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Ami

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EXCLUSIVE

RAV MENDEL ZILBER

ROSH BEIS DIN OF
HISACHDUS HARABONIM
SPEAKS OUT

against the ANNULMENT OF JEWISH MARRIAGES

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FLEES KUWAIT TO
BECOME A JEW

SECRETS FROM THE
CHASHMONA'IM IN
TELZ STONE

THE ICELANDIC
SAGA OF CHANUKAH
AND THE JEWS

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Preserving the Sanctity of Jewish Marriage and the Integrity of Our Immutable Mesorah

In a wide-ranging and thought-provoking conversation, **Rav Mendel Zilber**, the esteemed *rosh beis din* of Hisachdus Harabonim, discusses his campaign against the recent trend in some circles to annul troubled Jewish marriages

*By Rabbi Yitzchok
Frankfurter*





As some have pointed out, one of the few times the Rambam alludes to the concept of *gevurah* (courage) in his *Mishneh Torah* is when discussing the significance of Chanukah. When writing about the insurrection of the Chashmonaim against the Greeks and their subsequent purification of the *Beis Hamikdash* and restoration of Jewish independence that lasted until the destruction of the Second *Beis Hamikdash*, he uses the word “*gavru*.” To be precise, he uses the word twice in that context. And he does that purposely, as it takes a significant amount of courage to challenge those who seek to undermine *Yiddishkeit*. Seen from that perspective, Rav Mendel Zilber, widely known as the Freimener Rav, is not only a great *gaon* and *dayan*, but a most courageous person indeed.

Rav Zilber, the long-serving *rosh beis din* of the distinguished rabbinical organization Hisachdus Harabonim who is graciously hosting me this afternoon in his modest apartment on the fifth floor of a project in Williamsburg, is one of the most revered *dayanim* of our times. The author of the re-

markable four-volume *Sh'eilos Uteshuvos Moznei Tzedek* as well as notations on the *sefer Tuv Gitin*, Rav Zilber has taken it upon himself to uproot the recent practice of annulling Jewish marriages. That a leading *rav* of the Satmar community has adopted this cause may come as a surprise to some, since



the last place on earth it would seem to affect is the chasidic community, especially that of Williamsburg.

Years ago, at a convention of the Rabbinical Council of America, Rav Yosef Dov Soloveitchik famously spoke out against some of his *talmidim* who were suggesting the possible annulment of some marriages as a solution to the growing problem of *agunos*. Rabbi Emmanuel Rackman, who was then president of the RCA, even recommended a form of *kiddushin* that would be possible to annul later.

Focusing on the implications of such a reform, which, if allowed to proliferate, would destroy the institution of Jewish marriage and the integrity of Jewish *mesorah*, Rav Soloveitchik expressed his objection to the idea this way: “I was also told that it was recommended that the method of *afkinu rabbanan l’kiddushin minei* [annulment of marriage] be reintroduced. If this recommendation is accepted—and I hope it will not be, but if it is—then there will be no need for a *get*... We will be able to cross out this *mishnah*, that *halachah*; every rabbi will suspend Jewish marriages. Why should there



An asifah of the Hisachdus Harabonim against annulments

be a *halachah* like this if such a privilege exists? Why should this privilege be monopolized by the Israeli Chief Rabbinate in Israel? Why couldn't the Rabbinical Council do it just as well?"

As a result, many leading *talmidim* of Rav Soloveitchik, such as Rav Herschel Schachter, have partnered with Rav Zilber in his mission against annulment and put their signature to his public proclamations condemning it. When I ask Rav Zilber why annulment should be a concern to members of his community who are seemingly removed from these types of lenien-

cies, he explains why all Jews are ultimately affected.

"This issue, which is the greatest *peritzah* of our generation, affects all *kreizen*," he tells me pointedly. "If someone permits an *eishes ish* to remarry without a *get*—even if that person is from the most modern community—then even the most *frum* women who are unfortunately *agunos* for many years will want to go to that *rav* to solve their problem. A woman who is an *agunah* because she cannot obtain a *get* suffers terribly and may seek any and all ways to alleviate her situation. There are men who

Many leading *talmidim* of Rav Soloveitchik, such as Rav Herschel Schachter, have partnered with Rav Zilber in his mission against annulment.

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Rav Zilber (c) at an *asifah* with Rav Malkiel Kotler (l) and Rav Shlomo Miller (r)

refuse to give a *get* under any circumstances—whatever the reason—which leaves the woman in desperate circumstances. This affects every *Yid*, because if the *hetter* isn't valid, this woman's subsequent children will be *mamzeirim* who could end up becoming part of any community."

Between Theory and Practice

Since the concept of annulment has already been discussed by *Chazal*, I ask Rav Zilber to explain why the idea should be rejected out of hand.

