor -- in the narrative, there is no mention of the source of the conflict, or which side was misbehaving. Instead, the conflict suddenly erupted, and Abraham chose to separate and end the friction, while accepting the costs. He gave Lot the option of choosing the best land (in the Jordan Valley) -- what modern conflict resolution theorists refer to as “cutting the cake”. By addressing the effects of the conflict and the friction, rather than taking the highly doubtful path of attempting to resolve the core causes, Abraham and Lot were able to manage or deescalate the conflict.

Two generations later, the resolution of the intense conflict between Jacob and his kinsman Lavan has many of the same elements. They ended their relationship through a covenant (“brit”) based primarily on separation.

And we find similar approaches to interpersonal conflict much later in the Bible, after the Israelites had left Egypt and the revelation at Sinai. The commandments to be implemented upon entry and conquering the Land of Israel hundreds of years later included the seemingly obscure requirement to establish cities of refuge, arei miklat. Six such cities were designed to protect accidental killers from the vengeance of the victim’s family -- the blood avenger.

Although we know little about the actual operation of cities of refuge, the text regarding the intricacies covers many pages in the Talmud and commentaries. The commandment to build cities of refuge recognized the human need to preserve honor and the interests of the family group while preventing the escalation of large scale violence between the groups. Blood vengeance, even for accidental killing, was (and in some societies still is) common in Middle East cultures, and often led to a cycle of escalating violence. But cities of refuge break this cycle, following the example of separation set by Abraham and Lot.

The Talmud discusses whether the Torah requires the family of the victim to take revenge or this is simply a recognition of the practice. (Mishne Makot 5:7)

"If a slayer went beyond the bounds and the blood [and the] avenger fell in with him, R. Jose the Galilean says that for the avenger it is a matter of obligation [to strike]; for everyone else, a matter of option. R. Akiva says that for the avenger it is a matter of option and anyone [else] is [not] responsible for him."

The differences between R. Akiva and R. Jose, as well as their shared views, are
instructive. According to R. Akiva, even though revenge was allowed, it was not a commandment. Allowing the family to exact revenge on the murderer is recognition of this theoretical right, but this perspective rejects the common view that failure to exact revenge undermines a family’s honor. R. Jose the Galilean views the vengeance of the murder as an obligation, but only for the family and both views emphasize the importance of cities of refuge, which stop the cycle of violence in the conflict.

Truth, Justice, Compromise, and Shalom Bayit

In Judaism, peace (shalom) is the ultimate aspiration in human relations. And because peace is so highly valued, Judaism sometimes justifies false statements and ‘white lies’ to serve a higher cause, and to maintain the peace, particularly in family relations.

The sources bring two far-reaching examples. (Derech Eretz Zuta, Perek Hashalom).

Rabbi Simeon b. Gamliel said: Great is peace, for we find that the tribes reported an untrue statement in order to maintain peace between Joseph and his brethren; as it is stated, ‘And they sent a message unto Joseph, saying: thy father did command before he died, saying: So shall ye say unto Joseph: Forgive, I pray thee now, the transgression of thy brethren and their sin.’ But we do not find that [Jacob] had given them any such command.

Rabbi Simeon b. Gamliel said: Great is peace, for Aaron the [High]Priest was praised only for peace; for he loved peace, pursued peace, greeted with the salutation of peace and responded with it, as it is stated, ‘He walked with Me in peace and uprightness.’ It teaches that when he noticed two persons at enmity one with the other, he used to go first to one of them and say to him, ‘Why do you hate So-and-so? He has already come to my house, prostrated himself before me and said to me, ‘I sinned against So-and-so.’ Go and pacify.’ When he left this one, he went to the other and spoke to him similarly, and so made peace, love and friendship between a man and his fellow. What is written subsequently? ‘For he is the messenger of the Lord of hosts.’

In another example, the problematic relationship between Joseph and his brothers is given extensive treatment in the commentaries. Based on the Biblical text, the rabbis noted that as long as Jacob the Patriarch was alive, both Joseph and his brothers avoided open warfare – Joseph was not going to exact revenge and undermine the fragile family reconciliation. But following Jacob’s death, the brothers feared, the revenge would begin. The brothers therefore invented a story that their father had asked him not to hurt them for what they had done to him in the past. Rabbi Shimon ben Gamliel explicitly notes that there is no evidence of this request in the Scripture. He understands their lie to be evidence of their understanding of the importance of
maintaining peace and avoiding revenge between the brothers following their father’s death. The prevention of conflict and pragmatic shalom bayit takes precedence over the truth (emet), overriding (in this instance) the clear Biblical commandment "Keep thyself far from falsehood" (Exodus 23:7).

The precedence of social harmony over truth is reflected in the emphasis placed on the role of Aaron the High Priest, who toiled to make amends between people and couples in order to maintain the peace. According to the midrash, Aaron would approach people he knew were in conflict in order to attempt to restore their relations. It is told how often he would fabricate a conversation of one side’s regret in order to bring two disputing sides to resolve their conflict.

Similarly, the Jewish tradition also recognizes the inherent tension between the strict requirements of the law (justice) and need for compromise for the sake of peace. The attempts to reconcile these two values, concluding that only decisions which are based on compromise can encompass the fusion of both peace and justice. (Tractate Sanhedrin 6b).

"R. Joshua b. Korha says: Settlement by compromise is a meritorious act, for it is written, ‘Execute the judgment of truth and peace in your gates (and let none of you devise evil in your hearts against his neighbor) [Zecharia 8:16].’ Surely where there is strict justice there is no peace, and where there is peace, there is no strict justice! But what is that kind of justice with which peace abides? We must say: Arbitration".20

On this basis, Maimonides urges judges to promote voluntary mediation, praising any judge who does not have to make a legal ruling in his lifetime, and is able to mediate a compromise between the rival litigants. In a practical sense, compromise is described as the basis for preserving the peace of the community, and the Shulchan Aruch, (the authoritative code of Jewish Law compiled by Rabbi Yosef Karo in the 16th century) states that judges are required to open all civil proceedings by proposing a compromise to the litigants for consideration. A judge may also offer to mediate a solution (“to speak to their hearts”), even after the evidence has been heard, in order to encourage a peaceful settlement. In some cases, such as when the evidence is unclear or cannot be discovered, judges are advised or even required to impose a compromise (a form of binding mediation). In rare cases, involving litigants with different economic means, the wealthier party may be asked to accept a compromise and less than would be due according to the strict interpretation of the law, for the sake of peace. (This can be compared to the technique of re-balancing power, as found in the modern mediation literature.)

However, despite the emphasis on the desirability of mediation and compromise in civil disputes, there is little in these texts that provide guidance on the process of mediation itself, and few references to actual practice. In contrast to the very detailed instructions on legal procedure, regarding witnesses, evidence, and other aspects, there is essentially no instruction regarding the mediation process, and few cases are presented as examples. Judges are simply told to seek a compromise solution. Thus, the overall
impression, particularly with respect to the practice of mediation and compromise, is that while the ideal is important and valued, implementation was very limited.

**Win-win models in the Jewish tradition**

The terms and analyses derived from game theory that examine rational interest-based conflict resolution based the transformation from zero-sum to win-win models are modern inventions. But the concept, as noted by Brams, is rooted in Jewish tradition and sources, and provides further evidence in support of identifying a realist approach.

In his many books and articles on conflict in modern society, Rabbi Jonathan Sacks has expanded on these themes and applied them to conflict situations. In The Politics of Hope, he devotes a full chapter to game theory in exploring social harmony through the concept of “the common good.” In a related way, Jewish sources emphasize compromise based on “splitting the difference”, as expressed for example in the concept of “one person benefits and the other does not lose”.

"The defendant derived a benefit and the plaintiff sustained no loss – he is exempt"

(Tractate Baba Kama 20b)

In this situation were a squatter to be found living in a lodging that was not for rent – technically and legally, he is required to pay rent to the owner. However, since the room was unused and there was expectation of rent, the squatter did not cause any harm or loss to the landlord. The judge may then conclude that because there was no loss, no compensation is required.

**Forgiveness and its limitations**

In the modern academic literature on conflict resolution, forgiveness and reconciliation are given a great deal of attention, in large part reflecting the Christian model. In the Jewish tradition, forgiveness and reconciliation between the disputing parties are encouraged, but, again following the realist framework, the inherent difficulties are recognized. Yom Kippur, the holiest day of the year, does not atone for sins committed between people and this forgiveness must be achieved through personal interaction -- the process is not automatic, and the difficulties are recognized.

The sources teach that the process must work in both directions, and the offended party is encouraged to forgive and reconcile a dispute. (Rambam, Hilchot Teshuva 5:10).

"The injured person, however, is forbidden to be harsh and to withhold forgiveness, for such behavior does not become a descendant of Israel. But once the offender has asked forgiveness and has entreated him a first and a second time, and he knows that the offender has repented of his sin and regrets his evil deed, he should forgive him. Whoever forgives quickly is praiseworthy and his behavior meets with the approval of the Sages."
An individual responsible for causing offense or injury is required to ask forgiveness and seek reconciliation three times. If, after three attempts, the offended party does not forgive, no further attempts are necessary. Here again, we see the acceptance of the darker sides of human nature and the recognition that it is not possible to force or command individuals to reconcile. Jewish law also lists situations where one is not required to forgive due to the irreparable damage caused. (Shulchan Aruch, Orach Haim 706:1)

"Transgressions between man and G-d. the Day of Atonement does not atone for, until he conciliates his neighbor; even if he only antagonized his friend through words, he must appease him; And if he does not appease him the first time, he must return to him a second and third time. And each time, he must take with him three people. And if he does not appease him by the third time, he does not have to. (Some would say that after that he must ask for forgiveness before ten people). And if it is his teacher, then he must try to appease him as many times as is needed to conciliate. Note: The injured person should not be harsh and not forgive if the offender sincerely asks for forgiveness; and if he ruined his reputation, he does not have to forgive him."

The complexities of forgiveness and reconciliation in the Jewish tradition, and the theological and cultural differences in comparison with Christianity, were highlighted by Simon Weisenthal in his book The Sunflower.32 While Christians speak of forgiveness, even in extreme cases such as the Holocaust, Weisenthal vividly portrays the difficulties for Jewish victims of Nazi atrocities to contemplate this measure. For many of Weisenthal’s Jewish correspondents, forgiveness for these crimes would be immoral. Similarly, Schimmel recalls a discussion of forgiveness and reconciliation in South Africa at the end of the apartheid era, quoting a rabbi who declared: “... you can’t sadistically murder 12 innocent people by burning them alive and just say ‘I’m sorry!’ One Christian participant in the forum immediately attacked the rabbi for his comment, saying ’That’s because you Jews don’t know how to forgive.’ From the rabbi’s perspective, the officer, having ordered the murder of innocents, was beyond human forgiveness.”33

Conclusion

This “realist” analysis of Jewish approaches to conflict management presentation is far from exhaustive, and for every source cited in this essay, a contradictory source can probably be found. The rich Jewish texts are known to present a multitude of approaches 'שבעים פנים לתורה' 'There are seventy facets to Torah'.

The purpose of this essay is to start and to stimulate a wider discussion of Jewish approaches to intercommunal and interpersonal conflict. The Exile is over, for at least half of the Jewish population, and it is no longer possible to allow conflicts to expand and lead to divisions, without exactly a significant cost to the Jewish people.
In Israel, as a sovereign state, as well as in the remaining Diaspora communities, internal disputes and power-struggles that escalate and expand into “senseless hatred” are extremely dangerous. The time for a broadly accepted system of conflict management and resolution is overdue.

At the same time, many of the interpretations, legal rulings and ethical maxims cited in this essay are rarely implemented, both in the religious and secular frameworks. In Israel, while the number of trained mediators is growing and there is a great deal of public discussion regarding conflict management and alternative dispute resolution (ADR), and many organizations offer related service, in practice, applications in real disputes are very limited. The courts have adopted a limited approach, encouraging but rarely requiring mediation in civil disputes, and most Israelis appear to prefer their day in court and demand justice, rather than compromise.

In the modern State of Israel, the danger of fragmentation is clear, and to avoid this situation, there is a need for pragmatic mechanisms for dispute resolution and conflict management, that do not attempt to ignore the very deep social, religious and other conflicts. With a majority culture based on Jewish sources, the application of a specifically Jewish approach to conflict management would be useful in dealing with societal and interpersonal disputes.

Many sources are available for this purpose, as shown in this essay. From the example of Abraham and Lot, and extending through the Talmud and to modern rabbinical sources, there are numerous examples and detailed justifications for the realist model, based on an understanding of the limitations resulting from human nature, and the long journey necessary for perfection. Machloket is a necessary and valuable part of the Jewish tradition, and in dealing with communal conflict, the tradition of dispute “lishem shamayim” should not be and cannot be discarded.

The principles of darchei noam and the praise for mediation stand in sharp contrast to the history of the Jewish people and of sometimes very difficult dispute. In the realist approach, there is no expectation for the elimination of conflict, but rather the emphasis is on containing its most damaging impacts, and blocking the tendency towards sinat chinam — senseless hatred. These goals are complex enough, and any progress in this direction will be welcome.

Notes


5 See Gerald Steinberg, “Conflict Prevention and Mediation in the Jewish Tradition”, in Jewish Political Studies Review (Special Volume on “Jewish Approaches to Conflict Resolution”), Fall 2000 12:1 & 2 Conceptually, this approach is based on the application of core Jewish texts to a modern Jewish political philosophy applicable to the era of restored sovereignty, as developed by Daniel Elazar, Shmuel Sandler, Stuart Cohen and others.


7 Hans Morgenthau, who is considered the father of modern political realism, was heavily influenced by his Jewish background. M. Benjamin Mollov, Power and Transcendence: Hans J. Morgenthau and the Jewish Experience, Rowman & Littlefield, 2002

8 Baruch Bush and Joseph Folger, The Promise of Mediation (Jossey-Bass, 1994)


11 Psalms 34:15


15 Lewis Kriesberg, Constructive Conflicts (Lanthan, MD: Rowan and Littlefield, 1998); Marc Gopin. Between Eden and Armageddon: The Future of World Religions,

16 Rabbi Jonathan Sacks, The Torah of Conflict Resolution, Chukat 8th July 2006, 12th Tammuz 5766 (weekly commentary)


20 The Talmud also uses the term “bitzuah”, which may refer to a procedure like “splitting the difference”. However, the precise meaning of this term remains obscure. Sanhedrin 6b; Steinsaltz, 6b, p. 50)

21 Hilchot Sanhedrin, Chap 22, cited by Elon, fn. 203; see also Bazak, fn. 17

22 Bazak, p. 1-2, citing the commentary of Maimonides on the Mishna Ketubot, 10:5

23 Elon, ftnt. 207; Bazak, fn. 13

24 Choshen Mishpat, Hilchot Dayanim, Section 12, Halakha 20.

25 Bazak, ftnt. 41

26 Bazak, p. 11, ftnts 46-50


33 Schimmel, p. 8, citing Boteach, pp. 42-3
Editorial Note

We have divided the sources into four categories:

1. Judaism’s approach to conflict and dispute. This includes the sources relating to the Jewish legal perception of conflict. The embodiment of desirable dispute as exhibited between the schools of Hillel and Shammai demonstrate the possibility of day-to-day coexistence despite conflict. Here we also advance the Jewish precept of not breaking faith with the community or being different in order to prevent internal strife.

2. Prevention of conflict. This category deals with sources that encourage and establish the importance of peace. Sources dealing with improving relations between adversaries as well as between people in general, and the maintaining of respect between one another are considered here. Judaism regards Aaron as the model peacemaker and here we quote sources that outline his approach. Also, sources decrying the divisiveness of hatred and the absence of peace enter into this component.

3. Methods for resolving conflict. In this category, we include sources illustrating options of how to deal with conflict by showing examples of violent solutions, separation, majority rule, compromise or reconciliation.

4. Approaches to managing conflict. This final unit explores the theme of revenge. Herein, we look at the biblical cities of refuge as means of neutralizing the natural inclination for vengeance. Sources treating excommunication and forgiveness are addressed here.

Each category is divided into sub-topics. At the end of each sub-topic appears a short summary and explanation of the texts presented. The sources under each sub-topic are presented in chronological order. A one-line biography of the source’s author precedes each quotation.

This work attempts to survey an array of Jewish sources dealing with conflict but makes no claims to be exhaustive. Our intention is to present representative texts from different Judaic sources and thinkers, thus encompassing a wide range of Jewish thought on and reaction to conflict. When texts exist in different versions and from different periods of Jewish history, i.e., the same text written in the Midrash, Talmud, Rambam (Rabbi Moses ben Maimon [Maimonides]) and the Shulchan Aruch, we use the earliest text unless the later text is easier to understand, adds further detail or is the best known version.

Though each text can be analyzed and discussed at great length, our limited space here simply does not allow a fuller coverage of each topic. Readers are invited to
delve more deeply into the many commentaries of the myriad original texts that exist in secondary sources. Here, we prefer to examine the original text with minimal commentary. The aim of this work is to be a springboard for further study of the topic. Sometimes, we have introduced a source only to indicate an initial aspect of a point of conflict or dispute in need of further research. Much has been written about many of these sources and where we can, we have suggested references for further reading.

The English translations of the texts have been adapted from a number of sources. The majority of translations were taken from the Soncino translations. Other translations were adapted freely by the editors.

In the field of conflict studies, much exploration is currently taking place in the cultural aspects of conflict, that is, how culture affects, interprets and deals with discord.

One particular facet of the cultural influences on conflict resolution comes from religion. Hence, religious writings on conflict and the ways different religions tackle the issue have attracted many researchers’ interest. In order to understand the Jewish approach to conflict (if there is one), one must first turn to the primary sources and texts relating to dispute and understand these. A study of the Bible together with its commentaries, the Midrash and Talmud, and modern rabbinic responsa, as well as an analysis of texts written about conflict, constitute the first step to understanding Judaism and its approach to conflict.

Since the idea for this project was first raised two years ago, many members of the Program on Conflict Management have contributed greatly to its development. I would like to thank Dr. Ephraim Tabory for reading through, and commenting on, several drafts and seeing it to its completion. Thank you to Daniel Roth, Yair Eldan and Shlomit Stern (Hazan) for their insightful input as the project took shape. Thank you to Yitzchak Avi Roness for his constant support and advice. Finally, thank you to Prof. Gerald Steinberg for initiating this project and propelling it forward.

Michal Roness
I. JUDAISM’S APPROACH TO CONFLICT AND DISPUTE
היחסلسכסוךומחלוקת

1.1 Conflict from the Jewish Perspective

Mishnah Pesachim
Chapter 4 Mishnah 1

He who goes from a place where they work to a place where they do not work, or from a place where they do not work to a place where they do work, we lay upon him the restrictions of the place whence he departed and the restrictions of the place whither he has gone; and a man must not act differently [from local custom] on account of the quarrels [which would ensue].

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Babylonian Talmud
Tractate Pesachim 51b

He who goes from a place, etc. As for [teaching], he who goes from a place where they do work to a place where they do not work . . . We lay upon him the restrictions of the place whither he has gone, and a man must not act differently, on account of the quarrels, and he must not work. But [if he goes] from a place where they do not work to a place where they do work . . . A man must not act differently, because of the quarrels — [that is] he is to work? But you say, we lay upon him the restriction or the place whither he has gone and the restrictions of the place whence he has departed!

— Said Abaye: It refers to the first clause. Raba said: After all it refers to the second clause, but this is its meaning: This does not come within [the scope of] differences which cause quarrels. What will you say: He who sees will say, “[He regards] work as forbidden?” [No:] they will indeed say, “How many unemployed are there in the marketplace!”
Babylonian Talmud
Tractate Kiddushin 30b

And it is also said: Happy is the man that hath his quiver full of them; they shall not be ashamed, when they speak with their enemies in the gate. What is meant by “with their enemies in the gate”?— Said R. Hiyya b. Abba, Even father and son, master and disciple, who study Torah at the same gate become enemies of each other; yet they do not stir from there until they come to love each other, for it is written, love is be-sufah; read not be-sufah but be-sofah.

Genesis Rabbah
Portion 4

AND G-D MADE THE FIRMAMENT (Gen. I:7). This is one of the verses over which the son of Zoma raised a commotion: He made - how remarkable! surely it [came into existence] at [G-d’s] word, [as it is written,] By the word of the Lord were the heavens made, and all the host of them by the breath of His mouth (Ps. 33:6).

Why is “that it was good” not written in connection with the second day? R. Johanan explained, and it was also thus taught in the name of R. Jose b. R. Halafta: Because on it the Gehenna was created, [as it is written,] For Tofteh is ordered from yesterday (Isa. 30:33) which signifies a day to which there was a yesterday but not a day before yesterday. R. Hanina said: Because in it schism was created, [as it is written,] AND LET IT DIVIDE THE WATERS. R. Tabyomi said: If because of a division made for the greater stability and orderliness of the world, “for it was good” is not written in connection with that day, then how much the more should this apply to a division which leads to its confusion!
Babylonian Talmud

Tractate Sanhedrin 110a

And Moses rose up and went in to Dathan and Abiram. Resh Lakish said: This teaches that one must not be obdurate in a quarrel; for Rab said: He who is unyielding in a dispute violates a negative command, as it is written, And let him not be as Korah, and as his company. R. Ashi said: He deserves to be smitten with leprosy: here it is written, [as the Lord said] to him by the hand of Moses, whilst elsewhere, it is said, And the Lord said furthermore unto him, Put now thine hand into thy bosom [and when he took it out, behold, his hand was leprous as snow] (Ex. 4:6).

R. Joseph said: Whoever contends against the sovereignty of the House of David deserves to be bitten by a snake. Here it is written, And Adonijah slew sheep and oxen and fat cattle by the stone of Zoheleth; whilst elsewhere it is written, with the poison of serpents [zohale] of the dust. R. Hisda said: Whoever contends against [the ruling of] his teacher is as though he contended against the Shechinah, as it says, when they strove against the Lord. R. Hama son of R. Hanina said: Whoever quarrels with his teacher is as though he quarreled with the Shechinah, as it is said, This is the water of Meribah; because the children of Israel strove with the Lord. R. Hanina b. Papa said: Whoever expresses resentment against his teacher, is as though he expressed it against the Shechinah, as it is said, Your murmurs are not against us, but against the Lord. R. Abbahu said: He who imputes [evil] to his teacher is as though he imputed [it] to the Shechinah, as it says, And the people spake against G-d, and against Moses.

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Pathways of the Righteous

Chapter 12 Gate to Anger

Anger brings a man into quarrels for when he is angry with his companions, they quarrel with him and he quarrels with them. And when there is a quarrel, there is, of course resulting envy and hatred. And you already know the evils of a quarrel, as will be further explained in the chapter on quarrels.

