

# The Weekly Daf



by Rav Mendel Weinbach

Dean, Ohr Somayach Institutions

22 Shimon Hatzadik Street, POB 18103, Jerusalem 91180, Israel

Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: ohr@virtual.co.il Web: <http://www.ohr.org.il>

Bava Metzia 2-8

Week of 14 - 20 Tamuz 5754 / 23 - 29 June 1994

Rav Weinbach's insights, explanations and comments for the 7 pages of Talmud studied as part of Daf Yomi during the above dates

**This issue is dedicated in the memory of Samuel and Fannie Goldberg O.B.M.**

## Power of an Oath

<b>The Case:</b>	A person is entrusted with guarding an animal for its owner. When the owner comes to claim the animal the guardian claims that it was stolen through no fault of his. The owner brings him to the Beit Din (court) where he is required to take several oaths to prove his innocence. One of these oaths is a solemn declaration that the animal is no longer in his possession.
<b>The Reason:</b>	The Beit Din suspects the guardian of having an interest in the animal he was watching and therefore appropriating it for himself by making up a lie about its being stolen. Faced by the need to take an oath it is expected that he will admit the truth.
<b>The Problem:</b>	If we suspect a person of being dishonest enough to appropriate someone else's property why don't we likewise suspect that he will swear falsely in order to achieve his objective?
<b>The Answer:</b>	The assumption is that there is a greater fear of violating the command against taking a false oath than there is of taking someone else's property. When the commandment of "you shall not take My Name in vain" was spoken at Sinai as one of the Ten Commandments the entire universe trembled. It is this awe which remains part of the human psyche and enables the court to use an oath as a means of forcing a defendant to tell the truth.

Bava Metzia 6a

## The Selfish Sinner

**No person sins for another's benefit.**

This principle of human psychology finds expression in the following legal dilemma and its resolution:

<b>The Rule:</b>	An ordinary shepherd is not eligible to testify in court as a witness because he is suspect of leading his sheep to graze on other people's property, thus rendering him a thief who is disqualified from serving as a witness in court.
<b>The Problem:</b>	How do we ever entrust our animals to a shepherd when by doing so we "put a stumbling block in his path" by enabling him to commit a sin of dishonesty?
<b>The Answer:</b>	A shepherd is suspect of sinning only when he is tending his own sheep and stands to gain from his dishonesty. He is not suspect of committing this same crime when he is in charge of other people's cattle because "no person sins for another's benefit."

Bava Metzia 5b