

JOFA Conference, 2004

Outline of speech by Rabbi Yosef Blau

## ABUSE OF POWER

### 1 Defining and acknowledging the problem

- a) Focus is on sexual, physical and emotional abuse resulting from a relationship with a power imbalance. Abuse has a devastating effect on victims with survivors often remaining traumatized for decades. Emotional abuse is particularly difficult to prove though it can be the most destructive. While the most common manifestation is within a family structure today we will deal with abuse behavior by a rabbi of a member of his congregation, a teacher of a pupil and a youth leader of a child including an adolescent. The crisis in the Catholic Church demonstrates that this is not a uniquely Jewish problem. I am not aware of statistics but anecdotal evidence indicates that abusers span the full spectrum of Jewish denominations.
- b) There are particular aspects within the Orthodox community that affect perceptions and approaches in dealing with abusers. We want to believe that a life of mitzva observance creates a higher level person who could not be guilty of such horrible behavior. The denial is even greater in the case of a rabbi. Respect for rabbis is basic to Judaism.
- c) Abusers are often charismatic and talented. Victims are afraid to come forward convinced that no one will believe their accusations. When they do so, the

mechanisms for evaluating accusations do not exist. Rabbinical courts are not trained nor equipped to determine what occurred and are perceived as biased in favor of the accused a fellow rabbi. At the same time contacting secular authorities is viewed as mesira and reporting abuse as lashon hara.

- d) Even if the number of offenders is small, since most abusers are serial offenders, if they are not stopped there will be many victims. Teachers let go by a school with no reason given, will become teachers in a different school in another city but wont change their behavior. Claims of teshuva are made without any corroborating evidence.

## 2 Halakhic issues

- a) Beit Din as it exists in the USA has basic limitations that prevent it being effective in responding to charges of abuse. Batei Din in the United States have no investigative abilities and effectively no subpoena powers. If witnesses perjure them selves there are no consequences. In truth Beit Din is only effective when both parties agree to accept its jurisdiction and when dealing with purely religious matters. The halakhic requirements for witnesses, makes proving an accusation of abuse essentially impossible. This will remain true even if we successfully correct flaws in the present chaotic non-system of Batei Din.
- b) Kavod Harabbanut is an important concept. Jewish law depends on rabbinical authority. In this context however it is irrelevant. Rabbis are not freed from any behavioral requirement in halakha. Scholarship alone does not merit automatic respect. If anything a rabbi who behaves abominably is worse than a lay person who

is guilty of the same sin. (lo taamod al dam raiacha) Protecting the abused victims is far more important. In the case of family abuse dealing with the obligation to honor parents is more complex. It is clear that if further contact with an abusive parent is either physically or psychologically dangerous to the child that the child (even after becoming an adult) has every right to protect himself or herself. This includes having nothing to do with the parent.

- c) Teshuva is a basic aspect of Judaism. However, abuse is a sin against another person and without an honest request for forgiveness from the victim the claim that surely the rabbi has done teshuva is meaningless. Many abusers are sociopaths and lack any sense of remorse.

### 3 What can be done to try and solve the problem

- a) We must recognize that the problem is communal in nature. There is a fundamental difference between the Catholic Church and the Orthodox Jewish community. No Bishop sends rabbis to congregations, nor selects the teachers in day schools. Each synagogue elects its rabbi and school board hires the school's principal. Control of the situation is in our hands. We can not simply blame some rabbinical hierarchy.
- b) Since the vast majority of abusers are male and the victims female abuse can be seen as a gender issue. However child abuse differs in that often boys are victimized. Introducing women rabbis has not prevented abuse in other denominations. More importantly, only a united community can make inroads in changing a mentality of denial and an unwillingness to support victims who have the courage to come

forward. If abuse is perceived to be the concerns of one group others will avoid facing the problem on ideological grounds.

- c) A strong policy of the RCA will only affect its membership. Policies introduced by associations of Day Schools have to be implemented in each school. As individuals we can give moral support to victims; as an organization ongoing involvement has to be a central component of your agenda. The simple act of recognizing that abuse has occurred and will not be tolerated strengthens the survivors. JOFA has an important role to play but as part of a united effort of the broader Orthodox community working together to significantly reduce the danger to our women and children.

Talk by Rabbi Yosef Blau as part of panel at JOFA Conference on Feb. 16, 2004