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Mishneh Torah Laws of Rebels
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)

Chapter 1 Law 4
When the High Court was in session, there were never any (prolonged) differences of opinion among the Jewish people. Instead, if a doubt arose in a Jew’s mind over any law, he would inquire of the court in his city. If not, the questioner and that court - or its agents - ascend to Jerusalem and ask the court which holds sessions on the Temple Mount. If they know, they will reply to him. If they do not know, everyone comes to the court that holds sessions at the entrance to the Temple courtyard. If they know, they will reply to him, if they do not know, everyone comes to the Chamber of Hewn Stone, to the High Court and presents the question. If the matter that was unresolved by all [the others] was known to High Court - either as part of the Oral Tradition or because of its derivation through the principles [of exegesis] - they relate [the decision] immediately. If, however, the decision was unclear to the High Court, they deliberate the matter at that time and debate it back and forth until they reach a uniform decision, or until a vote is taken. [In such a situation] they follow the majority and then tell all the questioners: “This is the Halachah.” [The questioners] then all depart.

After the High Court was nullified, differences of opinion multiplied among the Jewish people. One would rule [a certain item] is impure and support his ruling with a rationale and another would rule that it is pure and support his ruling with a rationale. This one would rule [a certain item] is forbidden and this would rule that it is permitted.

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שו”ת אגרות משה
ר’ משל פינסקר (תassi–ארזוט הברית, 1896–1895)
חלח אגרות חיים ד’ סימן כה

כונת יא אפרס שאתי כולם באו“And if all came to..." ני לעון ישא שלא ישו היה לה שקר
אומנם הם יושבים אלא היא משלות את נתון התשובה לכל להוסמות ולحمامות כי יש
אצל האומן, איש יש להויה משלות בדיני ההורות או לקימם ויו הבורות פורחות כר בדוק
חולם יותר בד כדי להורות כל שיש עלроб ודברותים מוכן בכל תמים.
Because it is almost impossible for everyone to be of the same approach and the same opinion, for in any event we may consider that despite not having a deficiency in faith, God forbid, and [despite] there not being any dispute as to corporal desires [regarding] theft, robbery and waging wars as [these] exist among the [gentile] nations, we may consider there will be disputes in how to fulfill Torah laws, and there will be separate groupings, each great rabbi and his students, as we witness throughout the Talmud that in almost all the Torah’s laws there are a number of disputes of the Sages, and so shall it be in every era. Orach Haim 4:25

In the matter of a synagogue where Israeli and American flags were placed, and for this reason there are a number of people who do not wish to pray there...

Therefore, while it is certainly not proper to admit [flags] into the synagogue, a holy place, definitely not to establish them there on a permanent basis and certainly not next to the Ark, nevertheless, there is no actual prohibition to speak of; rather, it is silly and nonsensical. If it is possible to remove them in a peaceful manner, then that would be the proper thing to do. But to cause a dispute because of it is forbidden. And if it is possible to remove the flag without conflicts, so as there will be no memory of the acts of wrongdoers, it would be correct to so; however, Heaven forbid, to cause a dispute over it.
Summary

The Hebrew word machloket in the Jewish context can mean “controversy” or “dispute.” There have been different and changing approaches to conflict in the academic world. At first, academics related to conflict as something that needed to be resolved, ended and avoided. However, the trend later moved towards conflict management: the recognition that conflict is a natural part of human nature and while it must be contained, it cannot be eliminated. More recently, conflict has been viewed as a positive facet of human nature that must be transformed in order to harness the positive, creative strength of the conflict. Supporters of conflict transformation recognize that conflict will always exist and its positive aspects must be utilized to affect change in society.

In Jewish sources we also find these different approaches throughout the ages. Controversy can present a negative face, which must be avoided or eliminated. However, Judaism views certain types of controversy and conflict as positive and beneficial for the sake of Heaven.

In the Mishnah and Talmud, conflict is introduced as something to be avoided. When entering a place whose customs differ from that left behind, one should adopt the values of the surrounding community to avoid confrontation or conflict.

In the Midrash commenting on the Creation, conflict is seen as resulting from the dividing of the elements, hence G-d did not describe the day that the waters were divided as a “good” day. The explanation is that on that day conflict was created, because of the dividing of the waters above from the waters below.

The Rambam wrote that divisions within the people of Israel developed because of the decline of formal authority. When the High Court (the Sanhedrin) ruled as the accepted authority over the people, there was no division. As the authority of the formal court system waned, division among the people increased. Each man decided for himself and often decisions were conflicting, thus magnifying the disparities between customs and practices. Both the Mishnah and the Rambam are referring to conflict resulting from the fragmentation in Halachic interpretations and practices.

In a modern example, Rabbi Moshe Feinstein expresses the need to avoid conflict. Thus, if a deed is likely to cause a collision of opinions, even if it is the correct thing to do, it should be sidestepped to prevent the potential controversy.
I.2 Dispute Between Hillel and Shammai: A Dispute for the Sake of Heaven

Mishnah Avot
Chapter 5 Mishnah 17

Every controversy that is in the name of Heaven, the end thereof is [destined] to result in something permanent; but one that is not in the name of Heaven, the end thereof is not [destined] to result in something permanent. Which is the [kind of] controversy that is in the name of Heaven? Such as was the controversy between Hillel and Shammai; and which is the [kind of] controversy that is not in the name of Heaven? Such as was the controversy of Korah and all his congregation.

Rabbi Ovadiah Bertinoro Tractate Avot
Rabbi Ovadiah Yare (Bertinoro - Land of Israel, 1440-1530c)
Chapter 5 Mishnah 17

Every controversy that is in the name of Heaven, the end thereof is [destined] to result in something permanent - That is to say that the people of controversy are destined to exist and not be destroyed, as with the dispute between Hillel and Shammai that were not destroyed. Neither them nor the students of Hillel and Shammai. But Korah and his congregation were destroyed. And I heard the explanation of “the end,” its purpose and the matter is needed. The controversy which is in the name of Heaven, the purpose and its desirable end is to obtain the truth, and this continues to exist, as they said that from a disagreement the truth will be revealed, as was revealed in the disputes between Hillel and Shammai - that the law was like the school of Hillel. And a controversy which is not for the sake of Heaven, its purpose is to achieve power and the love of victory, and its end will not continue to exist, as we found with the dispute of Korah and his congregation that its purpose and their desired goal was to achieve honor and power and the opposite was their result.
Any dispute... In other words, what this means is, “Every dispute for the sake of Heaven is destined to exist” [which in turn] means that they will always remain in dispute: Today they will dispute one issue, and tomorrow another; the dispute will exist and continue throughout their lives. Furthermore, they will merit additional length of days and years of life. [A dispute] that is not for the sake of Heaven is not destined to go on - they will only deal with the first dispute; they will meet their end and die there, akin to Korah and his dispute.

Magen Avot of the Tashbatz on Avot
Rabbi Shimon Ben Zemach Doran (Majorca - Algeria, 1361-1444)
Chapter 5 Mishnah 17

Any dispute which is for the sake of Heaven is destined to exist - the explanation...there is no doubt that a dispute which persists is negative... and that which it states that if it is for the sake of Heaven it is destined to exist. Moses our Teacher explained that the issues will persist, because the dispute is for the sake of Heaven, neither
party intends to disprove the opinion of his fellow, but rather to establish the truth, thus, the Holy One, blessed be He acquiesces to them thereby causing the issue to persist... One may explain “it is destined to be fulfilled” signifies that they will concede to each other, for they have no intentions to defeat the other, rather only to clearly establish the matter, and when the proofs of one are upheld, those of the other will be annulled, as we learned, the school of Hillel reverted to instructing in accordance with the school of Shammasi (Gittin 41b).

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פירוש על אבות
ר’ שלמה בר’ יוחזק לבית הלוי (טוריה, המאה ה-16)

פרק ה משנה זו

כפי则是 שוחחון מתزادרים הסתימאותビュー של שונים או סיבת=Y 나오ות וזורר להוואי האמת והחברה
ה цены שאם כך שהנה מתחלת היהเศรษฐ 규정 והחלקה מתחלקה עשה עתה מצא מתחלת ייקום מ ספר כר לא הכס המשチャ רבים
כבר האמת ויצא לאור מה שלח היא יצאו זולות, והבדיל תאופי מתחלת שיתקף, כי עשה גם שיאמר את התחלת כי$email@email.com הפרז
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Lev Avot Commentary
Rabbi Shlomoh ben Rabbi Yitzchak of the House of Levi (Turkey, 16th century)

Chapter 5 Mishnah 17

For it is known that dispute from opposite perspectives of analysis and study is the basis for the clarification of issues and for the revelation of the truth and its definitive elucidation. Therefore, the doubts, criticisms and difficulties raised form the great preface to achieving one’s goal...
Thus, the Tannai scholar states that when the dispute is for the sake of Heaven, then the intentions of the disputants as a result of the dispute is that the truth will be clarified and that which may only be revealed through this dispute be revealed; certainly the dispute will continue to exist, for despite the fact that the truth will be attained and it will remain with one party, both parties to the dispute will exist and be remembered together, because in order to clarify the truth two disputing groups are required, and it is through the dispute the truth is clarified. Therefore, it is proper that all the parties to the dispute be remembered and seen together, despite the truth only being with one of them.

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Summary

These sources illustrate positive and negative conflicts - the latter to be avoided and the former to be aspired to. The example of Korah and his sons points out a controversy that centered on personal ambition and gain (Num. 16:1). They aimed to destroy the fabric of society and the established structure of the community. The positive example of controversy between the schools of Hillel and Shammai served the will of Heaven. Their intellectual positions were argued out to seek truth, and although the two schools strongly differed in their opinions and approaches to most aspects of law (Halachah), they still respected one other and accepted the other’s opinion as a legitimate approach to Halachic problems.

A conflict, which takes place in the name of a higher purpose and with positive intentions, will continue into the future and it is good that it continues. However, a conflict involving personal motives and ambitions will bring destruction and the downfall of its adherents. The purpose of the controversy between the schools of Hillel and Shammai was not to defeat the opponent; rather, both opponents accepted that if one side or the other proved their opinion using accepted precedents and evidence, then both sides would accept that opinion.

The commentaries on Tractate Avot explain how divisive opinions serve to clarify the truth and the deeper meaning of the legal, ethical and moral issues. When two opposing opinions are presented and questions asked, the learning process is enriched and an argument or a position is strengthened.

Some commentaries accept only one truth, thus leading to a dispute, which is not a desirable state; however, this condition is only temporary until the whole truth is revealed. Such a controversy was, nevertheless, a tool that could reveal truth even if it did not allow for more than one interpretation of a point in dispute. However, as we shall see regarding Hillel and Shammai, both continued to live according to their own opinions, beliefs and understanding of the law. Thus, their dispute demonstrated that despite their fundamental differences on certain issues, each side could live according to its interpretations of the law, and yet coexist in harmony with the other side.
1.3 Perpetuation of Relationships Despite Conflict

Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, sisters, an old bill of divorce, a doubtfully married woman, a woman whom her husband had divorced and who stayed with him over the night in an inn, money, valuables, a perutah and the value of a perutah, Beth Shammai did not, nevertheless, abstain from marrying women of the families of Beth Hillel, nor did Beth Hillel refrain from marrying those of Beth 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.

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

Their agreement to intermarry illustrated the respect and acceptance between the schools of Hillel and Shammai, even though their opinions regarding the laws of performing the levirate marriage conflicted.

Both schools accepted the other's opinions as legitimate. All were members of the same community, living in peace and harmony, despite their opposing views on key Halachic issues influencing their way of life.

An interesting aspect of the ongoing Hillel-Shammai disputation was that after three years in which each group maintained their own practices, the controversy was resolved by G-d. The voice of G-d announced that although both opinions represented the truth, the people should live according to Hillel's interpretations, because they inclined to the side of mercy. G-d's ruling worked much like a mediation meeting, where both sides present their views of the conflict and no one is judged to be right or wrong. Yet at the conclusion of the meeting, the conflict must be resolved and a decision reached. So too with the Hillel-Shammai conflict, which was a legitimate dispute, due process took over and reached a conclusion thus maintaining harmonious community relations. This conclusion does not negate the legitimacy of the either position, which remains an integral line of argument, but closure is necessary to allow the community to move on as one entity.

This process entered into the jurisprudence of Halachic differences. Opposing views are acceptable, as long as they are based on established law and follow G-d's word. Even so, only one side in any dispute can become Halachically acceptable if the system is to continue in harmony.
1.4 “You Shall Not Separate Yourselves”

Deuteronomy
Chapter 14 Verse 1

You are the children of the Lord your G-d; you shall not cut [gash] yourselves, nor make any baldness between your eyes for the dead.

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Babylonian Talmud
Tractate Yebamot 14a

Now as to the other who “maintains that they did act [according to their views]” — should not the warning, “Lo tithgededu, you shall not form separate sects” be applied? — Abaye replied: The warning against opposing sects is only applicable to such a case as that of two courts of law in the same town, one of whom rules in accordance with the views of Beth Shammai while the other rules in accordance with the views of Beth Hillel. In the case, however, of two courts of law in two different towns, [the difference in practice] does not matter. Said Raba to him: Surely the case of Beth Shammai and Beth Hillel is like that of two courts of law in the same town! The fact, however, is, said Raba, that the warning against opposing sects is only applicable to such a case as that of one court of law in the same town, half of which rule in accordance with the views of Beth Shammai while the other half rule in accordance with the views of Beth Hillel. In the case, however, of two courts of law in the same town [the difference in practice] does not matter.

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Beit ha-Bechirah l’Meiri
R. Menachem ben Solomon Meiri (France, 1249-1315)
Yebamot 13b

That which the Torah states, “Do not mutilate yourselves” (Deut. 14:1)... alludes to not making the commandments into separate clusters. In other words, that they perform these [commandments] in accordance with this [opinion] and these [commandments] in accordance with that [opinion], to the extent that it appears that they are performing two Torahs. What does this apply to? When there is only one court of law in the city and even that court itself is divided in its decision-making process, part in accordance with one approach and part in accordance with another approach. However, as long as there are two courts of law, even if they are together in one city, and one court rules in accordance with one approach, and the other court in accordance with another approach, here there are no “clusters,” for it is impossible for everyone to maintain the same opinion.

Yalkut Shimoni
Parshat Re’eh 891

“Lo titgodedu.” You shall not form separate sects and be divisive between each other, that you should not put “baldness” (karcha) on you in the way that Korah that made a dispute with Israel and formed separate groups, and made baldness in Israel that many people were swallowed up with him.
Mishneh Torah Laws of Idolatry
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)
Chapter 12 Law 14

From this statement in Deuteronomy 14:1, we learn that there should not be two [or more] Courts of Law with different customs in the same town, because this can cause arguments. The Hebrew for, “You shall not gash [cut] yourselves” can be interpreted to mean, “You shall not set up separate factions.”

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Summary

The demand for the establishment of a harmoniously functioning legal system dates back to the Bible. While every position must be reached through due process emanating from the Torah, it is unacceptable for two authorities to operate in one city. Though Judaism encourages pluralism and a wide range of views, for the rule of law to function smoothly the process must conclude with one position to be applied practically. This comes back to only one court of law acting for each city, and the idea that all people’s customs should conform to the demands of the community in which they live in order to avoid conflict. It is a biblical commandment not to break up into groups, because this causes conflict and disharmony within society. (Although this is not the literal meaning of the verse in the Bible, it has become a lesson learned from this verse, as quoted above.)
2. THE PREVENTION OF CONFLICT

2.1 Prevention of Conflict Between Jews and Non-Jews

The question was asked: Is it permissible to give salutation to a heathen? Come and hear: Greetings may be given to them on their feast day in the interests of peace. Seeing that the answer is evident, why was the question asked? The question asked was, Is it permissible to salute them first? It has been taught: Better is he who greets him first than he who responds to his greetings.

Mishneh Torah
Chapter 10 Law 12

[Misneh Torah Laws of Kings]
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)

Chapter 10 Law 12

[The following laws apply when] two idolaters come before you to have their dispute judged according to Jewish law. If they both desire to be judged according to Torah law, they should be judged accordingly. If one desires [to be judged according to Torah law] and the other does not, they are only forced to be judged according to their own laws.
[The following laws apply when] there is [a dispute between] a Jew and an idolater: If the Jew will fare better according to their laws, they are judged according to their laws. [When the judgment is rendered, the judges] explain: “Your law obligates this judgment.” If the Jew will fare better according to our laws, they are judged according to Torah law. [When the judgment is rendered, the judges] explain: “Our law obligates this judgment.” It appears to me that this approach is not followed in regard to a resident alien. Rather, he is always judged according to their laws.

Similarly, it appears to me that in regard to respect and honor and also, in regard to charity, a resident alien is to be treated as a Jew, for behold, we are commanded to sustain them as [Deut. 14:21] states: [You may not eat any animal that has not been properly slaughtered...] give it to the resident alien in your gates that he may eat it. Though our Sages counseled against repeating a greeting to them, that statement applies to idolaters and not resident aliens.

[However,] our Sages commanded us to visit the gentiles when ill, to bury their dead in addition to the Jewish dead, and support their poor in addition to the Jewish poor for the sake of peace. Behold, [Ps. 145:9] states: G-d is good to all and His mercies extend over all His works, and [Prov. 3:17] states: [The Torah’s] ways are pleasant ways and all its paths are peace.

Shelah ערוך ורה דעה
בר יוספ ב אפרים קארא (ספרד – ארץ ישראל, 1488-1575)
סימן קמה סעיף כ

There are those of the opinion that all these laws stated are in relation to that era, but in our [contemporary] era they are not [to be considered] idolaters, and therefore one may trade with them and afford them loans and so on, on their festival day.

Note: And even if they transfer the money to the priests, they do not use it in idolatrous practices or for beautification of the idolatry, rather the priests utilize it for their food and drink. Furthermore, there also is the aspect of “hatred” if we distance ourselves from them on the day of their festival, for we live among them and we must trade with them throughout the year. Therefore, if one enters the city and he finds them rejoicing on the day of their festival, he may rejoice with them due to [fear of their] “hatred,” for he is merely adulating them. In any event, a righteous person should distance himself from rejoicing with them, if he is able to, in a manner that will not lead to “hatred.” So too if one sends a gift to a gentile in this [contemporary] era such that it is a good omen if a gift arrive on that festival, and if it is possible, he must send it at night, and if not, send on the festival itself.
The Baraita encourages a Jew to be polite to a non-Jew, to greet him and ask his well-being in order to avoid a conflict between them. The Rambam prescribes that a Jew should relate to a non-Jew like any human person. He must give him charity as he does Jewish paupers, he must visit the non-Jewish sick and must bury their dead. These guidelines are required in order to promote the peace between nations and neighbors. The topic of how a Jew should treat a non-Jew is complex and reflective of the relationship between Jews and non-Jews throughout history. In the sources above, we see a specific approach to this relationship, although the issue is a much wider one beyond the scope of this work.

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Summary

The Baraita encourages a Jew to be polite to a non-Jew, to greet him and ask his well-being in order to avoid a conflict between them. The Rambam prescribes that a Jew should relate to a non-Jew like any human person. He must give him charity as he does Jewish paupers, he must visit the non-Jewish sick and must bury their dead. These guidelines are required in order to promote the peace between nations and neighbors. The topic of how a Jew should treat a non-Jew is complex and reflective of the relationship between Jews and non-Jews throughout history. In the sources above, we see a specific approach to this relationship, although the issue is a much wider one beyond the scope of this work.
2.2 Treatment of an Adversary

Exodus
Chapter 23 Verse 5

If you see the ass of one who hates you lying under its burden, you shall refrain from leaving it with him, you shall help him to lift it up.

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Deuteronomy
Chapter 22 Verse 4

You shall not watch your brother’s ass or his ox fall down by the way, and hide yourself from them; you shall surely help him to lift them up again.

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Ramban
Rabbi Moses ben Nachman (Spain - Land of Israel, 1194-1270)
Deuteronomy 22:4

To the commandment to assist someone to lift up his burden, He added a warning thereto constituting a negative commandment (Thou shalt not see they brother’s ass or his ox fallen down by the way, etc.). For in the Torah He stated, Thou shalt surely release it with him [i.e., by helping to unload the burden], which is a positive commandment [and thus we learn that in failing to render assistance, one violates both a positive and negative commandment]. He also adds [here the expression]
fallen down by the way, for there He stated, lying under its burden, and He mentioned there only the ass, because it commonly carries a great burden and, therefore, is liable to crouch under it. Also, here it says thy brother’s and there it states thy enemy’s, and of him that hateth thee, meaning [here] to say, “Do thus to him” [in assisting him] and remember the brotherhood between you and forget the hatred.

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Proverbs
Chapter 25 Verse 21

If your enemy be hungry, give him bread to eat; and if he is thirsty, give him water to drink.

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Midrash Aggadah
Exodus 23

As regards “If you see the donkey of your enemy,” the Torah stated, “Its ways are ways of pleasantness and all its paths are peace” (Prov. 3:17), for when your enemy sees that you came and assisted him, he will say in his heart, “I said that he is my enemy, God forbid! If he was my enemy he would not have helped me; rather, he is my friend, and I am his enemy for nothing. I will go and appease him.” He goes to him and makes peace, hence it states, “And all its paths are peace.”

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Summary

Not only does the Torah teach peaceful conduct between people of different religions and backgrounds is desirable, but it also specifically relates this precept to one’s enemies. If an enemy is hungry or thirsty, one is obligated to provide for him. The Torah commands that one has to assist his brother’s donkey; he must help the animal when it is overloaded. However, he is also obligated to assist his enemy’s donkey and must not abandon him. The Torah commands man to treat as equals those with whom he has greater affinity, as well as those with whom he has a negative relationship. The Midrash explains that such behavior towards one’s enemy will encourage a peaceful resolution of their conflict. When a person sees help forthcoming from someone he has hurt, he will question their relationship: “How can we be enemies if he helps me?” This will assist in restoring peace between two foes.
2.3 Ways of Peace

Zechariah
Chapter 8 Verse 19

Thus says the Lord of Hosts: The fast of the fourth month, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth, shall become times of joy and gladness, and cheerful feasts to the house of Judah; therefore love truth and peace.

Psalms
Chapter 34 Verse 15

Depart from evil, and do good; seek peace, and pursue it.

Mishnah Gittin
Chapter 5 Mishnah 8-9

The following rules were laid down in the interests of peace. A priest [Cohen] is called up first to read the law and after him a Levite and then a lay Israelite, in the interests of peace. An ‘erub is placed in the room where it has always been placed, in
the interests of peace. 
The pit which is nearest the [head of the] watercourse is filled from it first, in the interests of peace. [...the taking of] beasts, birds and fishes from snares [set by others] is reckoned as a kind of robbery, in the interests of peace. R. Jose says that it is actual robbery. [...to take away] anything found by a deaf-mute, an idiot or a minor is reckoned as a kind of robbery, in the interests of peace. R. Jose says it is actual robbery. If a poor man gleanes on the top of an olive tree, [to take the fruit] that is beneath him is counted as a kind of robbery. R. Jose says it is actual robbery. The poor of the heathen may not be prevented from gathering gleanings, forgotten sheaves, and the corner of the field, in the interests of peace.

A woman may lend to another who is suspected of not observing the sabbatical year a fan or a sieve or a hand mill or a stove, but she should not sift or grind with her. The wife of a chaver [scholar] may lend to the wife of an ‘am ha-aretz [uneducated person] a fan or a sieve and may winnow and grind and sift with her, but once she has poured water over the flour she should not touch anything with her, because it is not right to assist those who commit a transgression. All these rules were laid down only in the interests of peace. Heathens may be assisted in the sabbatical year but not Israelis, and greeting may be given to them, in the interests of peace.

