

## Can One be Forced into a Partnership Against His Will?

**Rav Yitzchak Grossman**

**Question:** Can one ever be compelled to chip in and join a partnership if there is a communal need?

**Answer:**

It's clear from the Mishnah and Gemara that there are times when partnerships are automatic and people can be compelled to join. If a neighborhood has a need for a new wall or guardhouse, or a sewer line is blocked that everyone needs, or a river that is needed for irrigation has to be unblocked, every individual who shares this joint need can be compelled to chip in and to be part of the partnership in maintaining this vital infrastructure.

It is unclear what the reason is for these forced partnerships, as they didn't willingly join, or make a *kinyan*. It can be because *batla da'ato eitzel kol adam* (That even if one says he doesn't want it, we know that he does want it, because it is a necessity.) It can also be basic and equitable fairness, why should one person be allowed to get this service for free while his neighbors pay. The Nesivos Hamishpat explains that any time there is a clear and undeniable need for multiple people, those who are reluctant to pay their share can be forced to contribute.

Obviously, only those who share the need can be compelled to pay. In the case of the river needed for irrigation, only those who work as farmers and need the water for their fields can be forced to pay, while those who are not farmers and don't need to irrigate anything cannot be compelled to contribute. According to the Noda Biyehudah, even if a non-farmer decides to change professions and become a farmer after the river has been unblocked, he still cannot be forced to pay retroactively, as he was not a farmer when the need to dredge the river was there. Others disagree and say that the fact that he became a farmer now and benefits from the project is enough to obligate him to pay retroactively.