

ואשקלון כדרום –

And the city of אשקלון is considered to be south of ארץ ישראל.

OVERVIEW

The משנה mentions three cities – אשקלון, (וחגר), and עכו – which are considered מדינת הים, indicating (seemingly) that they are in חו"ל¹. Our תוספות will prove that all these three cities are in א"י. Why then does our משנה consider them חו"ל? – מדה"י. תוספות will give two general explanations. The first one will explain why these three cities mentioned in the משנה are not א"י, despite original proofs. The second one will maintain that even if they are part of א"י, nevertheless they are considered מדה"י as far as בפ"נ ובפ"נ is concerned.

תוספות asks:

הקשה רבינו תם דאשקלון מארץ ישראל היא –

The ר"ת asked; אשקלון is part of א"י, so how does יהודה ר' of our משנה state that אשקלון is south of א"י and considered חו"ל?

The ר"ת goes on to prove that אשקלון is part of א"י:

דכתיב ביהושע (יג) זאת הארץ הנשארת וגומר האשדודי והאשקלוני –

For it is written in the יהושע² (that ה' said to יהושע); “this is the remaining land (that was not conquered yet by the בני ישראל etc. (and the פסוק enumerates and mentions) the cities of אשדוד and אשקלון –

וכתיב הפילה לישראל נחלה כאשר צויתך –

And the פסוק states:³ “divide this unconquered land amongst the בני"י for an inheritance as I commanded you” –

ואחר כך לכדוהו כדכתיב בשופטים (א) וילכוד יהודה את עזה ואת אשקלון ואת גבולה –
And indeed afterwards the בני"י conquered these lands as it is written in the אשקלון and their עזה and conquered שבט יהודה⁴: “and שופטים⁵”. From all this it is obvious that אשקלון is part of א"י, why then

¹ חו"ל is the status of the משנה lived in א"י; referring to any place as מדינת הים, indicates their status is חו"ל.

² יהושע יג, ב-ג.

³ שם יג, ו.

⁴ וילכוד יהודה את עזה ואת אשקלון ואת גבולה וגו', the text there reads: שופטים א, יח.

⁵ פסוק could not suffice with just quoting this last פסוק, for perhaps יהודה conquered cities that were not part of א"י.

does the משנה consider אשקלון to be מדה"י.

answers: תוספות

ואומר רבינו תם דעולי בבל לא כבשוה כדאמר בפרק קמא דחולין (ז, א) גבי בית שאן -
The ר"ה says that the בני"א from בבל to build the second חולין of פרק גמרא says in the first פרק, אשקלון did not conquer ביהמ"ק concerning the city of בית שאן⁶ -

הרבה כרכים כבשוה עולי מצרים ולא כבשוה עולי בבל -
There are many cities which the בני"א, who came up from מצרים to בני"א in the time of יהושע, conquered, but the עולי בבל did not conquer (some of) these very same cities -

ולכך⁷ אין תלמידי חכמים מצויין שם ואין בתי דינים קבועין שם -
And therefore⁸ since they were not conquered and settled by the עולי בבל, so in the time of the משנה, it is not frequented by תלמידי חכמים⁹ and there are no established בתי דינים in these cities¹⁰.

תוספות has another question:

אבל קשה דרקם וחגר משמע הכא דהו חוצה לארץ -
However, there is another difficulty, for it seems here in the משנה that רקם חו"ל¹¹ are part of וחגר

וכתיב ביהושע (כ) ויקדשו את קדש בהר נפתלי -
But in קדש¹² in קדש it is written: 'and they set aside the city of יהושע to be one of the ערי מקלט (גליל¹³). This teaches us that קדש which seemingly is רקם, is part of בני"א.

תוספות responds to an anticipated resolution:

⁶ The גמרא there states that רבי permitted the people of בית שאן not to give ירק גמרא. The גמרא asked but בית שאן is mentioned in כיבוש יהושע as part of בני"א; to which the גמרא responded that בבל לא כבשוה עולי בבל.

⁷ Since the עולי בבל did not conquer אשקלון, it does not have the קדושה of בני"א (for the first קדושה of כיבוש יהושע ceased), therefore the ת"ח chose not to live there because it is considered חו"ל and one should not leave בני"א to go to חו"ל.

