

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Gittin Lesson 9

Mareh Makomos for this Shiur

Tractate Bava Basra, 167: a, the Mishnah.

ibid. 167: b.

The Commentary of the Rosh on Bava Basra, chapter 10, siman 17.

Tractate Yevamos, 39: b.

Rambam, Laws pertaining to loans, chapter 24, Halachos 3-4.

Tractate Gittin, 66: a.

Tractate Yevamos, 122: a.



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The Scribe and the Witnesses Must Know (be familiar with) the Couple Seeking Divorce

120. [The scribe] must not write the bill of divorce if he did not hear from the mouth of the husband [that he wants him to write one for his wife] (Containing 11 paragraphs).

Siman 120 Seif 3

3 *The get (bill of divorce) may be written in spite of the fact that his (the husband's) wife is not with him [in beis din or before the witnesses], provided that the witnesses who sign it recognize [i. e. are familiar with the couple who seek divorce] and know for a fact that this particular man is Mr. So-and-so and this particular woman is his wife, Mrs. So-and-so. (Rama: and there are those who say that the scribe must also know [i. e. be able to recognize or be familiar with] them), (Tur, and I am also inclined to think so). This knowledge (i. e. familiarity) can even be [based] on [the evidence of] a single witness, and even [on the evidence] of a woman or a relative.*

Rama: The law requires that the name of the husband and the wife and the names of their fathers be known. As long as [a person] has established a chazakah of [having resided] in this particular city for thirty days, [beis din] no longer suspects him [of having changed his names]. The name of his (i. e. the husband's) father is customarily written on the basis of his own [evidence]. (Beis Yosef, inferred from the way the Rambam expresses himself).

If there are two people living in the same place, whose names are identical and the names of their wives are identical, one of them can divorce his wife exclusively in the presence of his namesake, in case he writes a get and gives it to his namesake's wife and [thereby] divorces her from him. In a situation involving danger [the get] is written and given [to the wife] even if [beis din, the scribe or the witnesses] do not know them (i. e. the couple seeking divorce).

Preparation of the *Get* Requires Familiarity with the Couple Seeking Divorce

The source of this *din* is in Tractate *Bava Basra* (167: a), in the *Mishnah*. The *Mishnah* states that it is permissible to write a *get* for a person even if his wife is not with him while the *get* is being prepared (i. e. she has not yet given her consent to it).

It is likewise permissible,

To write a *shovar* for a woman (a kind of receipt certifying that she has received everything she was entitled to receive from her husband) even if her husband is not with her while it is being done, all this – *u-vilvad she-ibiyeh makiran* (provided that the scribe who writes this bill of divorce or receipt knows for a fact that the woman whose name he has written in it is indeed this particular man's wife).

The same *Gemara* poses a question on page 167: b:

What does the *Mishnah* mean by remarking: *u-vilvad sheibiyeh makiran* (literally, provided that he, [i. e. the scribe], is familiar with them, i. e. with the couple seeking divorce)?

The *Gemara* concludes,

That the law requires that the names of the husband and the wife be known (i. e. the names written in the *get* be identified with the persons who are known as the bearers of these names).

Rashi (comment beginning with **שיהא מכיר**) explains,

That it is the scribe and the witnesses who must be able to identify those names with the persons who are known to them as the bearers of these names.

The **Nimukei Yosef** (*Bava Basra* 77: b, comment on passage beginning with **שיהא מכיר**) explains that the *Gemara* meant to say:

It is not sufficient that [the scribe or / and the witnesses] know the husband and the wife by sight (their faces are familiar to them) while they rely on someone else for their names. The scribe or / and the witnesses must know them both by sight and also by name.

The **Beis Yosef** explains the **Nimukei Yosef's** statement as meaning,

That if the scribe knows them by sight but does not know their names, he must not write the *get* or the *sbovar* for them.

The reason for it is,

That we suspect that the couple might have changed their names and the husband might have stated the name of a different woman to be written in the *get*, or even the name of a different man, with the purpose of using this *get* in order to divorce a different woman from her husband.

