

## From a country overseas

## ממדינת הים -

### OVERVIEW

The term **מדינת הים** literally means a country that is overseas. The requirement to say **נכתב ובפני נחתם** is not limited to overseas countries, but rather it applies to countries that are outside **ארץ ישראל**. Our תוספות will discuss why the משנה uses the term **מדינת הים** and not **חוץ לארץ**.

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תוספות asks:

**הא דלא נקט המביא גט מחוץ לארץ –**

The reason **why the משנה did not state**; **‘One who brings a גט from outside ארץ ישראל’**; which would be more appropriate, for the **דין** of the משנה applies to the countries outside of **ארץ ישראל** not only to the countries overseas. To prove that the term **חוץ לארץ** is appropriate, תוספות continues –

**כדקתני בגמ' (לקמן ז, ב) המביא גט בספינה כמביא בחוץ לארץ –**

As the גמרא later quotes a ברייתא, **‘one who brings a גט in a ship it is considered as if he brought a גט in ארץ ישראל’**, and he has to say **נכתב ובפני נחתם**. We see therefore that it is appropriate to use the term **חוץ לארץ**, so why does the משנה here use the term **ממדינת הים**, which is not so accurate?

תוספות replies:

**משום דבחוצה לארץ הוה משמע כל חוץ לארץ אפילו רקם וחגר –**

**because had he used the term חוץ לארץ that would have been understood to mean the entire חוץ לארץ even if one brought a גט from רקם וחגר**, which are part of **ארץ ישראל**.<sup>1</sup> However our תנא קמא is of the opinion that from רקם וחגר one does not have to say **נכתב ובפני נחתם**. It would have been misleading then to say that one who brings a גט from חוץ לארץ has to say **נכתב ובפני נחתם** –

**להכי נקט ממדינת הים דמשמע רחוק –**

**Therefore the משנה chooses to state מדינת הים**, which is not to be understood literally as overseas, but rather **it is understood to mean ‘from afar’**

**כמו (יבמות דף פז, ב) האשה שהלך בעלה למדינת הים –**

**similar** to what we find in other משניות, for instance; **‘a women whose**

<sup>1</sup> The תנא of the previously quoted ברייתא, may be of the opinion that even from רקם וחגר one has to say **נכתב ובפני נחתם**, or alternately he is merely discussing the **דין** of a ספינה, and is not involved in the details of חוץ לארץ.

<sup>2</sup> This is evidenced by the fact that רבן גמליאל is adding to the תנא קמא (and arguing with the ת"ק), that also from רקם וחגר one is required to say **נכתב ובפני נחתם**.

**husband traveled to הים - 'מדינת הים'**

**וכמו (שבועות דף מא, ב) פרעתיך בפני פלוני ופלוני והלכו למדינת הים –**

**and also similar to another משנה; 'I paid you in front of so and so and they went away to הים',** it is obvious in these two cases that we are not to understand the term מדינת הים literally; but rather to mean in a faraway place, here too the term מדינת הים means far away –

**לאפוקי רקם וחגר דפליג בהו רבן גמליאל –**

**to exclude** רקם וחגר from having to say בפ"נ; if one were to bring a גט from there, even though they are in חו"ל<sup>3</sup>, but since they are not far away from ארץ ישראל one does not say בפ"נ ובפ"נ **with which רבן גמליאל argues** and maintains that one has to say בפ"נ from רקם וחגר, therefore the תנא קמא wants to make it clear that he disagrees with רבן גמליאל וכו'.

### **SUMMARY**

The term מדינת הים in our משנה is to be understood to mean from afar (as it is understood in other משניות). Therefore the משנה chooses this term as opposed to the term חוץ לארץ, which would mean any country that is outside ארץ ישראל, including רקם וחגר, concerning which our תנא קמא maintains that one does not have to say בפ"נ ובפ"נ if a גט is brought from there..

### **THINKING IT OVER**

What are the respective advantages and disadvantages of stating מדינת הים and חוץ לארץ?

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<sup>3</sup> See following ואשקלון תוס' ד"ה ואשקלון, where רקם וחגר, according to the ר"י are part of א"י. We may say that מדה"י is coming to exclude לודים. See תפארת יעקב.