Fundamentals of Jewish Conflict Resolution - Some Key Elements

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Abstract

The author spent over eight years researching traditional Jewish approaches to conflict resolution and comparing and contrasting them with contemporary approaches. His research is presented in a six-hundred page book (published by Academic Studies Press) entitled Fundamentals of Jewish Conflict Resolution: Traditional Jewish Perspectives on Resolving Interpersonal Conflicts. Fundamentals of Jewish Conflict Resolution presents an in-depth analysis of underlying principles and guidelines that are found in the Jewish tradition for the prevention, amelioration, and resolution of interpersonal conflicts without having to resort to any type of third-party intermediary. This paper will highlight a number of significant elements that emerge from this work:

- An analytic-comparative framework for comparing and contrasting the approaches of contemporary conflict resolution with traditional religious approaches.
- Foundational values and concepts of Jewish conflict resolution.
- Behavioral guidelines and rules of conduct for resolving interpersonal conflicts. These include mitsvot (commandments) and halakhot (laws) that deal with love, hatred, physical and verbal abuse, not taking revenge, and the asking and granting of forgiveness. The primary focus will be on elements of constructive interpersonal dialogue.
- Cognitive elements of conflict resolution (i.e., what the parties to a conflict are supposed to think about and contemplate). The primary focus will be on elements that address negative judgmental biases (e.g., how to deal with prejudices, distorted perceptions, misattributions, etc.)
- The affective component of Jewish conflict resolution (i.e., according to traditional Jewish sources, how the parties should deal with anger).
- Some significant similarities and differences between Jewish approaches and those of contemporary conflict resolution.
- Some possible suggestions for what contemporary approaches to conflict resolution can learn from Judaism.

Keywords: Judaism, conflict resolution, behavioral, cognitive, affective elements
Introduction

In 2017, Academic Studies Press published my book, which is entitled *Fundamentals of Jewish Conflict Resolution: Traditional Jewish Perspectives on Resolving Interpersonal Conflicts*. The publisher of the book, Academic Studies Press, uses the following description in their promotional material:

*Fundamentals of Jewish Conflict Resolution* offers an in-depth presentation of traditional Jewish approaches to interpersonal conflict resolution. It examines the underlying principles, prescriptive rules, and guidelines that are found in the Jewish tradition for the prevention, amelioration, and resolution of interpersonal conflicts, without the assistance of any type of third-party intermediary. This work also includes detailed summaries of contemporary approaches to interpersonal conflict resolution, theories and research on apologies and forgiveness, and methods of anger management.

The way that I like to describe it, in simple English, the book answers the question of how are you supposed to handle conflict in your life, based upon traditional Jewish sources, without the involvement of any type of third party. That means to say that the focus of my book is not on Jewish mediation or arbitration, nor does it focus on intergroup conflict resolution. The focus, as the title indicates, is on the basic concepts for resolving interpersonal conflicts that are found in the Jewish tradition, *many* of which are certainly also applicable to intergroup conflicts and third party interventions, such as counseling, mediation, and arbitration. However, the focus is clearly on how two people may possibly resolve their interpersonal issues on their own.

I worked over eight years on this book. It’s a relatively lengthy work. Excluding the table of contents, bibliography, and index, the actual text encompasses 509 pages, and it’s not exactly a light read. To be totally honest and upfront, even though I did my best to try to make the book as accessible as possible even to laypeople who may not have a background in Jewish studies, for someone who has no such background there are some sections that they may find somewhat challenging. What I would like to do now is to first present the methodology and approach that I employed in doing my research, and then I would like to share with you just a few of, what I personally consider to be, some of the key elements that I discuss in my book.

**An Analytic-Comparative Framework for Comparing and Contrasting the Approaches of Contemporary Conflict Resolution with Traditional Religious Approaches**

Throughout graduate school and while working on my doctoral dissertation, I spent an enormous amount of time researching contemporary and traditional models of conflict resolution. As I was studying these models, I began to identify certain common denominators that they all seemed to share. I found five very broad and basic components that were present in veritably all models of interpersonal conflict resolution:

1. They all had certain *fundamental, underlying values* on which they were based (e.g., cooperation or the promotion of peaceful coexistence);
2. They were all based on certain *fundamental, underlying theoretical concepts about conflict* (e.g., the concept that there are both negative and positive aspects to conflict or that, as a general rule, it’s important not to simply ignore conflict);
3. They all included certain practical *behavioral guidelines and rules of...*
conduct that the disputing parties should follow in the process of resolving their differences (e.g., the many guidelines and rules that are part and parcel of the process of collaborative negotiation);