However,

If *beis din* asks other people to identify the names of the couple, and they tell *beis din* their names, *beis din* can trust them, and the scribe may write the *get* on the basis of this information.

Let us now go back to the *Gemara*.

The *Gemara* poses a question:

Even if the scribe knows the people and their names, there is still a *chashash* (fear, suspicion) that there might be another couple in town with the same names. This is how the *Gemara* puts it:

"There are two *Yosef ben Shimons* living in the same town"

If that is the case,

There is a *chashash* that the scribe might write a *get* for a particular couple whom he knows, while in reality this *get* will be passed on to a different woman, i. e. to the woman who is the wife of a different *Yosef ben Shimon*. Needless to say, such a *get* will be considered invalid because it will not have been written *li-shmam* (expressly for the other couple with the same names).

Rav Acha bar Huna offers a solution:

Beis din does not have to suspect this, because **Rav** has already established the rule according to which two *Yosef ben Shimons* living in the same town can divorce their wives exclusively in each other's presence.

Thus,

If one of them wants to divorce his wife he will have to do it in the presence of the other couple with the same names. Since both couples will have to appear before *beis din* simultaneously, *beis din* will know exactly for which couple the *Get* had been written, and for which couple it had not been written.

The *Gemara* poses another question:

There still remains a *chashash* that a person who presents himself to the local residents as *Yosef ben Shimon* may ask the local scribe to write a *Get* for him while in reality this person comes from a different town and his name is not *Yosef ben Shimon* at all.

The *Get* will be written in the name of *Yosef ben Shimon*,

But the person who orders the *Get* might pass it on to a woman who resides in his real home town and she is not his wife, although her name is the same as the one written in the *Get*.

Rav Huna bar Chanena offers a solution:

As long as a person has an established a *chazakah* of having resided in a given city for thirty days under a certain name, *beis din* does not have to suspect him of having changed his real name and living in this particular city under an assumed one, in which case he might use this *get* in order to divorce a different woman.

The reason for it is,

That a person would not dare live under an assumed name for such a long period of time. Thus if he has lived in a given town under the name of *Yosef ben Shimon* for thirty days, *beis din* does not have to suspect that he is a liar. (See **Rashi's** commentary *ibid.*).

On the basis of the aforementioned *Gemara* the **Tur** rules:

The *Get* may be written in spite of the fact that the husband's wife is not with him, provided that the witnesses and the scribe recognize [are familiar with] the couple who seek divorce and know it for a fact that this particular man is Mr. So-and-so and this particular woman is his wife, Mrs. So-and-so.

Is Proper Evidence Required?

Is proper evidence given by *kosher* witnesses required,

In order for *beis din* to establish the identity of the couple who seek divorce, i. e. for *beis din* to know that the husband's name is so-and-so and the wife's name is so-and-so, and that they had been married and are seeking divorce now? Or perhaps, evidence that is not usually considered *kosher* for other matters will suffice?

With regard to this question the **Rosh** writes (in his commentary on *Bava Basra* chapter 10, *siman* 17),

That in order for *beis din* to establish the identity of the couple who seek divorce *beis din* can rely on the evidence of a single witness, even if he is a *karov* (relative) and even on the evidence of a woman.

The reason for it is,

That such a case constitutes a *milsa de-avida le-iglae* (a matter destined to be eventually discovered): If they state false names it will be easy for *beis din* to find out their real names.

A similar *din* is discussed in Tractate *Yevamos* (39: b).

This *din* pertains to *yibum* (levirate marriage) to be carried out by the brother of a deceased man who died childless, or to *chalitzah* to which the widow's brother-in-law has to be subjected in order to become exempt from the obligation to marry her.

In order to permit him to carry out *yibum* or release the *yevamah* by way of *chalitzah*, *beis din* has to establish the identity of the man who is standing before them.

Beis Din has to do it in order to ascertain that this man is indeed the brother of his deceased brother born from the same father.

In order to find this out *beis din* can rely on the evidence of a single witness, even if he is a *karov* (relative) or on the evidence of a witness who is *pasul* (unqualified) to testify in court.