"Even if conceptually there is a *metzius* of annulment," he passionately asserts, "if we permit a woman to remarry without a *get*, we're going to cause a terrible stumbling block because people will be *mattir* in cases where they shouldn't, which would lead to one of the three worst *aveiros*, as well as the proliferation of *mamzeirim*. That is the worst aspect of this issue, which is why we became involved."

"Since the *hetter* of annulment exists in the abstract," I say, "and *gedolei Yisrael* have relied on it in certain isolated and extreme cases, it means that there is room for dissenting opinions. That being said, I'm curious how you

were able to unite across the spectrum from Rav Hershel Schachter to the Hisachdus Harabonim."

"I have to give you a little preface before answering your question. From the times of the Mishnah and Gemara until about 250 years ago, I don't think there was a single *posek* who spoke about a *hetter* for a married woman to remarry without a *get*. Perhaps there was something along those lines from an unknown *posek*, but otherwise it was nonexistent. Starting around 250 years ago, there were *gedolei Yisrael* who relied on the concept of *mekach ta'us* and *kiddushei ta'us* in specific cases, meaning that the marriage contract was deemed to have been based on a mistake and was thus able to be annulled, although

it was usually done concurrently with other reasons to be *mattir*.

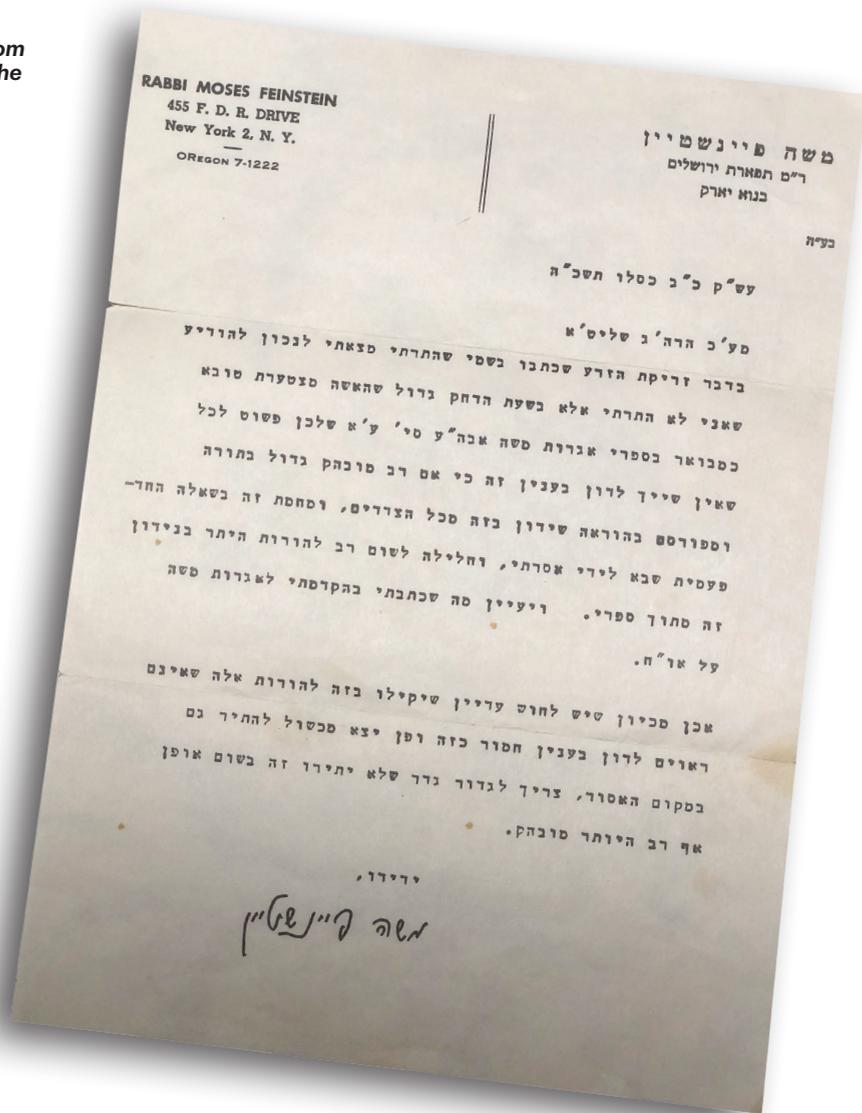
"Additionally, this reasoning was mainly used for a *yevamah* whose husband had died and couldn't get *chalitzah* from his brother. It wasn't used to be *mattir* a married woman, one of the *mitzvos* that is in the category of *yehareig v'al yaavor* and carries the harsh punishments of *chenek* and *kares*. In fact, the *Noda BiYehudah* and others were of the opinion that just because this reasoning could be used to allow a *yevamah* to marry whomever she wanted, it did *not* mean it could be used to allow a married woman to remarry without a *get*.