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מישנה מכסת פאה
פסיק א מישנה א

ולוחביו ושלחו תוהו כל כולם:

Mishnah Pe’ah
Chapter 1 Mishnah 1

The following are the things for which no definite quantity is prescribed: the corners [of the field]. First-fruits, [the offerings brought] on appearing [before the Lord at the three pilgrim festivals]. The practice of loving kindness, and the study of the Torah. The following are the things for which a man enjoys the fruits in this world while the principal remains for him in the world to come: The honoring of his father and mother, the practice of charity, and the making of peace between a man and his friend; but the study of the Torah is equal to them all.

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שלמו כליל מכסת סוכה
דף נג עומר ל

נשיא אהיהו כל והמר ברעמות: וחי לועשות שלום בינו איש לאיש, אמורו חורות: שמי שכמת בקדושה
ימחת על המים, לועשות שלום לכל העולמים כלו – על אחיו ככתוכה.
**Babylonian Talmud**
**Tractate Succa 53b**

Whereupon Ahitophel adduced an a fortiori argument to himself: “If, for the purpose of establishing harmony between man and wife, the Torah said, Let My name that was written in sanctity be blotted out by the water, how much more so may it be done in order to establish peace in the world!”

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**Babylonian Talmud**
**Tractate Berachot 64a**

R. Eleazar said in the name of R. Hanina: The disciples of the wise increase peace in the world, as it says, And all thy children shall be taught of the Lord, and great shall be the peace of thy children. Read not banayik [thy children] but bonayik [thy builders]. Great peace have they that love Thy law, and there is no stumbling for them. Peace be within thy walls and prosperity within thy palaces. For my brethren and companions’ sake I will now say, Peace be within thee. For the sake of the house of the Lord our G-d I will seek thy good. The Lord will give strength unto His people, the Lord will bless His people with peace.

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**Avot d’Rabbi Nathan**
**Version 1 Chapter 12**

Pursuing Peace. What does this mean? It teaches that a man should pursue peace in Israel among all men in the same way that Aaron pursued peace in Israel among all men; as it is stated, “Depart from evil, and do good; seek peace, and pursue it.” Rabbi Simeon Ben Eleazar said: If a man stays at home in quietude, how can he pursue peace in Israel, as it is stated, “Seek peace, and pursue it; meaning seek peace in your own place, and pursue it by going elsewhere.”
And if your fellows thieve from you - whether while seated or reclining - make peace with them so that peace will come and it will rest on your resting place. And thus would Rabbi Elazar Hakappar say, “Love peace and despise dispute; peace is so great that when [the nation of] Israel worships idolatry yet there is peace between them, the Holy One, blessed be He says, ‘I do not desire to touch them,’ as it states, ‘Bound to idols is Ephraim, let him be’ (Hos. 4:17), whereas regarding a dispute, what does He say? ‘Their heart was split, now they shall be desolate’ (Hos. 10:2). Hence, great is peace, despised is dispute.”

How [is this expressed]? A city with [matters of] dispute therein is destined to be destroyed, and the Sages stated, “Dispute in a city [leads to] bloodshed.” A synagogue with [matters of] dispute therein is destined to be destroyed. A house with [matters of] dispute therein is destined to be destroyed; and the Sages said, “Dispute in the home [leads to] depravity.” Two courts of law in one city which are in dispute [the members of each] are destined to die, and the Sages said, “Dispute in a court of law [leads to] the world’s destruction.”
R. Simeon b. Yohai said: Great is peace, since all blessings are comprised therein, as it is written, The Lord will give strength unto His people; the Lord will bless His people with peace (Ps. 29:11).

Hezekiah said two things. Hezekiah said: Great is peace, for in connection with all other precepts it is written, If thou meet, etc. (Ex. 23:4), If thou see (v. 5), If a bird's nest chance (Deut. 22:6), which implies: If a precept comes to your hand, you are bound to perform it, but if not, you are not bound to perform it. In this case, however, [it says], Seek peace, and pursue it (Ps. 34:15), [meaning], seek it for thine own place and follow it to another place.

Hezekiah said another thing: Great is peace, for with regard to all the journeyings it is written, And the children of Israel journeyed [plural]... and encamped [plural] (Num. 33:5), [the plural number implying that] they journeyed in dissension, and they encamped in dissension. When, however, they all came before Mount Sinai, they all became one encampment. This is indicated by what is written, And there Israel encamped [sing.] before the mount (Ex. 29:2). It is written here not “And the children of Israel encamped” [plural], but “Israel encamped” [sing.]. Said the Holy One, blessed be He: “This is the hour at which I am giving the Torah to My children.”

Bar Kappara said three things: Bar Kappara said: Great is peace, for the Scriptures reported in the Torah a prevarication which was used in order to maintain peace between Abraham and Sarah. This is proved by what is written, And Sarah laughed.
within herself, saying: ...and my master is old (Gen. 18:12); but [when He repeated this] to Abraham, He said: [Sarah said]: And I am old (v. 13). Bar Kappara said another thing: Great is peace, for in the Prophets, too, did Scripture report a prevarication which was used for the purpose of maintaining peace between husband and wife, as it is said, And the angel of the Lord appeared unto the woman, and said unto her: Behold now, thou art barren, and hast not borne; but thou shalt conceive, and bear a son (Judg. 13:3). When he spoke to Manoah, the angel did not say thus, but: Of all that I said unto the woman let her beware (v. 13). For all that, she needs medicinal drugs. Bar Kappara said yet another thing: Great is peace. If celestial beings among who there is neither jealousy, nor hatred, nor rivalry, nor strife, nor lawsuits, nor dissension, nor the evil eye, have need, nevertheless, of peace, as it is written, He maketh peace in His high places (Job 25:3), how much more so then do earthly beings, among whom all those dispositions exist, [have need of peace].

R. Simeon b. Gamaliel said: Great is peace, since the Scriptures have reported an untrue statement in the Torah, the purpose of which was to maintain peace between Joseph and his brethren, as it is written, And they sent a message to Joseph, saying: Thy father did command before He died, saying: So shall ye say unto Joseph: Forgive I pray thee now, the transgression of the servants of the G-d of thy father (Gen. 50:16), though we do not find that Jacob had thus charged them. R. Jose the Galilean said: Great is peace, since even in a time of war one should begin with peace, as it is written, When thou drawest nigh unto a city to fight against it, then proclaim peace unto it (Deut. 20:10).

R. Judan b. R. Jose said: Great is peace, seeing that the Holy One, blessed be He, is called Peace, as it says, And he called Him Lord, Peace! (Judg. 2:24). R. Tanhum b. Judan said: From this we derive the rule that a person may not offer his fellow the greeting 'Peace' in a place of filth...

R. Simeon b. Halafta said: Great is peace, for when the Holy One, blessed be He, created His universe, he made peace between the upper and the lower [parts of creation]. On the first day He created part of the upper regions and the lower ones, as it says, In the beginning G-d created the heavens and the earth (Gen. 1:1). On the second day, He created some of the upper portions of the universe, as it is written, And G-d said: Let there be a firmament (v. 6). On the third day, He created some of the lower created things, [as it is written], Let the waters under the heaven be gathered together... Let the earth put forth grass, etc. (v. 9). On the fourth day [He created] some of the upper objects, [as it is said], Let there be lights in the firmament of the heavens (v. 14). On the fifth day, He created some of the lower objects, as it is said, And G-d said: Let the waters swarm with swarms of living creatures (v. 20). On the sixth day, when He came to create man, He said: If I create man as one of the upper elements of the universe, the upper elements will outnumber the lower by one created object, and if I create him as one of the lower created objects, the lower will outnumber the upper by one created object. What did He do? He created man as of the upper as well as of the lower beings; this is proved by what is written: Then the Lord G-d formed man of the dust of the ground (Gen. 2:7), i.e., out of the lower parts of creation; And he breathed into his nostrils the breath of life (ibid.), i.e., out of the upper spheres.

R. Mani of Sheab, and R. Joshua of Siknin said in the name of R. Levi: Great is peace, for all benedictions and prayers conclude with [an invocation for] peace. In the case of the reading of the Shema, one concludes with: Blessed art Thou, O Lord, who spreadest the tabernacle of peace; in the case of the tefillah, one concludes, Blessed art Thou, O Lord, who maketh peace; in the case of the Priestly Benediction, one concludes, And give thee peace (Num. 6:26). I know [from the foregoing] only that it
applies to benedictions; whence do we know that this was so also in connection with sacrifices? - [It is said], This is the law of the burnt-offering, of the meal-offering, and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of the peace-offering (Lev. 7:37). I know [from the foregoing] that this is so in [the passage where Scripture gives] the summary [of all the sacrifices]. How do I know that it is so also [when the Torah speaks of the sacrifices] in detail? - It is said, This is the law of the burnt-offering, etc. (Lev. 6:2); And this is the law of the meal-offering, etc. (v. 7); This is the law of the sin-offering (v. 18 ff.); And this is the law of the guilt-offering (Lev. 7:1); And this is the law of the sacrifice of peace-offerings (v. 11). Now I know that this is so in the case of sacrifices offered by individuals; whence do I know that it is so also in the case of sacrifices brought by the congregation? - Scripture teaches us this by saying [at the end of a chapter on communal sacrifices], These ye shall offer unto the Lord in your appointed seasons, beside your vows, and your free-will offerings, whether they be your burnt-offerings, or your meal-offerings, or your drink-offerings, or your peace-offerings (Num. 29:39). Now I know [that peace is the climax of all things] in this world; whence do I know that it is to be so in the World to Come? - It is said, Behold, I will extend peace to her like a river (Isa. 66:12). The Rabbis said: Great is peace, seeing that when the Messianic king is to come, he will commence with peace, as it is said, How beautiful upon the mountains are the feet of the messenger of good tidings, that announce peace (Isa. 52:7).
Numbers Rabbah

Portion 11

THE LORD WILL LIFT UP HIS COUNTEMNANCE UPON THEE - i.e., He will turn His face towards you; as you read, And I will turn towards you and make you fruitful (Lev. 26:9). AND GIVE THEE PEACE (Num. 6:26), that is, peace when you come in, peace when you go out, peace when you go out, peace with all men.

R. Nathan says that in the text AND GIVE THEE PEACE, PEACE alludes to the peace of the royal house of David; as it says, That the government may be increased, and of peace there be no end, upon the throne of David, and upon his kingdom (Isa. 9:6).

Rabbi [Nathan] says that it alludes to the peace of the Torah; as it says, The Lord will give strength unto His people; the Lord will bless His people with peace (Ps. 29:11).

Great is peace, since for the sake of peace the Holy One, blessed be He, altered a statement; for it says, Shall I of a surety bear a child, who am old? (Gen. 18:13).

Great is peace, for the angel who spoke with Manoah changed his communication for the sake of peace; for he had said to the woman, Behold now, thou art barren, and hast not borne (Judg. 8:3), but he did not tell Manoah this.

Great is peace, for the divine name which was inscribed with all holiness was ordered by the Holy One, blessed be He, to be blotted out in water for the sake of bringing about peace between a man and his wife.

R. Eleazar says: Great is peace, for the prophets have implanted in the mouth of all people naught so much as peace.

R. Simeon b. Halafta said: Great is peace, for no vessel can retain blessing so effectively as peace; as it says, The Lord will bless His people with peace. Likewise, in the priestly benediction, at the end of the blessings, He concludes with peace, AND GIVE THEE PEACE. This is to tell you that blessings in themselves are of no avail unless peace
goes with them.

R. Eleazar Hakappar says: Great is peace, for the seal of the whole of the Prayer is peace, and the seal of the priestly benediction is peace.

Great is peace, for it was given to the meek; as it says, But the humble shall inherit the land, and delight themselves in the abundance of peace (Ps. 37:11).

Great is peace, for it outweighs everything. We say: He maketh peace and createth everything. R. Eleazar, son of R. Eleazar Hakappar, says that even if Israel serve idols and peace reigns among them, the Holy One, blessed be He, as it were, says: Satan shall not touch them; as it says, Ephraim is joined to idols; let him alone (Hos. 4:17).

On the other hand what does it say of them when they are at variance? Their heart is divided; now shall they bear their guilt (Hos. 10:2). Thus peace is a grand thing and quarrelsomeness is hateful. Peace is a great thing, for even during war peace is necessary; as it says, When thou drawest nigh unto a city to fight against it, then proclaim peace unto it (Deut. 20:10), and as it says I sent messengers out of the wilderness of Kedemoth unto Sihon... with words of peace (Deut. 2:26), and it also says, Restore those cities peaceably (Judg. 9:13).

Great is peace, for even the dying need peace; as it says, But thou shalt go to thy fathers in peace (Gen. 15:15), and as it says, Thou shalt die in peace (Jer. 34:5).

Great is peace, for it was given to those who are repentant; as it says, Peace, peace, to him that is far off and to him that is near, saith the Lord that createth the fruit of the lips (Isa. 57:19).

R. Meir says: Great is peace, for the Holy One, blessed be He, has created no fairer attribute than that of peace, which has been given to the righteous. When a righteous man departs from the world three groups of ministering angels welcome him with the greeting of peace. The first says, Let him enter into peace (v. 2), the second says, Let them rest in their beds (ibid.), and the third says, Each one that walketh in his uprightness (ibid.). Nor is it sufficient reward for the righteous that their death is affected by [G-d's] glory, as it says, The glory of the Lord shall gather thee in (Isa. 58:8), but the angels eulogize them with expressions of “peace”; viz., Let him enter into peace.

Great is peace, for the Holy One, blessed be He, has created no attribute so fair as peace, and has withheld it from the wicked. For in the hour when one of them departs from the world three groups of destroying demons confront him. The first says, There is no peace (Isa. 48:22). The second says, Saith the Lord concerning the wicked (ibid.). The third says, Ye shall lie down in sorrow (Isa. 50:11). It is not sufficient penalty for the wicked that their death is in the hands of destroyers - as it says, Yea, his soul draweth near unto the pit, and his life to the destroyers (Job 33:22), and as it says, He shall be driven from light into darkness (Isa. 18:18), and as it says, Let their way be dark and slippery, the angel of the Lord pursuing them (Ps. 35:6) - but the demons vex them and say to them: There is no peace, etc., Ye shall lie down in sorrow.

Great is peace, for it was given as a reward for devotion to Torah and good deeds; as it says, And I will give peace in the land (Lev. 26:6).

Great is peace, for it was given to those who love the Torah; as it says, Great peace have they that love Thy law (Ps. 119:165).

Great is peace, for it was given to those who study the Torah; as it says, And all thy children shall be taught of the Lord; and great shall be the peace of thy children (Isa. 54:13).

Great is peace, for it was given to those who practice charity; as it says, And the practice of charity shall mean peace (Isa. 32:17).

Great is peace, for the name of the Omnipresent is called Peace; as it says, And he called it: The Lord is peace (Judg. 4:24).
Great is peace, for the angels that dwell on high need peace; as it says, He maketh peace in His high places (Job 25:2). How cannot an inference be drawn a minori ad majus? If peace is necessary in a place where there is no hatred or enmity, how much more is this the case in a place where all these qualities are found!

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Sifra Kedoshin
Chapter 11 Portion 8

Rabban Yohanan b. Zakkai says, “Lo, Scripture says, ‘With whole stones you will build the altar of the Lord your God.’” (Deut. 27:6) These are the stones that make peace. And behold, this yields an argument a fortiori: Concerning stones which do not see or hear or speak, because they bring peace between Israel and their Father in heaven, Scripture says, “You shall not raise up iron upon them.” As to a person who brings peace between a man and his wife, between one family and another, between one city and another, between one province and another, between one nation and another - how much the more so that punishment should not come near him.

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Siddur Uvela

rebbe יוחנן ben זכאי חזון קוק (לטביה – ארץ ישראל, 1865–1935)

עופר, שלאל

יושב שטןショップים, שלшение הוןולולו אל ינהו כי אם עלי יוי ברון בחודש ומקווה, ואמ פראית

ונלומי, יבין חסרת ידידת תורת, על יי ימיה, מבית מצケース שטני. חוספוב שבחה המ

ונ datingsider הוןולולו בעבר הוןולולו. יבמות.ini, כי השלחו האמתי או אפר שלוש עד עולם כי אם דוקא על

יוי עוץ של רבי השלחו. רחוב של השלחוظهر сыה תורתא של תרתי דק ומיסיון. יתבירה אך כלש זה

לפי מכות. כל אחול כי עזר橫擴מקום סוציו... על כל הרם כי mềm(mid) מйте נקיי, כי הבח שבתרביוס

ומבריאים תרייל נערה תkiye חזון, ספג יפגי קעון. לה הברה

שלמות. שאמרא: "ליגי בוריה ה..." והאמור של ארת הכלת מנה תנים מדאדים שניקוט שانون, שלוח.

אול בלגי אליקמס חים, מדריך עבורה והדרכה ותנורו שبون, صلى-ahead חפוס מקומע wrongdoing. “
There are those who err and think that universal peace will only be based on uniform opinions and qualities, and therefore when they see Torah scholars investigating wisdom and Torah teachings, and through this research the different approaches and various opinions increase, they think that in this manner they cause dispute and the opposite of peace. And in truth, this is not the case, for true peace can only come to the world specifically due to the proliferation of peace. This proliferation of peace is in order that all the sides and all the opinions are seen, and it becomes clear that each has its own place, each in relation to its value, its place, and its matter. Therefore, Torah scholars increase peace, for in expanding, clarifying and initiating new words of wisdom, in many various forms, whether in further similar or other dissimilar matters, in this manner they increase peace, as it states, “And all your children will be students of God”... and the truth of the Illumination of the World will be constructed from various aspects and differing approaches, for “these and these are the words of the living God” (Eruvin 13b et al.) of the diverse ways of divine service, guidance and education, with each assuming its place and value.

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Summary

The value of peace is a highly prized precept in Judaism. Jewish teaching instructs all to pursue peace. In the name of peace, practices and customs were instituted which became part and parcel of everyday life. These ways of life were set down to prevent friction between neighbors, friends and co-workers. As an example, the Sages ordained the order for the reading of the Torah; first the Cohen (priest), next the Levite (from the tribe of Levi, the priestly attendants) and then Israelites (the people). This arrangement avoided causing rifts among community members, for it eliminated argument, arbitrariness and insult to honor. In another example, if a certain practice between neighbors has been established and unchanged for generations, it should not be altered, thus potential conflict between neighbors is forestalled.

Should one suspect his friend of a transgression, he should not confront him, so as to keep the peace. One should greet a non-Jew politely for the sake of peace. This also applied to a non-Jewish adversary, who either has harmed or persecuted Jewish people. Peace between peoples is considered a value without limits. Peace, which must be strived for between people, is a boundless ideal. The verse that describes peace as an unlimited religious precept is said in the daily prayers and was included in even the oldest Jewish prayer books (see Machzor Vitri, 12th century).

G-d shows us by example the lengths we are supposed to go to in order to achieve peace. In the case of a woman suspected by her husband of being with another man, she is instructed to drink water into which G-d’s Ineffable Name (the Tetragrammaton) written on a piece of paper has been immersed; if she is guilty she will be punished immediately. G-d instructs us to blot out His Name in water - an act forbidden according to Torah law - to re-instill peace between man and wife. For if she is not immediately punished, her innocence of all accusations is proved. This example, given
by G-d, illustrates the importance of peace between husband and wife. How much more so is peace between every man a principle foundation?

The commandment to pursue peace indicates the need for an active approach to conflict resolution in our society. The Avot d’Rabbi Nathan (a commentary on Avot, 2:10 ce) describes how a passive attitude toward peace achieves nothing. One must go out and seek to encourage peace between conflicting parties. Not only should people keep the peace and promote unity their own surroundings, but they should also go beyond their immediate context and pursue peace in the public domain.

A place immersed in conflict has no future. Its ultimate end will be destruction. This is true for any home, house of prayer or law court plagued by conflict. The ideal of peace is so highly valued that even if a city was populated by idol-worshippers, but they lived in peace with each other; then G-d would refrain from punishing them for their sins.

Peace along with truth and justice are considered the three pillars of our existence. One cannot exist without the other.

G-d changed the words of our forefathers in order to maintain peace between man and wife. When G-d told Sarah she would have a child, she said, “I am past childbearing age and my husband is old.” When G-d retold the conversation, He changed her words, saying Sarah had said, “I am old,” without mentioning Abraham. In order not to disrupt good family relations, G-d reworded Sarah’s declaration to be less controversial and insulting to her husband.

One of G-d’s names is Peace. This illustrates that the principle of peace is divine and equal to the Holiest of Holies - G-d Himself.

In modern times, Israel’s first Ashkenazi Chief Rabbi Rabbi Avraham Yitzchak Hacohen Kook analyzed the value of peace, explaining that peace cannot be achieved through only one opinion or one understanding. Rabbi Kook says that peace is spread throughout the world, where there are many opinions and each person’s opinion is as true as the opinion of the next. Every opinion has a place and a value. Only when people come to this realization, will there be true peace among them. It is for this reason that the Sages sought to increase peace in the community. Only through differences of opinion and a wide range of views, will peace be achieved, because then everyone will realize that all opinions are legitimate and that all people can live together with respect. This idea expresses the notion that pluralism promotes peace, so once people recognize that pluralism - a wide range of differing opinions - has a place in society, only then can true peace be achieved. When the State of Israel was established, guarantees of due process of law in accordance with the principles of justice, honesty and peace were enshrined in the Basic Law of Jurisprudence. Justice Menahem Elon has noted that the uniqueness of the Jewish heritage has made peace a principle of law. In most other legal systems, the principles of law are based on freedom, honesty and justice.
2.4 Ways of Pleasantness

Proverbs
Chapter 3 Verse 17

If your enemy be hungry, give him bread to eat; and if he is thirsty, give him water to drink.

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Babylonian Talmud
Tractate Gittin 59b

Said Abaye to R. Joseph: Is this rule [of the hierarchy of who is to be honored] only [a rabbinical one] in the interests of peace? It derives from the Torah? - He answered: It does derive from the Torah, but its object is to maintain peace. But the whole of the Law is also for the purpose of promoting peace, as it is written, Her ways are ways of pleasantness and all her paths are peace.

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Jerusalem Talmud
Tractate Eruvin
Chapter 3 Page 20d Law 2

Said Rabbi Joshua, “On what account do they prepare a meal of commingling in a courtyard? It is for the sake of peace.” There was the case of a woman who was on bad terms with her neighbor. She [the neighbor] sent her meal of commingling with her son. The other took him and hugged him and kissed him. He went and told his mother this. She said, “Is this how she loved me, and I did not know about it!” They
thus became friends once again. That is in line with the following verse of Scripture: “Her ways are ways of pleasantness, and all her paths are peace.”

