

20.7.16

80b (עשרה תנאים התנה יהושע) → 82a (ת"ר עשרה תנאים התנה יהושע)

1. וממנו תבואת שמש וממנו גרש ירחים: דברים פרק לג פסוק יד
 2. ולנפתלי אמר נפתלי שבע רצון ומלא ברכת ה' ים ודרום ירשה: דברים פרק לג פסוק כג
 3. פנו וסעו לכם ובאו הר האמרי ואל כל שכניו בערבה בהר ובשפלה ובנגב ובחוף הים ארץ הפנעני והלבנון עד הנהר הגדל נהר פרת: דברים פרק א פסוק ז
 4. ואם לא קרוב אחיד אליך ולא ידעתו ואספתו אל תוף ביתך והיה עמך עד דרש אחיד אתו והשבתו לו: דברים פרק כב פסוק ב
 5. אל תמנע טוב מבעליו בהיות לאל ידך לעשות: משלי פרק ג פסוק כז

- I 10 Conditions established by יהושע בן נון when settling the Land
 - a ranchers may shepherd in the forest (and the owner must allow them)
 - i ר' פפא: only בהמה דקה in thickly wooded forests, but not in light ones and cattle in neither
 - b Wood may be gathered from anyone's field
 - i only moist, attached bushes (no trees, detached bushes nor completely dry – used for kindling) – and may not uproot
 - c grass may be gathered from anyone's field – except for a fenugreek field, where weeds are necessary for growth
 - i implication: grass is good for fenugreek
 - 1 challenge: ruling in re: כלאים that grass need not be removed, since he'll remove it anyway as it is harmful
 - (a) answer1: bad for seeds (makes them lean), good for pods (softens them)
 - (b) answer2: bad for people, good for animals (they'll eat grass as well)
 - (i) note: if in beds, sown for people; if not, sown for animals
 - d shoots of trees may be "plucked" (for grafting) except for stumps of olive tree
 - i זית must be left to at least כביצה, shoots & vines may be plucked from the knot up, other trees may only be plucked from the outside, not the center; only from new boughs and only from the part that doesn't face the sun (v. 1)
 - e natural springs must be made available for all the townspeople - even if they emerge after settlement
 - i and he needn't be paid (contra רב הונא)
 - f people may set up fishing apparatus in the כנרת, as long as they don't use a sail and interfere with boating navigation
 - i note: כנרת ים was in נפתלי's portion (v. 2)
 - ii Associated ruling: any detached vegetation in the mountains belongs to all tribes; if attached, to that tribe
 - 1 Note: all tribes had mountains, valleys, deserts and plains as per v. 3 (so too for כנענים)
 - g anyone may use the back of a fence is a privy, even in a field of saffron
 - i implication: may take out a rock (for personal use) from wall – even: שבת
 - h anyone may walk in paths of private fields until time for second rain
 - i ר' פפא: but our fields (in בבל) – even if only dew fell on them, walking harms them
 - i anyone may use private walkways to avoid road-pegs
 - i as per שמואל, this is permissible even in בבל (story of ר' חייא רבי, and ר' יהודה בר קנוסא)
 - j anyone lost in a vineyard may cut his way out
 - i also true if he sees another lost in a vineyard – סד"א he should just go around the boundary – קמ"ל
 - 1 challenge: this right is מה"ת as per v. 4 (השבת אבדה) of his own body
 - (a) answer: מה"ת, could go around border; יב"נ ordained that he may even cut his way through to get out
 - k מת מצוה acquires his place (where he died)
 - i Challenge: rulings about moving מת מצוה and which area is preferable (fallow, cultivated etc.)
 - 1 Answer: in that case, the body was lying widthwise and he could be moved, so there's hierarchy of preference
 - l Challenge: there are 11 items on this list
 - i Answer: #8 (using paths) was ordained by שלמה as per v. 6 (in משלי)
 - m Challenge: there are other ordinances credited to יהושע:
 - i זבל: a man may put his manure in the public domain so that it be trampled by passersby (during season)
 - ii "triage": may use others' less valuable material to save his own more valuable
 - iii Answer: these are reported by יחידים; יחידיים refers to "consensus" statements
 - iv Challenge: מקרא ביכורים יב"נ reported an ordinance of ר' יוחנן
 - 1 Answer: our list is authored by ריב"ל (who disagrees with ר' יוחנן in that case)