"Now, there were some who took this *hetter* and completely misused it in a way that should never have been allowed. A couple of years ago, there was a *din Torah* between a husband and a wife that wasn't going anywhere. Eventually a certain *rav* gave a *hetter* for the woman to remarry without a *get*. A *rosh yeshivah* in the town where the *din Torah* took place wrote a very sharp letter saying that he felt a responsibility to *klal Yisrael* and to the *Eibershter* and was therefore issuing a public protest.

"The *hetter* was based on the fact that the man's conduct was not what it seemed on the surface, and when the woman married him, she was unaware that his behavior was abnormal. The *rav* who permitted the annulment claimed that a certain *rosh yeshivah* had said that in such cases one could be *mattir*, and it led to a big firestorm. The Hisachdus Harabonim held a meeting about it, and several people who were knowledgeable about the case came to testify. That's what

"When someone claims that Rav Moshe was *mattir* annulments, it's a complete falsehood."

Letter from Rav Moshe to Rav Zilber's father



“Going back to your question of whether there is no such *hetter* at all or it’s dependent on a *machlokes*, and how we were able to get everyone to agree: As I said earlier, there were those who permitted it in very specific and unique cases, and only when it was in conjunction with other reasons to be *mattir*. But the vast majority of *gedolei Yisrael* throughout the generations didn’t permit it on that basis, and even in cases where they did, they only took responsibility for that specific case. It was never meant to be a general *hetter*.”

The Opinion of Rav Moshe Feinstein

“When someone claims that Rav Moshe was *mattir*,” Rav Zilber continues, “it’s a complete falsehood, because when he did permit an annulment it was only in that specific and unique situation. But to say Rav Moshe was *mattir* in general is patently false. It would be just like saying that because Rav Moshe was *mattir* in a certain case, every woman in the world can remarry without a *get*. It’s completely absurd. To say that there’s a *hetter* from Rav Moshe if the husband’s conduct isn’t entirely proper or he has health issues is a complete fabrication.”

“Rav Moshe clearly wrote a disclaimer in the *hakdamah* to his *sefer*,” I point out, “that he wasn’t making any *hetterim* or *chumros* for *klal Yisrael*; he was only providing *marei mekomos* so that people would know where to find answers to contemporary questions, and they shouldn’t rely on what he wrote for *halachah l’maaseh*. For that, they should consult a *rav*.”

“I would like to add,” Rav Zilber relates, “that when Rav Moshe was *mattir* certain medical procedures to have a child a number of years ago, many *rabbanim* came out against the *hetter*, including the Satmar Rebbe. Rav Moshe wrote a letter that he sent to all the leading *rabbanim*, explaining that he was only permitting it in a specific way. However, because it was possible for people to extrapolate from his *teshuvah* to be *mattir* in other ways as well, he was therefore making an announcement that no one

initially led to my becoming more involved in this matter.

“I believe that according to all opinions, there was no reason whatsoever to allow this woman to remarry without a *get*. The circumstances of the case weren’t even close to justifying an annulment. The *rabbanim* and *roshei yeshivah* came out very strongly against it, but *l’maaseh* no one could do anything about it, because the woman had already remarried, and I believe even had a child, who wasn’t kosher according to all opinions.

“Last year there was another case in Boro Park in which a woman got a *hetter* from a so-called *beis din*, Beis Din Beinleumi Linyanei Ishus (also known as the International Beit Din). The *beis din* wrote a clari-

fication explaining their *psak*, but any *talmid chacham* who saw it felt that it was completely erroneous not only according to Torah but even according to *seichel*. They had never listened to the husband’s side and only spoke to the wife. Their *hetter* was also based on *inyanei mussar* from *roshei yeshivah*, not that the husband had done something against *halachah* that would justify her having a claim against him. What the husband had done only contravened what we would call *derech hamussar*, and it was based on a Radbaz that wasn’t related to the *sh’eilah*. The whole thing wasn’t *oisgehalten*. That’s when people from all *kreizen* came together to challenge the *hetter*, and it was decided to issue strong statements against it.



Rav Zilber speaking to rabbanim about this serious issue

should rely on his *teshuvah* under any circumstances. My father was one of the *rabbanim* who received this letter. (Rav Zilber then asks his son to bring it.)

“The issue of annulment is much more serious than that, and it is also much more dependent on the specifics of the case. It is therefore clear to me that Rav Moshe would say that it should never be done under any circumstances, because there is no one alive today who can take the *achrayus* for permitting a married woman to remarry along with the risk of *mamzeirus*.”

“Rav Elyashiv’s right-hand man once told me,” I share, “that Rav Elyashiv would never allow anyone to *pasken* based on his prior *piskei dinim*, because even a difference in one small detail could completely change a *psak*. Do you feel the same way about *paskening* based on the *piskei dinim* of others?”