(4) They all asked the parties to engage in certain internal cognitive processes (e.g., that they engage in perspective taking or “problem solving” following certain prescribed heuristic steps); and

(5) They all had an affective component, that is, they all at some point dealt with the constructive expression of emotions (e.g., they addressed the issue of how to deal with anger). (Kaminsky, 2017, Preface)

The first two components, the fundamental underlying values and fundamental underlying concepts about conflict, together serve as the foundation of any given model of conflict resolution. Components three through five constitute a model’s applied behavioral, cognitive, and affective components. After identifying these five essential components, I proceeded with my research into the traditional Jewish perspective on these elements of conflict resolution. When it came time to actually sit down and write my book, I employed this analytic-comparative framework, which I will also employ for the remainder of this paper.

I believe that this approach, of analyzing and categorizing models of conflict resolution based on fundamental values and concepts, and behavioral, cognitive, and affective components, may be equally valuable and applicable to other religious traditions as well. The following sections and material that I will present can serve as examples of how this approach may practically be applied in researching, organizing, and presenting any given model, religious or otherwise, of conflict resolution.

**Fundamental Values and Concepts of Jewish Conflict Resolution**

**Foundational Values**

The first category of elements I examine in my book are the foundational values of traditional Jewish conflict resolution. When I discuss “values” of a model of conflict resolution, I just want it to be clear that am referring to the underlying core goals and ultimate concerns of an approach in resolving conflict. Also, in discussing values, I am differentiating between subvalues and core values. That means to say, I am focusing on, what I consider to be, the most basic, fundamental, foundational values, which may encompass numerous secondary or implicit subvalues. (For example, in contemporary conflict resolution, constructive communication and the proper expression of emotions may be viewed as subvalues of cooperation.)

In my book, I touch on a number of fundamental values of Jewish conflict resolution, such as love for one’s neighbor and one’s fellow human being, character development, and kevod ha-beriyot (“respect for people,” or “human dignity”). However, unquestionably, my primary focus is on the basic, fundamental, foundational value of pursuing peaceful, or harmonious, coexistence, what is known in Hebrew as redifat shalom (or ha-shalom), “pursuing peace.”

Based upon numerous biblical, talmudic, and midrashic teachings, the teachings of classic medieval and later rabbinic scholars, and building upon R. Joseph D. Epstein’s (1969) seminal analysis of the Jewish perspective on peace, which is found in his work Mitsvot ha-Shalom (The Commandments on Peace), I explored the traditional Jewish perspective on peace.

In my research I found, among the many novel concepts regarding peace and conflict that Judaism
has promulgated, that there exists a fundamental and sacred obligation to not only do one’s utmost to resolve conflicts using peaceful means and avoid all types of destructive conflict, but to also cultivate positive human relationships, or harmonious coexistence. This latter obligation, which Rabbi Epstein described as the Jewish principle of “positive peace” requires that one not only try to attain a level of “negative peace,” namely, the prevention of hatred, strife, aggression, and the like, but also requires that one strive to achieve, if at all possible (with the understanding that often it is not possible), some type of “positive peace,” such as a sense of interconnectedness between people, feelings of friendship, fraternity, and, when possible, even love (Epstein, 1969; Kaminsky, 2017).

One of the fundamental differences between contemporary conflict resolution and traditional Jewish approaches that I posit in my book is that Judaism (and, as has been pointed out by Daniel Roth (2018), other religious traditions as well) seems to repeatedly focus on and emphasize that people should attempt to strive for significantly higher levels of positive peace and harmonious coexistence than those that are typically the focus and emphasis of contemporary conflict resolution. This is one of the things that I suggest that contemporary approaches could possibly learn from and adapt from traditional Jewish approaches (Kaminsky, 2017).

**Foundational Concepts**

There exists a multitude of traditional Jewish sources that deal with what may be categorized as foundational concepts of Jewish conflict resolution. One of these is clearly the early rabbinic text that is found in *Pirkei Avot* (the Chapters of the Fathers) that discusses the concept of “a dispute for the sake of Heaven,” which is one of the most well-known rabbinic sources that relates to conflict. The Mishnah in *Avot* states: “Any dispute that is for the sake of Heaven will in its end endure, but one that is not for the sake of Heaven will in its end not endure. What is a dispute that is for the sake of Heaven? This is a dispute of Hillel and Shammai. And one that is not for the sake of Heaven? This is the dispute of Korah and his group” (*Pirkei Avot*, 5:17). In this mishnah, the Jewish sages established a basic typology of conflicts that sets forth standards by which one may identify and classify a conflict as being either constructive or destructive. The concepts set forth in this mishnah were subsequently expounded on by countless rabbinic scholars down through the centuries. I therefore decided that I would go through all of the major commentaries on *Pirkei Avot* and search for exegetical motifs, or reoccurring expository themes, that relate to this mishnah and the concept of constructive/destructive conflict.

