

Will Bais Din Ever Force a Pshara?

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Question:

We know that bais din will sometimes recommend a *pshara*. Will they ever force a *pshara*?

Answer:

Yes. There are times when bais din does not really have any other choice other than to enforce a *pshara*.

The Gemara speaks about a case where two loaded ships come to an impasse where one of them has to let the other go through first. Since neither has more rights than the other, the proper thing to do is to work out some sort of *pshara* between them. The Netziv discusses cases where there is a dispute amongst the public that has no end in sight and no real way to create shalom according to din. He compares this to the case of the ships and says that the right thing to do is to try to arrange a *pshara* that will be agreeable to everyone involved.

I have found that there are some *dinei Torah* where numerous parties are involved and they all have some valid claims. If the case would go to a *din Torah*, it could go around in circles for many years and never reach a clear conclusion. Rav Moshe Feinstein speaks about these types of cases in a *teshuva* and says that the best thing to do is to work out a *pshara*, as this is the only way to reach any sort of outcome.