⁸ It would seem that by adding this phrase, תוספות is insinuating that (even) according to ר"ת, a place in בבל, רצ"ע need not say שכיחי וגמירי (לא כבשוה עולי בבל) חו"ל.

⁹ This necessitates saying בבל according to the reason of לשמה.

¹⁰ This necessitates saying בבל according to the reason of לקיימו בני"א.

¹¹ This can be deduced from the fact that ר"ג requires to say בבל from רקם וחגר and ר' יהודה states that רקם is part of בני"א.

¹² As רש"י in the רקם points out that the תרגום of (וחגר) רקם is (וברד) קדש.

¹³ The פסוק in (ז, כ) reads: יהושע וַיִּקְדְּשׁוּ אֶת קָדְשׁ בְּגִלְיָל בְּהַר נַפְתָּלִי.

ולכא למימר דלא כבשוה עולי בבל –

And we cannot say that the עולי בבל did not conquer רקם, as we previously stated concerning אשקלון -

דבספרי בפרשת והיה עקב חשיב רקם וחגר בהדי כרכים שכבשו עולי בבל –

For in ספרי in עקב פרשת he includes רקם וחגר amongst those cities which were conquered¹⁴ by the עולי בבל. The question is; why do we say in our משנה that חו"ל are considered רקם וחגר?

answers: תוספות

ויש לומר דתרי רקם וחגר הו –

And one can say that there were two pairs of cities that were named רקם וחגר. One pair was in א"י (the one referred to in the ספרי), and one pair was in חו"ל (the one referred to in our משנה). תוספות continues to elaborate on the necessity to say that there were two רקם וחגר, even without original question.

ואותו רקם וחגר דכתיב גבי אברהם וישב בין קדש ובין שור (בראשית כ"ה) –

The רקם וחגר that is written in the תורה concerning אברהם אבינו, where the תורה writes **“and אברהם settled between קדש and שור”** -

מתרגמינן בין רקם ובין חגרא בארצו של אבימלך מלך פלשתים –

which the תרגום translates as ‘between רקם and חגרא’ that was in the land of אבימלך the king of פלשתים -

ואותו היה בארץ ישראל דמסתמא דאברהם ויצחק היו דרין בארץ ישראל –

And that רקם וחגר was in א"י for it is assumable that אברהם and יצחק¹⁶ lived in א"י -

וביהושע נמי משמע דפלשתים מארץ ישראל –

And in the א"י¹⁷ it is also indicated that פלשתים is part of נביא יהושע

ואתו רקם וחגר היה במערבה של ארץ ישראל דפלשתים במערבו –

And this רקם וחגר was in the western part of א"י, for פלשתים is in the west of א"י -

¹⁴ The fact that תוספות is not satisfied with merely citing the ספרי, but insists on quoting the פסוק in יהושע, may teach us that כיבוש עולי בבל through כיבוש יהושע will not qualify a city to be considered א"י.

¹⁵ נ"סע מ"שם א"רקהם ארצה הנגב וישב בין קדש ובין שור ויג' בג'ר: reads: פסוק א'.

¹⁶ For it is forbidden to leave א"י to live in חו"ל. חו"ל mentions תוספות. חו"ל lived in יצחק because we find that יצחק lived in גרר. וישב בין קדש ובין שור, of אברהם, regarding פסוק, and in the aforementioned (תולדות כו'), and in the פסוק concludes that he never left א"י. It seems to be the same city in פלשתים. Concerning יצחק, we are taught that he never left גרר. Hence רקם וחגר which is between רקם וחגר is in א"י and we may conclude the same concerning רקם וחגר.

¹⁷ In the פסוקים that תוספות quoted previously from יהושע יג, ב, ג' it speaks about the land of פלשתים that was not yet conquered: זאת הארץ הנשאת וגו' הפלשתים וגו' חמשת סרני פלשתים וגו'.

דים פלשתים הוא גבול מערב של ארץ ישראל –

For the sea of פלשתים is the western border of א"י¹⁸. Therefore this רקם וחגר that is part of א"י and was part of פלשתים, which is the western part of א"י, is certainly not the רקם וחגר which our משנה discusses, for –

ורקם וחגר דמתניתין היה במזרח כדאמרין רקם כמזרח -

The רקם וחגר of our משנה was in the easterly¹⁹ direction from א"י as we say in our משנה that רקם is considered east of א"י. Obviously it is not the same רקם of ספרי is the רקם of פלשתים, while the רקם of our משנה is a different city, to the east of א"י.