The **Beis Yosef** presents a list of *Rishonim* who rule so.

The **Beis Yosef** infers from the works of these *Rishonim* that the knowledge of the couple's names obtained through the evidence given by witnesses (who are unqualified to give evidence concerning other matters) is easily confirmed and it can be relied on in matters dealing with both prohibitions and property.

In view of the above,

The **Beis Yosef** wonders why the **Tur** did not mention this *din* that is ruled by the *Rishonim* and even by the **Rosh**, the **Tur's** father, whose rulings he often quotes.

The **Beis Yosef** also wonders,

Why the **Tur** failed to mention the *din* of the *Gemara* according to which, as long as a person has established a *chazakah* of having resided in a given city for thirty days under a certain name, it is no longer necessary for *beis din* to suspect him of having changed his real name and living in this particular city under an assumed one.

The Din Ruled by the Rambam

In his Laws pertaining to loans the **Rambam** presents a detailed account of *Halachos* pertaining to *Shtaros* (deeds, written documents, notes of receipt, promissory notes, etc.). It is possible to deduce that these *Halachos* also apply to divorces.

The **Rambam** writes the following in chapter 24, *Halachos* 3 - 4:

The witnesses have to know for a fact that the names stated in the *shtar* refer to Mr. So-and-so, the son of Mr. So-and-so and to his partner, the son of Mr. So-and-so whom they must be able to identify, both in dealing with *Shtaros* written in the absence of the other party, and in *Shtaros* written with the consent of both parties and in their presence. [This requirement must be met] in order to prevent them from undertaking a *k'nunia* (i. e. a conspiracy to defraud someone by writing up a false IOU- note in his name, claim this money from him and divide this money between the two

of them or some other dishonest transaction involving fraud and deception).

The **Rambam** adds (quoting the aforementioned *Gemara*) that whoever has established a *chazakah* of having resided in a given city for thirty days under a certain name, is no longer suspected of having changed it for a different one in order to undertake a *k'nunia* to defraud someone, because if you say that *beis din* must still suspect him, there will be no end to all kinds of suspicion.

The **Beis Yosef** deduces some very important *Dinim* from the **Rambam's** words.

1. The **Beis Yosef** infers from the **Rambam** that the aforementioned *Mishnah* does not mean to say that the scribe who must know for a fact that the woman whose name he has written in it is indeed this particular man's wife only when his wife is not with him while the *get* is being prepared. Indeed, the scribe must also know for a fact that the woman whose name he has written in it is indeed this particular man's wife even if she is with him while the *get* is being prepared. The **Beis Yosef** deduces it from the **Rambam's** statement: "The witnesses have to know for a fact that the names, etc., *both in dealing with Shtaros written in the absence of the other party, and in Shtaros written with the consent of both parties and in their presence*".
2. The **Beis Yosef** notes that the **Rambam's** approach slightly differs from **Rashi's**, as **Rashi** (comment beginning with שיהא מכיר) explains that it is the scribe and the witnesses who must be able to identify those names with the persons who are known to them as the bearers of these names, while the **Rambam** writes that "The witnesses have to know...etc.", not mentioning a single word about the scribe.
3. The **Beis Yosef** deduces another *din* from the **Rambam**. It concerns the *Gemara's* statement (*Bava Basra*, 167: b) that as long as a person has an established *chazakah* of having resided in a given city for thirty days under a certain name, *beis din* does not have to suspect him of having changed his real name, etc. The **Beis Yosef** says that the **Rambam** interprets the *Gemara* as meaning to say that *beis din* does not have to suspect him even if this *chazakah* is established on the basis of the person's own evidence, and not only if other people know him by this name. (It is rather difficult to understand how the **Beis Yosef** comes to this conclusion, because the **Rambam** rules exactly in accordance with the language of the *Gemara* which does not say that).