“Certainly, in cases that are of great import,” is his instantaneous response. “The circumstances of each case are unique. We found in the *Rishonim* that there’s a difference between

being *mattir* something in a specific case and saying that this thing is *muttar*.

“There are numerous discussions about whether or not it’s possible to annul a marriage because of *kiddushei ta’us*. For example, if a man has a serious physical blemish and the woman didn’t know about it, the Gemara discusses whether she can later claim that it was a *mekach ta’us*. There are blemishes that the woman wouldn’t have accepted in an ideal world, but *halachah* doesn’t consider them bad enough to say that no one would have willingly entered into a marriage had they known about them. For example, if a

man had a gastrointestinal illness the woman didn’t know about, it would be absurd to say that that’s a reason for her to now be able to remarry without a *get*.

“There are cases of very serious illnesses that are comparable to those in the Gemara and *Shulchan Aruch*, where perhaps we might start discussing whether they constitute *mekach ta’us*, but *l’maaseh* we see from the *poskim* that they never permitted annulment. However, even if you were to say that we could be *mattir*, where do you draw the line? How big does a blemish have to be? It’s a very sensitive issue.

“And what about a case where the man is halachically a *shoteh* but the woman didn’t know about it? He was sick before she knew him, but when they met he was a little better; maybe he was medicated. It’s very hard to say who is considered a *shoteh* and when we can even begin thinking about a *hetter* based on *mekach ta’us*. Certainly, just because a wife says that her husband went crazy doesn’t rise to that level. If he’s completely insane and isn’t capable of understanding anything, and it’s very clear that the woman was unaware of it, there were *gedolei Yisrael* who spoke about a potential *hetter*. But making that determination is very difficult.”

“I would assume,” I say, “that in most cases of divorce, one or both sides claim that their spouse was not what they had in mind when they got married. If that were the only criterion, annulments would be proposed with some regularity.”

“That’s where the problem starts,” he rejoins. “If we don’t make it very clear that a woman cannot claim that she should be allowed to remarry without a *get* because of such-and-such a problem, it’s going to be

“There are no circumstances where we can permit a woman to remarry without a *get*.”

very hard to figure out what the criteria are. Therefore, if we permit it at all, it's going to lead to a big *churban*.

"There are certain cases where the use of annulment is discussed in the *poskim*. For example, if a couple gets married and the husband then *shmad*s, there's a discussion about whether or not it's permissible depending on when he decided to *shmad*. But it's very uncommon these days. Nowadays people go off the *derech* and become atheists, but it's very rare for them to *shmad zich*.

"There's a case in the *Igros Moshe* where the couple wasn't *frum*, but they were married according to *halachah*. After the *chasunah*, the husband told her that he had *shmad zich* before the wedding. Rav Moshe didn't really want to be *mattir*, but because he believed there was no choice, he agreed to permit it.

"The truth is that it seems from the *Rishonim* that you cannot be *mattir* if the woman isn't *frum*, because the only *tzad hetter* is if she isn't able to keep Torah and *mitzvos* with this husband. However, if she doesn't care about *Yiddishkeit* anyway, just because he isn't on the level she expected isn't enough of a reason. Let's say that a woman marries someone she thinks is a *ben Torah*, and then



The Satmar Rebbe, zt"l, with Rav Shaul Brach, zt"l

it turns out that he's really an *am haaretz*. If we're going to annul marriages just because a husband isn't what the wife thought he was, we'd have to be *mattir* every woman who isn't happy with her husband.

"*Umaaseh*, even in cases of a husband having *shmad zich* or being a *shoteh*, we don't find that *poskim* were *mattir* without a *get* until about 250 years ago. Up until then the discussions were more about whether or not to force the husband to give the wife a divorce. Furthermore, even those *poskim* who did accept the responsibility to be *mattir* usually did so when

it was a question of *issurei lavin*, such as a *yevamah*, and it was done in conjunction with other reasons to be *mattir*."

Other Halachic Sources

"I'd like to discuss for a moment the halachic aspects of annulment and the chronology of *teshuvos* on the subject," Rav Zilber states reflectively. "There's a very harsh *teshuvah* from Rav Chaim Berlin, who asks the *rav* who sent him the *sh'eilah* to please not involve him, because the consequences were so far-reaching. Rav Henkin, disagreeing with Rav Moshe, writes that there are no circumstances under which a *rav* can give a *hetter*. In *Daas Sofer*, the Pressburger Rav also says something similar.

"There were *rabbanim* in Paris who suggested making *kiddushin al tnai*, meaning that the marriage would be

retroactively terminated under certain circumstances, but the *gedolei Yisrael*, including Rav Yitzchak Elchanan and Rav Chaim Brisker, spoke out against it in very harsh terms. In 1930 there was a *rav* in New York who wrote a *kuntreis* suggesting that every *kiddushin* should be done on condition that if there would be a need for a *get* and the husband refused to give it, the marriage would be *batel* retroactively in order to be *mattir agunos*. A thousand *rabbanim* in Russia and Poland signed letters saying that it was a *michshol* and shouldn't be done.