Numbers Rabbah
Portion 21

PHINEHAS, THE SON OF ELEAZAR, THE SON OF AARON THE PRIEST (Num. 25:11). The Holy One, blessed be He, said: It is right that he should receive his reward. WHEREFORE SAY: BEHOLD, I GIVE UNTO HIM MY COVENANT OF PEACE (v. 12). Great is peace, the gift made to Phinehas! For the world could not be maintained except by peace, and the Torah is wholly peace; as it says, Her ways are ways of pleasantness, and all her paths are peace. (Prov. 3:17). If a person comes from a journey, he is received with the greeting of “Peace.” In the morning also the greeting is “Peace.” The reading of the passage Hear, O Israel (Deut. 6:4) concludes with the words: He spreadeth the tabernacle of peace over his people. The Prayer concludes with peace. The priestly benediction concludes with peace. R. Simeon b. Halafta observed: There is no vessel that holds a blessing save peace; as it says, The Lord will give strength unto His people; the Lord will bless His people with peace (Ps. 29:11).

Responsa of the Rosh
Rabbi Asher ben Jechiel (Spain, 1250-1327)
Rule 78 Chapter 3

A true Torah, good ordinances and upright laws were given by the Holy One, blessed be He to His nation, Israel, through Moses our Teacher, of blessed memory; its ways...
are ways of pleasantness and all its paths are peace (Prov. 3:17), the righteous will walk in them (Hos. 14:10), and regarding the evil, who conspire to pervert that which is honest, to increase the weights in the scales of deceit, the Sages are obliged to thwart their schemes and annul their thoughts. About this it states, “You shall surely pursue justice” (Deut. 16:20), and our Sages said (Sanhedrin 32b), “Judge the complete truth” - this is to exclude an instance of suspected deceit.

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 Responsa of Tashbatz
 Rabbi Simeon ben Tzemach Duran (Rashbatz) (Majorca - Algeria, 1361-1444)
 Part 2 Section 109

Answer: Indeed, in the first instance I am concerned with is out of concern for erasing the [divine] Name, for even the expedient must not rely on his expedience in this matter, and in order to make a protective fence, I was very stringent in that responsum that you saw. However, to invalidate it ex post facto - I do not have the power to invalidate a leniency the scribes have employed as accepted practice, for the practice of Israel is law, and since we are [merely] contemplating this issue, we will not perform a concrete act in order to be stringent in a matter that the earlier [authorities] treated leniently; rather, all our power is to caution them in the first instance. However, ex post facto, let Israel be and do not cause dispute among them over this issue, for the Torah’s ways “are ways of pleasantness and all its pathways are peace” (Prov. 3:17).

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Responsa of Binyamin Ze’ev
Rabbi Benjamin ben Mattathias (Greece, 16th century)

Section 182

And I, the impoverished, have not come to, God forbid, diminish the honor of the individual’s Torah scroll, rather my intention is to equate between them. It seems correct, in my humble opinion, to do the following: They should read that individual’s Torah scroll for one week, and then the community’s Torah scrolls for two weeks, and so forth and so on. And this entire arrangement is as a result of “It’s ways are ways of pleasantness, and all its pathways are peace” (Prov. 3:17).

The existence of the world rests on peace, and we have stated (Sifrei Bemidbar 42 s.v. “ve-yasem lecha”) “‘And place on you peace’- peace on your entry, peace on your exit.”

Responsa of Maharik
Rabbi Joseph ben Solomon Colon (France, 1420-1480)

Chapter 181

For where all the tradesmen of the city agree to participate, and their agreement exists without the force of an acquisition [kinyan], and none may retract, as the power of the group prevails, as the Rashba [Rabbi Shlomo b. Avraham] wrote, that Moses our Teacher only disputes the other authorities in the case of two solitary partners, where there is no agreement of all the tradesmen of that city. However, where all the tradesmen stipulated that they would participate each in his trade, he concurs that they are permitted to do so and that their stipulation stands, for agreement among a multitude is [indicative of] the ways of God “are ways of pleasantness and all its paths are peace” (Prov. 3:17), and therefore they stated that their words stand as long as they are all in agreement [thus forming] one unit, thus none may retract, thereby destroying the state of truth and peace.
Summary

The verse in Proverbs describes G-d’s law as a way of pleasantness and peace. This sets the tone for how man should act and understand the Torah. The law must be explained and interpreted in pleasant ways. Many Midrashic exegeses explain that the Torah’s teachings lead us in harmonious ways to peace and serenity.

Rabbi Shimon ben Zemach Duran presents a practical application of this biblical verse. In a situation where he felt that everyone was behaving improperly, he explained that he did not want to oppose the accepted practice so as not to provoke controversy within the community. His source for refraining to rebuke the inappropriate behavior was that the Torah is the way of pleasantness and so one should not disturb the peace. Other responsa describe peace as integral to the existence of the world. In a dispute over which Torah scroll should be read, the compromise solution determined that the congregation use a different scroll each week to keep the community free of dissension.

Achieving a consensus in the community and nurturing it constitute vital steps toward the goal of peace. This is the basis of the Torah - that its ways are of paths of peace, so one must be careful to maintain the consensus, and thereby peace.
2.5 Aaron, Pursuer of Peace

Mishnah Avot
Chapter 1 Mishnah 12

Hillel and Shammai received [the oral tradition] from them [i.e., their predecessors]. Hillel used to say: Be thou of the disciples of Aaron, loving peace and pursuing peace, [be thou] one who loveth [one’s fellow] creatures and bringeth them nigh to the Torah.

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Kallah Rabati
Chapter 3 Law 1

Our Rabbis taught: Whence [do we know that a disciple of the wise should be] meek? From Moses our teacher, as it is stated, “Now the man Moses was very meek.” And on that account Moses was praised as it is stated, “My servant Moses is not so.” [We learn that the disciple of the wise must be] lowly of spirit from Aaron, for it is written, “For the priest’s lips should keep knowledge, and they should seek the law at his mouth; for he is the messenger of the Lord of Hosts.” And it is written, “The law of truth was in his mouth and unrighteousness was not found in his lips; he walked with Me in peace and uprightness and did turn many away from inequity.

There is no one more lowly of spirit than he who pursues peace. Consider, how can a man pursue peace if he be not lowly of spirit? How [does he act]? If a man curse him, he says to him, “Peace be upon you!”; should a man quarrel with him, he keeps...
silent; and further, if two men quarreled, he humbles his spirit, approaches them and effects a reconciliation between them.

Such, indeed, was the procedure of Aaron, the righteous. When he heard of two men who had quarreled, he would go to one and say to him, “So and so, peace be upon you, my master.” And he replied, “Peace be upon you, my master and teacher! What does my master seek here?” He then said, “So and so, your friend, sent me to you to appease you, because he declares, ‘I have offended my friend.’” Immediately the man reflects, “A righteous man like him has come to appease me! And exclaims, ‘Master, it was I who offended him.’” [Aaron] then went to the other man and said the same to him. When the two meet on the way, one says to the other, “Forgive me for the offence which I did to you.” and the other speaks likewise.

When [Aaron] heard of a husband and wife who had quarreled, he would go to the husband and say to him, “[I have come] because I heard that you have quarreled with your wife; should you divorce her it is doubtful whether you will find another like her or not; and further, should you find another and quarrel with her, the first thing she will say to you will be, ‘You must have behaved in a like manner towards your first wife.’” In consequence of this all Israel, men and women, loved him. Know that it was so; for what does Scripture relate when Moses our teacher died? “And the children of Israel wept for Moses”; but of Aaron it is written, “They wept for Aaron thirty days, even all the house of Israel.” - that is to say, even the women. Not only [did the women mourn], but they also covered their young children with mud and dust, thereby confirming the word ‘all’. It has been taught: Eighty thousand young men named Aaron followed Aaron’s bier. They were the issue of those who wanted to divorce but retracted and their wives became pregnant.

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מכתב כל הבדי

פרק ג הלכה

וכן היה,Kelly אומר הוי מתלמהי של אהרן, יוחב שלום וرغבי שלום, יוחב את הברית, ומקורב להויה.
בשלום אהוב שלום את מאמץ, יא רודף שלום הוי דימי, דנחלת בקוש שלום ורפתה, ומאו שמי למתה.
שאני אתם מתה עלים אמא כ באה לי, נכתבי כי תפצג שלום ורפתה, כי קצבה בטח.
הדש, איבל שלום לכל מקימ, בקוש שלום ורפתה.

Kallah Rabati
Chapter 3 Law 1

We have learned there: Hillel said: Be of the disciples of Aaron, loving peace, pursuing peace, peace, loving your fellow creatures and drawing them near to the Torah. It is quite right with “loving peace” as we have already mentioned; but where [in the Torah] is “pursuing peace” [enjoined]? As it has been taught: “Seek peace and pursue it.”

And wherein do all other precepts differ from it? A man is only under the obligation to perform them when they come to his hand, as it is written, “If thou meet thine enemy’s ox, if thou see the ass of him that hateth thee, if a bird’s nest chance to be before thee, When thou buildest a new house,” But as for peace [it is written] “Seek peace and pursue it” - everywhere.

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Summary

Aaron was the role model of one who realized the importance of peace and constantly pursued it. The sage Hillel taught that one strive to be a student of Aaron, one who not only loves peace but pursues it. One who respects the other tries to bring him closer to Torah. It is told that Aaron would greet all even a sinner. The next day when the sinner was about to do a transgression he would think, how will I look at Aaron in the face next time when he greets me and so he would avoid doing the transgression.

When two people would fight, Aaron would approach one and tell him that his friend feels terrible about what happened and is embarrassed to meet you. He would sit with the man until the anger had subsided within him and he wanted to make peace with his friend. Then Aaron would go to other person and say the same thing to him - that the first person feels terrible about what happened between them. He would sit with him until he was appeased. After this reconciliation process, when they met they would hug and kiss and make amends with each other. It was for this reason that when Aaron died - the entire nation mourned for him.

When one would see that such a righteous leader as Aaron had come to try and make peace with him and his friend, he would feel bad and he would say, it is my fault and want to go and make peace with his friend. Aaron would also try and appease husband and wife. He would approach the husband and so it is not for sure that you will be able to find another wife like this one and should you find another one - if you should argue with her too, she will say to you this is what happened with your first wife as well. Therefore, when Aaron died both the men and the women mourned for him for 30 days (unlike Moses where the text seems to refer only to the men).

With most commandments - should one chance upon them one is required to fulfill them. Aaron taught us that peace is different and that you must pursue it and seek it out. Peace is a commandment that we must fulfill actively and not [only] if we should chance upon it.

Another version of Aaron's peacemaking ways was when a man and wife would fight - Aaron would go to the wife and say I bet you that your husband does not hit or curse you any more. He would then go to the husband and say I bet that your wife no longer makes you angry. He would continue to do this until they had made peace between themselves, and so when a child was born to them, the wife would say this son was born in the merit of Aaron and so she would name him Aaron.
2.6 Peace in the Home

Now Abraham and Sarah were old and well advanced in age; and it had ceased to be with Sarah after the manner of women. Therefore Sarah laughed within herself, saying, After I am grown old shall I have pleasure, my lord being old also? And the Lord said to Abraham, Why did Sarah laugh, saying, Shall I indeed bear a child, now that I am old?

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Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

Genesis 18:11-13
Shall [I] of a surety: Is it indeed true that I shall bear? Who am old: Scripture altered [her statement] in the interests of peace; for actually she had said “and my lord is old”.

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Ramban
Rabbi Moses ben Nachman (Spain - Land of Israel, 1194-1270)

**Genesis 18:13**

*I being old. This is the explanation of Sarah’s words, after I am waxed old. And God’s words (that Sarah had said “I being old”) were true, but for the sake of peace He did not reveal what she also said, namely, My lord being old also, for (if He were quoting Sarah, He should have said, “I and my lord are old” as Sarah had laughed concerning both of them."

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**R. Ishmael taught:** Great is peace, for even of the Great Name, written though it be in sanctity, did the Holy One, blessed be He, say that it may be blotted out in water, for the purpose of making peace between husband and wife.

R. Meir used to deliver discourses on Sabbath evenings. There was a woman there in the habit of listening to him. Once the discourse lasted a long time, and she waited until the exposition was concluded. She went home and found that the candle had gone out. Her husband asked her: “Where have you been?” She answered: “I was sitting listening to the voice of the preacher.” Said he to her: “I swear I will not let you enter here until you go and spit in the face of the preacher.” She stayed away one week, a second, and a third. Said her neighbors to her: “Are you still angry one with the other? Let us come with you to the discourse.” As soon as R. Meir saw them, he saw by means of the Holy Spirit [what had happened], and said: “Is there a woman among you clever at whispering a charm over an eye?” The woman’s neighbors said...
to her: “If you go and spit in his eye you will release your husband [from his vow].”
When she sat down before him she became afraid of him, and said to him: “Rabbi, I am not expert at whispering an invocation over an eye.” Said he to her: “For all that, spit in my face seven times, and I will be cured.” She did so, and he said to her: “Go tell your husband: You told me to do it once, and I spat seven times.” Said his disciples to him: “Should people thus abuse the Torah? Could you not have told one of us to whisper an invocation for you?” Said he to them: “Is it not good enough for R. Meir to be like unto his Creator?” - for R. Ishmael has taught: Great is peace, since even of the Great Name, written though it be in sanctity, the Holy One, blessed be He, has said: “Let it be blotted out in water for the purpose of making peace between husband and wife.”

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Babylonian Talmud
Tractate Ketubot 16b

Our Rabbis taught: How does one dance before the bride? Beth Shammai say: The bride as she is. And Beth Hillel say: “Beautiful and graceful bride!” Beth Shammai said to Beth Hillel: If she was lame or blind, does one say of her: “Beautiful and graceful bride?” Whereas the Torah said, “Keep thee far from a false matter.” Said Beth Hillel to Beth Shammai: “According to your words, if one has made a bad purchase in the market, should one praise it in his eyes or depreciate it? Surely, one should praise it in his eyes.” Therefore, the Sages said: Always should the disposition of man be pleasant with people.

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Chidushei Haritba
Rabbi Yom Tov ben Abraham Ishibli (Seville, 1250-1320)
Ketubot 17a

Shall he praise it or shame it in his eyes - meaning that whatever is done for the sake of peace is not included in the commandment of “Distance yourself from a matter of falsehood” (Ex. 23:7).
Adonijah was slain only because he was a quarrelsome person, and it is permissible to slander a quarrelsome person; for thus did Nathan the Prophet say to Bathsheba, I also will come in after thee, and confirm thy words. And Rabbi [Judah the Prince] said; All falsehoods are prohibited, but it is permissible to utter a falsehood for the purpose of making peace between a man and his fellow.

Tractate Derech Eretz
Perek Hashalom Law 5

...so too must a Torah Sage be modest in his deeds, famous for his pleasant ways, one who pursues truth and not falsehood, faith and not theft, humility and not arrogance, peace and not dispute, the counsel of the elderly and not the counsel of children, the lion and not the woman.

Tractate Derech Eretz, 6:2

But there are times when the Sages permitted one to lie, for example, in order to make peace between one man and another (Yebamot 65b). Similarly, one may praise a bride in the presence of the bridegroom and say that she is lovely and charming, even though she really is not (Ketubot 17a).
Pathways of the Righteous
Gate to Flattery

And a man may flatter his wife for the sake of peace in his home.

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Mishneh Torah – הלכות מצוות

פרק י – הלכות חנוכה

Mishneh Torah Laws of Scroll of Esther and Hanukkah
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)

Chapter 4 Law 14

If such a poor man needs oil for both a Sabbath lamp and a Hanukkah lamp, or oil for a Sabbath lamp and wine for the sanctification benediction, the Sabbath lamp should have priority for the sake of peace in the household, seeing that even a Divine Name might be erased to make peace between husband and wife. Great indeed is peace, forasmuch as the purpose for which the whole of the Law was given is to bring peace upon the world, as it is said, Her ways are ways of pleasantness, and all her paths are peace (Prov. 3:17).

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Mishneh Torah Laws of Marriage
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)

Chapter 21 Law 9

When a woman breaks utensils while performing household tasks, she is not held liable. This ruling does not reflect the dictates of the law, but is instead an enactment [of our Sages]. For if this were not the case, there would never be peace in a household. For a woman would be overly cautious and would refrain from performing many tasks, and there would thus be strife between [the couple].

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Iggerot Moshe
Rabbi Moses Feinstein (Russia-USA, 1895-1986)

Yoreh Deah 2:166

And thus, in a case of a great necessity, a priest [cohen] may be permitted to visit a sick relative, for instance, when his anguish is great when the sick relative is his father or son, and for the sake of peace in the family, when they are his wife's family. And even more so when his wife is ill, it is a matter of peace in the home.

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Summary

One aspect of peace is tranquility in the home. Judaism stresses the importance of domestic peace and marital accord. As mentioned earlier; G-d changed Sarah’s words to maintain peace between Abraham and Sarah. The Prophets also changed the words of Manoah when he was talking about his wife. Although he mentioned that she was barren, the Torah did not repeat this part of his sentence. This shows the importance of peace, which sometimes overrides the value of truth. Bar Kappara learned from these examples that, although lying is forbidden, it is permissible to lie for the sake of peace between two people.

The story is told of a woman who came home late to her husband because she stayed to hear Rabbi Meir’s sermon. Her husband, on hearing her reason for being late,
was so angry that he refused to let her back into his house unless she spat in Rabbi Meir’s face. She was banished from coming home for three weeks until Rabbi Meir heard of the story. He found the woman and asked her to spit in his eye, because there was a speck in it. He said to her, “Now go back to your husband and tell him you spat in my eye seven times.”

Rabbi Meir’s students were shocked at the shame brought on the Torah by allowing the woman to spit in his eye just to appease a man who had no respect for the law. Rabbi Meir explained that he took his cue from G-d. Just as G-d allowed his Singular Name to be erased for the sake of peace between husband and wife (in the case of a suspected adulterous woman), so Rabbi Meir would allow his honor to be shamed as means to restoring peace between husband and wife.

The Talmud records a dispute between Hillel and Shammai, concerning praise of a bride’s beauty though she is not beautiful. Shammai claims one has to tell the truth because lying is forbidden. Hillel explains that one should say she is beautiful to preserve the peace and not to cause insult or derision. He bases his opinion on the requirement to keep a pleasant disposition toward other people, a duty that overrules the law against lying. The Ritba (Rabbi Yom Tov ben Abraham Ishbili) explains that the ways of peace override the requisite not to lie.

The Rambam presents Halachic ramifications concerning the value of domestic peace. If one does not have enough money to buy Sabbath candles, wine for sanctifying the Sabbath and Hanukah candles, he must first buy the Sabbath candles. Lighting Sabbath candles is essential that there should be light in the home, thus the family will not quarrel because it is dark and they cannot see (cf. in Tractate Shabbat 23). The first fundamental the Torah speaks of is peace, so kindling the Sabbath candles takes precedence over all other commandments because their light enhances peace in the family circle. Rabbi Moshe Feinstein notes a Halachic ramification of the importance of peace in the home. Normally, a Cohen (descendent of the priestly class) is not allowed in a hospital, because that might place him under the same roof as a corpse, which Halachah forbids. However, if a relative of his wife’s family is hospitalized, he may visit the patient thus maintaining peaceful family relations. So too, he may visit his wife in hospital, because otherwise it could bring about a rift in their household.
2.7 Manner of Speaking

 platah batil meschat ymout

דְּחָה עֻמָּו בּ

Ararim — רַבּי חַנִּינָא מְשַׁמֵּשׁ בֵּי עָלָיו בָּבָל: שֶׁכֶּס שפָּמֵאָה עַל אֲדֹם לֹמר בִּרְבּוֹ דְּרַמְתָּא. כַּמָּה עֲדַמָּא אָדָם שֶׁלֹּא לֹמר בִּרְבּוֹ שֶׁמֶנָּא, רַבּ איי אָמְר: תֹּבָה, שֶׁמֶנָּא: (מַשַּׁמְיָה) גַּלְגָּל הִיא לָא נְצֶמָּת הַכְּלָל הַלֵּךְ שֶׁל הַכְּלָל. אָמְרָא: גַּבּ לֹא שֶׁמֶנָּא בֵּי עָלָיו בָּבָל שֶׁמֶנָּא, מֶנָּא: (בָּרָאשִׁיָּא) בָּאָרְכָּה הַבָּבָל שֶׁמֶנָּא לִשְׁמוֹאֵי אַךְ אוֹמְרָא. רַבּ נָחָנָא: מֶנָּא: (שֶׁמֶנָּא) יַאֲרֵי שֶׁמֶנָּא אֶלֶף שְׁמוֹאֵי שֶׁמֶנָּא לִשְׁמוֹאֵי אִבְּרָאִית. רַבּ נָחָנָא: מֶנָּא: (שָׁמְעָא) יַאֲרֵי שֶׁמֶנָּא אֶלֶף שְׁמוֹאֵי שֶׁמֶנָּא לִשְׁמוֹאֵי אִבְּרָאִית. רַבּ נָחָנָא: מֶנָּא: (שֶׁמֶנָּא) יַאֲרֵי שֶׁמֶנָּא אֶלֶף שְׁמוֹאֵי שֶׁמֶנָּא לִשְׁמוֹאֵי אִבְּרָאִית.

Babylonian Talmud
Tractate Yebamot 65b

R. Ile’a further stated in the name of R. Eleazar son of R. Simeon: As one is commanded to say that which will be obeyed, is one commanded not to say that which will not be obeyed. R. Abba stated: It is a duty; for it is said in Scripture, Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.

R. Ile’a further stated in the name of R. Eleazar son of R. Simeon: One may modify a statement in the interests of peace; for it is said in Scripture. Thy father did command, etc., so shall ye say unto Joseph: Forgive, I pray thee now, etc. R. Nathan said: It is a commandment; for it is stated in Scripture, And Samuel said: How can I go? If Saul hear it, he will kill me, etc. At the school of R. Ishmael it was taught: Great is the cause of peace. Seeing that for its sake even the Holy One, blessed be He, modified a statement; for at first it was written, My lord being old, while afterwards it is written, And I am old.

Jerusalem Talmud
Tractate Pe’ah
Chapter 1 Page 16a Law 1

Rabbi Chanina said: Come and see how severe the dust of “the evil tongue” [lashon ha-ra] is, such that the verses spoke fabrications in order to place peace between
Abraham and Sarah. “And Sarah laughed to herself saying, ‘Now that I am old shall I regain my youth, and my master is old’” (Gen. 18:12). Yet it does not state this to Abraham, rather, “Why did Sarah laugh, saying, ‘Will I indeed give birth, for I am old?’” (v. 13). It does not state, “for my master is old,” but rather “for I am old.”

Rabban Shimon ben Gamliel said: Come and see how severe the dust of “the evil tongue” is, such that the verses spoke fabrications in order to place peace between Joseph and his brothers, as the verse states, “And they instructed Joseph saying, ‘Prior to his death, your father instructed saying, Speak thus to Joseph, Please...’” (Gen. 50:16, 17), and we do not find [Jacob] giving any instructions.

Rabbi Shemuel bar Nachman stated in the name of Rabbi Yonatan: One may speak lashon ha-ra of those involved in a dispute. What is the reason? [The verse states] “And I will come after you and I will endorse your words” (I Kings 1:14).