4. The **Beis Yosef** deduces another *din* from the **Rambam**, i. e. that it is not sufficient that the witnesses are able to identify the names of the husband and the wife. They must also be familiar with the names of their parents, because the **Rambam** rules: "The witnesses have to know for a fact that the names stated in the *shtar* refer to Mr. So-and-so, *the son of* Mr. So-and-so and to his partner, *the son of* Mr. So-and-so, etc". (The **Beis Yosef** notes that the **Rambam** deduced this from the *Gemara's* question: "Shall we be *Chosbesb* (fear, suspect) for two *Yosef ben Shimons?*", which indicates that the name of *Yosef's* father is also an important issue).
5. The last *din* that the **Beis Yosef** infers from the **Rambam** is that if a person has an established *chazakah* of having resided in a given city for thirty days under a certain name, his father's name is also written on the basis of the son's evidence, because the **Rambam** mentions the person's name together with the name of his father throughout his entire ruling. The father's name is also written on the basis of the son's evidence in spite of the fact that the father's name is not destined to be discovered as easily as the son's name. Another foundation of this *din* is simple logic (*sevarah*), similar to the reasoning mentioned above: If you do not trust him with his father's name, there will be no end to all kinds of suspicion and distrust.

Identifying in a Dangerous Situation

In a dangerous situation, when it is difficult to take the trouble of identifying the names of the couple, are the scribe and the witnesses permitted to write and certify a *get* even if they know the names of the husband and the wife only from what they have been told by the couple itself?

With regard to this question the *Gemara* describes several cases involving danger which prove that it is permissible to write a *get* in a time of danger, even without knowing the names of the couple seeking divorce.

Case One:

The *Mishnah* in Tractate *Gittin* (66: a) states that if a person has been thrown into a pit from which he cannot get out, and addresses the people outside: "Whoever

hears my voice, go and write a *get* for my wife!", those who hear his request can write a *get* and pass it on to his wife.

Rashi explains that when the man in the pit said: "Whoever hears my voice", he also stated his name and place of residence.

As explained by **Rashi**, the *Gemara* poses the following question:

How can we rely on the voice that is heard from the pit?

How can we be sure that the voice from the pit belonged to the wife's husband?

For all we know,

It could have been the voice of his wife's *tzarab* (literally, trouble, anguish, i. e. associate, rival wife, called "*tzarab*" due to her hostile attitude toward the husband's 'principal' wife).

Additionally,

In her hatred for the principal wife, the *tzarab* may have pretended to be the principal wife's husband telling people to write her a *get* so that she would be divorced from him.

The principal wife,

Would duly receive the counterfeit *get* and, assuming that she is truly divorced, marry a different man. Even if the *get* would eventually prove to be counterfeit, this woman would be forbidden to live with her former husband as a woman who has committed adultery with a different man while being officially married.

The result,

The *tzarab* hoped for would be that she would become her husband's only wife. In view of this *chashash*, how can we trust the voice?

The *Gemara* answers the above question in the name of **Rabbi Yishmael**:

In a time of danger, (such as in the case when the husband faces mortal danger due to having been thrown into the pit without being able to get out), it is permissible to write a *get* and pass it on to his wife, even though the names of the couple are not known.

The reason for this permission is,

That there is hardly any room for the above *chashash* in a time of danger and distress, in spite of the fact that no one knows the names of the couple, and it is not known whether or not it is the wife's *tzarab* talking from the pit to the people outside.

Case Two.

A similar case is described at the end of Tractate *Yevamos* (122: a). The *Mishnah* relates a story about a person who said: "Mr. So-and-so who resided in the town of Such-and-such has died". Some people went to that town and indeed saw a dead man there, although they did not know who he was. The only thing they knew about was what they had heard from that person who claimed that the man whom they saw dead was the one who had died in that town. Nevertheless, they went ahead and permitted the dead man's wife to marry a different man.

The *Gemara* poses a question:

For all we know, the one who said:

"Mr. So-and-so who resides in the town of So-and-so has died" might have been the woman's *tzarab*, whose intention was to render her forbidden to her husband (like in the previous case)!