"The Rogatchover Gaon wrote about someone who was trying to find a *hetter* [*Sh'eilos Uteshuvos Tzofnas Panei'ach, Siman 116*] that 'he was just trying to find ways to be *mattir eishes ish* and increase *mamzeirim*, *chas v'shalom*. And it seems to me that he is a friend of the fraud from London, *yimach shemo* [who apparently had a similar suggestion], and I don't even want to discuss the matter.' You can see how seriously he took any such attempt, and he held that it cannot and must not be done.

"There were other *gedolim* who mentioned it earlier, but they were speaking about the

"There are many *rabbanim* who aren't familiar with the details of these *halachos*. These *asifos* were held so they will know what the *daas Torah* is."



Rav Zilber presiding over an *asifas harabbanim* about annulments

etzem halachah, and they made it clear that we cannot rely on any such thing, because either a *hetter* doesn't exist, or even if it does, it can easily be misused. The idea of permitting a married woman to remarry purely because of *mekach ta'us* is very new, and it is now being done even in cases where everyone would agree that it's forbidden. That is why all the *rabbanim* are in agreement that we can't allow this to continue."

Confronting the Agunah Problem

Since annulment is not an option, I ask Rav Zilber if there is another solution for *agunos*, which I point out is not always the fault of a recalcitrant husband but frequently that of the wife, who uses the *get* as a nego-

tiating tool to get something in return, such as money or expanded custody of the children.

"That's true," he affirms, "and there are cases where one or both sides do things that are very wrong to try to get their way. However, this is something that should be under the jurisdiction of the *batei din*, and there are *askanim* who also help in such situations. So far, we've been talking about the question of whether or not we can ever be *mattir* a woman to remarry without a *get*. We cannot be lenient just because the woman is an *agunah*. The fact that the woman is a big *rachmanus* isn't a reason to be *mattir eishes ish*. The *rabbanim* do whatever they can to help *agunos*. When people come to our *beis din*, we do everything in

our power to convince the husband to give a *get*. But the issue here is whether or not a *hetter* for annulment exists."

"I understand that," I say. "But since there are some modern rabbis who are claiming that it does, is there anything other *batei din* can do to give these desperate women some recourse?"

"There is no *eitzah* that will be the equivalent to getting a *hetter*," is his judicious reply. "If they get a *hetter*, they can get married. All we can really do is *shtadlanus* and maybe call out the husband as a *mesarev l'din*. But there are no circumstances where we can permit a woman to remarry without a *get*."

"Let's talk about the unanimity of opinion," I solicit. "You and your *beis din* would never permit it, but I imagine that some of the *rabbanim* who signed the letters would permit it under certain conditions. In what way are you saying that there is unity?"

"No one is going to be *mattir* an *eishes ish* to remarry without a *get*. That's why we can make a general statement that there is no *hetter*. People say that there are *gedolim* who permit it, but it's a misconception. No *gedolim* were ever *mattir* this. There were *gedolim* who in very specific circumstances accepted the *achrayus* to be *mattir*, but because it can be misused, we will in no way be *mattir* this."

"I believe," I say next, "that just making it known that the vast majority of *rabbanim* hold that a woman who receives such a *hetter* is still an *eishes ish*, and her children from a subsequent marriage will be *mamzeirim*, would be enough to stop them from accepting such a *hetter*."

