

Below is an edited write-up of the *drasha* delivered after *Mussaf* on the last day of Pesach 5767 (4/10/07). Because so many of you who were away for Yom Tov have asked me for a copy of the speech I am presenting it here.

I gave the speech with very basic notes and therefore had to reconstruct it almost all from memory. I have done my best but undoubtedly this is not a “word-for-word” transcription.

It is my hope that the *drasha* will be read in the same spirit that it was given – as *devarim ba-yotzim min ha-lev*.

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Confronting a Painful Reality

I want to talk with you this morning about the problem of sexual abuse in our community.

When I say “our community” I mean both the American Orthodox community and, specifically, the Baltimore Orthodox community.

I am sorry to have to speak about this topic at all and I am particularly sorry to have talk about it on Yom Tov. But I am doing so in advance of a letter that you should all be receiving later this week. The letter is a statement adopted by the Vaad HaRabbonim addressing the issue of abuse in our community.

As difficult as it may be, we feel it is important to address this topic openly and directly because ignorance and silence are two of the greatest allies of abusers. Hidden under the cloud of silence individual acts of abuse can become long-term abuse and small problems can grow into full-blown crisis. And the best antidote for a cloud is sunshine.

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I would like to frame my remarks in the context of an enigmatic comment made by *Chazal* about the central event we are celebrating on these last days of Pesach, *Kerias Yam Suf*.

A number of *Midrashim* (see, for example, *Bereishis Rabbah* 87:8, *Mechilta*, *Beshalach*, “*Va’yehi*” #3) maintain – based on a common word choice – that God split the sea in the merit of Yosef refusing the advances of Potifar’s wife.

Many *meforshim* struggle to understand what deeper connection presumably exists between these two seemingly unrelated events. Perhaps the best explanation is that overcoming natural instinct is central to both of these stories. Yosef was confronted by temptation and his natural instinct would have allowed him – as it would for most of us – to yield to her advances. But Yosef’s greatness is that he restrained his natural instinct and overcame his

temptation. Similarly, the natural state of water – in a sense, its “instinct” – had to be overcome as the sea split apart and allowed the Jewish people to cross through.

Similarly, I believe, when it comes to the sensitive issue of abuse, we must resist a number of – what may be – natural instincts.

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First, we must resist the instinct of denial – in all of its forms.

For many, I believe that this instinct comes from a “good place.” We believe that a life based on Torah is holy and ennobling. When confronted with allegations that people who appear to be dedicated to Torah may have engaged in dark and destructive behavior there is an instinct to deny that such a thing is even possible. There is a further instinct to deny – even if it is acknowledged that something may have happened somewhere, maybe, to someone – that this constitutes a “problem in the community.”

These instincts must be overcome because they are simply inaccurate. Of course the truth and beauty of Torah is axiomatic in our lives! But human beings are still human beings and some are, unfortunately, sick in a way that tempts them to harm others.

I am not aware of any reliable statistics about the exact number of abusers in our community. But based on my own knowledge, my discussions with more experienced rabbis, and my consultations with mental health professionals who serve the community, it is clear that we have a problem.

It’s important – and this I must stress – not to be alarmist or to exaggerate. There aren’t abusers lurking around the corner in every day school or behind the tree in every playground. But they do exist and we must confront this painful reality.

In a related way, there are some people who do not fully appreciate the serious and long term harm that can be inflicted by sexual abuse. Questions are sometimes asked about why the survivors can’t just “get over” their abuse; after all, it was so long ago and other survivors seem to be just fine and aren’t “clamoring for attention.”

While it’s true that, *Baruch HaShem*, some victims of abuse have been able to emerge relatively unscathed from the trauma – largely aided by supportive family and friends – unfortunately, many have not been so fortunate.

I have met with victims and have seen and heard about the damage that abuse caused. Many of them have had their lives shattered – emotionally, psychologically, and spiritually. The fallout from abuse leads to higher risks of suicide, drug and alcohol abuse, other self destructive behavior. It is also becoming clearer that much of the “teens-at-risk” problem in our community stems from abuse.

It should therefore come as no surprise that all of the major *poskim* that I know of, across the spectrum of Orthodoxy, view this as *sakanas nefashos* and the abuser as a “Rodef,” and believe that virtually any method can be employed to stop future abuse.

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A second instinct that we must resist is the temptation to hide behind cherished the *halachos* of *Kiddush / Chillul Hashem* and *Lashon Hara*.

Again, this instinct comes from a “good place” as we are certainly right to remain committed to these core values. But we must make sure that our instincts are guided by appropriate application of the *halachah*.

Regarding *Kiddush / Chillul Hashem*, even if dealing with something quietly will prevent a *Chillul Hashem*, one must carefully question whether *halacha* would choose that outcome if it came at the expense of “*lo sa’omod al dam re’acha*” and preventing future abuse. Unfortunately, experience has shown that “quiet arrangements” to deal with abusers, even when made with the best of intentions, have all too often been ineffective in protecting the community.

Either way, as Americans if not as Jews, we should have learned by now that it simply doesn’t work. The overwhelming majority of time that information of this sort is initially kept quiet it eventually comes to light. Any successes are short lived and any prevention of *Chillul HaShem* is only temporary. And when the information eventually emerges it causes a far greater *Chillul HaShem* than it ever would have if it was addressed clearly and publicly at the outset.

Some may have the instinct that these topics – and certainly allegations about a specific abuser – should not be publicized or reported because to do so would be in violation of the laws of *Lashon Hara* or related prohibitions. Here too I believe this to be mistaken.