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בראשית רבה

פרשה נד פסוקה ג

וזקה אביור אתה אבייר שמו רבי גמליאל יושב בידא בידא מגביה ליידא אברחות (משלי ט)

הזכות אבייה אתה אבייה זכר אמר בר יוי בר חיה תנהו החכמים מ seabא ליידא אברחות (משלי ט)

ואמר למקך אבייר אתה אבייר שמו רבי גמליאל יושב בידא בידא מגביה ליידא אברחות

ירה לקווש תנהו החכמים מ seabא ליידא שולח ומכא בידא אברחות את אבייר אתה אבייר שמו רבי

הזכות אוני שולח.

Genesis Rabbah
Portion 54 Verse 3

AND ABRAHAM REPROVED ABIMELECH, etc. (Gen. 21:25). R. Jose b. R. Hanina said: Reproof leads to love, as it says, Reprove a wise man, and he will love thee (Prov. 9:8). Such indeed is R. Jose b. Hanina’s view, for he said: Love unaccompanied by reproof is not love. Resh Lakish said: Reproof leads to peace; hence, AND ABRAHAM REPROVED ABIMELECH. Such is his view, for he said: Peace unaccompanied by reproof is not peace.

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Summary

The Rabbis realized that speech is often a cause or cure for conflict. The way people speak to each other can be a source of conflict. Sometimes it is a mitzvah to rebuke a friend and tell him he has done wrong. But if this will cause him to hate you, then it is best to refrain from saying anything. The Rabbis even allow one to massage the truth a little in the name of peace, if in so doing it will preserve stable relationships between people.

An alternate opinion presents the positive side of rebuke. Criticism spoken in truth and openness can bring about an understanding between people, which demonstrates
true peace. If people hide their feelings and do not speak honestly with each other, then deep-seated animosity can build up and cause more hatred and conflict than speaking candidly and truthfully would have. Only a delicate balance between speaking one’s mind and sensitivity toward the other person hearing what you have to say can achieve a healthy, open relationship between friends and adversaries.
2.8 Respect for one’s fellows

יהודי בארץ ישראל

One may not perform kidushin (on Sabbath). Gloss: There [are authorities] who permit one to perform kidushin even if he does not have a wife and children. And it may be that [in such a case] it is also permitted to perform the chupah. Even though we do not rule [in accordance with] this [opinion], we nevertheless rely on it when there is a pressing [need to do so] and we also [take into account] the importance of human dignity. For example, it is usual, when it occasionally [happens] that [the two sides] could not come to terms about the dowry on Friday before nightfall, [to allow the bridegroom] to perform the chuppah and the kidushin on the Sabbath eve, because they already prepared a feast and a wedding and it would be embarrassing to the bride and bridegroom if [the bridegroom] would not marry [the bride] then. [However], one should nevertheless take care in the first instance that it should not come to that.

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Mishnah Berurah
Rabbi Israel Meir Ha-Kohen (Poland, 1839-1933)
Chapter 339 Sub-Section 18

We do not rule [in accordance with] this [opinion]. [The Rema] means by this that the actual Halachic ruling is in accordance with the view of Rashi and other Rishonim that [to perform] kidushin or even the chuppah is forbidden on the Sabbath and festivals.
In the case where they erred and invited the guests to the ceremony for redeeming the firstborn on the evening of the thirtieth day... and they sent invitations to their acquaintances, and it would be an embarrassment and cause them dishonor. What should they do? I answered that, in my humble opinion, in this case they can perform the redemption [of the child] after the stars are seen [tzeit ha-kochavim] which will already be the thirty-first day... In a case of shame and people’s dignity, the redemption should be performed [then] despite its being contrary to our customary behavior, for [so] great is [the concept of] human dignity that it sets aside the prohibition of “lo tasur” (Deut. 17:11 - “Do not turn right or left...” - the prohibition of disobeying the Sages).

Summary

Jewish law attaches great value to mutual respect and human dignity, and sometimes special allowances are made that stretch or somewhat ignore the letter of the law for the sake of maintaining respect. For example, the Shulchan Aruch describes a situation, where even though a Jewish wedding ceremony (huppa) does not normally take place on the Sabbath, in special cases where there is a risk that one of the sides will renege, in order to avoid embarrassment and humiliation, the law allows the wedding to be officiated on the day of rest. Normally, Jewish law forbids such a wedding but in special circumstances, e.g., the personal status of the couple or the consequences if the wedding did not take place, can void the strict letter of the law.

In the past generation, Rabbi Moshe Feinstein used these grounds when he ruled on a flawed Redeeming of the (Firstborn) Son ceremony (Pidyon HaBen), which takes place on the 31st day after the birth. At the last moment, the family realized that the planned ceremony was to be held on the wrong day (i.e., not on the 31st day as prescribed). Nevertheless, Rabbi Feinstein ruled that they could hold it on the planned day, even though it was the wrong day. He argued that it is better not to bring shame on the family and to preserve their self-respect than to cancel the occasion and
have to make excuses why they had erred. He explains that the value of respect for the individual and the avoidance of shaming people outweighs the commandment to uphold rabbinical rulings in the name of mainstream Halachic decision-making.

Taking into consideration personal feelings and standing in the community is of great importance. Ignoring people’s emotions and sense of self-esteem can cause conflict and hostility brought on by embarrassment and wounded pride. Also, understanding of and consideration for other people’s perceptions and feelings are of utmost importance when dealing with personal issues, which if not sensitively dealt with, can lead to interpersonal conflict.
2.9 Baseless hatred

Babylonian Talmud
Tractate Yoma 9b

But why was the second Temple destroyed, seeing that in its time they were occupying themselves with Torah, [observance of] precepts and the practice of charity? Because therein prevailed hatred without cause. That teaches you that senseless hatred is considered as of equal gravity with the three cardinal sins of idolatry, immorality, and bloodshed together.

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Babylonian Talmud
Tractate Gittin 56a

The destruction of Jerusalem came through a Kamza and a Bar Kamza in this way. A certain man had a friend Kamza and an enemy Bar Kamza. He once made a party and said to his servant, Go and bring Kamza. The man went and brought Bar Kamza. When the man [who gave the party] found him there he said, See, you tell tales about me; what are you doing here? Get out. Said the other: Since I am here, let me stay and I will pay you for whatever I eat and drink. He said, I won’t. Then let me give you half the cost of the party. No, said the other. Then let me pay for the whole party. He still said, No, and he took him by the hand and put him out. Said the other, Since the Rabbis were sitting there and did not stop him, this shows that they agreed with him. I will go and inform against them, to the Government. He went and said to the Emperor, The Jews are rebelling against you. He said, How can I tell? He said to
him: Send them an offering and see whether they will offer it [on the altar]. So he sent with him a fine calf. While on the way, he made a blemish on its upper lip, or as some say on the white of its eye, in a place where we [Jews] count it a blemish but they do not. The Rabbis were inclined to offer it in order not to offend the Government. Said R. Zechariah b. Abkulas to them: People will say that blemished animals are offered on the altar. They then proposed to kill Bar Kamza so that he should not go and inform against them, but R. Zechariah b. Abkulas said to them, Is one who makes a blemish on consecrated animals to be put to death? R. Johanan thereupon remarked: Through the scrupulousness of R. Zechariah b. Abkulas our House has been destroyed, our Temple burnt and we ourselves exiled from our land.

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Masechet Aboda Zair

Avot D'Rabbi Nathan
Version 1 Chapter 12

Loving mankind. What does this mean? It teaches that a man should love his fellow creatures and not hate them, for so we find it among the men of the generation of the Dispersion. Because they loved one another, the Holy One, blessed be He did not wish to destroy them, but dispersed them to the four corners of the earth. Because the men of Sodom, on the other hand, hated one another, the Holy One, blessed be He destroyed them from this world and the World to Come as it is stated, “The men of Sodom were wicked and sinners against the Lord exceedingly” (Gen. 13:13). [Wickedness signifies that they hated one another]; sinners, that they offended against morality; against the Lord, that they profaned the Name; exceedingly, that they sinned with premeditation. Hence, you learn that because they hated one another, the Holy One, blessed be He destroyed them from this world and from the World to Come.

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Summary

Interpersonal conflicts are often caused by senseless hatred or hatred without basis. Jewish tradition generally accepts that the Second Temple was destroyed as a punishment on account of hatred among the people. Such people carefully observed the detailed laws prescribed in Halachah and learned the sources, but they lacked respect for their fellow man. The Talmud cites the destructive nature of hatred in that it equals the three cardinal transgressions that caused the destruction of the First Temple. The Talmud relates the story of Kamza and Bar Kamza, wherein Bar Kamza was mistakenly invited to a prestigious party instead of Kamza. The host was so irate at seeing Bar Kamza that he demanded his unwanted guest leave immediately. Bar Kamza, embarrassed by the scene his presence caused, pleaded with the host to stay. The host spurned his request and insisted that he leave. Bar Kamza offered to cover the cost of his meal or indeed the expense of the entire party, just that he should not suffer such embarrassment to himself in so extreme a public manner. The host refused and Bar Kamza left in utter disgrace. Many community notables including leading Torah scholars of the day had come to the gathering and none of them protested against the treatment meted out to Bar Kamza and the shameful injustice he endured. This story is cited as one of the causes of the Temple’s destruction. This instance stresses the importance of respect and understanding in interpersonal relationships. Maintaining the dignity and recognizing the feelings of one’s fellow beings, as well as their rights and status is so important that when these precepts are flouted, it justifies the destruction of the most precious and holiest site in Jewish life.

Respect and genuineness are the source of human dignity. When these values are diminished in importance in society, then both physical and emotional destruction result - which could have been avoided.
3. METHODS FOR RESOLVING CONFLICT
כליים לגישוב סכום

3.1 Violence
בזארות

Genesis
Chapter 4 Verse 8

And Cain talked with Abel his brother; and it came to pass, when they were in the field, that Cain rose up against Abel his brother, and slew him.

Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)
Genesis 4:8

And Cain spoke to Abel: he entered with him into a conversation [which would lead to] argument and contention to seek a pretext against him to kill him. And on this there are many Aggadic interpretations, but this is the plain meaning of the passage.

Summary

The Bible contains many examples of internecine feuding and describes how these conflicts are dealt with. Commentators throughout the ages have analyzed these examples, and now we are going to study their different approaches to and perceptions of conflict through their interpretations of the text. The story of Cain and Abel is the first occurrence of violent strife in the Bible. The brothers argued and Cain killed Abel.
And there was strife between the herdsmen of Abram’s cattle and the herdsmen of Lot’s cattle; and the Canaanite and the Perizzite lived then in the land. And Abram said to Lot, Let there be no strife, I beg you, between me and you, and between my herdsmen and your herdsmen; for we are brothers. Is not the whole land before you? Separate yourself, I beg you, from me; if you will take the left hand, then I will go to the right; or if you depart to the right hand, then I will go to the left.

Summary

This occurrence recounts the first non-violent resolution of conflict, as told in the Bible. In the dispute between Abraham and his nephew Lot, Abraham resorts to conflict avoidance to solve the problem. His shepherds cannot live peacefully with Lot’s shepherds and so Abraham says to Lot, “Choose your path and I will go the other way.” Instead of directly resolving the conflict between the shepherds, Abraham suggests bypassing the issues of the conflict itself by avoiding contact between the feuding sides.
3.3 Follow the Majority

Exodus
Chapter 23 Verse 2

You shall not follow a multitude to do evil; nor shall you speak in a cause to incline a multitude to pervert justice;

And whence do we derive the additional three [judges]? — by the implications of the text, thou shalt not follow a majority for evil, I infer that I may follow them for good; if so, why is it said, to incline after the majority? To teach that the majority to “incline after” for good [i.e., for a favorable decision] is not the one to “incline after” for evil [i.e., for an adverse decision] since for good, a majority of one suffices; whereas for evil, a majority of two is required and as a court cannot consist of an even number another one is added, making a total of twenty three.
Babylonian Talmud
Tractate Baba Metzia 59b

And this was the oven of ‘Aknai. Why [the oven of] ‘Aknai? — Said Rab Judah in Samuel's name: [It means] that they encompassed it with arguments as a snake, and proved it unclean.

It has been taught: On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: “If the Halachah agrees with me, let this carob-tree prove it!” Thereupon the carob-tree was torn a hundred cubits out of its place — others affirm, four hundred cubits.

“No proof can be brought from a carob-tree,” they retorted.

Again he said to them: “If the Halachah agrees with me, let the stream of water prove it!” Whereupon the stream of water flowed backwards.

“No proof can be brought from a stream of water,” they rejoined.

Again he urged: “If the Halachah agrees with me, let the walls of the schoolhouse prove it,” whereupon the walls inclined to fall.

But R. Joshua rebuked them, saying: “When scholars are engaged in a Halachic dispute, what have ye to interfere?” Hence, they did not fall, in honor of R. Joshua, nor did they resume the upright, in honor of R. Eliezer; and they are still standing thus inclined. Again, he said to them: “If the Halachah agrees with me, let it be proved from Heaven!”

Whereupon a Heavenly Voice cried out: “Why do ye dispute with R. Eliezer, seeing that in all matters the Halachah agrees with him!”

But R. Joshua arose and exclaimed: “It is not in heaven.” What did he mean by this?

Said R. Jeremiah: “That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, after the majority must one incline.”

R. Nathan met Elijah and asked him: “What did the Holy One, Blessed be He, do in that hour?” — He laughed [with joy], he replied, saying, “My sons have defeated Me, My sons have defeated Me.”

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תלמוד ירושלמי מסכת סנהדרין
פרק ג דף כ"א

והם טעמו ודברו "אין משה אמר ליפנינו ב才是 עלות ו(norm) הuyות יshore the הלכלכלiamiיאן ולא herrיב ריבים לחרות

רבר המנכם הזכא וינימיניך חבו דיני אתורית ודרשת מ"ו ספר למניי מ"ו ספר תמך בים

וכך הוא אמרו אמרות י"א מאמרות סתם וכף צורף ביעל לארך ממקים שבעתה ואמר פמיישים האבות.
Jerusalem Talmud
Tractate Sanhedrin
Chapter 4 Page 22a

What is the Scriptural basis for that statement? “And the Lord spoke to Moses...” [telling him the diverse arguments relevant to each law]. [Moses] said to Him, “Lord of the World! Teach me the [practical] law [so that there will be no doubts about it]. He said to him, “Follow the majority to incline the law” [to a decision, that is, make a decision in the law by a majority of the judges’ opinions]. [If] those who declare the accused innocent form the majority, declare the accused innocent. [If] those who declare the accused to be guilty, declare him to be guilty. [This is] so that the Torah may be expounded in forty-nine ways on the side of a decision of uncleanness, and in forty-nine ways in favor of a decision of cleanness.

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Summary

In Exodus, the Bible sets down a guideline for resolving differences of opinion: that the decision should be made by the majority. )Note that this is not the literal meaning of the verse in the Bible but rather an understanding learned from this verse.)

A well-known Talmudic story tells of a Halachic dispute between leading Sages of the time. Rabbi Eliezer disagreed with the majority of his colleagues on a Halachic decision. He was so certain that he was right he called on G-d to prove that his position was correct by causing miracles to happen in their midst. For example, he called on the carob tree to move from its place if his position was correct and it did. He called on the walls to shake and they did. He asked G-d to prove it and the voice of G-d came out and said that his position was correct. Even so, the head of the majority of Sages, Rabbi Yehoshua, refused to accept Rabbi Eliezer’s stand. He replied that the laws given to mankind do not apply in Heaven. The laws G-d gave at Mt. Sinai comprised the principle that decisions are arrived at by majority opinion. Even if G-d moved walls and called out that Rabbi Eliezer’s opinion was correct, the decision still lay with the majority who had ruled differently. With this answer, Rabbi Eliezer could not argue. This story illustrates the power of the rule of law even in the face of revealed miracles from heaven. Despite the miracles and the strength of conviction that Rabbi Eliezer had, nothing could overcome the legally enshrined process of decision-making among the Sages.
Deuteronomy
Chapter 6 Verse 18

And you shall do that which is right and good in the sight of the Lord; that it may be well with you, and that you may go in and possess the good land which the Lord swore to your fathers.

3.4 Compromise

Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

Deuteronomy 6:18

That which is right and good: This [refers to] compromise inside the line of law [i.e., equity].

Ramban
Rabbi Moses ben Nachman (Spain - Land of Israel, 1194-1270)

Deuteronomy 6:18

(וָסָה נָתַן הָעָם הָאָדָם) וַיְדַבֵּר יִשְׂרָאֵל אָדָם
(בַּרְכֹּת, 1105-1106)

Deuteronomy
Chapter 6 Verse 18

And you shall do that which is right and good in the sight of the Lord; that it may be well with you, and that you may go in and possess the good land which the Lord swore to your fathers.
AND THOU SHALT DO THAT WHICH IS RIGHT AND GOOD IN THE SIGHT OF THE ETERNAL. In line with the plain meaning of Scripture the verse says, “Keep the commandments of God, His testimonies, and His statutes, and in observing them, intend to do what is right and good in His sight only.” And [the expression in the verse before us] that it may be well with thee is a promise, stating that, when you will do that which is good in His eyes, it will be well with you, for God does good unto the good, and to them that are upright in their hearts.

Our Rabbis have a beautiful Midrash on this verse. They have said: “[That which is right and good] refers to a compromise and going beyond the requirement of the letter of the law.” The intent of this is as follows: At first he [Moses] stated that you are to keep His statues and His testimonies which He commanded you, and now he is stating that even where He has not commanded you, give thought, as well, to do what is good and right in His eyes, for He loves the good and the right. Now this is a great principle, for it is impossible to mention in the Torah all aspects of man’s conduct with his neighbors and friends, and all his various transactions, and the ordinances of all societies and countries. But because He mentioned many of them—such as, “Thou shalt not go up and down as a talebearer; thou shalt not take vengeance, nor bear any grudge; neither shalt thou stand idly by the blood of thy neighbor; thou shalt not curse the deaf; thou shalt rise up before the hoary head” and the like - He reverted to state in a general way that, in all matters, one should do what is good and right, including even compromise, and going beyond the requirements of the law. Other examples are the Rabbis’ ordinances concerning the prerogative of a neighbor, and even what they said [concerning the desirability] that one’s youthful reputation be unblemished, and that one’s conversation with people be pleasant. Thus [a person must seek to refine his behavior] in every form of activity, until he is worthy of being called “good and upright.”

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Zechariah
Chapter 8 Verse 16

These are the things that you shall do; Speak every man the truth to his neighbor; execute the judgment of truth and peace in your gates.

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Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

Zechariah 8:16
...and judgment of peace, i.e., compromise.

Metzudat David
Rabbi David Hillel Altschuler (Prague, end 17th century)

Zechariah 8:16
Truth and the judgment of peace... execute in your gates - judgment of truth or judgment of peace, and this is compromise which arbitrates peace between litigants, yet do not sway the judgment, for that is neither truth nor peace.

Jerusalem Talmud
Tractate Megillah
Chapter 3 Page 73c

Rabban Shimon ben Gamliel said, “The world exists on three principles: justice, truth and peace, and all three are one: If justice is served, truth is achieved and peace is attained.”
Rabbi Mana said, “And all three appear in one verse: ‘Execute the judgment of truth and peace in your gates’” (Zech. 8:16).
R. Hamnuna said: What is the meaning of the verse, Who is as the wise man? And who knoweth the interpretation [pesher] of a thing? Who is like the Holy One, blessed be He, who knew how to effect reconciliation [pesharah] between two righteous men, Hezekiah and Isaiah? Hezekiah said: Let Isaiah come to me, for so we find that Elijah went to Ahab, as it says, And Elijah went to show himself unto Ahab. Isaiah said: Let Hezekiah come to me, for so we find that Jehoram son of Ahab went to Elisha. What did the Holy One, blessed be He, do? He brought sufferings upon Hezekiah and then said to Isaiah, Go visit the sick. For so it says, In those days Hezekiah was sick unto death. And Isaiah the Prophet, son of Amoz, came to him.

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Deuteronomy

Chapter 16 Verse 20

Justice, only justice shall you pursue, that you may live, and inherit the land which the L-rd your G-d gives you.

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הכלל בדיל, מסכת סנהדרין

דע לבעומם ב ב לע ממידא ב

As it has been taught: Justice, justice shalt thou follow; the first [mention of justice] refers to a decision based on strict law; the second, to a compromise. How so? — E.g., where two boats sailing on a river meet; if both attempt to pass simultaneously, both will sink, whereas, if one makes way for the other, both can pass [without mishap]. Likewise, if two camels met each other while on the ascent to Beth-Horon; if they both ascend [at the same time] both may tumble down [into the valley]; but if [they ascend] one after the other, both can go up [safely]. How then should they act? If one is laden and the other unladen, the latter should give way to the former. If one is nearer [to its destination] than the other, the former should give way to the latter. If both are [equally] near or far [from their destination], make a compromise between them, the one which is to go forward compensating the other [which has to give way].

Babylonian Talmud
Tractate Baba Kama 20a

R. Hisda said to Rami b. Hama: You were not with us yesterday in the house of study where some specially interesting matters were discussed. The other thereupon asked him: What were the specially interesting matters? He answered: [The discussion was whether] one who occupied his neighbor’s premises unbeknown to him would have to pay rent or not. But under what circumstances? It could hardly be supposed that the premises were not for hire, and he [the one who occupied them] was similarly a man who was not in the habit of hiring any, for [what liability could there be attached to a case where] the defendant derived no benefit and the plaintiff sustained no loss? If on the other hand the premises were for hire and he was a man whose wont it was to hire premises, [why should no liability be attached since] the defendant derived a benefit and the plaintiff sustained a loss? — No: the problem arises in a case where the premises were not for hire, but his wont was to hire premises.
Babylonian Talmud
Tractate Sanhedrin 6b

R. Joshua b. Korha says: Settlement by compromise is a meritorious act, for it is written, “Execute the judgment of truth and peace in your gates; and let none of you devise evil in your hearts against his neighbor” (Zech. 8:16-17). Surely where there is strict justice there is no peace, and where there is peace, there is no strict justice! But what is that kind of justice with which peace abides? We must say: Arbitration. So it was in the case of David, as we read, “And David executed justice and righteousness [charity] towards all his people” (II Sam. 8:15). Surely where there is strict justice there is no charity, and where there is charity, there is no justice! But what is the kind of justice with which abides charity? We must say: Arbitration.

Introduction to the Commentary on the Mishnah
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)

And he should not pressure himself to enter into the judiciary, lest it be suspicious, and he must seek to achieve settlements in all his cases. And if he can refrain from passing judgment throughout his days, instead mediating between the two parties, how good and how pleasant this is. And if he is unable to do so, he must decide the case and not impede, yet he must allow lengthy time periods to the defendant, allowing him to plead for himself the entire day, even though he will speak much and he will speak words of coarseness and folly. And if this is impossible, based on what he perceives of their claims, he must decide the case immediately. As we witness with our Sages regarding binding the hands, striking the whip, punishing... and so on. In a similar vein to this commandment they state (Sanhedrin 6b), “Let the law bore through the mountain...”