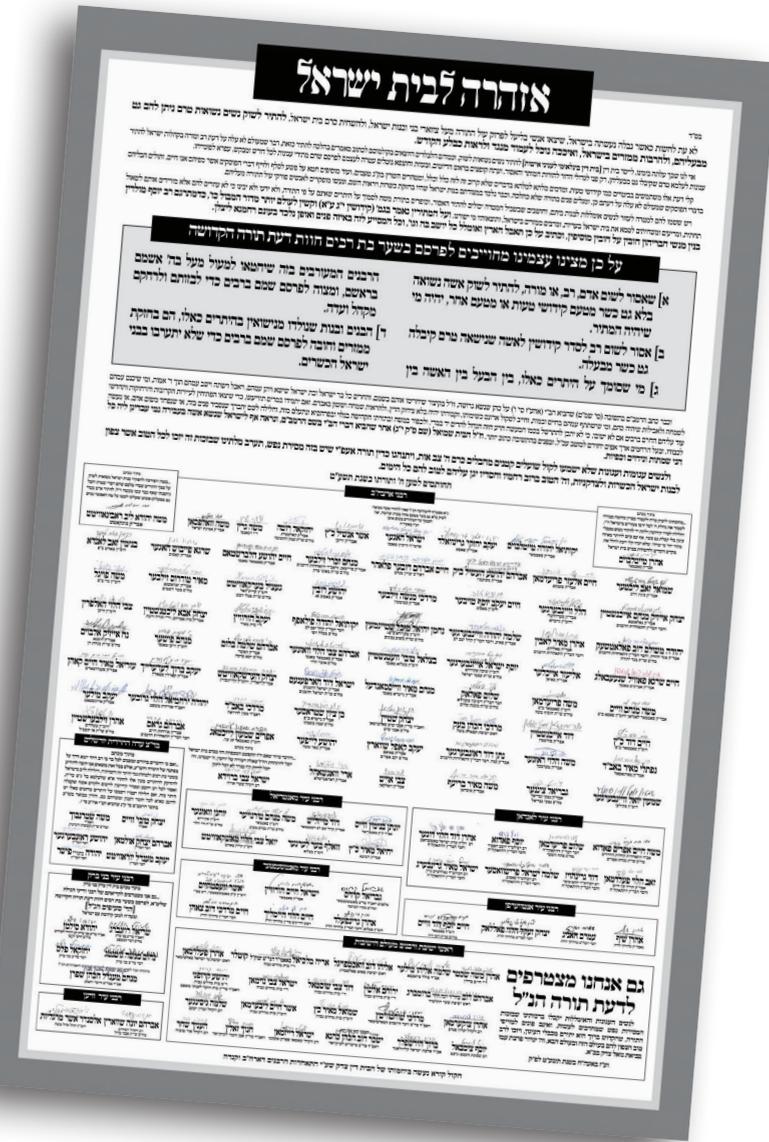
"That's exactly what we did. (Rav Zilber reads me one of his letters.) The *beis din* of Hisachdus Harabonim also issued a letter stating very clearly that we consider the child of the marriage I mentioned before to be a *mamzer*."

"Is the *Beis Din Beinleumi* recognized by the *rabbanut* in Eretz Yisrael for *gittin*?"

"It's irrelevant, because in these cases they aren't issuing a *get*; they're busy with *hetteirim*."

"It was decided that we had to issue a kol korei. Each and every rav of the Hisachdus who is involved in gittin reviewed it before it was published."

A proclamation against annulments signed by 130 rabbanim



Jersey on this topic. I ask him what the purpose of these meetings was.

“There are many rabbanim who aren’t familiar with the details of these halachos,” he explains, “and they might be tempted to tell an agunah to ask for a hetter. These asifos were held so that rabbanim will know what the daas Torah is.”

“So it was more for the rabbanim than for the community?”

“Yes. We also wanted the publicity, but the main objective was the rabbanim.”

“What’s your message for the community?”

“According to the vast majority of rabbanim, annulling a marriage isn’t muttar under any circumstances, and as for those who held that it was permissible under certain circumstances, only the gedolei Yisrael of previous generations could make that determination.”

“Is this part of your work for the Hisachdus Harabonim or is it a personal mission?”

“Both. I’m dedicated to addressing this topic, but it really started as part of the Hisachdus, and of course, all of the rabbanim were involved.”

His son interjects with the following point: “It started out with a question that was posed to the Hisachdus Harabonim because of the case in Boro Park. The Hisachdus collected testimony and then issued its first psak. After that, the rabbanim decided that it needed to be publicized because it wasn’t about a single case, it was about the entire concept of bittul kiddushin. From there it went to making asifos and getting other rabbanim involved. One asifah was held in Flatbush, where we got the rabbanim of several kehillos involved. We also had one in Lakewood with the participation of Rav Shlomo Miller, who spoke out very sharply against it.

“Rav Miller convened a beis din that was led by Rav Dovid Feinstein, and after listening to both sides of the Boro Park case, it paskened that the hetter was invalid, and the rav who originally issued it retracted his psak. After that there was another meeting in Williamsburg with all the local rabbanim,

Officially, the chief rabbinate doesn’t want any hetteirim. There was a specific case in which the beis din in Haifa gave a hetter, but in general they don’t go along with them. There was an article in a non-chareidi newspaper about a private beis din that gave a hetter without a get, and they wrote that it wasn’t compatible with the opinion of the chief rabbinate.”

“As such a hetter is only going to end up causing many more problems,” I pose, “maybe that should be your overriding message.”

“I wrote about that as well. They think they’re doing these women a favor, but they’re really destroying their lives. (Rav Zilber reads me another letter.)”

“I think that sometimes too much information is revealed about how a psak was reached, which causes people to decide that they don’t agree with the reasoning,” I opine. “The main thing is that people should know that Orthodox Jews, regardless of community, don’t recognize annulments, and that the children of such unions won’t be able to get married.”

“That is certainly an important message that you can relay.”

Edifying Rabbanim and Laypeople

Rav Mendel Zilber has held a number of asifos with rabbanim in various Jewish communities throughout New York and New

and then a very big *asifah* in Monsey. At that point it was decided that we had to issue a *kol korei*. Each and every *rav* of the Hisachdus who is involved in *gittin* reviewed it before it was signed and published.”