The *Gemara's* answer is identical to the aforementioned one: *Tana d'vei Rabbi Yishmael*:

In a time of danger, it is permissible to write a *Get* even if the name is not known. In this case it is permissible to write a *Get* and pass it on to the dead man's wife, even if the name of the dead man is known only from what had been heard from the person who broke the news that he was dead.

Rashi says,

That the above case is indeed defined as a dangerous situation, for if we won't believe the person who said that Mr. So-and-so who resided in the town of So-and-so was the one who had died in that town, there will be no

other witnesses to testify to this matter and, as a result, the woman will remain an *Agunah* unable to remarry for the rest of her life.

The **Shulchan Aruch** rules,

According to the *din* of the *Gemara* in *Bava Basra*, that the *Get* may be written in spite of the fact that his wife is not with him [in *Beis Din* or before the witnesses], provided that the witnesses who sign it recognize [i. e. are familiar with the couple who seek divorce] and know for a fact that this particular man is Mr. So-and-so and this particular woman is his wife, Mrs. So-and-so.

The **Beis Shmuel** (*Seif Katan* 4) adds,

That it is not sufficient for the witnesses to know that these are the names of the couple. They also have to know that the woman whom the man divorces is indeed his wife.

The **Rama** adds,

In brackets that there are those who say that the scribe must also know [i. e. be able to recognize or be familiar with] them. (See **Rashi** and the **Tur**). The **Rama** himself supports their opinions, stating: "I am also inclined to think so".

However, the **Pischei Teshuvah** (*Seif Katan* 10) presents,

The view of the author of **Get Pashut** who holds that the final *Halachah* is established in accordance with the view of the **Beis Yosef** who holds that the scribe does not have to know their names.

Despite this,

The **Pischei Teshuvah** quotes the **Toras Gittin** who supports the **Rama's** ruling (according to whom the scribe must also know their names), but he adds that it is a mere stringency.

The **Shulchan Aruch** adds,

On the *din* ruled by the *Rishonim*, according to which this knowledge (i. e. familiarity) can even be [based] on [the evidence of] a single witness, and even [on the evidence] of a woman or a relative.

The **Beis Shmuel** adds (*Seif Katan* 5) that the *shaliach* (agent) who passes the *get* on to the wife can also be trusted with this.

The **Pischei Teshuvah** (*Seif Katan* 12) discusses the issue,

Of being familiar with the couple and knowing their true names, and states, among other things, that this familiarity can be based on the text of a *shtar* that mentions the couple's names. The practical significance of this conclusion shows itself in the ability to rely on data provided by an Identification card and other official documents in order to establish the identity of the couple seeking divorce.

The **Rama** adds the *din* ruled by the **Rambam**:

The law requires that the name of the husband and the wife and the names of their fathers be known.

Then the **Rama** adds the *Gemara's din*,

According to which as long as [a person] has established a *chazakah* of [having resided] in this particular city for thirty days, [*beis din*] no longer suspects him [of having changed their names].

The **Rama** concludes his ruling,

By quoting the **Rambam** who holds that the husband's name and the name of his father is customarily written in the *get* on the basis of his own evidence.

Is it permissible to write the name of the husband's father based on his own evidence even if he has not established a *chazakah* of having resided in the town for thirty days under the name of Mr. So-and-so, son of So-and-so?

With regard to this question the **Chelkas Mechokek** (*Seif Katan* 10) infers from the **Shulchan Aruch** that he is believed concerning the name of his father on the basis of his own evidence even if he has not established a *chazakah* of having resided in the town as the son of So-and so.

However,

The **Beis Yosef** himself writes that the name of the husband's father is also written on the basis of the information supplied by the husband himself exclusively upon his having established a 30 days *chazakah* of uninterrupted residence in the town as the son of so-and-so.

The **Shulchan Aruch** adds the *Gemara's* previous ruling,

According to which if there are two people living in the same place, whose names are identical and the names of their wives are identical, one of them can divorce his wife exclusively in the presence of his namesake, in case he writes a *get* and gives it to his namesake's wife and [thereby] divorces her from him.