עכו concludes at present his discussion of רקם and addresses the status of עכו.

ועכו אף על גב דכבשוהו עולי בבל –

And concerning עכו, even though the עולי בבל conquered it, giving it therefore the status of א"י, why then does our משנה consider עכו as חו"ל? תוספות goes on to show that עכו (was conquered by עולי בבל and) is considered part of א"י.

כדאמר בסוף כתובות (דף קיב, א) רבי אבא היה מנשק כיפי דעכו -

As the גמרא says in the end of כתובות, that רבי אבא would kiss the stones²⁰ of עכו, because of א"י קדושת.

א"י offers another proof that עכו is part of

ובפרק מי שאלחו (לקמן דף עו, ב) פריך למימרא דעכו לאו מארץ ישראל הוה –

And in פרק מי שאלחו, the גמרא asks: ‘do you mean to say that עכו is not part of א"י?! –

הא כי הוו מפטרי רבנן מהדדי בעכו הוה מפטרי מהדדי –

But when the רבנן would take leave from one another, i.e., the רבנן from א"י and the רבנן from חו"ל they would take leave from one another in עכו. This was because –

לפי שאסור לצאת מארץ ישראל לחוץ לארץ –

For it is forbidden for one to leave from א"י to go to חו"ל, therefore they said their good-byes in עכו, which was still in א"י. The question is; why does our משנה consider עכו as חו"ל?

answers:

אמר רבינו תם דלא קשה מידי דעכו היתה חציה בארץ וחציה בחוץ לארץ –

¹⁸ See where it states: "ושתי את גבולך וגו' ועד ים פלשתים" כג, לא.

¹⁹ See 'Appendix'.

²⁰ According to the first interpretation of רש"י in כתובות, the כיפי are אלמוגים; translated as coral.

The ר"ת said that there is no difficulty at all, for עכו was situated half in חו"ל and half in א"י -

כדמוכח בירושלמי -

as is evident from the ירושלמי²¹. This will therefore resolve the difficulty -

והכא מיירי באותו צד שבחוצה לארץ -

For here in our משנה where עכו is considered חו"ל, that is because we are discussing the northern part of עכו that was in חו"ל. The other places which indicate that עכו is part of א"י were discussing the southern half of עכו.

digresses and asks:

והא דלא משני נמי במי שאחזו (שם) מתניתין -

Why then did not the גמרא also use this same answer²² to explain the פרק מי שאחזו in משנה²³; in the case where a man (who was preparing to go on a trip to חו"ל) gave a גט to his wife and made the following stipulation -

דאם לא באתי מכאן ועד שלשים יום²⁴ והגיע לעכו וחזר ביטל תנאו -

that if I do not come back from חו"ל, starting now and up to thirty days, then the גט will be valid²⁵, If however I will return (from חו"ל) before the thirty days are up the גט is בטל, and the person reached עכו (on his way to חו"ל), and immediately returned home; the משנה rules that he nullified his תנאי²⁶ and the גט is בטל²⁷. Concerning this דין, the גמרא asked (quoted previously in this תוספות) this seems to say that עכו is in חו"ל, for if עכו were in א"י, then he did not invalidate his תנאי because he never really left (א"י), for his תנאי was, that if I come back from חו"ל (within thirty days) then the גט is בטל, but not if I come back from taking a short trip in א"י²⁸. The גמרא there offers an explanation to resolve the difficulty. However תוספות question here is; that since we are now saying that half of עכו is indeed in חו"ל, the גמרא could have simply answered that when the משנה said he reached עכו -

היינו לאותו צד שבחוצה לארץ -

That means that part of עכו that is in חו"ל, and therefore if he returned within thirty days from the part of עכו that is in חו"ל, it is understood why the גט is בטל, since he

²¹ ירושלמי גיטין פ"א ה"ב (דף ה, ב).

²² That we are discussing the northern part of עכו, which is חו"ל.

²³ לקמן עו, א ושם עו, ב.

²⁴ והלך למדינת הים (והגיע) inserts: מהר"ם שי"ף.

²⁵ His intention presumably being, that if he did not return within thirty days, he may never return, and he does not want his wife to remain an עגונה.

²⁶ He was not away from his home in חו"ל for more than thirty days.

²⁷ The גט may not be used again.