Reflections of the Rav: The Torah Way of Justice
Rabbi Yosef Ber Soloveitchik (Belarus - USA, 1903-1993)
Volume I Pages 55-57

The Talmud [Sanhedrin 6b] justifies the institution of pesharah on the basis of two Biblical verses. Both verses are needed because each contributes a different consideration.... The first verse reads: “Execute the judgment of truth and peace in your gates” (Zech. 8:16). The Talmud explains: “Surely where there is strict justice [mishpat]
there is no peace. And where there is peace, there is no strict justice! But when do justice and peace coincide? Only in pesharah...”. Where there is strict adherence to din, there is justice but no shalom, because one of the parties is humiliated and antagonized. The immediate issue is resolved but the conflict persists, with ensuing social discord. The secular judge is seemingly indifferent to this failure since justice, not harmony, was his objective. Shalom is for social workers and psychologists to attain; it is beyond his jurisdiction. The Torah, however, wants the dayyan [judge] to be not a magistrate but a teacher and a healer. He should seek to persuade both parties to retreat from their presumed points of advantage, and he should preach to them about the corrosive personal and social effects of sustained rancor. His responsibility is primarily to enlighten, rather than to render decisions on points of law. The first verse, therefore projects the social welfare of society and the happiness of individuals as primary ideals, as being truly a higher form of justice. Pesharah, is socially and morally preferred, even if the strict din is neutralized. In its highest sense, justice obtains when people are reconciled.

The second verse states: “And David executed justice and righteousness toward his people” (II Sam. 8:15). The Talmud explains: “Surely, where there is strict justice [mishpat] there is no righteousness [tzedek], and where there is righteousness there is no justice. But when do justice and righteousness coincide? Only in pesharah!” This verse is concerned with the attainment of tzedek. In Aristotelian logic, there is a law of contradiction which states that a thesis and its antithesis cannot both be valid... It follows from this logic that, when two litigants present opposing claims, only one can be right. Strict logic demands the application of din whereby the claim of the righteous party will be vindicated while the other party will be discredited. The Halakhah, however, believes that absolute right and wrong can be realized only in heaven. In dealing with imperfect man, we posit that no man is totally wrong or right and that, in a case of the litigants, both are partially right and wrong. The application of din can only take account of obvious surface conditions; it fails to perceive subtleties underneath, which dilute our certainty about the right and the wrong of the litigants. Each has some responsibility for the situation and is partially guilty of the misunderstanding, for misleading innuendoes, and for contributing indirectly to a climate in society which places others at a disadvantage. Strict justice deals with plain facts and salient reality; real responsibility however goes much deeper and is obscured from the scrutiny of the court. Metaphysically, no one is entirely absolved in situations of conflict. Tzedek, therefore, is truly realized only through peshara, which declares the parties both winners and losers. Thus, pesharah is not only socially desirable, as the first verse claims, but it is also morally just. The principle of tzedek demands that mishpat reflect the existential condition of man’s inevitable imperfection.

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Summary

The Torah commands us to act in an honest and good way in the eyes of G-d. Rashi explains that compromise is the way. Compromise means going beyond the letter of the law. The Torah outlines the foundations of honest behavior and gives guidelines for interpersonal relationships. Then it adds the general precept of always acting honestly and decently. The essence of honesty is compromise where both sides give in and no side wins over the other. Compromise results in both sides receiving something but at the same time giving up something, so that no settlement amounts to a complete victory.

The Book of Zechariah advises man to speak truth to his fellow man and let the law be guided by the principles of truth and peace. The commentaries explain that mishpat shalom means compromise. In other words, the use of compromise mediates peace between adversaries, for there can be no winner.

Biblical sources establish the foundations of the rule of law and the basis by which disputes should be arbitrated. The foundation of the world is justice, truth and peace. When justice is achieved, there is truth and peace.

G-d showed by example how compromise can achieve peace. Hezekiah and Isaiah had reached a stalemate; each waited for the other to take the initiative and approach the other. In order to break the impasse and restore relations between them, G-d made Hezekiah ill and told Isaiah to go and visit him. In this way, Isaiah did not have to give in, but using the excuse of visiting the sick, he allowed himself to make the first move without losing his dignity.

The Torah commands us to pursue righteousness. It uses the word righteousness twice and commentaries note that the first instance refers to justice and the second refers to compromise. The Talmud describes a case which can be either a win-win or lose-lose situation, depending on how it is dealt with. If only justice is the ruling factor, the result could be a loss for both parties. For example, if two boats approaching each other in a river at the same time were to continue without changing course, as may be the just way, both boats would collide and sink. The compromise or correct solution is for one to give way and the other to pass, so both boats reach the other side safely.

The Rabbis discussed whether compromise is the obligatory mode of resolving dispute or an optional mode. According to the opinion that compromise (bitzua) is a mode of resolution which we are commanded to try first, law cannot achieve justice and peace without appealing to compromise. So too, charity cannot be achieved with justice unless the parties use compromise.

The Rambam states that parties should strive for compromise as this is the best legal solution to a dispute. If the disputing parties cannot reach a compromise, then the sides must be allowed to voice their opinions and give their versions of the conflict, even if this means sometimes listening to gripes and complaining not directly connected to the dispute. The Rambam realizes that a person’s narrative is very important to understanding the conflict. In addition, a person’s need to vent his feelings and voice his
version of the dispute can sometimes be just as important as the verdict, if not more so.

Rabbi Soloveitchik examines the difference between compromise and justice. He explains that compromise can enable both sides of a conflict to feel that they have succeeded in reaching some of their goals and justifying some of their claims. At the same time, both sides realize that they have in part lost the dispute and have had to concede points to the other side. Pure justice with only one victor can only be achieved in the heavenly court and not in an earthly court.
Arbitration is by three, so says R. Meir. The Sages say that one is sufficient. Now the Schoolmen presumed that all agree that the force of arbitration is equal to that of legal decision; their point of difference would accordingly resolve itself into one holding that three are required for legal decision and the other holding that two are enough. — No, all [both R. Meir and the Sages] agree that legal decision is by three, and the point in which they differ is this: One [R. Meir] holds that the force of arbitration should be regarded as equal to that of legal decision, while the other disputes it. May it be assumed then that there are three views held by the Tannaim with regard to arbitration, viz., one [R. Meir] holds that three are needed; another [R. Simeon b. Gamaliel] holds that two are sufficient, while the Sages hold that one is enough? — R. Aha the son of R. Ika, or according to others R. Yemar b. Salomi, said: The Tanna who says two are necessary is really of the opinion that a single one is sufficient. And the reason he requires two is that they might act as witnesses in the case, if required. R. Ashi said: We may infer from this that no kinyan is needed for arbitration, for if it be thought necessary, why does the Tanna in question require three? Surely two should suffice, the two parties being bound by kinyan! The adopted law, however, is that arbitration requires kinyan [even when made by three]. Our Rabbis taught: Just as for legal judgment three are required, so are three required for settlement by arbitration. After a case has been decided by legal judgment, thou must not attempt a settlement.

R. Eliezer, the son of R. Jose the Galilean, used to say: It is prohibited to mediate, and he who should do so sins; and he who praises the mediators despises the law, as it is written (Ps. 10:3): “The robber blesseth himself when he hath despised the Lord.” But it may be taken as a rule that the strict law shall bore the mountain, as it is written (Deut. 1:17): “The judgment belongs to G-d.” And so was it said by Moses our Master. But Aaron (his brother) loved peace, ran after it, and used to make peace among the people, as it is written (Mal. 2:6): “The law of truth was in his mouth, and falsehood

Babylonian Talmud
Tractate Sanhedrin 6a
was not found on his lips; in peace and equity he walked with me, and many did he turn away from iniquity."

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Babylonian Talmud
Tractate Sanhedrin 6b

R. Simeon b. Manasya says: When two come before you for judgment, before you have heard their case, or even afterwards, if you have not made up your mind whither judgment is inclining, you may suggest to them that they should go and settle the dispute amongst themselves. But if you have already heard their case and have made up your mind in whose favor the verdict inclines, you are not at liberty to suggest a settlement, for it is written: The beginning of strife is as one that lets out water. Therefore, leave off contention before the quarrel break out. Before the case has been laid bare, you may leave off [give up] the contention; after the case has been laid bare, you cannot leave it off.

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Babylonian Talmud
Tractate Sanhedrin 5-6

Rab says: the Halachah is in agreement with R. Joshua b. Korha [who holds arbitration to be a meritorious act]. How can this be? Was not R. Huna a disciple of Rab, and yet, when a case was brought to him, he would ask the litigants whether they desired to resort to law or to a settlement? As to the expression “meritorious act,” which R. Joshua b. Korha uses, he means that it is a meritorious act to ask the litigants whether they wish to resort to law or to a settlement. If so, this agrees with the opinion of the first Tanna. There is this difference, however: R. Joshua b. Korha regards this as a moral obligation; the first Tanna merely as a permissible act. But this would make the first Tanna express the same opinion as R. Simeon b. Manasya? — The difference centers round the latter part of R. Simeon’s statement: “If you have already heard the case and know in whose favor the verdict inclines, you are not at liberty to suggest a settlement” [a distinction which the first Tanna does not admit].
At the outset, it is a mitzvah to ask the litigants, “Do you desire a judgment or a compromise?” If they desire a compromise, a compromise is negotiated. Any court that continuously negotiates a compromise is praiseworthy. Concerning [this approach, Zech. 8:16] states: “Adjudicate a judgment of peace in your gates.” Which judgment involves peace? A compromise. Similarly, with regard to King David it is stated: “And David carried out justice and charity for his entire people.” When does justice involve charity? When a compromise [is made]. When does the above apply? Before a judgment is rendered. Even though [the judge] has already heard their arguments and knows the direction in which the judgment is heading, it is a mitzvah to negotiate a compromise. Once the judgment is rendered and he declares: “So-and-so, your claim is vindicated and so-and-so, you are liable,” he may not negotiate a compromise. Instead, let the judgment pierce the mountain.

Although the litigants agreed to a compromise in court, [the judges] have the authority to demand a judgment until the litigants confirm their commitment [to the compromise] with a kinyan.

A compromise has greater legal power than a judgment. If two ordinary people rendered a judgment, their judgment is not binding and the litigants need not accept it. If, however, [such individuals] negotiated a compromise and the litigants affirmed [their agreement] with a kinyan, they may not retract.
Once the case has concluded, you are not permitted to mediate. For instance, if they have already thoroughly investigated the case and they have concluded it, and all that is lacking is [to announce] “You are guilty,” since [the case] has already been so elucidated, it must not be swayed to reach a compromise. For if he knows that his claim will be upheld, he will not accept any compromise of any sort... However, if [the outcome is such that] either is obligated to take an oath, it is permitted to tell them to reach a compromise in order to avoid penalty as result of an oath.
2. It is a religious duty to say to the litigants at the outset, “Do you wish [to resort to] law or [to submit to] arbitration?” If they consented [to submit to] arbitration, they bring about a settlement between them. And just as [the judge] is cautioned not to pervert judgment, so too, is he cautioned not to direct the arbitration [in favor of] one party over the other. Every court of law that always brings about a settlement is considered praiseworthy. When does this apply? Before the conclusion of the trial, even though one has heard their pleas and knows which way the judgment will incline. It is a religious duty to attempt a settlement; but after the judge concluded the trial and made the pronouncement, “So-and-so, you are guilty,” he is not permitted to attempt a settlement between them. However, another person who is not a judge is permitted to attempt a settlement between them, [provided] that this is not [attempted] in a court sitting that is appointed for the purpose [of holding] legal [sessions]. If the court of law imposed an oath upon one of them, the court of law is permitted to bring a settlement between them [even after the conclusion of the trial], so that [the one who is bound to take an oath] should be exempt from the responsibility thereof. The court of law cannot compel one to fall in with [the principle of equity, i.e., acting] beyond the requirements of the line of justice, although that would appear to them to be the proper thing [to do]. However, some differ with [this opinion].

4. The court of law has the power to issue a decree and to pronounce the ban so that the settlement be carried out and that the orphans should not be able to protest [against the settlement] when they reach their majority.

5. The judge has the power to adjudicate a lawsuit [in a manner] similar to a settlement where the matter cannot be [otherwise] determined [according to strict law] and he is not permitted to allow the verdict to pass out of his hand [only] in part without [bringing the proceedings to] a [complete] close.

6. One against whom there is a monetary claim regarding aught of which he [the defendant] is [illegally] the possessor, is forbidden to seek means to evade [the claim] in order that the person concerned [the plaintiff] should consent to make a settlement with him and forgo the balance [of the claim]. Gloss: And if he violated [this law] and employed [evasive means], he does not comply with the requirements of Heaven until he restores to him [the plaintiff] what rightfully belongs to him.

7. Even though the litigants consented [to submit their case] to arbitration before the court of law, they can retract so long as a formal agreement was not made with them by means of a kinyan, for [the law is that] arbitration requires a kinyan even if made before three. However, if a formal agreement was made with them by means of a kinyan, they cannot retract even if made before one. And some say that [they cannot retract] only if made [at least] before two. Gloss: [And this has reference] not only to a formal agreement made by means of a kinyan, but likewise, if he [the defendant] gave a note of indebtedness [thus] obligating himself [to carry out the settlement], or [by any] one of the other modes of transference of rights. Some say that when he assumes [liability by means of] a kinyan relative to the arbitration, he must give him acquisition rights to the article so that it should not be a [mere] verbal agreement.

8. If the arbitrators are many, some say that we do not follow the majority, but it is required that they all unanimously agree [in their decision].
Then because of the serious nature of a trial, they greatly praised a person who can achieve a compromise between the parties to the controversy [who with the trial] to him the verse applies “render truth and a judgment of peace” (Zech. 8:16) because this is a judgment of peace. So is it stated of David “and David rendered judgment and righteousness to all his people” (II Sam. 8:15); what is judgment with which there is righteousness? - You must say a compromise settlement.

Occasionally, the litigants choose men to arbitrate between them jointly with the court of law or apart from court. This is a proper course to pursue, for each one advocates the merits of the one who had selected him and the compromise will be properly effected, provided the arbitration be conducted in a just manner. But Heaven forbid that the compromise should be effected in a perverse way! For just as they are warned not to wrest a judgment so are they warned not to wrest a compromise.
We endeavor thus, whenever the need arises, when the possibility exists to enter [into] a compromise at the behest of the litigants, specifically in an instance where the [pure] quality of justice will be too severe for one party, and even more so if it will be severe for both parties. It is in this regard that we state: “You shall surely pursue justice - this applies both to judgment and to mediation.” However, God forbid, we should use this to detract from our jurisprudence...

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Summary

A Talmudic discussion took place debating if compromise has the same legal validity as a judgment rendered in court. Is a compromise equal to a judicial decision, or does it require another legal apparatus like a kinyan (symbolic act of agreement) to make it binding? The Rabbis concluded that in order to make a compromise binding it is necessary to perform a kinyan, which obligates both parties to uphold to their compromise. An opposite view maintains that the resolution of a dispute through compromise is not preferential, and even detrimental, to the achievement of justice. Compromise, so the opponents argue, does not find one side right and the other wrong, and in some cases a legal decision is necessary in order to conclude the dispute. This view is often cited with regard to criminal cases where a compromise can be detrimental to the victim, because it gives legitimacy to the perpetrator.

If a court case has not yet begun, then the judge can advise the sides to go to mediation or arbitration, i.e., enter into a process of compromise. Such is the case even if the judge knows that one side is right and the other wrong. This discussion recognizes the fact that compromise can sometimes circumvent justice, especially when one side’s claims are justified. Thus, not all cases are appropriate for mediation or arbitration, and it is better that the court should rule on the conflict.

The Talmud’s discussion not only asks whether a form of compromise is allowed, but also questions if it is preferable or just permitted. The discussion concludes that compromise is permitted but not always a preferable process.

The Rambam describes how the judges should first offer the sides an opportunity
for compromise. If they accept, then the judges will decide on a compromise for the sides, thereby not a ruling in favor of one side or the other. A court that undertakes to find a compromise is praised and said to be following the law of peace. Once a compromise has been determined, the sides cannot go back on the decision and ask for a standard court ruling.

In Halachah, as we have seen, the sides in dispute should be offered a compromise solution as an alternative to the courts. In such cases a kinyan is required as sign of good will, and so that the sides cannot renege on the outcome. However, if the kinyan has not yet been accepted by both sides, that is, before the compromise agreement has been validated, then the compromise procedure can be cancelled. The judge must take care to make a fair and lasting compromise that does not favor either side. For example, some studies have claimed that in male-female mediation procedures, the female side can be at a disadvantage and agree to an unfair compromise or, on the contrary, she may have received a fairer decision in court. In such cases, the judge must make every effort to be impartial so that the compromise will be fair to both sides.

A compromise decision must be unanimous and not a majority decision as other court decisions. The mediator in a compromise process does not have to be a court judge, but can be any person that the sides agree on.
3.6 Reconciliation

And Abraham drew near, and said, Will you also destroy the righteous with the wicked?

Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

Genesis 18:23

And Abraham drew near. We find [the expression] drawing near regarding war “and Joab drew near” (II Sam. 10:13) and “drawing near” regarding conciliation. “And Judah drew near to him” (Gen. 44:18) and “drawing near” regarding prayer. “And Elijah the Prophet drew near” (I Kings 18:36) and for all these Abraham entered: [was prepared] to speak harshly, and for conciliation and for prayer.

Genesis
Chapter 33 Verses 4-10

And Esau ran to meet him, and embraced him, and fell on his neck, and kissed him; and they wept. And he lifted up his eyes, and saw the women and the children; and said, Who are those with you? And he said, The children whom G-d has graciously given your servant. Then the maidservants came near, they and their children, and they bowed down. And Leah also with her children came near, and bowed themselves;
and after came Joseph near and Rachel, and they bowed down. And he said, What
do you mean by all this drove which I met? And he said, These are to find grace in
the sight of my lord. And Esau said, I have enough, my brother; keep what you have
to yourself. And Jacob said, No, I beg you, if now I have found grace in your sight, then
receive my present from my hand; for therefore I have seen your face, as though I had
seen the face of G-d, and you were pleased with me.

Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)
Genesis 33:10
And you were pleased with me: You were appeased by me. And similarly, every [instance
of "רוצה in the Bible denotes appeasement (appaisement in Old French). “For it shall
not be acceptable for you” (Lev. 22:20) the sacrifices come to appease and conciliate;
and similarly, “The lips of the righteous know what is acceptable” (Proverbs 10:32)
[i.e.,] they know how to appease and conciliate.

Genesis Rabbah
Portion 84
AND WHEN HIS BRETHREN SAW THAT THEIR FATHER LOVED HIM MORE THAN
ALL HIS BRETHREN, THEY HATED HIM, AND COULD NOT SPEAK PEACEABLY
UNTO HIM (Gen. 37:4). R. Ahava b. Ze'ira said: From the very disgrace of the tribal
ancestors you learn their virtues. Elsewhere it says, And Absalom spoke unto Amnon
neither good nor bad (II Sam. 13:22), keeping in his heart what he felt in his heart.
Whereas here, AND COULD NOT SPEAK PEACEABLY UNTO HIM - what was in
their heart was on their tongues.
And if you have attributed a minor evil to others, let it be serious in your eyes until you go and appease him. It deals here with honorable men, for if [it dealt with] dissolute men what do they care? But it has been taught: We should expose hypocrites [and this should be done] even on the Sabbath. If so, the earlier statement must also refer to honorable and not dissolute men! But Rabbi Simeon said: Never in my life has the curse of my fellow gone up with me upon my bed! The earlier statement is to be understood as it is and the latter as it is.

Until you go and appease him. This statement supports Rabbi Hamnunah who said: [If one wrongly suspected another, he must conciliate him:] nay more, he must bless him. No, [it is no support]. There [in the teaching of Rabbi Hamnunah it speaks of a case] when he meets his fellow by chance, but here [in the Baraita it speaks of his] going [to appease him]. There are others who say: There is a difference here with Rabbi Hamnunah [who can reply]: Should he not find him, he goes [searching] after him.

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Book Contents

Pathways of the Righteous
Gate to Love

The love of man for his relatives - his father and his mother, his brothers and his sisters and the rest of his kind, friends and companion, and because of his love for them he helps them in their quarrels, and does not feel, nor does he ascertain whether or not his relatives did wrong against the other party of the quarrel, but always helps, protects and shelters them...

Similarly, if people have shamed him publicly he should not forgive them until they have entreated and appeased him.
Remorse is the quality wherein a person does something and then in retrospect regrets the deed. This is the most direct path to repentance because he who has sinned and regrets, it is as though he had not sinned.

It is impossible to repent without remorse. This means that a man’s wrongs are not atoned for if he does not regret them. Even his prayer is not accepted unless he regrets his deed, for how can he say, “Forgive us our Father for we have sinned” if he does not regret his sins?

O son of man! Repent while you still have the power to repent and do not delay until you approach the grave, for then when you regret your acts it is too late to repair the wrong. If you have done a thing against your companion, regret it and go and appease him and if your companion has wronged you and regrets it - welcome him.

Even though you doubt he is sorry in his heart and believe that he wants only to seem sincere in your eyes - welcome him. If you have rebuked him with harsh words until he hates you as David said, “And do I not strive with those that rise up against Thee?” (Ps. 139:21), do not regret such a quarrel and do not seek forgiveness, for if you do express remorse and plead for forgiveness he will continue to err.

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Summary

The Bible records a number of examples of reconciliation. When Abraham approached G-d to argue on behalf of the people of Sodom - asking that G-d should not destroy their city - he approached in a reconciliatory attitude, pleading with G-d not to destroy them. Influenced by Abraham’s example, Jacob approached his brother Esau seeking reconciliation. Despite the fact that Esau sought to kill Jacob in revenge for the theft of his birthright, Jacob approached his elder brother with presents and came in peace hoping to reconcile their differences.

The Jewish sources encourage reconciliation. If one has insulted his friend, he is told to go in the spirit of reconciliation and apologize to him for the insult. One should assist family members in resolving their conflicts and encourage them to reconcile their differences. If one feels animosity inside, he should refrain from giving voice to it, for the sake of preserving peaceful family relations. One should make amends for one’s wrongdoings before it is too late to do so. The offended party should forgive offence and accept a reconciliatory advance, even thought he not be sure if the offer of peace is made wholeheartedly.
4. APPROACHES TO MANAGING CONFLICT

4.1 Prohibition Against Revenge and Bearing a Grudge

You shall not avenge, nor bear any grudge against the children of your people, but you shall love your neighbor as yourself; I am the Lord.

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Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

Leviticus 19:18

You shall not take vengeance: If one man says to another, “Lend me you sickle” [and the latter] says to him “no” [and] on the morrow [the second man] says to him [to the first], “Lend me your axe” [and the first man] says to him, “I will not lend it to you; just as you did not lend it to me,” this is taking vengeance. And what is “bearing a grudge” [if one] says to another, “Lend me your axe” and the latter says to him, “No” [and] on the morrow [the latter] says to him [to the first], “Lend me your sickle” [and the first man] says to him, “Here it is. I am not like you who did not lend [it] to me,” this is bearing a grudge for he guards the hatred in his heart even though he does not take vengeance.
Pathways of the Righteous
Gate to Cruelty

And there is this aspect of the quality of cruelty in the soul of man - to avenge himself on his enemies as it is written: “And he will not spare in the day of vengeance” (Prov. 6:14). The meaning of this verse is that where there is the desire for vengeance there is no compassion, only cruelty. And Scripture says, “You shall not avenge nor bear a grudge” (Lev. 19:18). We are wanted not to bear a grudge even in our heart - all the more so not to do any deed with the hands to hurt a companion. Even when your enemy has fallen through no fault of yours, you must not rejoice as it is written: “Rejoice not when your enemy falls and when he stumbles let not your heart be glad” (Prov. 24:17). The avenger or the grudge-holder never overlooks a grievance and never forgives his companions who have wronged him, and this attitude drags after it quarrels and hatred, and you already know how good and how pleasant is the quality of peace.