The **Shulchan Aruch** concludes this chapter with the *Gemara's* ruling according to which, in a situation involving danger the *get* is written and given [to the wife] even if [*beis din*, the scribe or the witnesses] do not know them (i. e. that the couple seeking divorce is the one whose names are to be written in the *get*).

Signing a Get without knowing the couple

The Din Pertaining to the Get Written and Signed Without Being Familiar With the Couple.

We learned in the *Gemara* (and it is thus ruled in the **Shulchan Aruch**),

That a *Get* is not to be written without the knowledge of the names of the couple seeking divorce. The question is what the *din* will be if, *bedi'avad*, the *Get* has already been written and signed without prior identification of their names? Will their divorce take effect?

The **Chelkas Mechokek** discusses this question (*Seif Katan* 8).

He writes that *Lechatchila* the law indeed requires that the *get* be written in awareness of the couple's real names to prevent the possibility of forgery (such as to prevent the husband from passing the *get* on to a different woman).

However,

If at the time of the writing the authenticity of the names of the couple was not confirmed, the *get* will take effect *bedi'avad*, even though it had been written and signed without prior identification of their names, provided that the names prove to be the real names of the couple.

This ruling is deduced,

From the *Din* pertaining to the writing of a *get* in a dangerous situation, when it is permissible to write a *Get* even *Lechatchila* without prior identification of their names. If so, in peaceful circumstances, after having been written and signed, the *Get* will be considered *kosher bedi'avad* even without prior identification of their names.

Questions and Answers

1. **What does the Mishnah say with regard to writing Shtaros in the absence of the two parties?**

The *Mishnah* states that it is permissible to write a *get* for a person even if his wife is not with him while the *get* is being prepared. It is likewise permissible to write a *shovar* for a woman (a kind of receipt certifying that she has received everything she was entitled to receive from her husband) even if her husband is not with her while it is being done, all this – *u-vilvad she-ihye makiran* (provided that the scribe who writes this bill of divorce or receipt knows for a fact that the woman whose name he has written in it is indeed this particular man's wife).

2. **What does the Mishnah mean by remarking: *u-vilvad sheihye makiran* (literally, provided that the scribe is familiar with the couple seeking divorce)?**

The *Gemara* concludes that the law requires that the names of the husband and the wife be known (i. e. the names written in the *get* be identified with the persons who are known as the bearers of these names). **Rashi** (comment beginning with שיהא מכיר) explains that it is the scribe and the witnesses who must be able to identify those names with the persons who are known to them as the bearers of these names. The **Nimukei Yosef** explains that the *Gemara* meant to say: it is not sufficient that [the scribe or / and the witnesses] know the husband and the wife by sight (their faces are familiar to them) while they rely on someone else for their names. The scribe or / and the witnesses must know them both by sight and also by name.

3. **Even if the scribe knows the people and their names, there is still a chashash that there might be another couple in town with the same names. If that is the case, there is a chashash that the scribe might write a Get for a particular couple whom he knows, while in reality this Get will be passed on to a different woman, i. e. to the woman who is the wife of a different Yosef ben Shimon. Needless to say, such a get will be considered invalid because it will not have been written li-shmam (expressly for the other couple with the same names).**

Rav Acha bar Huna offers a solution: *Beis din* does not have to suspect this, because **Rav** has already established the rule according to which two *Yosef ben Shimon*s living in the same town can divorce their wives exclusively in each other's presence. Thus, if one of them wants to divorce his wife, he will have to do it in

the presence of the other couple with the same names. Since both couples will have to appear before *beis din* simultaneously, *beis din* will know exactly for which couple the *get* had been written, and for which couple it had not been written.

4. **Is proper evidence given by kosher witnesses required in order for *beis din* to establish the identity of the couple who seek divorce, i. e. for *beis din* to know that the husband's name is so-and-so and the wife's name is so-and-so, and that they had been married and are seeking divorce now? Or perhaps, evidence that is not usually considered kosher for other matters will suffice?**

With regard to this question the **Rosh** writes that in order for *beis din* to establish the identity of the couple who seek divorce, *beis din* can rely on the evidence of a single witness, even if he is a *karov* (relative) and even on the evidence of a woman. The reason for it is that such a case constitutes a *milsa de-avida le-iglae* (a matter destined to be eventually discovered): If they state false names it will be easy for *beis din* to find out their real names.

