

*“Tzedek tzedek tirdof—justice, justice, shall you pursue”* (Deuteronomy 16:20). It’s the most famous phrase in this week’s Torah portion, *Shoftim*. Why does the text repeat the keyword? The Torah, tradition tells us, doesn’t waste words. Why, then, is it *tzedek* squared?

The Talmud (Sanhedrin 32b) suggests an answer that has become particularly relevant in recent days. It explains that the word *tzedek* is doubled *“ehad ledin, ve-ehad lifsharah—once with regard to justice, and once with regard to compromise.”* How so? The Talmud gives two examples from the commercial realities of its time. When two boats are traveling on the river [from opposite directions] and they encounter each other, what should they do? If they both attempt to pass, both of them will sink. But if they take turns, each will pass safely. Similarly, where two camels were attempting to ascend the narrow passageway in the Beit Horon region, they couldn’t possibly make the climb together. But if they take turns, they won’t fall off the edge of the narrow, steep path.

That all seems perfectly tidy, but as the Gemara continues, we see it’s not so clear-cut. *Ha keitzad*—the Talmud asks, how does one decide which boat, or which camel, should go first? The first criterion is shipping weight. The needs of the less-laden should be set aside in favor of the more-laden. That is, the boat or camel carrying the heavier load gets to go first, presumably so it can reach its destination and unburden itself sooner. The second consideration is distance from the destination. The needs of the one that is closer should be set aside in favor of the needs of the one that is not as close. Since one transport has a longer way to travel, let it go first, so as not to experience a further delay caused by waiting.

Yet again, it all seems just perfect. In fact, it sounds perfectly just. But what if they can’t determine how to prioritize based on these criteria? What if they each have the same distance to travel? Should they flip a coin? Well, not quite. But they need to affirm that pure justice cannot be served, because they are both equally in the right. There’s no way to achieve perfect *tzedek*. For what should they strive? *“Hatel pesharah beineihem—impose a compromise between them.”* Make them decide who gets to go first, and the one who does go first compensates the one who waits for any loss incurred. Maybe the delay will cause inconvenience, or goods will spoil as a result. When both causes are just, something’s gotta give. There has to be another way. That’s why the Torah has a second *tzedek*.

As happy an ending as this text envisions, something leaves me feeling unsettled. The Talmud seems to address an independent arbitrator, saying *hatal pesharah beineihem*, impose a settlement between them. First there’s the question of where you find a mediator in the middle of a river or on a narrow caravan path. That doesn’t seem practical. But worse is the idea of an imposed settlement. The result is justice. But is the path to it ideal?

I have the same discomfort while I read the book *The Only Language They Understand*, by the Middle East reporter and analyst Nathan Thrall. This 2016 book argues that the traditional American peacemaking tactics of the Oslo period and ever since fail because of a lack of pressure placed on the disputants. The subtitle, *“Forcing Compromise in Israel and Palestine,”* suggest two equally recalcitrant parties. But on balance, he spills more ink calling for increased pressure on Israel. He lays out his thesis in the opening pages:

“I argue that it is force—including but not limited to violence—that has impelled each side to make its largest concessions, from Palestinian acceptance of a two-state solution to Israeli territorial withdrawals. This simple fact has been neglected by world powers, which have expended countless

resources on self-defeating initiatives meant to diminish friction between the parties." Instead, Thrall writes, "the United States and Europe have entrenched the conflict by lessening the incentives to end it" (p. 2). He points to decisions by the administrations of Presidents Eisenhower (during the 1956 Suez Crisis), Carter (leading up to the Camp David Accords with Egypt) and George H.W. Bush (loan guarantees and the Madrid Peace Conference) to show that Israel only budes from its preferred policy under American duress.

After the events of the last two weeks, it seems to me that Nathan Thrall's approach is misguided. The deep anxiety that many Jews, in Israel and abroad, felt as the Netanyahu government announced its plans to move on unilateral annexation, or extending sovereignty, or whatever you prefer to call it, was alleviated when the Trump administration announced the normalization of relations between Israel and the United Arab Emirates. It's the first such step with an Arab nation since the 1994 peace treaty with Jordan. Others such agreements may follow. In reflecting on the news, Yossi Klein Halevi made this observation: when it comes to Israelis, the world gets more with honey than with vinegar. Israelis can't be pressured into compromise, but they can be enticed into it.

He notes that when the UN voted to declare that Zionism was racism in 1975, the settlement movement was empowered. But when the Soviet Union collapsed and the world began to warm to her, Israel felt comfortable, not compelled, to pursue peace with the Palestinians. As Yossi wrote of the UAE deal in Times of Israel earlier this week: "Those opposing normalization as a betrayal of the Palestinians have it backward. Only by easing the siege against the Jewish state are Israelis willing to consider territorial concessions. The only pressure Israelis can't resist is an embrace."

*Tzedek*, tzedek. Yes, sometimes there are competing just causes. The shipping boats, the laden camels, sometimes need to compromise. But in the Talmud, it's a last-ditch measure to have someone else impose a settlement upon them. The majority of the passage we studied has the two parties use objective criteria to work out a solution by themselves. And even when mediation is required, there's a way to do it. The Hebrew verb *hatef* comes from the same root as the word *tal*, dew. Ever been in a dew storm? I didn't think so. Whereas *geshem*, rain, can fall violently, *tal*, dew, symbolizes gentleness, nurturing, and sweetness. If you are going to be a moderator, be just that—moderate. The world could use much more of that. But that's a sermon for another day...

Shabbat Shalom!