In total, I went through over a hundred commentaries. I believe that it is extremely noteworthy that among the reoccurring themes in these commentaries is the association of constructive conflict with intellectual integrity. According to many of the sources that I went through, among the basic prerequisites for achieving constructive conflict is the adherence to principles of intellectual integrity, or what is often described by commentators as sincerely seeking and establishing “the truth.” These principles require a diligent, objective, and honest analysis of the issues involved, engaging in dialogue with those who have different opinions, an open-mindedness to views that oppose one’s own, and a willingness to retract one’s opinion when called for. Also noteworthy is that some commentators stress that constructive conflict also entails that arguments not be conducted in a hostile manner and that they should not in any way negatively affect the personal relationships of the parties involved (Kaminsky, 2017).

In my book, I point out a number of possible similarities between the aforementioned elements and those that have been promoted by contemporary conflict resolution theorists, specifically those of
Morton Deutsch in his classic work *Resolution of Conflict: Constructive and Destructive Processes* (Kaminsky, 2017).

**Behavioral Guidelines and Rules of Conduct for Jewish Interpersonal Conflict Resolution**

All models of interpersonal conflict resolution contain certain behavioral guidelines and rules of conduct. The purpose of these guidelines and rules is to steer the disputing parties through the arduous process of resolving their issues in the most effective way possible, as perceived through the eyes of the formulators of the model, and in consonance with the model’s underlying values and theoretical concepts.

In Judaism, there are manifold normative requirements, which are termed *mitsvot* (commandments) and *halakhot* (laws), that directly relate to conflict and conflict resolution. In deciding upon which *mitsvot* and *halakhot* I would focus on in my research, I utilized the list of thirty-eight commandments that relate to conflict that appear in a work entitled *Hayim shel Shalom: Hilkhot Isure Mahaloket* (*A Life of Peace: Laws Pertaining to Prohibitions of Conflict*), which was written by a Talmudic scholar by the name of R. Shmuel D. Eisenblatt (1989), as my starting point. I proceeded to narrow my focus to those *mitsvot* that I personally considered to be fundamental features of Judaism’s approach to the promotion of social harmony and peace, and interpersonal conflict resolution (Kaminsky, 2017).

I started off by choosing six of Judaism’s most basic obligations and prohibitions of interpersonal relations, which I believed played pivotal roles in the prevention of destructive conflict and serve major functions throughout the entire process of conflict resolution. These include the foundational interpersonal commandments of “You shall love your neighbor as yourself” (Lev. 19:18) and “You shall not hate your brother in your heart” (Lev. 19:17), the prohibition against physical violence (see Deut. 25:3, with Mekhilta [Horovitz and Rabin edition], *Mishpatim* 5, p. 266), and the prohibitions against “verbal abuse,” which enjoin an individual from cursing, embarrassing, or saying hurtful things to another person (i.e., “A man shall not hurt his friend” (Lev. 25:17), which according to the Talmud is the source for the prohibition against saying hurtful things to people [see *Bava Metsia* 58b]; “You shall not bear sin because of him” [Lev. 19:17], which is the source for the prohibition against embarrassing someone [see *Arakhin* 16b]; and “You shall not curse a deaf person” [Lev. 19:14], which is the source for the prohibition of cursing someone [see *Shevuot* 36a and *Temurah* 4a]). For each one of these *mitsvot*, I present sources in Tanakh (the Hebrew Bible), the Talmud, and Midrashim, and later halakhic sources. And I discuss, *halakhah le-ma’aseh*, “practically speaking,” the basic halakhic obligations and parameters of these six *mitsvot*.

In the next section of my book I focus on, what I term the “Basic Commandments and Laws of Interpersonal Conflict Resolution.” The commandments that I discuss include those that deal with retaliation and resentment, that is the biblical prohibitions against taking revenge and bearing a grudge (see Lev. 19:18), and I discuss at length (it’s the largest chapter of my book) the halakhic obligations and parameters of asking and granting forgiveness.