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Summary

Revenge is a natural human response to an offense inflicted by another. Although a visceral desire, vengeance is a negative response that sets off the spiral of violence in which one hate-filled act is followed by another. In order to suppress the violent spiral at its beginning and to halt the subsequent perpetuation of hatred and disdain, the Bible commands us not to take revenge or to bear a grudge against our fellows. This commandment includes acts of unlawful retaliation against the perpetrator and, even if revenge is not taken, one should not continue to bear a grudge in one’s heart. Revenge is seen as an act of cruelty. It perpetuates conflict and hatred between people.
4.2 Cities of refuge

Genesis
Chapter 9 Verse 6

Whoever sheds man’s blood, by man shall his blood be shed; for in the image of G-d He made man.

Numbers
Chapter 35 Verse 9-33

And the Lord spoke to Moses saying: Speak to the people of Israel, and say to them: When you pass over the Jordan into the land of Canaan, then you shall appoint you cities to be cities of refuge for you, that the manslayer who kills any person unawares may flee there. And they shall be to you cities for refuge from the avenger, that the manslayer should not die, until he stands before the congregation in judgment. And the cities which you shall give shall be six cities for refuge. You shall give three cities in this side of the Jordan, and three cities you shall give in the land of Canaan. They shall be cities of refuge. These six cities shall be a refuge, both for the people of Israel,
and for the stranger, and for the sojourner among them, that everyone who kills any person without intent may flee there. But if he hits him with an instrument of iron, so that he dies, he is a murderer; the murderer shall surely be put to death. And if he hits him by hand with a stone, whereby he may die, he is a murderer; the murderer shall surely be put to death. Or if he hits him with a weapon of wood in his hand, whereby he may die, and he dies, he is a murderer; the murderer shall surely be put to death.

The avenger of blood shall himself slay the murderer; when he meets him, he shall slay him. And if he stabbed him out of hatred, or hurled something at him while lying in wait, that he died; or if in enmity he hits him with his hand, so that he dies; he who hit him shall surely be put to death, for he is a murderer. The avenger of blood shall slay the murderer when he meets him. But if he stabbed him suddenly without enmity, or hurled upon him anything without lying in wait; or with any stone, whereby a man may die, without seeing him, and cast upon him, that he died, and he was not his enemy, nor sought his harm, then the congregation shall judge between the manslayer and the avenger of blood, according to these judgments. And the congregation shall deliver the slayer from the hand of the avenger of blood, and the congregation shall restore him to his city of refuge, where he had fled; and he shall live there until the death of the high priest, who was anointed with the holy oil. But if the man slayer shall at any time go outside the border of the city of his refuge, where he had fled, and the avenger of blood finds him outside the borders of the city of his refuge, and the avenger of blood kills the slayer, he shall not be guilty of blood. Because he must remain in his city of refuge, until the death of the high priest; but after the death of the high priest the man slayer may return to the land of his possession. And these things shall be for a statute of judgment to you throughout your generations in all your dwellings. Whoever kills any person, the murderer shall be put to death by the evidence of witnesses, but one witness shall not testify against any person to cause him to die. Moreover, you shall take no ransom for the life of a murderer, who is guilty of death, but he shall surely be put to death. And you shall take no ransom for him who has fled to his city of refuge, that he should come back to live in the land, until the death of the priest. So you shall not pollute the land in which you are, for blood pollutes the land; and the land can not be cleansed of the blood that is shed there, but by the blood of him who shed it.

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משנה מסכת מכות

פרק ב משנה ו

R. Jose b. Judah says: To begin with, a slayer was sent in advance to [one of] the cities of refuge, whether he had slain in error or with intent. Then the court sent and brought
him thence. Whoever was found guilty of a capital crime the court had executed, and whoever was found not guilty of a capital crime they acquitted. Whoever was found liable to banishment they restored to his place [of refuge] as it is ordained, and the congregation shall restore him to the city of refuge whither he was fled. It is all one whether a high priest [who died] had been anointed with the [holy] anointing oil; or had been consecrated by the many vestments, or had retired from his office - all make possible the return of the manslayer; R. Judah says also the [death of the] priest who had been anointed for war permits the return of the manslayer. Therefore, mothers of high priests were wont to provide food and raiment for them that they might not pray for their son’s death.

Mishnah Makot
Chapter 2 Mishnah 7

If a slayer went beyond the bounds and the blood-avenger fell in with him, R. Jose the Galilean says that for the avenger it is a matter of obligation [to strike]; for everyone else, a matter of option. R. Akiva says that for the avenger it is a matter of option and anyone [else] is [not] responsible for him.

Sifri Zuta
Paragraph 35

“And the cities shall be as a refuge from the redeemer” - they shall take in [the accidental murderer] from the redeemer, as it states, “And the murderer shall not die.” Indeed, [when] one was pursuing his fellow in order to kill him, they said to him, “know that he is a member of the covenant”; know that the Torah states, “He who sheds a man’s blood shall have his blood shed by man” (Gen. 9:6). He responded to them “Despite this [verse], he is a murderer.” They responded, “An evil man is to die” (Num. 35:31); precede him and kill him; save his [the fleeing man’s] soul with his [the pursuer’s] soul.
Babylonian Talmud
Tractate Makot 10b

R. Jose b. Judah says, that to begin with, every slayer, be it in error or with intent, was first sent forward to [one of] the cities of refuge. The court then sent [him] and had him brought thence. Whoever was found guilty of a capital crime, they had [him] put to death, as it is written: Then the elders of his city shall send and fetch him thence and deliver him into the hand of the avenger of blood, that he may die. Whoever was found not guilty [of murder] they acquitted, as it is said: And the congregation [of judges] shall deliver the slayer out of the hands of the avenger of blood. Whoever had incurred banishment, they sent him back to his place [of refuge], as it is said: And the congregation [of judges] shall restore him to the city of his refuge, whither he was fled.

Mishneh Torah Laws of a Murderer and the Preservation of Life
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)
Chapter 5 Law 8-9

When the court sends him back, it provides two scholars for him, lest the avenger of blood kill him on the way, and tells them not to treat him as a murderer because the incident occurred through misadventure. If the avenger of blood kills an inadvertent slayer outside the bounds of his city of refuge, he is exempt, for Scripture says, “Whereas he is not deserving of death” [Deut. 19:6].

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Summary

Man is commanded to suppress his inclination for vengeance, and to work toward resolving conflicts between groups. While man is commanded not to take revenge, the Bible recognizes that this is an onerous demand, especially in the case of murder or a crime committed against loved ones. Therefore, the Bible detailed a system to deal with incidents of murder and revenge through the agency of cities of refuge. The family of the murder victim had every right to avenge its loss, and therefore the cities of refuge were established to protect those who took a life unintentionally. The cities of refuge allowed for a cooling-off period until the victim’s family calmed down and the murderer was brought to trial. If the court found that in fact the killing was unintentional, then leaders of the community escorted the hapless perpetrator back to the city of refuge. His guardians were charged with protecting him, and if avengers approached him, the escort reminded them that the crime was committed inadvertently and the man responsible was not punishable. Jewish law recognizes the family’s natural desire to want to avenge their loss, so the city of refuge was put in place to avoid confrontation between the two parties.

If the murderer left the city, the family had the right to take vengeance. The Tannaim discuss whether vengeance is a commandment and whether the “avengers of blood” are obliged to avenge the murder of a family member; or if vengeance is merely a right the family may take advantage of. In any event, if the family avenged their loved one outside a city of refuge, they were not considered guilty of a murder that required their being brought to trial.
4.3 Excommunication and Ostracism

It was said: On that day, all objects which R. Eliezer had declared clean were brought and burnt in fire. Then they took a vote and excommunicated him. Said they, “Who shall go and inform him?” “I will go,” answered R. Akiva, “lest an unsuitable person go and inform him, and thus destroy the whole world.” What did R. Akiva do? He donned black garments and wrapped himself in black, and sat at a distance of four cubits from him. “Akiva,” said R. Eliezer to him, “what has particularly happened to-day?” “Master,” he replied, “it appears to me that thy companions hold aloof from thee.” Thereupon, he too rent his garments, put off his shoes, removed [his seat] and sat on the earth, whilst tears streamed from his eyes. The world was then smitten: a third of the olive crop, a third of the wheat, and a third of the barley crop. Some say, the dough in women’s hands swelled up.

A Tanna taught: Great was the calamity that befell that day, for everything at which R. Eliezer cast his eyes was burned up. R. Gamaliel too was traveling in a ship, when a huge wave arose to drown him. “It appears to me,” he reflected, “that this is on account of none other but R. Eliezer b. Hyrcanus.” Thereupon, he arose and exclaimed, “Sovereign of the Universe! Thou knowest full well that I have not acted for my honor, nor for the honor of my paternal house, but for Thine [honor], so that strife may not multiply in Israel!” At that the raging sea subsided.

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Babylonian Talmud
Tractate Baba Metzia 59b

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What is [the etymology of the word] shammetha? - Said Rab, [It is], sham-mitha, “death is there”. Samuel said, [It is], shemamah yihye, “he shall be a desolation”; and its effects adhere to one like grease to the oven. And this is in disagreement with [what] Resh Lakish said. For Resh Lakish said that just as when it [the herem] enters, it penetrates the two hundred and forty-eight joints [in one’s body], so on its withdrawal it departs from the two hundred and forty-eight joints. When it enters, as it is written (Joshua 6): And the city shall be herem, [a curse, i.e.], herem, being in its letter [number] value [gematria] two hundred and forty-eight, so at its withdrawal, as it is written (Habakuk 3): In wrath remember rahem [to have compassion] the letter [number] value being the same.

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משנה תורה - הלכות חומש

ברכות - יב פסוק בם (ספדד-מצרים1138–1204)

פרק I הלכות די

במה ביבר אומרים? אם שנותרו לעם הלומדים חכמים בבליים שלא.bed scrimmage י用地 של מדרת הדעות בין ידיעי ל睦ות הבובות מדרים שידיעו

ובכללו野生动物 ולא לעערה אברעה תיבר מדרים את האדות בי איש ראה אותן.

א. החטא få את חקפיא אפיל לגחון.
ב. החובות שלוחי בז.
ג. הקורא להם יב.
ד. מים ישלוו ליב די קבקו על טמי אלו בא.
ה. המולדת בכרא כמדים או כיון ליער הבディו חור.
י. מי שישלבכי רבר מדיה כיון לבר און שלוש עונת מדיה און על בר lãi.
ך. המומר קורא שול חלה מהמדים און על ברקעל עליל און שלוש עונת מהמדים לישארלא.
ו. הבו געל הצמ.
נ. המועד על ישראל ערבכות על עביך עכבים מוכם בעדו מוכם שיאל די ישראל מדידי און.
ס. בע SharedPreferences.
ט. בעביך חנן ספרון המ便תונות ונהלה את מדידי און דוע שינת.
יא. המחלקה יונ גונ שמיל ליזיו און שליש מנה.
יב. הושעה מחולה ברבר הפה חור חור.
יב. המסור רבעים לשישות באבר בו.
יג. המסור חוכך חמדון ליו חלוה הש.
יד. המסור חוכך חמדון ליו חלוה הש.
טו. המסור חוכך חמדון ליו חלוה הש.
טט. המסור חוכך חמדון ליו חלוה הש.
טו. המסור חוכך חמדון ליו חלוה הש.
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טט. המسور חוכך חמדון ליו חלוה הש.
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טט. המسور חוכך חמדון ליו חלוה הש.
This is talking about someone who is excommunicated for having despised a learned sage, but if somebody, even a child, is excommunicated for having committed an offence punishable by excommunication, then everybody, princes included, is obligated to comply with the excommunication until the excommunicated person has repented and his excommunication lifted. There are 24 offenses which, whether committed by a man or a woman, are punishable by excommunication, and they are as follows:

(i) Despising a sage, even after his death.
(ii) Despising a messenger of a court of law.
(iii) Referring to someone else as a slave.
(iv) Ignoring a summons to a court of law.
(v) Scorning the words of the Sages, and how much more so the words of the Torah.
(vi) Not accepting the laws - this lasts until one does.
(vii) Having in one's possession a something hazardous, such as a dog or unstable ladder, and not taking any necessary precautions.
(viii) Selling land to a gentile - this lasts until one accepts responsibility for anything the gentile does to the adjacent fields.
(ix) Testifying against a fellow Jew in a gentile court and extracting money from him in a manner contrary to Jewish law - this lasts until one pays him back.
(x) Not giving tithes to a fellow priest if one is a priest oneself - this lasts until one does.
(xi) Desecrating the second day of a festival in the Diaspora, even though its observance is only a custom.
(xii) Working after midday on the day before Passover.
(xiii) Taking G-d's Name in vain, or when making a nonsensical vow.
(xiv) Causing the public to desecrate G-d's Name.
(xv) Causing the public to eat holy food outside the Temple.
(xvi) Modifying the calendar in the Diaspora.
(xvii) Misleading people.
(xviii) Preventing the public from fulfilling a mitzvah.
(xix) Causing the public approach [Temple] sacrifices slaughtered outside without checking the [sharpness of the] slaughtering knife.
(xx) Slaughtering animals unfit for eating [by Jews].
(xxi) Refusing to understand.
(xxii) Going into partnership with one's wife after having divorced her, or otherwise fulfilling her needs. A court should excommunicate both of them until they are brought before it.
(xxiii) Not behaving as a sage if one is a sage.
(xxiv) Excommunicating someone who is not punishable by excommunication.

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Mishneh Torah Laws of Torah Study
Maimonides - Rabbi Moses Ben Maimon (Spain - Egypt, 1138-1204)
Chapter 7 Laws 4-5

What does being excommunicated involve? Somebody who has been excommunicated may not shave, cut his hair or wash in the same way as a mourner. So long as one is excommunicated, he cannot count as one of the three men required to make a zimmun [the three male adults required to say grace after meals], and also cannot count as one of the people of a minyan [i.e., a quorum - the ten male adults required for prayer services]. We do not sit within four cubits of him, but he may teach [Torah to] others and they may learn from him. It is permitted to employ him or be employed by him. If he dies during his excommunication the court arranges for a stone to be placed on his coffin, i.e. he is [symbolically] stoned, for the reason that he was an outcast from the rest of society. It goes without saying that eulogies are not said for him, nor is he given a [proper] funeral.

Isolation is more strict than excommunication. Somebody who has been isolated may not teach others, nor may others learn from him; but he may learn for himself in order not to forget what has already learned. It is not permitted to employ him, and it is also forbidden to accept employment from him. No business may be transacted with him, except for the barest minimum which he needs for survival.

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Summary

Excommunication is used to ostracize a community member who defies the authority of community leaders or undermines the community’s solidarity. The person thus sanctioned is socially distanced, labeled as “excommunicated from the community” and communication and physical contact with him is limited. An excommunicated individual must behave as one does in mourning, i.e., not shaving, sitting on the ground, etc. This signifies that he is treated as if he were “dead” - no longer an active member of the community. If a community member breaks ranks with his fellows and creates internal conflict, the community may shun him in order to contain any further damage he might cause. Excommunication also serves as an example to deter others from
causing disturbance or defiance in the community. The Rambam lists the 24 grounds for the excommunication of an individual. Many of the examples constitute behavior that can provoke conflict between individuals or between the individual and the community or can be construed as an instance of open rebellion against the authority of the community's leaders.

One example of excommunication applied to Rabbi Eliezer, when the majority overruled him despite the signs from heaven attesting to his correct opinion (see sect. 3.3). Following this dispute in the beit midrash (study hall), the other rabbis excommunicated him. In response to Rabbi Akiva's notifying him of the majority's decision, the excommunicated Rabbi Eliezer rent his clothes and adopted the customs of a mourner:

Rabban Gamliel, who had taken part in the decision to excommunicate Rabbi Eliezer, later sailed on a ship. A storm blew up and threatened his life. Feeling he was being punished for the excommunication of such a great leader as Rabbi Eliezer, Rabban Gamliel cried out to G-d, explaining that the excommunication order was not handed down for the sake of his own honor, but to avoid communal conflict and to maintain the rule of law. In response to his explication, the storm abated.

The Aramaic word for 'excommunication' is similar to the word for 'death,' symbolizing excommunication's everlasting effects on a person. Resh Lakish disputed this opinion and perceived excommunication as a transient state to be lifted when the individual decides return to the community and accept the position of its authorities.
4.4 Forgiveness and pardon in family conflict
살יחה ומחילה בכוכבי משמחה

**Genesis**
**Chapter 37 Verse 4**

*And when his brothers saw that their father loved him more than all his brothers, they hated him, and could not speak peaceably to him.*

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Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

**Genesis 37:4**

*From their blame we learn their praise. For they did not speak one way with their mouth and another way with their heart.*

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**Genesis**
**Chapter 45 Verses 3-5**

*And Joseph said to his brothers, I am Joseph; does my father still live? And his brothers could not answer him, for they were troubled by his presence. And Joseph said to his brothers, Come near me, I beg you. And they came near. And he said, I am Joseph your brother, whom you sold into Egypt. Now therefore be not grieved, nor angry with yourselves, that you sold me here, for G-d did send me before you to preserve life.*
Numbers
Chapter 21 Verse 7

Therefore the people came to Moses, and said, We have sinned, for we have spoken against the Lord, and against you; pray to the Lord, that he take away the serpents from us. And Moses prayed for the people.

Rashi
Rabbi Shlomo Yitzchaki (France, 1040-1105)

Numbers 21:7

So Moses prayed. From here [we learn] that someone who is asked to forgive, should not be so cruel so as not to forgive.

Midrash Tanhuma
Portion Hukat Section 46

Then the people came unto Moses and said: We have sinned. They knew that they had spoken against Moses, so they fell prostrate before him and said: “Pray unto the Lord to remove the serpent from us.” [The passage serves] to make Moses’ humility
known to you, in that he did not hesitate to seek mercy for them and to make the power of repentance known to you. As soon as they said, “We have sinned,” he was immediately reconciled to them. [The passage serves] to teach you that there is no one who forgives that becomes cruel. And where is it shown that, if one has sinned against his companion and says to him; I have sinned, without [the companion] forgiving him, that [the unforgiving one] is called a sinner? Where it is stated (in 1 Sam 12:23) “[And] as for me also, far be it for me to sin against the Lord by ceasing to pray on your behalf.” When? When they came and said to him: “WE have sinned” [as stated] (in 1 Sam 12:10): “And [they the people] said [unto Samuel] we have sinned...”

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**Summary**

The conflict between Joseph and his brothers is an example of complete forgiveness and reconciliation. The conflict developed as the brothers were growing up: they hated Joseph and could not speak to him in peace. Rashi explains that this was to their credit that they did not pretend to speak to him with love while inside feeling their hatred for him. After the brothers sold Joseph into slavery and he was imprisoned in Egypt, he built himself up into a position of power second only to Pharaoh. When the brothers met Joseph again, they were afraid that he would begrudge them for their actions toward him. Joseph reassured them that he had forgiven them and would not do them any harm. He recognized their sins but was able to forgo any vengeful feelings he had and reunited with his family. So too, the brothers looked past the hatred that they had for their younger brother Joseph, and in their reunion with him were reconciled.

When the children of Israel sinned in the desert, Moshe prayed to G-d for their forgiveness. Rashi explains that one can learn from this story that when it is asked to forgive and when the regret is sincere and complete, then it is cruel not to forgive the perpetrator. When one has done sincere repentance and really regrets his actions, then it is a sin not to forgive him.
4.5 Requesting forgiveness and pardon

Even though the offender pays him [compensation], the offence is not forgiven until he asks him for pardon, as it says: now therefore restore the man's wife, etc. Whence can we learn that should the injured person not forgive him, he would be [stigmatized as] cruel? From the words: So Abraham prayed unto G-d and G-d healed Abimelech, etc. If the plaintiff said: “Put out my eye, cut off my arm and break my leg,” the offender would nevertheless be liable; [and also even if he told him to do it] on the understanding that he would be exempt he would still be liable. If the plaintiff said: “Tear my garment and break my pitcher,” the defendant would still be liable, but if he said to him: “[Do this] on the understanding that you will be exempt,” he would be exempt. But if one said to the defendant: “Do this to a third person on the understanding that you will be exempt,” the defendant would be liable, whether the injury was done to the person or to his chattels.

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To him who says: I shall sin and the Day of Atonement will procure atonement for me, the Day of Atonement procures for him no atonement. For transgressions as between man and the Omnipresent, the Day of Atonement procures atonement, but for transgressions as between man and his fellow the Day of Atonement does not procure any atonement, until he has pacified his fellow. This was expounded...
from all your sins before the Lord shall ye be clean, i.e., for transgressions as between man and the Omnipresent the Day of Atonement procures atonement, but for transgressions as between man and his fellow the Day of Atonement does not procure atonement until he has pacified his fellow. R. Akiva said: Happy are you, Israel! Who is it before whom you become clean? And Who is it that makes you clean? Your Father which is in heaven, as it is said: And I will sprinkle clean water upon you and ye shall be clean. And it further says: Thou hope of Israel, the Lord! Just as the fountain renders clean the unclean, so does the Holy One, blessed be He, render clean Israel.
Judge.” But how then is the second half of the clause to be understood, “But if a man sin against the Lord, who shall entreat for him?” — This is what he means to say: “If a man sins against his fellow man, the judge will judge him, he [his fellow] will forgive him, but if a man sins against the Lord G-d, who shall entreat for him? Only repentance and good deeds.”

R. Isaac said: Whosoever offends his neighbor, and he does it only through words, must pacify him, as it is written: My son, if thou art become surety for thy neighbor, if thou hast struck thy hands for a stranger, thou art snared by the words of thy mouth . . . Do this, now, my son, and deliver thyself, seeing thou art come into the hand of thy neighbor; go, humble thyself, and urge thy neighbor. If he has a claim of money upon you, open the palm of your hand to him, and if not, send many friends to him.

R. Hisda said: He should endeavor to pacify him through three groups of three people each, as it is said: He cometh before me and saith: I have sinned and perverted that which was right, and it profited me not.

R. Jose b. Hanina said: One who asks pardon of his neighbor need do so no more than three times, as it is said: Forgive. I pray thee now . . . And now we pray thee. And if he [against whom he had sinned] had died, he should bring ten persons and make them stand by his grave and say: I have sinned against the Lord, the G-d of Israel, and against this one, whom I have hurt.

R. Abba had a complaint against R. Jeremiah. He [R. Jeremiah] went and sat down at the door of R. Abba and as the maid poured out water, some drops fell upon his head. Then he said: They have made a dung heap of me, and he cited this passage about himself: He raiseth up the poor out of the dust. R. Abba heard that and came out towards him, saying: Now, I must come forth to appease you, as it is written: “Go, humble thyself and urge thy neighbor.”