The Chafetz Chayim himself (*Hilchos Lashon Hara*, sec.10 and *Hilchos Rechilus*, sec.9, especially note #1) makes clear that these *halachos* were never intended to enable wrongdoers to harm unsuspecting victims. It is no coincidence that the very same *pasuk* (Vayikra 19:16) that starts with “*lo selech rachil b’amecha*” ends with “*lo sa’omod al dam re’acha*” as the latter is meant to qualify the former. The Chafetz Chayim therefore rules that even if it is only to avert a loss of money, let alone to protect someone’s safety, the obligation to do so is paramount.

It seems clear, therefore, that the prevention of future abuse – which often requires publicity and reporting – is the primary *halachic* obligation even if it requires us to do things which would – in a different context – flout the regulations of *Lashon Hara*.

I must add an important caveat: None of this permits useless gossiping and rumor mongering. This “*better*” is limited to situations which are productive and will have concrete benefit (*to’eles*).

Furthermore, we absolutely must be sensitive to the possibility of false accusations. After all, it is impossible to overstate the harm that is caused by a false accusation. Nothing that was mentioned above sanctions *Motzi Shem Ra* which is always prohibited.

But this concern cannot paralyze us and cause us to reject out of hand any accusation of abuse. Rather, this demands that all claims and counterclaims are thoroughly investigated so that we can be as sure as possible about the veracity of any accusation. Complete and thorough investigations are the best defense against false accusations. If a claim is unsubstantiated then, “*bitzdiku es ha-tzaddik*,” we must make that clear. But when accusations are credible then, “*birshiy’u es ha-rasha*,” we must be prepared to confront the awful truth.

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Third, I implore you to resist the temptation to avoid talking about abuse with your children. I know that this is a difficult topic to discuss and that for many of you this will be an uncomfortable conversation. But it is a conversation you must have.

It is absolutely critical that we talk to our children in a sensitive and non-alarming manner and educate them about inappropriate touch. It can be very confusing for a child to understand that certain things are really inappropriate when there is an adult involved and especially when that adult is a role model. By speaking with them we can give our children not only the clarity, but also the strength, to recognize if something wrong is happening and, hopefully, to prevent abuse from happening. And if, Heaven forbid, abuse does occur, our prior discussions will give them the knowledge that they have their family to turn to for support.

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Before looking toward the future we must first confront the past.

In a sense, this is the most painful part of the *drasha* for me to discuss. But as a member of the rabbinate, the “*shevet ha-rabbannus*,” I think it is critical for it to be said.

Commenting on the *pasuk* (Vayikra 4:22) “*asher nasi yecheta*,” Rashi cites the teaching of *Chazal* that “Fortunate is the generation whose leader is concerned to bring an atonement for his inadvertent transgression – all the more so that he regrets his intentional transgressions.”

It must be acknowledged that in the past, when allegations of abuse were presented to community leaders, mistakes were sometimes made in handling these situations. Abusers and the nature of abuse were simply not fully understood and other genuine considerations, such as the desire to prevent *Chillul HaShem*, were perhaps too heavily weighed. These mistakes – even when arising from the best of intentions – have tragically allowed the toll of victims to rise. The fact that similar mistakes may have also occurred in other places in and outside of the Jewish community is of little solace. We, as a rabbinate, must seek atonement even for these unintentional errors.

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Going forward, we can once again look to the Torah's account of the Jewish people's exodus from Egypt for inspiration.

As we know, the *Bnei Yisrael* panicked when they realized they were trapped by the raging sea in front of them and the charging Egyptians behind them. They complained bitterly to Moshe, who, after trying to reassure them, was apparently *davening*. And then, amazingly, *Hashem* admonishes Moshe, “*Mah titzak eilat?*” – Why do you cry out to Me; “*daber el Benei Yisrael v'yisa'u*” – tell the Jewish people to go forward!” (Shemos 14:15)

The Kotzker Rebbe understands this to be, not only a command to Moshe, but a timeless lesson for all generations. Obviously *Hashem* wasn't downplaying the importance of *tefillah*; prayer should always be central to our lives. But He was teaching us that “*l'kol zeman v'es*” – there are times where what is needed isn't *tefillah* but *v'yisa'u*, not talk but action.

When considering our current challenge I feel that this is just such a time. The letter you will receive from the Vaad HaRabbanim is an important statement and I hope that this *drasha* is beneficial as well.

But in the end, a letter and a speech are a lot easier – and a lot less important – than action.

What we need and what you have a right as community to expect from the *rabbanim* is action.

The next critical step, which we will begin, *iy"b*, after Yom Tov, is to develop a community-wide action plan to better educate and protect our community. There are numerous ideas which can be implemented and I think we should consider all possibilities.

In fact, we are blessed to have had with us for Yom Tov – and sitting here this morning – Rav Gedalyah Dov Schwartz, *sblita*. R. Schwartz, as you all know, is the Av Beis Din of Chicago, and a number of years ago Chicago became the first city to develop protocols for dealing with abuse. We will look to Chicago – and other cities – to see what ideas we can learn from them and adapt for our community. In Chicago, for instance, they set up a special Beis Din to take care of abuse related issues. This may be right for our community as well.

Another important element of the effort in Chicago – and R. Schwartz asked me to stress this – is that it has been led by both R. Schwartz and Rav Avraham Chaim Levin, *sblita*, the Telshe Rosh Yeshiva. They are both committed to dealing with this problem and by working together it has assured all parts of the community that they are represented and given their effort the widest possible support. This is a model which I believe we should adopt.

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The issue of abuse is painful and complex but it one which we must confront.

There may be some difficult moments for our community in the near future but if we take the necessary steps and make lasting improvements then I am hopeful that we will look back on this time as a pivotal and positive chapter in our communal history.

May Hashem grant comfort and healing to the victims of abuse and may He give all of us the necessary strength and *siyata dishmaya* we need to protect our children and to rid our community of this scourge.