What I personally consider to be the most basic and essential behavioral element of Jewish interpersonal conflict resolution (that does not require a third-party intervention), which I discuss in this section of my book, and I describe as the centerpiece of the paradigm of Jewish conflict resolution that I present, is what is known in rabbinic parlance as *tokhaḥah*, “reproof” for interpersonal offenses. *Tokhaḥah* (reproof) for interpersonal offenses, is the halakhic requirement for one to respond to an
interpersonal provocation, or interpersonal issue, through respectful and sensitive communication. That is, for example, when one is offended or hurt by someone, according to Jewish law one is supposed to go over to the person who committed the interpersonal offense, and discuss with that person what had occurred in a respectful and sensitive manner, and try to, thereby, resolve the matter.

The biblical source for *tokhahah* is the verse in Leviticus 19:17 that reads: “You shall not hate your brother in your heart; you shall surely reprove your friend, and you shall not bear sin because of him.” Since antiquity, there have existed various exegetical approaches to explaining this verse. According to one midrashic source (*Tanna de-Ve Eliyahu*, Ish Shalom ed., chap. 18) the verse should be interpreted as follows: “You shall not hate your brother in your heart, *but instead* you shall surely reprove your friend, and *thereby* you shall not bear sin because of him.” In other words, the verse is instructing one who feels that he has been mistreated by another—and therefore starts to experience feelings of hatred towards that person—to deal with the issue at hand by confronting the person and presenting his grievances, and thereby avoid sin. This verse is understood in a similar fashion in *Ben Sira* (c. early second century BCE) and in the *Testaments of the Twelve Patriarchs* (composed between c. third century BCE–c. second century CE); virtually all modern critical commentaries have also elucidated Leviticus 19:17 in a similar fashion (Kugel, 1987). As far as traditional Jewish rabbinic scholars are concerned, there is a litany of biblical exegetes and halakhic authorities who offer similar explanations, one of the most important of which, unquestionably, is that of Maimonides in the *Mishneh Torah*.

In the *Mishneh Torah*, in his *Book of Knowledge: Laws of Dispositions* (subsections six through nine), Maimonides delineates the core halakhic components of *tokhahah*. After introducing the basic idea of interpersonal *tokhahah*—When person “A” does something that causes person “B” to start feeling hatred towards person “A,” person “B” should meet with person “A,” engage in an open dialogue, in which one questions, listens to, and is receptive to what the other party has to say, and, thereby, try to resolve the issue at hand (see *Mishneh Torah*, De’ot 6:6, with commentaries)—Maimonides then goes on to spell out the basic guidelines of constructive communication that are to be followed in performing the mitzvah of *tokhahah*:

- He who reproves his friend . . . is required to reprove him [in private] between the other person and himself, and to speak to him gently and in a soft manner.

  (*Mishneh Torah*, De’ot 6:7)

In this subsection, Maimonides sets forth two basic requirements for the “takahic dialogue”:

- privacy and
- stating one’s position in a gentle and soft manner, which, understood simply, would entail that one carefully regulate the volume, tone, physical gestures, choice of words, and content of what is being said when speaking to the other person. Maimonides then adds on that “He who reproves his friend, initially must not speak to him harshly up to the point that he embarrasses him . . .” (*Mishneh Torah*, De’ot 6:8).

That means to say that one must maintain a relatively high degree of sensitivity for the other party’s feelings, even when engaging in open dialogue.

Maimonides concludes by stating that there are cases in which it may be preferable to simply overlook what had taken place. According to Maimonides, if one is dealing with an offender who suffers from the types of temperamental or intellectual shortcomings that inevitably would lead to an inordinate amount of difficulty when one is forced to engage in dialogue with that individual, the option of not engaging in dialogue is totally acceptable, if one can find it in his or her heart to forgive the other person (see *Mishneh Torah*, De’ot 6:9).
Cognitive and Affective Elements of Jewish Interpersonal Conflict Resolution

As mentioned previously, all full-fledged models of interpersonal conflict resolution contain behavioral, affective, and cognitive components. In other words, in addition to promoting certain ways of acting (the behavioral component), they also ask the parties to engage in certain mental processes, offering various things for the parties to think about and contemplate, that is, a cognitive component, and they also offer approaches to dealing with a person’s natural emotional responses to conflict, that means to say an affective component. All of these components, taken in conjunction with each other, are supposed to facilitate effective conflict resolution (Kaminsky, 2017).

Cognitive Elements

In Jewish conflict resolution, there are a number of cognitive elements that play key roles in conflict resolution. For example, one is supposed to put oneself in the other party’s place and see things from the other party’s perspective. In the words of the Talmudic sages, “Do not judge your friend until you are in his place” (Avot 2:4). This concept, of course, can also be found in other religious traditions and in contemporary conflict resolution as well. What I decided to focus on was the sui generis halakhic concept of judging people favorably, or giving someone the benefit of the doubt.