²⁸ The גט should still be valid if and when he now proceeds on a (new) trip to חו"ל for more than thirty days.

reached חו"ל and returned before the expiration of the thirty days.

תוספות explains that the reason the גמרא did not give this answer is because –

היינו משום דביוצא מארץ ישראל פוגע תחילה באותו צד של ארץ ישראל -

That when one leaves from א"י to go to חו"ל via עכו, he is traveling in a northerly direction and he first reaches the southern part of עכו, which is the א"י side -

והגיע לעכו משמע לתחילת עכו -

And the expression that the משנה used: “and he reached עכו”, indicates that he approached the beginning of עכו, and then without continuing further north inside עכו towards the חו"ל side he returned, in that case he never left א"י. Therefore the גמרא cannot say that the משנה is discussing a case where he went until the northern part of עכו which is חו"ל, because the phrase והגיע לעכו וחזר, indicates that he just reached the southern part of עכו (which is still in א"י), and immediately returned back home. That is not sufficient reason that the גט should be בטל, since he never reached חו"ל.

תוספות asks another question:

אך קשה לרבינו יצחק דאמר לקמן (דף ו, ב) נכנס לפניו רבי אלעא²⁹ –

However the ר"י has another question; the גמרא says later on, concerning a person who brought a גט from סיסאי, and רבי ישמעאל ruled that he has to say בפ"נ ובפ"נ, the גמרא continues; רבי אלעא entered to speak to ר' ישמעאל and question his ruling –

אמר ליה הלא כפר סיסאי מובלע בתחום ארץ ישראל וקרובה לצפורי יותר מעכו - אמר ליה הלא כפר סיסאי is not surrounded³⁰ by the borders of א"י, and צפורי³¹ is closer to עכו. And if concerning עכו, the view of ר"מ is that it has a דין of א"י, then certainly כפר סיסאי should have a דין of א"י even according to the תנא קמא.

תוספות now asks:

ומה בכך מכל מקום עכו עדיפא –

But what of it, that כפר סיסאי is closer to צפורי than עכו is; nevertheless עכו is more preferable to be considered part of א"י, regarding בפ"נ than כפר סיסאי -

אף על פי שהיא רחוקה מציפורי שהיא עצמה חציה מארץ ישראל –

²⁹ In our texts in the גמרא it reads: 'אלעאי'.

³⁰ The term מובלע (literally swallowed), means that the city is outside the borders of א"י, but it is swallowed or surrounded by א"י on three sides, similar to the dot in the letters כ or ב.

³¹ צפורי was at that time the main settlement in א"י. See our תוספות later on.

Even though עכו is further from צפורי than כפר סיסאי, still it is preferable because half of עכו itself is part of א"י. However כפר סיסאי is completely outside א"י, so how can we understand s'אלעאי's question³²?

Tosfos continues with another question in the same vein:

ועוד היכי דייק לקמן (דף ח, א) דמוכר עבדו לסוריא יצא לחירות –

And furthermore how does the גמרא later on, infer that if someone (who lives in א"י) sells his עבד to someone who lives in סוריא³³, the עבד becomes automatically free.³⁴ This דין is derived from our משנה –

מדתנן עכו כארץ ישראל לגיטין לגיטין אין לעבדים לא –

since it is written in our משנה, that ר"מ says, that עכו is considered part of א"י in regards to גיטין, we may infer since the משנה adds the word גיטין, this teaches us that regarding עכו, עכו is considered part of א"י, however regarding the rule of selling slaves to חו"ל, עכו is not regarded as א"י, but rather like חו"ל, and if someone (who lives in א"י) would sell his עבד to an owner in עכו, the עבד would be freed –

וכל שכן סוריא דמרחקא טובא –

And certainly if one sells his עבד into סוריא, the עבד will be free, since סוריא is much further from א"י than עכו. This is the גמרא's inference. Tosfos now poses his question:

אדרבה סוריא עדיפא כיון דמתניתין איירי בצד של חוצה לארץ³⁵ –

On the contrary! סוריא is preferable to be considered א"י more than עכו. Tosfos goes on to explain why סוריא is preferable **since in our משנה, we are discussing the חוץ לארץ side of עכו, therefore it is self-evident that סוריא is preferable to be considered part of א"י –**

דקסבר כיבוש יחיד שמיה כיבוש והויא היא עצמה ארץ ישראל –

For the one who asked; what is the דין if someone sells his עבד into סוריא, is

³² At this point Tosfos assumes that the criteria of saying בפ"נ is based solely whether the place is, or is not, part of א"י. Therefore עכו which is half in א"י, so even the part which is in חו"ל (whether that part was מובלע or not), should be considered more part of א"י, than כפר סיסאי, which was totally outside the borders of א"י.

