

Stories with a Twist [275]

We Said this Only with Regard to Small Domesticated Animals that Graze in a Forest of Large Trees

(Insights into Babylonian Talmud Bava Kamma 80b and 81a)



Background of Our Story

Joshua



<https://en.wikipedia.org/wiki/Joshua>

Joshua (/ˈdʒɒʃuə/) or Jehoshua (Hebrew: יהושע Yehoshu'a) is the central figure in the Hebrew Bible's [Book of Joshua](#). According to the books of [Exodus](#), [Numbers](#) and [Joshua](#), he was [Moses'](#) assistant and became the leader of the [Israelite](#) tribes after the death of Moses. His name was Hoshea (הושע) the son of [Nun](#), of the [tribe of Ephraim](#), but Moses called him Joshua ([Numbers 13:16](#)), the name by which he is commonly known. According to the Bible he was born in [Egypt](#) prior to [the Exodus](#).

According to the Hebrew Bible, Joshua was one of the [twelve spies](#) of Israel sent by Moses to explore the land of [Canaan](#). In [Numbers 13:1-16](#), and [after the death of Moses](#), he led the Israelite tribes in the conquest of Canaan, and allocated the land to the tribes. According to [biblical chronology](#), Joshua lived sometime in the [Bronze Age](#). According to [Joshua 24:29](#), Joshua died at the age of 110.

The Text: Babylonian Talmud Bava Kamma 80b & 81a

תנו רבנן, עשרה תנאין התנה יהושע: שיהו מרעין בחורשין, ומלקטין עצים בשדותיהם, ומלקטים עשבים בכל מקום חוץ מתלתן, וקוטמים נטיעות בכל מקום חוץ מגרופיות של זית, ומעין היוצא בתחילה בני העיר מסתפקין ממנו, ומחכין בימה של טבריא ובלבד שלא

יָפְרוֹס קָלַע וַיַּעֲמִיד אֶת הַסְּפִינָה, וַנִּפְנֶינָה לְאַחֲרֵי הַגָּדָר וְאֶפִּילוּ בְשָׂדֵה מְלֵיאָה פְּרוֹכּוֹם,
וּמֵהַלְכִים בְּשִׁבְלֵי הָרְשׁוֹת עַד שֶׁתֵּרַד רְבִיעָה שְׁנֵינָה, וּמִסְתַּלְקִין לְצִדֵי הַדְּרָכִים מִפְּנֵי יְתִידוֹת
הַדְּרָכִים, וְהַתּוֹעָה בֵּין הַכְּרָמִים מִפְּסִיג וְעוֹלָה מִפְּסִיג וַיִּוְרַד, וּמֵת מִצְוֶה קוֹנֵה מְקוֹמוֹ.

”שִׁיְהוּ מִרְעִין בְּחוֹרְשֵׁינִי”. אָמַר רַב פֶּפְאָה: לֹא אָמְרוּ אֲלֵא דְקָה בְּגִסָּה, אֲבָל דְקָה בְּדָקָה וְגִסָּה
בְּגִסָּה – לֹא, וְכָל שֶׁכֵּן גִּסָּה בְּדָקָה דְלֵא.

Joshua stipulated ten conditions when he apportioned Eretz Yisrael among the tribes:

The conditions are ¹ that people shall have the right to graze their animals in forests, even on private property; ² and that they shall have the right to gather wood from each other's fields, to be used as animal fodder; ³ and that they shall have the right to gather wild vegetation for animal fodder in any place except for a field of fenugreek; ⁴ and that they shall have the right to pluck off a shoot anywhere for propagation and planting, except for olive shoots; and that ⁵ the people of the city shall have the right to take supplies of water from a spring on private property, even from a spring that emerges for the first time; and that ⁶ they shall have the right to fish in the Sea of Tiberias, i.e., the Sea of Galilee, provided that the fisherman does not build an underwater fence to catch fish, thereby causing an impediment to boats.

The *baraita* continues the list of Joshua's ten conditions: And people shall have the right to ⁷ relieve themselves outdoors behind a fence, even in a field that is full of saffron [*karkom*];¹ and they shall have the right to ⁸ walk in permitted paths, i.e., those paths that cut through a private field, throughout the summer until the second rainfall, when crops begin to sprout; ⁹ and they shall have the right to veer off to the sides of the roads onto private property because of hard protrusions [*yeteidot*] of the road; ¹⁰ and one who becomes lost among the vineyards shall have the right to cut down branches and enter an area of the vineyard, or cut down branches and exit an area of the vineyard, until he finds his way back to the road; ¹¹ and that a corpse with no one to bury it [*met mitzva*] acquires its place and is buried where it was found.

... that people shall have the right to graze their animals in forests.

Rav Pappa said: We said this only with regard to small domesticated animals, i.e., sheep or goats, that graze in a forest of large trees. But in the case of small animals grazing in a forest with small growth, or large animals, e.g., oxen, grazing in a forest of large trees, these practices are not permitted. And, all the more so, it is understood that large animals grazing in a forest with small growth is not permitted.



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

Comprehension and Analysis Questions

? Why did Joshua stipulate these 10 conditions before apportion the land among the tribes? What do these stipulations have in common? Which one do you find particularly interesting?

Answer 1 _____

Answer 2 _____

Answer 3 _____

? Why does Rav Pappa restrict Joshua's stipulation to small domesticated animals, i.e., sheep or goats, that graze in a forest of large trees?

? If we assume that the original stipulation did not restrict the grazing to small domesticated animals in a forest of large trees, what do you think happened to warrant Rav Pappa's restriction?

"The Twist" – Or the Lessons We Can Learn from These Texts

! Building the right society: between generous *haves* and thoughtful *have-nots*.



When the Children of Israel were about to enter the Land of Israel after forty years of wandering in the wilderness, Joshua stipulated ten conditions upon which they were to receive their portion of land. The conditions were meant to create a kind society. They were meant to instruct future custodians of the land how to allow for the use of the land by people in need and by the public in general in particular circumstances. Rav Pappa teaches us that these stipulations can only work if those who benefit from them are thoughtful and don't abuse them. This model presented to us in the Talmud can be helpful to congregations, schools, communities, and countries to think how the *haves* and *have-nots* are both responsible for building a kind and just society