When R. Zera had any complaint against any man, he would repeatedly pass by him, showing himself to him, so that he may come forth to pacify him.

Rab once had a complaint against a certain butcher, and when on the eve of the Day of Atonement he [the butcher] did not come to him, he said: I shall go to him to pacify him. R. Huna met him and asked: Whither are you going, sir? He said, To pacify so-and-so. He thought: Abba is about to cause one’s death. He went there and remained standing before him [the butcher], who was sitting and chopping an [animal’s] head. He raised his eyes and saw him [Rab], then said: You are Abba, go away. I will have nothing to do with you. Whilst he was chopping the head, a bone flew off, struck his throat, and killed him.

Once Rab was expounding portions of the Bible before Rabbis, and there entered R. Hiyya, whereupon Rab started again from the beginning; as Bar Kappara entered, he started again from the beginning; as R. Simeon, the son of Rabbi entered, he started again from the beginning. But when R. Hanina b. Hama entered, he said: So often shall I go back? And he did not go over it again. R. Hanina took that amiss. Rab went to him on thirteen eves of the Day of Atonement, but he would not be pacified. But how could he do so? Did not R. Jose b. Hanina say, one who asks pardon of his neighbor need not do so more than three times? - It is different with Rab. But how could R. Hanina act so [unforgivingly]? Had not Rab said that if one passes over his rights, all his transgressions are passed over [forgiven] - Rather: R. Hanina had seen in a dream that Rab was being hanged on a palm tree, and since the tradition is that one who in a dream is hanged on a palm tree will become head [of an Academy], he concluded that authority will be given to him, and so he would not be pacified, to the end that he departed to teach Torah in Babylon.
“Nor did the curse of my fellow go up on my bed with me.” This is illustrated by Mar Zutra, who, when he climbed into his bed said, I forgive all who have vexed me.

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A man is forbidden to be cruel and must be conciliatory: He should be easily appeased, hard to make angry and when a wrongdoer begs his forgiveness, he ought to forgive with a whole heart and willing spirit. Even if he was persecuted and much wronged, he ought not to be vengeful and bear a grudge, because such is the way of the upright hearts of the Children of Israel. The idolaters’ hard hearts are not so and their anger holds forever. So it was concerning the Gibeonites; because they were unforgiving and not conciliatory, it was said of them: Now the Gibeonites were not of the Children of Israel (II Sam. 21:2).
Sha`Arei Teshuvah
Rabbi Yonah ben Rabbi Abraham Gerondi (Spain, 13th Century)

Chapter 1 Section 16

For in offenses between man and his neighbor, such as theft and plunder, one’s transgression is not forgiven until the theft has been returned. Similarly, if one has grieved his neighbor and oppressed him, or shamed him, or slandered him, he is not forgiven until he asks his forgiveness. Our Sages of blessed memory have said that although one may have rendered monetary compensation for his neighbor’s shame and for the pain caused him by the injury, the pain of the shame and the injury are not atoned for until he asks his forgiveness, as it is said, “Now, therefore, restore the man’s wife; for he is a prophet and he shall pray for you and you shall live” (Gen. 20:7; Baba Kama 92a).

Chapter 4 Section 19

Our Sages of blessed memory have said that one who antagonizes a friend must appease him; this goes with out saying if he spoke slander against him (Yoma 87a), for this is one of the most severe transgressions. And if his friend does not forgive him, he must come before him with a company of three men. If he still does not forgive him, he must come before him again with another group and so he must do a third time.

Sefer Hayira
Rabbi Yonah ben Rabbi Abraham Gerondi (Spain, 13th Century)

And do not lie down at night while harboring a dispute with another, rather go and appease him until he acquiesces. Even if he sinned to you, go and ask for appeasement, and do not say, “He wronged me, he must come and appease me,” subdue your inclination and go to him, so that your heart will not become haughty and thus you will become despised to the Creator, as it states, “Every proud of heart is an abomination to God” (Prov. 16:5).

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Sefer Akrivot Zeidim
Shevu`at Hashavua`ah

The act of repairing a friend is equivalent to repairing God. Even if he wronged you, go and repair him until he repairs you. If he does not, do not lie down at night while harboring a dispute with another. Even if he sinned to you, go and ask for appeasement, and do not say, “He wronged me, he must come and appease me,” subdue your inclination and go to him, so that your heart will not become haughty and thus you will become despised to the Creator, as it states, “Every proud of heart is an abomination to God” (Prov. 16:5).
Pathways of the Righteous
Gate to Repentance

He who hits his companion, and causes him pain, whether it be in money matters or through fraudulent words, there is no atonement for him unless he can appease his companion. And the Day of Atonement atones only for sins that are between man and G-d. But as for sins between him and his fellow man, he must first appease him (Yoma 85b). He who lifts his hand against his companion, even though he did not hit him, is called a wicked man (Sanhedrin 58b) and he must ask forgiveness of him: Only thus can he do atonement...

He who shames his companion should fast for forty days or more, and he should be lashed every day, and he should confess his wrong all the days of his life. He who calls his companion by a derogatory nickname must beg him for forgiveness in the presence of many, and he must fast forty days and he must confess privately every day...

He who provokes his companion must bring three groups of three people, as it is said “He cometh before men and saith” (Job 33:27), and he must say in their presence, “I have sinned and perverted that which was right, and it profited me not.” But he does not have to ask him for forgiveness more than three times. If the man whom he provoked dies, he should take ten men to his grave and say: I have sinned to the Lord, the G-d of Israel and to this person, for I have provoked him (Yoma 87a). But to begin with, before he does these forms of penance, one who has aggrieved his companion should go to him and say, “I have sinned against you,” and if he does not accept his apology, he should bring three people and ask for forgiveness by appeasing him privately. But the one who is asked to forgive should not be cruel (Baba Kama 92a). And if he provoked him by spreading an evil report concerning him, there is no forgiveness for him ever (TJ Baba Kama 9:10), unless he fasts and he is lashed privately for forty days or more.

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שלוח עוזר אורח חיים
רב יוסי ב אפרים קארא (ספדר – ארץ ישראל, 1488–1675) (תפדה)
סימן ח תניין א–ב
Shulchan Aruch
Rabbi Joseph ben Ephraim Caro (Spain - Land of Israel, 1488-1575)
Orach Chaim Chapter 706

A transgression between a man and his fellow cannot be atoned for on the Eve of Yom Kippur [Kol Nidre] until he is appeased. If [one’s fellow] was not appeased the first time, one should approach him again a second and a third time. Every time [one approaches him] one should take with him three people. If by the third time he was not appeased, one does not need [to approach] him [any more]. However, he should subsequently say in front of ten [people] that he requested him to forgive him. If [the person against whom one transgressed] is one’s [Torah] teacher, one must go to him several times until he is appeased.

Gloss: [A person] who is [asked] for forgiveness should not be cruel over [the granting of] forgiveness unless he has in mind the benefit of the person who requests forgiveness. If [the offender] blackened one’s name, one does not need to forgive him.

If [the person] against whom one sinned dies, one should bring ten people and station them at his grave and say, “I have sinned against the God of Israel and against this [person], So-and-so, as I sinned against Him.” [It is the practice to ask forgiveness on the Eve of Yom Kippur.]

Tefillah Zakkah recited on Yom Kippur
Rabbi Abraham Danzig (1748-1820)

...because for a sin between man and his neighbor, Yom Kippur does not atone until one appeases his neighbor. For this, I am inwardly heartbroken and my bones shudder, because even the day of death does not atone. Therefore, I make my supplication before You that You have mercy on me and allow me to find favor, kindness and mercy in Your eyes and in the eyes of all people. Behold! I extend complete forgiveness to everyone who has sinned against me, whether physically or monetarily, or who has injured me, whether physically or financially, and for any human sins between man and his neighbor - except for money that I wish to claim and that I can recover by law.
and except for someone who sins against me and says, “I will sin against him and he will forgive me” - except for these I grant complete forgiveness; and may no person be punished on my account. And just as I forgive everyone, so may You grant me favor in every person’s eye, so that he will grant me complete forgiveness.

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Summary

Abraham showed an example of compassion when he prayed for the recovery of Abimelech, the king who had abducted his wife. G-d cured Abimelech, because he had done true repentance and regretted his actions toward Abraham.

If one commits a sin or a crime intending to repent later, his repentance will not be accepted nor will he be forgiven. Crimes committed between men and not against G-d cannot be forgiven unless the perpetrator asks the victim for forgiveness.

If one should insult another even if only through words and not actions, he must reconcile with him. The reconciliation process, according to Rabbi Hisda, requires sending three groups of representatives to ask the victim for forgiveness. But if the victim refuses to grant his forgiveness after the third attempt, then the perpetrator is no longer held responsible for the crime, because he sincerely repented and attempted to reconcile with the victim. The Talmud describes how one can be reconciled even with the dead. This ritual comprises going to the aggrieved person’s grave with ten people to ask forgiveness, which is an act designed to show public regret for one’s actions.

Another Talmudic instance illustrates that sometimes forgiveness is not required, and that it can even benefit the offender not to be forgiven. Rab was giving a sermon on the Torah portion of the week, when three rabbis entered the learning hall separately after he had started. Each time Rab restarted his sermon from the beginning. But the fourth time this happened, when Rabbi Hanina entered, Rab did not go back to the beginning of the sermon. Rabbi Hanina felt anger and shame, because he was shown less honor and treated with less importance than the other rabbis. For thirteen years prior to Yom Kippur, Rab went to ask forgiveness from Rabbi Hanina for insulting him publicly in the learning hall. Each time Rabbi Hanina did not forgive him. The Ramo (Rabbi Moshe Isserles) gleans from this story that situations exist where one is not obligated to forgive. One explanation of this story is that where forgiveness would be harmful to the apologizer, it is acceptable not to forgive.

It is said of Mar Zutra that he would not retire for the night without granting forgiveness to those who had injured him that day. Here forgiveness is granted without receiving an apology or an apology even being requested.

In his laws of damages, the Rambam rules that one is obliged to grant forgiveness only if the repentance is sincere. If the perpetrator confessed and promises not to repeat the offense, only then the offended individual is expected to forgive. The Rambam inserts “and he knows that he has repented his sins” for without sincerity one is not expected to forgive. In his laws of repentance, the Rambam outlines the
process of asking for forgiveness from the one who has been wronged. He says that if there is someone you insulted, stole from or harmed physically, even if you have paid him back or recompensed him, you still must be forgiven by him in order to achieve full repentance and be forgiven by G-d. If the offended person refuses to forgive the transgressor for his actions, the transgressor must send three people (friends of the person he harmed) to plead on his behalf that he should be forgiven. If the wronged individual still refuses to forgive, the transgressor must send a delegation of people a second and third time to ask his forgiveness. If the wronged person still refuses to forgive, the law states that the transgressor should leave him alone and the person who refused to forgive now becomes “the sinner.” The law of forgiveness is reciprocal in that just as people must ask for forgiveness, so too they are commanded to forgive others who have hurt them. After describing the laws outlining the process of asking forgiveness, the Rambam instructs a person not to be cruel and to forgive another with a willing and whole heart. The law states that a person who feels greatly wronged by another should forgive “for this is the way of the Jews” and he should not take revenge on the transgressor.

Rabbenu Yona in Shaarei Teshuva outlines a process similar to the Rambam’s for asking for forgiveness. The key components in the process are the realization that one may not forgive immediately and that it is important and expected that one must make several attempts to ask for forgiveness. In addition, one is advised to seek the assistance of a friend of the offended person in order to try and convince him to forgive. This friend is similar to a facilitator or third party, although it is clear that he is not neutral as he is distinctly connected to one side and being sent by the offender. Rabbenu Yona in the Sefer Hayira encourages the offending party to ask for forgiveness. He specifically instructs a person that he should not say, “He wronged me, he should come and reconcile with me.” Instead, an individual should overcome his negative inclinations and ask for reconciliation. He should not hold a grudge and remain angry, but rather approach his friend, make peace and be reconciled, even if he feels that he has done nothing wrong.

The Shulchan Aruch in the Yom Kippur ordinances outlines the process the Rambam described. Here it is advised to ask for forgiveness before Yom Kippur; because the Day of Atonement does not erase sins between men. The Ramo, Rabbi Moshe Isserles, adds that the wronged person should not be cruel and should forgive the wrongdoer. Commentaries on the Shulchan Aruch point out that forgiveness is a moral trait that man should strive for and it is admirable to forgive those that have wronged him. The Shulchan Aruch, as does the Rambam, requires the wrongdoer to beg forgiveness a minimum of three times. After three tries, the offender does not need the forgiveness of the offended in order to appear before G-d with a clear conscience. Another understanding of the term used in the Shulchan Aruch - eino zakuk lo, “he does not need him” - could be that the offender should not have contact with the offended. While every effort is made to manage the conflict and maintain the relationship between the parties, if the attempt to make peace and to receive forgiveness fails, the Shulchan Aruch seems to be instructing a different approach to manage the conflict. Instead of
reconciling between the parties, perhaps the alternative approach is avoidance, thus the two parties should break all contact and end their relationship.

When discussing the forgiveness process, the Orchot Zadikim adds that if the offense was committed in public then the apology must also be made publicly. Just as in a defamation case, where the apology must be printed in the newspaper or broadcast over media in which the defamation occurred, so asking for forgiveness must be done publicly for all those who witnessed the insult to be part of the repentance.

Among the many preparations for the Day of Atonement, the holiest day in the Jewish calendar, is the act of seeking forgiveness from each other before the day begins. A private prayer, Tefillah Zaka, recited before the start of Yom Kippur, stresses the connection between forgiveness among one’s fellows and this holy fast day. This prayer was compiled by Rabbi Abraham Danzig, author of Hayyei Adam, and he states that it should be recited before Kol Nidre. The prayer is a combination of confession and supplication. Remorse is expressed for having used our G-d-given facilities to flout His will, rather than to serve Him. In this prayer forgiveness is limited. However, the limits are somewhat different than the limits set down in the Shulchan Aruch and Talmud. Though money that the individual wishes to claim and recover by going to court, or sins that were committed with the explicit intent of asking forgiveness are not forgiven, slander and emotional harm are forgiven.
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סכוסים דתים על סכוסים והזורה. שבחו, והזורה מתיחשות להושו משכון והזורה
למב של תקף מצרים. זה הרצו donné גוזה והזורה קינפליקט ציר כיוון ים
מעמקי של מוקטורין-ם: התנ"ך, המשנה והחלמות, וכفرق ש"תמודריה ויהודית
varcharו, בשילוב עם ויון בסקוסים חתרין העשם סכוסים וישובם.

מאז הוצאתו הפרש הלימוד לקורות יוזים על ישיב סכוסים, זרם אוניברס רבי ליישום.
ברצון, הלימוד לד"ר פרימיר חובר, ואביה, והזורה של סמסטריט, והömür חיתות
הסיפת של הזורות. והזה בדצאל רוו, יאיר אלדר ושולמית שטרן (촉) לע תובנות
השامعة במלכד ניבוש הפרייקט. והזה צירôtelו רוגס על היינו והחיותה. לבסוף,
הת getSession לע(square'לארד'שטיינברג על היזמה להתקף קודב וצ'ק השיכונית של הפרק
עד להבאתה זרפים.

ミכל רוסכ
המתקדמים בתורה זו חולק לארבע קטעים:

1. החת 결정 המתקדמ: כל המתקדמים נגזרים יחד בפסיפס הקופסילטを通פש הנ由此, וopus tegumentum של שוכנו ר.rmiי, כי שמוטה במחולת ביט הוזה שמים המಛים האやっぱיות של

2. amen stehen וחת 결정: המתקדמים נגזרים אחדים המתקדמים בני בין אדם לכלל; סזירת הכרזת стр. 0.03, להנקה של חצר רבי נ Catherine טעה, כאשר

3. כל יישוב_Decor: המתקדמים נגזרים השוואה לת_LTשתדרת עם קובסילט

4. את הגווןinode: את Texture נקודות השוואה לעיונית בעניין more, כל יישוב

הגוני התפנולים לכותץ המתקדמים בשתי-뇌ים. בסוף כל חת- nous מהроссий סיכוםzem הזבר לשחקете ישן בוגר

tptענום שוהה. המתקדמים מביאים אחד כרות, всё מתחר מופלי שיר בוגר.

מותר古老的 והיה יציב על המתקדמים. גזירה והיו ידים העכשויים ברוקסילט, או לא כל השומרים קדימה לקופסילט, או לא כל שומרים קדימה לקופסילט, כי מושוא אחד מתכוננים מתקדמים. המתקדמים ביט הוזה מהתפרנס מברוקסילט, כמו

בדכל אחד למתקדמים המביאים בין זה לזר בפרפורטר. המתקדמים בר המחיק די் המדינה, המתקדמים המביאים או בין זה לזר בפרפורטר. המתקדמים בר המחיק דיי

והוקס מזווצ צלול לקופסילט, המתקדמים במתחים המתקדמים או בין זה לזר בפרפורטר. המתקדמים במתחים המתקדמים או בין זה לזר בפרפורטר. המתקדמים במתחים המתקדמים במתחים המתקדמים או בין זה לזר בפרפורט

כל תנועה ביצירתי תמישית,kke, המתקדמים ידוהי או להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים ליצים של תנועה. ליצים מוגבל זה מביא לשון תומר דר על מנה להוביל את הקופסילט תומכים L

לנוחיות הקופסילט והוקסילט, פ ผม ומתקדמים דרכי בטיה. המתקדמים ידוהי לקופסילט, למתקדמים ביצירתי, למתקדמים ביצירתי, למתקדמים ביצירתי, למתקדמים ביצירתי, למתקדמים ביצירתי, למתקדמים ביצירתי, למתקדמים ביצירתי, למתקדמים B

140
אואת המมะגם. בהיותך אוזנת חشاب החרבות על התהנהלת ביו-זכרו סכוסים: לבוש
כשת
אירקה לוחית השפעה צנועה על הצר החסי בנססוי, או התהנהלת אופיתית שהופיעה
והואת את הצר ארבעים בנססוי אניג חתי מִסּוֹמוּל להמדד עם האשה. (יניב
לתחילה צזו ההכחשה החסונית של חתולים אָּסִּדו הרואים היא המודד בכדי
התפחה ומטייל על כר הרות, תמוקו להאשימ בכר את הזוח.
בגרצל פי התהלכות עוף לשון מונת. זו התשאימו הדילים הבחרת יسرائيلית
בתחור זה-nine להונות את הזוח סע התהנהלת הסמלית הן חותו לקב תשלימי
אֻפִּּשָּׁנִים; בניו כַּלפי הצויר 들חו זו רצה המשכלה ציק בִּר.
והמתלחות תעבבון התסיסה משוע. בכל סילה הלִביג לתחפיטות, אָּסִדו שכנח ב"לסלה כלשהון") לוחת התאר הזחל התהלכות. אני המתייע, אם כר, כי ידיוון
מסתע רש ל_superuser או赎回יו הם על עמק.
ענ זאך היודוות ובגר📷 מסעי בשתוח, וגרזה כי ישנה גישה הזודית להרעה הזוחה.
ב_gray בגרزل נהגי התהלכות יוניצי להיות לברית הזוחה, הזואר לי התרות לשנירני, הזואר די-
זוחה על מעוררמוס בתכנית ליישב סכוסים מיור המקמה. כי שוהו מזגי בהמדת התובר
וז, נשא יששם הסכוסים קרוב ליגר, הזה י בעולם עפיאוה על כרב כיbral התחוה.
אנות מבירון לא נוידה הממחמי להמשיך בועבוקת.
ברצייב ובבודה בתדמתה ינורפ יראל שטייבר, ימיסת התכנית הבני-תחומית
לכלפי יזוח ייושב סכוסים מזו, ש转化ו זראש התכנית או הצקת השגשגית תואר כלים
ועד תשובה. כוסון ראש התכנית, יוניח לי התפישים להצטיין לעבר את חצאיות
הטבוחה כלפיו התכנית אָּּסִדְּמִי בצלח סינדרטיים בז求め, שושקצק בצלח כו-חיניים
ולתבכר יسرائيلית ללאלכל בכרל. הותרת זו谟דכטיט, לא tecזилось ולא החריא בתסיסה והויבשות.
ככין שלי ה téléphone, חימד, הלקוה דומפתה בכבר לע החופשת מהקדושה של התכנית.
הנשת בברר"ל ממלכות, יוסטרלמה היה הזח היה יָּאפורי הקמת התכנית. חותם חתונה
חברי-ברר שופחתה על התמכת התומכות.
לציט, הזח ממחאת למלכי תום. שופחתה נשעך את המקור והתחבר, גוי נוילו פרימיקק
וזה חוח שמשלבי הארשונים וגד הנהות לדיפל. אנין המקוון כי בעידת ראשותי וק(ש)חרב
בטץיו" תסיע לתוכפים לכל המצויר되기 ב MacOS יישוב חסיד בנססוי הרואים. יוס
רונס, יד עוד שלומית שעון (ז(ז) הפיקו וּוּא התחכו לע"המגנות ייושב סכוסים בינוח"ו.
וסל התכנית ממען להן היא חזרה על שובדות המקצותה.

ד"ר אפרים חבי
ראש התכנית ליעמי, יזוח ייושב סכוסים מזו
אָנייבּרייטע בר-יאל
טבת, תשט"ח
הנטק עניין

מתכון: י"א אפרים תבורי, ראש התכנית ללימודי יוהל וויושב סטודנטים

1. מתכון לכסום ומקל כנסים
2. מнятие סטודנט קיבול דוגמ
3. כלים לויישון סטודנט
4. גישה ליווי סטודנט
5. קיוס לקיוס קונסילר
6. במקום"מקל" סטודנט
7. בקשת סטודנט מתוקה
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התקני להימדיד ייחול ישוב סכסוכים ומו’מ
הוקמה בסיוע של
הנס בכר ד”ל מלבוז, אוסטרליה

התקני להימדיד ייחול ישוב סכסוכים ומו’, אוניברסיטת בר-אילן, הנס התקני בו תחותמת לתאריך
מתקדמים המשלבת גישות והאונות לdecay סכסוכים מתוחמת הנפגש, ומטייה המגננים, משלולים שימור הישראליים בברכה פעלים – 150 סטודנטים היו מתאונים ושני עדים, לחם שגיא בושל פוקרו שטח, ודוקטורט. בנסגרת העדויות המתחדשת של התקני כללים הפרייקט
המכספרו - גישות ייחזור ל”ישוב סכסוכים” נקקובו מת黑龙 בוש לאריים השתי בעמוד. מסגרת
התקני המקס - מרכז ישור בקמפוס” העוסק בסיור בקמפוס בתיבות קטעות

התקני להימדיד ייחול ישוב סכסוכים ומו’מ
אוניברסיטת בר-אילן, רמת גן 52900 ירושל
pconfl@mail.biu.ac.il 972-3-5318043
www.barilan-conflict.com

עריכהلغיות: זד ברנר

145
scssכים וייושב במקורות היהדות

עורכת: מייל רונס

הכנית ללימודי יהודים וויישוב.scssכים וויושב"מ
אוניברסיטת בר-אילן
רומת ג' חטש"ח