“Wouldn’t it be worthwhile,” I suggest, “to have a *beis din* representing the entire spectrum of *Yiddishkeit* to deal with such major issues that everyone could rely on?”

Rav Zilber: “You know how things work in America. No one wants to be subordinate to anyone else, and no one has the time.”

“But it would be amazing,” I insist, “if there were one address everyone could go to. A number of years ago, I met with Rav Nissim Karelitz shortly after he held an *asifah* about making *takanos* for the *chareidi batei din* in Eretz Yisrael for the purpose of keeping things unified. He told me then that the problem in America is that everyone does his own thing, which has caused many problems. A unified *beis din* would resolve many of them, at the very least because it could state very clearly that there is no such *hetter*.”

“It *would* be a very good thing,” he concedes, “but it’s just not feasible. *Al kol panim*, the very fact that we were *zocheh* to have 130 *rabbanim* sign the *psak* is a great accomplishment. Women need to know that the *rabbanim* are unified on this issue.”

Son: “When my father and the Kashau Rav, Avraham Shlomo Blum, went to Yeshiva University to meet with Rav Hershel Schachter, he was immediately willing to sign the *kol korei*. Others, however, weren’t quite ready for various reasons. Rav Yisrael Ulman and Rav Sarel Rosenberg from Rav Karelitz’s *beis din* wrote their own letters, but their substance was exactly the same as the *kol korei*. Rav Mendel Shafran also signed it.”

Familial Roots and Educational Background

Before I leave, we discuss Rav Zilber’s illustrious background. His father, whom I merited to know, was the renowned *gaon* Rav Rafael Zilber, also known as the Freimener Rav, the author of the highly regarded *Sefer Marpeh Lnefesh* who served as the *rosh yeshivah* of Satmar for many years. I point out to Rav Zilber that his late father hailed from the same city in Slovakia as my own father, Kashau.



Rav Zilber presiding over an *asifas harabbanim* about annulments

“I know that. You’re a grandson of Rav Yekeiv Frankfurter. My father knew him and spoke about him often.”

“Do you have family members buried in Kashau?” I ask.

“Yes, my father’s father and grandfather. My father’s father, Rav Mendel Zilber, was the *eidim* of the Yavushner Rav in Galicia. My father’s grandfather had come to Kashau from Galicia. It’s possible that my father’s father was married in Galicia even before they moved, because his *shver* was from Galicia, as I said. My father’s father presided over *dinei Torah*. He was frequently a *borer*.”

“Was your father a *talmid* of Rav Shaul Brach, the *rav* of Kashau?”

“Not really, but Rav Shaul Brach was *mekarev* him. The Kashau Rav, Rav Rafael Blum, used to tell his *talmidim* that you could see the *ahavas haTorah* of Rav Shaul Brach, because a *balebos* wasn’t of much value to him. When my father was a *yungerman* and went to visit him, he told him to sit down. My

father was a *talmid* of the Radomishler Rav, who also resided in Kashau at that time.

“My father left Kashau to learn in Insdorf, and he also learned by the Keren LDovid for a short time. Otherwise he was home, learning by the Radomishler Rav. There wasn’t really a *yeshivah*, but there were *bachurim talmidei chachamim* who learned in the *kloiz* and were able to ask him questions, and he would give a *shiur* every day between *Minchah* and *Maariv* on whatever the *bachurim* were learning. My father always considered himself to be his *talmid*.”

Son: “The Radomishler Rav told my grandfather that one day he would be considered a lesser Chasam Sofer in Hungary.”

“Where was your father during the war?”

Rav Zilber: “In Budapest. He was taken to Munka Tabor, then he hid in Switzerland with a number of other *Yidden*, some of whom were *rabbanim* and *shochtim*.”

“I remember your father when he lived in Crown Heights and served as the *rosh yeshivah*

“Before Rav Babad passed away, he told his children that the *dinei Torah* he was still in the midst of should be taken care of by me.”



in Satmar. It was the same time that Rav Nussen Yosef Meisels was in the *yeshivah*. How did that work?"

"My father said *shiurim*. Rav Nussen Yosef was the *menahel*, and he also said *shiurim*; Satmar was a big *yeshivah* with over 700 *bachurim*."

"Did you learn in Satmar exclusively?"

"I started off in Satmar and then learned in Beis Medrash Elyon by Rav Gedalia Schorr for three years. We lived on the same block as Rav Schorr in Crown Heights, on Empire Blvd."

"Rav Schorr used to quote the Sefas Emes a lot," I say.

"He quoted all *Poilshe chasidische sefarim*. He would give one *shiur* and one *shmuess* a week. His *shmuessen* were about *chasidische* concepts. Rav Chaim Kaplan would also say a *shmuess*, but that was completely *Litvish*."

"Were you the only Satmar *bachur* there?"