5. **Where do we find a similar *din*?**

A similar *din* is discussed in Tractate *Yevamos*. This *din* pertains to *yibum* to be carried out by the brother of a deceased man who died childless, or to *chalitzah* to which the widow's brother-in-law has to be subjected in order to become exempt from the obligation to marry her. In order to permit him to carry out *yibum* or release the *yevamah* by way of *chalitzah*, *beis din* has to establish the identity of the man who is standing before them. *Beis din* has to do it in order to ascertain that this man is indeed the brother of his deceased brother born from the same father. In order to find this out *beis din* can rely on the evidence of a single witness, even if he is a *karov* or on the evidence of a witness who is *pasul* to testify in court.

6. **State the second *Din* deduced by the Beis Yosef from the Rambam's words.**

The **Beis Yosef** notes that the **Rambam's** approach slightly differs from **Rashi's**, as **Rashi** (comment beginning with **שיהא מכיר**) explains that it is the scribe and the witnesses who must be able to identify those names with the persons who are known to them as the bearers of these names, while the **Rambam** writes that "The witnesses have to know...etc.", not mentioning a single word about the scribe.

7. **State the fourth *din* deduced by the Beis Yosef from the Rambam's words.**

The **Beis Yosef** deduces another *din* from the **Rambam**, i. e. that it is not sufficient that the witnesses are able to identify the names of the husband and the wife. They must also be familiar with the names of their parents, because the **Rambam** rules: "The witnesses have to know for a fact that the names stated in the *shtar* refer to Mr. So-and-so, *the son of* Mr. So-and-so and to his partner, *the son of* Mr. So-and-so, etc". (The **Beis Yosef** notes that the **Rambam** deduced this from the *Gemara's* question: "Shall we be *Choshesh* (fear, suspect) for two *Yosef ben Shimons?*", which indicates that the name of *Yosef's* father is also an important issue).

8. In a dangerous situation, when it is difficult to take the trouble of identifying the names of the couple, are the scribe and the witnesses permitted to write and certify a *get* even if they know the names of the husband and the wife only from what they have been told by the couple itself?

With regard to this question the *Gemara* describes two cases involving danger which prove that it is permissible to write a *get* in a time of danger, even without knowing the names of the couple seeking divorce (See our present *shiur*).

9. Is it permissible to write the name of the husband's father based on his own evidence even if he has not established a *chazakah* of having resided in the town for thirty days under the name of Mr. So-and-so, son of So-and-so?

With regard to this question the **Chelkas Mechokek** infers from the **Shulchan Aruch** that he is believed concerning the name of his father on the basis of his own evidence even if he has not established a *chazakah* of having resided in the town as the son of So-and so. However, the **Beis Yosef** himself writes that the name of the husband's father is also written on the basis of the information supplied by the husband himself exclusively upon his having established a 30 days *chazakah* of uninterrupted residence in the town as the son of so-and-so.

10. What will be the *Din*, if, *bedi'avad*, the *Get* has already been written and signed without prior identification of their names? Will their divorce take effect?

The **Chelkas Mechokek** discusses this question (*Seif Katan* 8). He writes that *Lebachila* the law indeed requires that the *get* be written in awareness of the couple's real names to prevent the possibility of forgery (such as to prevent the husband from passing the *get* on to a different woman). However, if at the time of the writing the authenticity of the names of the couple was not confirmed, the *get*

will take effect *bedi'avad*, even though it had been written and signed without prior identification of their names, provided that the names prove to be the real names of the couple. This ruling is deduced from the *din* pertaining to the writing of a *get* in a dangerous situation, when it is permissible to write a *get* even *Lechatchila* without prior identification of their names. If so, in peaceful circumstances, after having been written and signed, the *get* will be considered *kosher bedi'avad* even without prior identification of their names.