

From the Rabbi's Desk  
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## Mishnah with a Twist [5]

### Two People Came to Court Holding a Garment Insights into Mishnah Bava Metzia 1:1



#### Background to Our Story (What you need to know to better understand the story)

##### Vows and Oaths in Judaism



Vows and Oaths are both considered weighty matters in Jewish thought. Breaking either is explicitly forbidden by the Bible in Numbers 30:3: *"If a man makes a vow to the Lord or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips."*

The prohibition on swearing falsely is one of the Ten Commandments. And an entire tractate of the Talmud, Nedarim, deals with the laws of vows.

The difference between an oath and a vow is somewhat technical. Vows refer to an object — a person prohibits something to themselves (wine or sex, for example). The vow refers to the thing. An oath refers to the person — a person swears an oath to perform an action or swears that something is true. The oath pertains to the person.

The violation of both vows and oaths is considered a serious infraction in Jewish thought.

#### The Text: Mishnah Bava Metzia 1:1

שְׁנַיִם אוֹחֲזִין בְּטֵלִית, זֶה אוֹמֵר אֲנִי מְצֵאתִיהּ וְזֶה אוֹמֵר אֲנִי מְצֵאתִיהּ, זֶה אוֹמֵר כֹּלָּהּ שְׁלִי וְזֶה אוֹמֵר כֹּלָּהּ שְׁלִי, זֶה יִשְׁבַּע שְׂאִין לוֹ בָּהּ פְּחוֹת מִחֲצִיָּהּ, וְזֶה יִשְׁבַּע שְׂאִין לוֹ בָּהּ פְּחוֹת מִחֲצִיָּהּ, וַיִּחְלְקוּ. זֶה אוֹמֵר כֹּלָּהּ שְׁלִי וְזֶה אוֹמֵר חֲצִיָּהּ שְׁלִי, הָאוֹמֵר כֹּלָּהּ שְׁלִי, יִשְׁבַּע שְׂאִין לוֹ בָּהּ פְּחוֹת מִשְׁלֹשָׁה חֲלָקִים, וְהָאוֹמֵר חֲצִיָּהּ שְׁלִי, יִשְׁבַּע שְׂאִין לוֹ בָּהּ פְּחוֹת מִרְבִּיעַ. זֶה נוֹטֵל שְׁלֹשָׁה חֲלָקִים, וְזֶה נוֹטֵל רְבִיעַ:

If two people came to court holding a garment, and this one, the first litigant, says: I found it, and that one, the second litigant, says: I found it; this one says: All of it is mine, and that one says: All of it is mine; how does the court adjudicate this case? This one takes an oath that he does not have ownership of less than

half of it, and that one takes an oath that he does not have ownership of less than half of it, and they divide it.

If this one says: All of it is mine, and that one says: Half of it is mine, since they both agree that half of the cloak belongs to one of them, the conflict between them is only about the other half. Therefore, the one who says: All of it is mine, takes an oath that he does not have ownership of less than three parts, i.e., three-fourths of it, and the one who says: Half of it is mine, takes an oath that he does not have ownership of less than one-quarter of it. This one takes three parts, and that one takes one-quarter.



**Explaining the Story** - What is going on in our story? (Explain the sequence of events)

### **Comprehension and Analysis Questions**

**Bonus ?** The first Mishnah of Bava Metzia presents us with a simple argument over ownership (it is mine! No, it is mine!) Why do the Sages obligate the parties to take an oath before adjudicating the case?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

**Bonus ?** The second half of the Mishnah looks very similar to the first one (just the sizes of the claims are different). What does the second half add?

### **“The Twist” – Or the Lessons We Can Learn from This Text.**

! You won't always get everything you want, even though you may believe you are entitled to it!

! When negotiating, do it with an end in mind, being aware that you may not get everything you wish for.

! My claim to what is true, right, and beautiful (or false, wrong, and ugly) is always limited by the claims of those around me on the same subjects.

Our Mishnah discusses two individuals holding on to a piece of garment and claiming ownership over it. This straightforward case and the Sages' approach to it can serve as a paradigm to handling similar disagreements on more subjective values and opinions.

Couples arguing about their children's education, or congregants discussing the best way to secure the future of their congregation, must be aware that their deep-rooted discussions and the possible practical resolutions to them, might not be very different to the one presented to us in this Mishnah.