According to the Talmud (Shabbat 127a–b), judging a person “towards the scale of merit” is something that falls under the category of “bringing peace between a person and his friend.” The Talmud (see Shevuot 30a) derives this concept of judging someone favorably from the verse “In righteousness you shall judge your friend” (Leviticus 19:15). I point out that a number of contemporary authors assert that the purpose of the mitzvah of judging people favorably is to counteract prejudices, distorted perceptions, and judgmental biases towards other people that contribute to conflict. This assertion is based upon the fact that in Judaism giving someone the benefit of the doubt and judging them favorably is not just some sort of nice, amorphous idea, rather it is a concrete cognitive process that has specific guidelines as to how someone should logically analyze the questionable actions and behaviors of another person.

The halakhic guidelines for judging someone favorably require one to take into consideration all of the pertinent information and facts that are readily available about the questionable actions of another person, both positive and negative, and objectively analyze them. According to the Halakhah, as codified in the work Ḥafets Hayim, by R. Israel Meir ha-Kohen (1838–1933), one is supposed to differentiate between categories of actions (analyzing the nature of the questionable action, that is, does it or does it not appear that a wrong was committed) and categories of people (i.e., considering the character of the person who performed the action as it relates to the present action), and then, based upon a specific set of guidelines (which would be impossible to explain in the limited amount of space allotted to me), to carefully and fairly assess other people’s behaviors, taking into consideration a wide variety of variables and unknowns, such as possible extenuating circumstances and mitigating factors (Kaminsky, 2017).

The basic idea is that by taking into consideration the pertinent information and facts that are available about the questionable actions of another person and objectively analyzing them, one may rise above superficial impressions, emotional biases, and distorted perceptions, and counteract the natural...
human tendency to often judge people in a harsh, negative, and unjustified fashion. In the conclusion of my book, I suggest that contemporary conflict resolution should explore the possibility of developing an approach to countering negative judgmental biases that is analogous to this type of Jewish approach, which would take into account both overt information and unknowns, and employ a prescriptive, analytic, rule-governed method that considers possible extenuating circumstances and mitigating factors.

Affective Elements

In the final chapter of my book, I discuss traditional Jewish approaches to anger management. In traditional Jewish sources, there exists a wealth of material that discusses the destructive effects of anger and offers an array of strategies for controlling it. Over a hundred years ago (that’s about seventy years before Raymond Novaco, who’s the father of contemporary anger management, had developed his approach to controlling anger), there were two seminal monographs written on the topic of anger in traditional Jewish sources. In 1906, a book came out entitled *Orekh Apayim* (Slowness to Anger), written by R. Avraham Jelen, and, in 1911, another book was published, entitled *Ma’aneh Rakh* (A Soft Response), which was written by R. Moshe Levinson. These two books were not only the first Jewish anthologies that specifically focused on anger, they also offered a wealth of insights, sage advice, and an array of strategies for controlling anger, which constitute well-developed, integrated cognitive-behavioral systems of anger management. In the last chapter of my book, I elaborate on the strategies for anger control that appear in *Orekh Apayim* and *Ma’aneh Rakh*, and compare and contrast them with the approaches of contemporary anger management.

Some of the suggestions for controlling anger that appear in these works include:

- If possible, one should make an effort to simply avoid people and situations that may lead one to lose his/her temper.
- One should focus on controlling, or at least slowing down, emotional knee-jerk reactions to provocations.
- When it is necessary to respond to a provocation, a person should wait a period of time in which the anger being experienced may dissipate.
- One should put in the utmost effort when responding to an anger-eliciting situation to speak softly and with a gentle tone.
- A person should employ *tokhahah* in dealing with anger (that is, one should go over to the individual he or she is feeling anger towards and openly discuss the issues at hand in a sensitive and respectful manner).
- One should give the other person the benefit of the doubt and try to take the other person’s perspective.
- The event, comment, or thought that triggered the person’s anger should be placed into its proper perspective (e.g., that with the passage of a relatively short period of time, and from a more objective standpoint, whatever it is that is bothering the person right now will come to seem insignificant).
- Provocations should be viewed as opportunities for personal growth (Kaminsky, 2017).

I just want to conclude by emphasizing that what I have presented in this paper just constitutes the most miniscule sampling of what traditional Jewish sources have to say regarding resolving interpersonal conflict. Hopefully, it will stimulate some interest to do further research into what Judaism has to offer in this area, and may serve as a model for doing similar types of research into what other religious traditions also have to offer.