

**Rabbinical Council of Victoria**

Religious Leadership for the Jewish Community

ועד הרבנים דויקטוריה

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Submission of The Rabbinical Council of Victoria to the Inquiry into the Handling of Child Abuse by Religious and Other Organisations

12 September 2012

Preamble

The Rabbinical Council of Victoria is the pre-eminent religious leadership body of Victoria's Jewish community. The RCV's primary role is in representing Victoria's congregational rabbis. It does not employ rabbis, however, and has no role in the appointment of rabbis to their synagogues or other professional roles they may occupy. It has no responsibility at all for any school, synagogue, youth group or other organisation, nor does it directly provide any services to the community.

On 8th August 2012 the RCV Executive held its annual meeting with the Premier of Victoria, and during that meeting he encouraged us to make a submission to the Inquiry even though the RCV has these characteristics and does not, at first sight, seem to be the type of organisation the Inquiry had in mind. He felt that matters we discussed at that meeting would be of interest to the Inquiry. What follows is a result of that advice.

RCV Policy

The RCV has been very strong in its condemnation of Child Abuse. Our policy, renewed in 2010, (attached) makes our opposition to such acts abundantly clear. As incidents of alleged abuse within the Jewish Community have become known, the RCV has been in the forefront of efforts to encourage victims and others to approach the police and other authorities and give all possible help in the process of apprehending and convicting offenders. Our principal methods of communicating these views are by our members speaking in their synagogue pulpits (approximately 3,000 people may be found in synagogues on a Shabbat (Saturday) morning), statements to the media and on our website.

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Jewish law

The RCV has publicly clarified misunderstandings about the application of Jewish law (called *halachah* in Hebrew) to matters of child abuse, and it may help the Inquiry to know some of the historical background to these misunderstandings. The two main sticking points, which are referred to in our policy, are called in Hebrew *mesirah* and *arka'ot*.

Mesirah

For much of our history, Jewish communities have been under threat from the governments and government authorities where they have lived. Many Jews suffered the fate of trumped up charges being brought, followed by an unjust sentence imposed after a show trial. As such, Jews who betrayed other Jews to the authorities, giving information, whether true or not, that could be used to drum up a charge, were looked upon with special scorn and the offence of *mesirah* (lit. handing over, ie the handing over of people or even information) became a particularly severe offence within the community. Of course, in the context of a modern multi-cultural place like Australia which has a properly functioning judicial system, such concerns have no place. But old attitudes die hard, which is why the RCV has publicly repudiated these misplaced views. Our policy advises that “it is *halachically* (ie within Jewish law) obligatory to make such reports” to the civil authorities.

Arka'ot

Despite these remarks, there remains within Jewish law an antipathy to bring certain matters before secular courts, but it is important to understand which matters these are, and why the antipathy exists. *Halacha* (Jewish law) is an all-encompassing system. There is no aspect of human experience that is beyond its scope. For this reason, if a Jew has a financial or business dispute with another Jew, the correct thing for them to do halachically is to bring the matter before a Jewish Court (*Beth Din*) for a ruling which will be enforceable under the local laws of whichever country it takes place. (In Victoria, such rulings are enforceable under the Commercial Arbitration Act 2011.) To fail to act in such a way is seen as demeaning to *Halacha*, as if to imply that there are situations with which it cannot cope. However, such demands only apply to civil matters. With only one or two exceptions dotted throughout our long history, Jewish authorities outside Israel have never been responsible for judging criminal matters. They have never had the authority to try people for crimes, nor to impose sanctions, nor have they sought such authority. Therefore, the RCV has been vocal in stating that any reticence people may have in bringing or helping to bring criminal matters before non-Jewish courts is thoroughly misplaced.

Training

RCV has been pro-active in organising training for its members to raise their consciousness and skill levels in becoming aware of and responding to allegations of child abuse or family violence. Working closely with the Jewish Task Force Against Family Violence, two groups of rabbis, comprising a significant majority of rabbis in orthodox synagogues, have undergone training courses which extended over several months. The last course was conducted by Pauline Ryan of the Gatehouse Centre. She is due to conduct a further course for the wives of rabbis in the near future.

Booklet

Another positive outcome of our collaboration with the Jewish Task Force, was the production of a booklet called *Will my Rabbi Believe Me?* The book was launched as a world-first by Chief Commissioner of Victoria Police Ken Lay in his first public appearance after taking on that role. The book was given to every member of the RCV and outlines the steps to be taken by a rabbi when he hears a revelation of child abuse or violence. It contains a useful checklist which summarises the text of the book, and allows a rabbi to quickly make sure that he has “covered all the bases.”

Mandatory reporting and Confidentiality

Rabbis are not currently mandatory reporters under the legislation. RCV would have no objection to rabbis coming into that category. Another of the courses RCV has organised for its members was taught in the Psychology Department of Monash University and covered the principles of counselling. On the question of confidentiality, most rabbis know about the limits of confidentiality, how to communicate those to an interlocutor and that they must not keep confidential information that needs to be passed on to protect a person from harm. Specifically, there is no equivalent within the Jewish faith to the “confessional” situation of Catholicism, with its absolute requirement of secrecy. Therefore a big majority of rabbis already conduct themselves as if they were mandatory reporters, so a change in their status has been pre-empted.

Conclusion

The RCV has been at the forefront of providing religious leadership and direction to Victoria’s Jewish community in the area of appropriate responses to alleged child abuse. As the peak religious leadership body of Victoria’s Jewish community, the RCV takes its role seriously and will continue to ensure the community understands its religious obligations in the prevention of child abuse and the appropriate response should such offenses be committed.



President: Rabbi Yaakov Glasman
Executive Director: Ari Morris

RCV Resolution Condemning and Combating Child Abuse

Whereas we have become increasingly aware of incidents of the sexual and physical abuse of children in our community; and

Whereas the lives and futures of many of these victims and their families are harmed in significant ways: suicide, post traumatic stress syndrome, inability to form healthy relationships, inability to develop healthy intimate relationships, etc.; and

Whereas many victims of abuse in our community still remain silent and do not come forward to accuse perpetrators or seek help for fear of stigma, personal and familial consequences, or perceived *halachic* concerns; and

Whereas the Rabbinical Council of Victoria has resolved through past proclamations its condemnation of abuse and its censure of abusers, and has affirmed, under the guidance and direction of its *poskim* (Rabbinic decisors) that the prohibitions of *mesirah* (reporting crimes to the civil authorities) and *arka'ot* (adjudication in civil courts) do not apply in cases of abuse and in fact, it is *halachically* obligatory to make such reports; and

Whereas reiterating this long held position can serve to provide pastoral and *halachic* leadership, support, direction and affirmation to abuse survivors and their families and advocates.

Therefore, the Rabbinical Council of Victoria resolves that:

- It reaffirms its unqualified condemnation of all forms of child abuse.
- It reaffirms its *halachic* position that the prohibitions of *mesirah* and *arka'ot* do not apply in cases of abuse.
- It will regularly issue on its website and to the media appropriate statements of condemnation when public attention is drawn to a case in which Jews are either victims or perpetrators of abuse.
- It will regularly evaluate the competence of its members in understanding and responding to issues of child abuse and initiate training and continuing educational opportunities for all of its members in this area every year.
- The members of the Rabbinical Council of Victoria address the issue of child abuse in their communities in at least one sermon, lecture or article within the next twelve months, and that contact information for local abuse services be displayed in a public place in all synagogues, schools, and Jewish community institutions serviced by its members.