³³ סוריא is a country which דוד המלך conquered, not as part of the regular conquest of א"י. It is called a כיבוש – "an individual conquest" – as opposed to the regular conquest which is termed כיבוש רבים. סוריא therefore had a 'mixed' status; in certain respects it was treated like א"י, and in others like חו"ל. See the גמרא א, ח, for more details.

³⁴ The משנה in (לקמן מג, ב) states: that if someone sells his עבד into חו"ל the עבד is freed automatically. This is a קנס, for since an עבד כנעני is also מחויב במצות it is forbidden for him to leave א"י for חו"ל. In the גמרא on א, ח, we are discussing what is the דין if he was sold into סוריא.

³⁵ As Tosfos previously stated "והכא מיירי באותו צד שבחוצה לארץ". This would also apply to the inference that the עכו part of חו"ל that it would be concerning the חו"ל part of עכו.

of the opinion that the conquest of an individual such as דוד המלך, is considered a valid conquest and therefore סוריא itself is part of א"י -

דלהכי מיבעיא ליה אי הוי כמוכר עבדו לארץ ישראל כיון דשמייה כיבוש -

for that was the basis of his query if selling a slave into סוריא would be as if he sold his עבד in א"י; the reason for this is since the questioner was of the opinion that כיבוש יחיד is considered a proper כיבוש³⁶, and סוריא is part of א"י and an עבד sold there is not freed -

או דלמא כיון דעפרה טמא כחוצה לארץ דמי -

Or perhaps (the other side of the issue), since the earth of סוריא is טמא as in all of חו"ל³⁷ therefore סוריא would be considered as חו"ל, and the slave would be freed.

To summarize these last two questions: If we are to assume; a) that the entire basis of saying בפ"נ is based on whether the city is within the borders of א"י, and therefore we are also forced to assume b) that עכו is half in א"י and half in חו"ל and in our משנה we are discussing the half that is in חו"ל, then we have the following two problems.

1. Why would כפר סוסאי ר' אלעאי insist that one does not have to say בפ"נ from כפר סוסאי because it is closer to צפורי than עכו is, but כפר סוסאי is in חו"ל and half of עכו is in א"י. This runs contrary to both assumptions mentioned.

2. How can the גמרא infer from ר"מ than since עכו is considered חו"ל regarding עבדים, so certainly סוריא should be regarded as חו"ל; however since סוריא is כיבוש יחיד which we assume is שמייה כיבוש so סוריא is at least 'technically' א"י, while as we said in assumption b) that we are discussing the part of עכו which is חו"ל, how can we derive סוריא which is חו"ל³⁸ from עכו which is א"י.

תוספות will now retract these two assumption, thereby not only answering these last two questions, but all the questions that were posed in this תוספות

ואמר רבינו יצחק דאפילו בצד של ארץ ישראל צריך לומר בפני נכתב וכולי -

And the ר"י said that even in the א"י side of עכו one is required to say בפ"נ etc. (this is the retraction of the two previously mentioned assumptions) - the reason for having to say בפ"נ even from the א"י side of עכו is -

לפי שהוא בסוף הגבול ורחוק מעיקר ישוב ארץ ישראל -

For עכו is at the extreme border of א"י and it is far from the main

³⁶ For if כיבוש יחיד לא שמייה כיבוש, what would be the reason to even think that סוריא should be like א"י, and not like חו"ל.

³⁷ The חכמים made a גזירה that in all of חו"ל the earth of the ground is טמא. This decree extends to סוריא as well, whether or not we maintain כיבוש יחיד שמייה כיבוש.

³⁸ See 'Thinking it over' # 2

מהני כאילו היא ממש מארץ ישראל כרבן גמליאל דאמר מובלעות שכיחי וגמירי -
that is sufficient not to say בפ"נ **as if it were actually part of א"י**, like
 ר"ג⁴⁴ of our משנה, who maintains that from כפר לודים which is מובלע, one
 does not have to say בפ"נ, because in cities **that are מובלעות** in the
 boundaries of א"י, there are **frequent travelers** who recognize the
 signatures, **and they are versed** in the laws of לשמה.

