



How Does Jewish Law Define Sexual Abuse?

Rabbi Mark Dratch

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There are things that should go without saying that nevertheless need to be said, and said loudly! There are recent and widespread reports that a certain prominent Jewish religious authority dismissed allegations of sexual abuse against a rabbi and teacher because according to Jewish law there was no abuse. The report claims that this prominent *posek* ruled that since there was no genital penetration by the alleged perpetrator there was no abuse.

I do not know if this report is factual. I do know that the ruling is NOT consistent with Jewish law. One does not need a Code of Law to forbid such acts; they are inherently repulsive and repugnant (Rambam, *Shemoneh Perakim*, ch. 6). But one does not have to search far and wide in Jewish legal literature itself in order to find the forbidden nature of these activities that seem to have been dismissed so cavalierly. Failure to speak out against the misrepresentation of Jewish law would be a violation of the biblical injunction to “Keep far from a false matter (Ex. 23:7)” (*Shevu’ot* 30b-31a) and would render one guilty of being *megaleh panim ba-Torah she-lo ke-Halakhah*—rendering an interpretation of the Torah not according to *Halakhah* (*Avot* 3:11, *Sanhedrin* 99a).

1. Although penetration may be required to render an intimate act occurring between a man and woman to be adultery, with all of its pursuant consequences (Rambam, *Issurei Bi’ah* 1:10; *Shulhan Arukh, Even ha-Ezer* 20:1), or to render an intimate act occurring between two men to be considered an act of homosexuality, with all of its pursuant consequences (Rambam, *Issurei Bi’ah* 1:14), nevertheless sexualized contact of any kind between ineligible partners (and that certainly includes a teacher and his students!), including kissing and fondling, is forbidden and is subject to punishment according to Jewish law (*Shulhan Arukh, Even ha-Ezer* 20:1), either biblically or rabbinically (See *Bet Shmuel* and *Helkat Mehokek*).
2. Jewish law forbids intentional self arousal and illicit thoughts. It even forbids a number of benign activities that may bring about sexual stimulation. (*Shulhan Arukh, Even ha-Ezer* 23:3,4,6,7) Certainly *Halakhah* forbids explicit activities that are inherently sexualized and whose very intent is to offer the perpetrator sexual arousal and pleasure!
3. The Talmud, *Sanhedrin* 75a, records and Rambam, *Hil. Yesodei ha-Torah* 5:9, codifies the following story that supports the contention that any sexualized behavior or interaction between those that fall into the category of *arayot* (forbidden sexual partners) is prohibited: “Rav Yehudah said in Rav's name: A man once conceived a passion for a certain woman and his heart was consumed

by his burning desire (even to the point of his life being endangered.) When the doctors were consulted, they said, “His only cure is that she shall submit (to him sexually).” Thereupon the Sages said: “Let him die rather than that she should yield.” Then [the doctors said]; “let her stand nude before him.” [The Sages answered,] “Sooner let him die.” Said the doctors, “Let her (at least) converse with him from behind a fence.” The Sages replied, “Let him die rather than she should converse with him from behind a fence.”

4. Jewish law prohibits emotional assault and abuse. Victims of abusers—even those that do not penetrate them—live with the memories of the abuse for a lifetime and often suffer PTSD and suffer from psychological and emotional distress. The verse, “You shall not wrong one another; but you shall fear your God; for I am the Lord your God” (Lev. 25:17) prohibits emotional distress (*Baba Metzi'a* 58a). This is referred to as *ona'at devarim* (verbal wronging) and includes any speech or activity which maliciously attacks another’s sense of self (Rashi to Lev. 25:17) or causes emotional or psychological pain. (Rashi, *Baba Metzi'a* 59b, s.v. *hutz*; Rambam, *Sefer ha-Mitzvot*, no. 251).
5. Abusers also violate “And you shall love your neighbor as yourself” (Lev. 19:18) and “What is hateful to you, do not to your neighbor.” (*Shabbat* 31a).
6. Such behavior is clearly a *hillul Hashem*, a desecration of God’s Name. No civilized society would accept such treatment of their children! Suggesting that the Torah permits such abuse causes people to say: “Woe unto him who studied the Torah; woe unto his father who taught him Torah; woe unto his teacher who taught him Torah! This man studied the Torah: Look, how corrupt are his deeds, how ugly his ways; of him Scripture says: ‘In that men said of them, “These are the people of the Lord, and are gone forth out of His land”.’” (*Yoma* 86a) Can it be that the very children that the Jewish people brought as our guarantors at the time of the receiving of the Torah (*Shir Ha-Shirim Rabba* 1:3) should be sacrificed, abandoned and abused by that very Torah?
7. These acts are a clear violation of the Torah’s warning to refrain from sexual impropriety and other forms of immorality that define decadent and depraved societies: “After the doings of the land of Egypt, where you dwelt, shall you not do; and after the doings of the land of Canaan, where I bring you, shall you not do; nor shall you walk in their ordinances. You shall do My judgments, and keep my ordinances, to walk with them; I am the Lord your God.” (Lev. 18:3-4)