"No. There were a few of us. I joined the Satmar *kollel* after I got married, and I later joined the Hisachdus Harabonim as a *dayan*."

"The *beis din* of Hisachdus Harabonim," I proffer, "is a *kahalische beis din* and is one of the oldest *batei din* in America. Is it officially Satmar?"

"It's an independent entity."

"But it's supported by Satmar?" I ask.

"Yes. The Rebbe was its main founder, and there was also a *nasi* and *seganei hanasi*. After the Rebbe's *petirah* the Beirach Moshe became the *nasi*, but there hasn't been another one since his *petirah*. But when a big issue like this comes up we call for an *asifah*, and *rabbanim* came from all over. It's just like a *ke-*

hillah, which doesn't belong to private people."

"How many *dayanim* are there who sit on *dinei Torah*?"

"Three, and then there are another three substitutes. I also sit when I'm available."

"Is the *kashrus* division a separate entity?"

"It's the same entity but a different department. I'm not involved in that at all."

"How long have you been with the Hisachdus Harabonim?"

"Over 40 years."

"When did you become the *rosh beis din*, and whom did you replace?"

"The way it started was that the Hisachdus Harabonim had a number of *borerim* and *rabbanim*, but there was no set *beis din* that would sit and hear *dinei Torah*. These *rabbanim* included the Tcharkover Rav, Rav Babad, and the Tokayer Rav. Later there was a big meeting where it was decided that there should be an official *beis din*, and the Beirach Moshe was a big supporter of the idea. That was around 40 years ago, but I don't remember the exact year. It might have been in 5741 [1981]. Sometime later the Beirach Moshe told me to write on our documents that I was the *rosh beis din*. In other words, when the Rebbe founded the Hisachdus Harabonim, the idea was to unite the *rabbanim* of Williamsburg, and the *beis din* grew from there.

"In America at the time there were the Agudas Harabanim and the Histadrus Harabonim, which were very active. There was a *beis din* under the auspices of the Agudas Harabanim, but it also wasn't a fixed thing. Whenever people had a dispute they would just go there, and the Agudas Harabanim would arrange for three people to hear the *din Torah*. The *rabbani* organizations would handle the *dinei Torah* and issuance of *gittin*, and when the Hisachdus Harabonim was founded it was also like that. It wasn't officially a *beis din*, but it was the place where people would go when they got into a dispute. Either the *rabbanim* would be assigned or it worked in a way of *borerus*. When the official *beis din* was established, it also worked like that. Five *rabbanim* were assigned to it and that was it."

Son: "When was the *beis horaah* founded? Was that in 5736 or '37 [1976 or '77]?"

Rav Zilber: "I don't remember exactly, but it was around then."

Son: "Was the Rebbe involved in that?"

Rav Zilber: "Of course. I went out to Belle Harbor, and the Rebbe gave us his *brachah*. Then we added another two *rabbanim* so we went to the Rebbe again."

"Where did you get *shimush*?" I inquire.

"In the beginning, right after the *beis horaah* was founded, I sat with the Tokayer Rav, who was officially in the *beis horaah* to give *shimush*, and I received *shimush* from him. I also received *shimush* from Rav Yechezkel Roth."

Son: "You also had *shimush* from the Pupa Rav?"

Rav Zilber: "I would ask him *sh'eilos*, and he would show me certain things that he said he wanted me to know for the purpose of *horaah*."

Son: "Where did you get *shimush* for *dinei Torah*?"

Rav Zilber: "That came about through sitting with them. I sat with the Tcharkover Rav, the Tartikover Rav (Rav Babad) and the Tokayer Rav."

Son: "What about Rav Moshe Bick?"

Rav Zilber: "The first get I sat on was with Rav Moshe Bick. That was together with the *rabbanim*, and I also later sat with *rabbanim* from the Hisachdus. Before Rav Babad passed away, he told his children that the *dinei Torah* he was still in the midst of should be taken care of by me."

Son to me: "My father's involvement in *Choshen Mishpat* came about because of the Rebbe."

Rav Zilber elaborates: "I went to the Rebbe when he was in Belle Harbor and told him that I wanted to learn *Choshen Mishpat*. There were official *shiurim* we had to learn in the Satmar *kollel*, and I wanted to discontinue them in order to learn *Choshen Mishpat*, so my father went with me to ask the Rebbe. When the Rebbe wanted to know if I had learned *Yoreh Dei'ah*, my father told him that I had *horaah* from a number of *rabbanim*: the Pupa Rav, the Voydislaver Rav and the Tokayer Rav. I'm not sure if I had received it yet from the Minchas Yitzchak, but the Rebbe gave me his permission."

"The Rebbe felt that *Yoreh Dei'ah* had to come first?" his son asks.

"All I can tell you is the story," Rav Zilber answers with a smile. "After that, anyone can think whatever he wants." ●