תוספות poses a new question:

ואם תאמר דאמר בירושלמי המוכר עבדו לעכו יצא לחירות –

If you will ask; it says in ירושלמי if one sells his עבד כנעני into עכו, the slave is freed automatically

רבי שמעון אביו דרבי יודן אומר אפילו מעכו לעכו –

ר' יודן ר"ש the father of **ר' יודן** says that even if the slave was sold from the part of **עכו** that is in **א"י** to the part of **עכו** that is in **חור"ל**, the slave is also freed.

תוספות asks:

וכיון דאפילו באותו צד של ארץ ישראל יצא לחירות –

and since even if the slave was sold into the **part** of עֶבֶר **that is in א"י** the **slave is freed**; indicating that as far as selling slaves are concerned we consider the entire⁴⁵ עֶבֶר as if it is חו"ל

אם כן מעכו לעכו אמאי יצא לחירות כיון דחשיב כחוצה לארץ –

if so, why is it that if the slave was sold from the חז"ל part of עכו to the חז"ל side of עכו he is freed, since we are considering the חז"ל part of עכו as חז"ל, as witnessed by the fact that a slave sold (even) to the חז"ל part of עכו is freed. Therefore if one sells his slave from one part of עכו to the other it is as if one sells his slave from one part of חז"ל to another, in which case the slave is not freed.

תופות responds:

ויש לומר דנהי דחשיב כחוצה לארץ לגבי עיקר ישוב ארץ ישראל –

And one can say; granted that (even) the part of עכו in א"י is considered מא"י לעכו **עיקר ישוב א"י** in relation to the **חז"ל** so regarding the selling of slaves **הוא** he is freed -

לגבי חוצה לארץ מיהא חשיב כארץ ישראל –

⁴⁴ See 'Thinking it over' # 3

⁴⁵ The ר"י just concluded that our משנה is discussing (even) the א"י part of עכו, and we infer from the statement of ר"מ that לגיטין אין לעבדים לא עכו כארץ ישראל לגיטין. It follows that this derivation is regarding (even) the א"י part of עכו.

Nevertheless, in relation to חו"ל, it is considered א"י; therefore regarding selling a slave from one part of עכו to the other, the slave is (also) freed⁴⁶.

SUMMARY

The three cities of (וחגר) רקם and אשקלון, עכו were part of א"י. Regarding אשקלון, it is written in יהושע that וילכו יהודה וגו' את אשקלון. Concerning רקם it says in ספרי that it is among the cities that כבשוה עולי בבל. Concerning עכו we find that the ר' אבא refers to עכו as a part of א"י then, saying that ר' אבא kissed the כיפי of עכו, and also that the רבנן took leave of each other in עכו. Nevertheless one is obligated to say בפ"נ if he brings a גט from any of these cities. There is a difference of opinion between the ר"ת and the ר"י why this is so.

The ר"ת maintains that any city within the borders of א"י that כבשוה עולי בבל is not required to say בפ"נ. Otherwise one is required to say בפ"נ. Therefore: in רקם (וחגר) which the עולי בבל were not כובש, is required to say בפ"נ. אשקלון which is referring to the וחגר and east of א"י which is not part of א"י, as opposed to the וחגר and west of א"י, also known as ארץ פלשתים. Concerning עכו it was divided into two parts, one in א"י and the other in חו"ל and our משנה is discussing the חו"ל part of עכו, therefore he is required to say בפ"נ.

The ר"י argues that if we maintain that the משנה is discussing the חו"ל section of עכו, then we will have difficulty understanding two גמרות; the case of כפר סיסאי and the case of עבדו לסוריא, which the גמרות there derive the respective rulings, from עכו⁴⁷.

Therefore the ר"י maintains that saying בפ"נ is not solely dependent on whether the city is actually inside or outside the boundaries of א"י; rather it depends on the proximity of that location to א"י⁴⁸, עיקר ישוב א"י, for that alone will decide if 'שכיחי וגמירי'. According to the ר"י it is possible that אשקלון was כבשוה עולי בבל, and רקם is part of א"י, nevertheless they say בפ"נ since they

⁴⁶ There may be two (distinct) aspects to the prohibition against relocating from א"י to חו"ל; a) the חוק המצות may not be so strictly enforced in חו"ל, due to the lack of דינים, etc., and b) one cannot observe in חו"ל מצות התלויות בארץ. Therefore it is forbidden to sell an עבד from א"י proper to the part of עכו which is א"י, on account of reason 'a' (only); it is nevertheless also forbidden to sell a slave from the א"י part of עכו to the חו"ל part, on account of reason 'b' (as well).

