

Mishlei 18-18

Arbitration

Key Concepts

When individuals get into arguments about the ownership of property, they generally turn to a judicial authority to resolve the conflict. However, there may not be sufficient evidence to point to a clear solution. In such case the judge or Beis Din may recommend a process of arbitration where both parties agree in advance to accept the outcome. An example of an arbitration process involves a lottery or the casting of a lot (גורל). Since the outcome of the lottery cannot be predicted in advance, the two parties can more easily accept that it reflects the will of *Hashem*.

For the sake of peace and goodwill it is important that at the end of any legal process the contending parties cease all claims against each other and do not remain in a state of conflict. However, there are disputes where the parties so firmly maintain their position that they cannot find it in their hearts to accept the outcome of the arbitration as being the will of *Hashem*. In such cases, the least that can be expected is to keep the adversaries at a distance from each other. The likelihood of a bitter confrontation can then be minimized. This is also counted as a valid achievement of the arbitration process and may be the best that can be expected under the circumstances.

Exploring Mishlei

(יח) מְדִינִים יִשְׁבִּית הַגּוֹרֵל וּבֵין עֲצוּמִים יִפְרִיד:
 (18) *The casting of a lot puts conflicts to rest
 and separates adversaries.*

The two parts of this proverb correspond to the two types of disputants. When the disputants are able to put their selfish claims aside and accept the outcome of the lottery arbitration (הגורל) as being the will of *Hashem*, it puts conflicts (מדינים) to rest (ישבית) and brings peace.

The second part of the proverb addresses the situation when the adversaries (עצומים) stubbornly resist attempts to make them forgive and forget. In such cases, by bringing the case to a conclusion, the lottery has provided a basis for separating the parties (יפריד) so that the community as a whole will be at peace.

Learning Mishlei

(18) Conflicts — **מְדִינִים**
are put to rest — **יִשְׁבֵּית**
by the lottery — **הַגּוֹרֵל**
and between stubborn adversaries — **וּבֵין עֲצוּמִים**.
it facilitates separation — **יַפְרִיד**