⁴⁷ See the summary בפנים התוס' previously.

⁴⁸ This may also be an alternate explanation why the משנה say גט ממדה"י and not מחו"ל. See previous תוס' ד"ה ממדה"י.

are far עכו. Pertaining to עכו, the ר"י maintains that the entire עכו, including the א"י side must say בפ"נ, again because it is א"י, and therefore the people there are not שכיחי וגמירי.

However even though the entire עכו is deemed like חו"ל (including regarding the sale of slaves), nevertheless, a slave which is sold from the א"י side of עכו to the חו"ל side is יוצא לחירות.

THINKING IT OVER

1. The order of the cities as they are enumerated in our משנה is רקם (וחגר), עכו and lastly אשקלון. Why does תוספות ask first about אשקלון and only later about רקם⁴⁹?

2. It would appear that the two קשיות of the ר"י regarding כפר סיסאי and סוריא, are contradictory.⁵⁰ In the קשיא concerning כפר סיסאי, the ר"י maintains that since עכו is half in א"י it should be considered א"י more than כפר סיסאי; and in the קשיא from סוריא, the ר"י maintains that since עכו is half in חו"ל, it should be considered חו"ל more than סוריא! How can we reconcile this? כלפי לייא

3. When the ר"י explains the question of ר' אילעאי, he states that כיון דקים ליה "כר"ג דאמר תוס' concludes בפ"נ one does not say דמובלעות וכו' therefore one does not say בפ"נ; and ר"ג at all, the ת"ק also agrees that מובלעות שכיחי וגמירי;⁵¹ why mention ר"ג at all, the ת"ק also agrees that בפ"נ do not say דמובלעות

4. According to תוס', that even if one sells his עבד to the א"י side of עכו he is יוצא לחירות, because we consider it חו"ל and it is forbidden to go from א"י to חו"ל, then how come the רבנן departed from each other in עכו, it should be considered חו"ל, where one is forbidden to go⁵²?

APPENDIX

It is not clear as to what is the status of קדש (רקם), mentioned in יהושע, which is the same רקם quoted previously. Some commentaries say that it is the same רקם

⁴⁹ See מהרש"א א.

⁵⁰ See footnote # 38.

⁵¹ See footnote # 44.

⁵² See מהרש"א א.

ארץ פלשתים in אברהם of וחגר. Even though the land of נפתלי was bordering the ירדן⁵³, which is more east than פלשתים (and in addition the קדש in יהושע was in the גליל (the northeast part of א"י), which is seemingly very far from פלשתים), nevertheless they maintain that while פלשתים was at the western part of א"י, a swath of land extended eastward towards the ירדן which was still part of פלשתים, and that is where רקם or וברד קדש were.

Alternatively one may say as follows: That in the הו"א when תוספות assumed there was only one רקם (קדש), he assumed that the קדש in יהושע is the same קדש as by אברהם and the משנה, even though the word קדש in יהושע is vocalized differently (two סגולים) than the קדש by אברהם (צירי and קמץ), nevertheless תוספות felt that this should be overlooked, rather than saying that there are two cities called קדש. However once תוספות establishes that there are two רקם (קדש), one then may consider that the קדש in יהושע is an entirely (third) different city, not connected with either רקם being discussed. Supporting this idea is the fact that the תרגום of the קדש quoted here in יהושע (כז) is (not רקם but) קדש, as opposed to the תרגום of קדש everywhere else (including in יהושע טו ג where it states לקדש ברנע) where the תרגום is רקם.

Or one may say that indeed the קדש of יהושע is the same as the רקם of our משנה, which is in the eastern part of א"י, however this קדש - רקם, לא כבשוהו, Therefore it is now חו"ל, as opposed to the רקם in ספרי, which is in עולי בבל, as אברהם states, and that is in the (south) western part of א"י, which כבשוהו עולי בבל.

⁵³ See יהושע יט, לג-לד.