

Jewish Communal and Institutional Responses to Child Sexual Abuse: a Critical Review of the Literature by Ms. Rachel Averbukh and Associate Professor Philip Mendes (Monash University), Professor Ilan Katz (University of New South Wales) and Professor David Forbes (The University of Melbourne)

Abstract:

To date, there is limited scholarly analysis of Jewish responses to manifestations of child sexual abuse (CSA). Little is known about the prevalence of CSA in Jewish communities, the varied attitudes within different Jewish religious sub-groups, and the religious and cultural factors that inform these attitudes. The recent Australian Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) thrust the Victorian and New South Wales Jewish communities into the international spotlight. The public hearing was the first of its kind to examine institutional responses to CSA within the Jewish community, despite a number of highly publicised criminal and legal investigations particularly in the United States. In response, many Jewish organisations have begun to introduce a range of child protective policies with little evidence to guide their practice. This paper uses the context of the RCIRCSA to examine Jewish attitudes to CSA in Australia and beyond. Some conclusions are drawn about potential best practice models particularly in Ultra-Orthodox Jewish communities.

Glossary of terms

Beth Din	rabbinic court
CALD	Culturally and Linguistically Diverse
CSA	Child Sexual Abuse
halacha	Jewish religious law
JCCV	Jewish Community Council of Victoria
mesirah	prohibition on reporting Jews to outside authorities
RCIRCSA	Royal Commission into Institutional Responses to CSA
Yeshivah	Jewish religious school

'The time for silence is over – Now is a time to speak'

(Mandel & Pelcovitz 2011, p. xi).

Introduction:

This paper examines Jewish communal and institutional responses to child sexual abuse (CSA). We start with an examination of definitions of CSA, and a general overview of CSA within faith-based communities. Using the context of the Australian Royal Commission into Institutional Responses to CSA (RCIRCSA), we then undertake a specific review of the literature pertaining to Jewish views on CSA across the globe. Attention is drawn to the diversity of attitudes within different Jewish communal sub-groups, and the particular challenges facing Ultra-Orthodox communities. Some conclusions are drawn about the potential for improved policy responses, and also the need for further research.

Defining Child Sexual Abuse:

Defining CSA is a complex task that requires understanding of a range of definitional issues (Price-Robertson 2012). These include that CSA can involve a wide range of activities, some of which may be acceptable in certain cultural contexts but forbidden in others.

In accordance with the United Nations Convention on the Rights of the Child (Article 34, 1989), children should be protected from all forms of sexual exploitation and sexual abuse. The Child Rights International Network (CRIN) define child sexual abuse (CSA) as 'an adult using a minor for sexual stimulation'¹ (2014, p. 9). This may include engaging in sexual activities with children, indecent exposure to a child, grooming a child, or engaging in the production, dissemination or use of pornographic images of child abuse (CRIN 2014, p. 9). The Australian Psychological Society (APS) asserts

¹ It should be noted however that there is now increasing awareness that minors can also sexually abuse other minors if there is a power differential between the victim and the perpetrator.

that all forms of CSA are ‘a profound violation of human rights of the child and a crime under Australian law’ (Astbury 2013, p. 5). Furthermore the Australian Association of Social Workers (AASW) stipulates that CSA may affect survivors ‘in multiple life domains and has both immediate and long-term implications for the victim’ (2015, p. 3). Clergy-perpetrated CSA is particularly horrendous, given that it is ‘fundamentally an abuse of power that is complicated by the perpetrator’s role as a spiritual leader’ (Fogler et al. 2008a, p. 349).

For the purposes of this article CSA will be defined as the:

...involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, to which they are unable to give informed consent, or that violate the social taboos of family roles. (Kempe & Kempe 1978 cited in Boxall, Tomison & Hulme 2014, p. 2)

The Australian Institute of Criminology has provided this definition in a special report for the RCIRCSA, as it acknowledges ‘a child’s limited ability to give informed consent’, and encompasses a wide variety of contact and non-contact offences (Boxall, Tomison & Hulme 2014, p. 2). The Royal Commission acknowledges that there is no standard definition of CSA, and identifies a variety of challenges that hinder research about CSA (2014b, p. 95). In particular, the Royal Commission stipulates that ‘there has been no rigorous, methodological, comprehensive study of the prevalence and nature of child sexual abuse in Australian institutions today’ (2014b, p. 95).

Abuse by clergy

The Royal Commission was established as a result of campaigns by victims of CSA in institutions, mainly by clergy in churches and other institutions in Australia, and follows a number of smaller commissions of enquiry into CSA in the USA, Ireland and other countries focusing on abuse in the Catholic church.

According to CRIN, clergy-perpetrated sexual abuse is a worldwide scandal which is believed to be as old as the church itself (2014, p. 9). In recent years clergy-perpetrated CSA has received greater attention in light of increased media coverage (Fogler et al. 2008a, p. 330), and has become the subject of worldwide academic studies, criminal

investigations and litigation (CRIN 2014, p. 9). In combination with other forms of CSA, Fogler et al. believe that clergy perpetrated sexual assault 'is part of a widespread problem of nearly epidemic proportions' (2008a, p. 330). Fogler et al. (2008b, p. 303) define clergy-perpetrated sexual abuse as 'inappropriate sexual advances and behavior'. However they identify the need to include the 'cultivation' of the relationships in which these behaviours occur - the theological and communal context, where this 'usually secret and forbidden relationship' takes place (Fogler et al. 2008b, p. 303). Furthermore they highlight 'the impact and psychological aftershock of abusive behavior on the survivor and community' (Fogler et al. 2008b, p. 303).

Parkinson (2014, 119) argues that churches are particularly susceptible to manifestations of sexual abuse, more so than other groups within society, given their involvement in working with children and young people. In Australia churches are amongst the largest providers of out-of school care for children, and there are a number of Christian schools and welfare services for vulnerable children (Parkinson 2014, p. 119). 'No matter where one turns, it is hard to find a country which has a significant Catholic population and where there have not been serious allegations', this is believed to be part of an on-going pattern of abuse within the Catholic church (CRIN 2014, p. 9).

The abuse of children within the Catholic Church has been facilitated by a number of 'insidious practices' (CRIN 2014, p. 31). Priests have been transferred to other parishes once allegations have been made, or sent abroad on missionary assignments, where they often 'remained in close and unscrutinised contact with children and where their past was not known' (CRIN 2014, p. 31). This method of 'ridding' parishes of abusive priests fails to protect children, as abusive priests are not removed permanently from the priesthood, or from being in contact with children (CRIN 2014, p. 31). Despite increasing recognition of the seriousness of CSA within the Catholic Church, a transparent and decisive global system is required to ensure that allegations are investigated by competent civil authorities, that perpetrators are brought to justice even for historic abuse, and finally to ensure the welfare of victims (CRIN 2014, p. 39).

Sullivan and Beech (2002, p. 153) refer to 'professional perpetrators', who use their place of work as a means to target and sexually abuse children. This is obviously of

great concern, given that faith-based communities, schools and child-care services ‘have long been targeted by offenders’ (Sullivan & Beech 2002, p. 153). One of the key differences between professional perpetrators and other extra-familial sex offenders, according to Sullivan and Beech, may be the level of sophistication of techniques used to manipulate not only the victims, but also those who might protect them (2002, p. 164). Sullivan and Beech (2002, p. 153) assert that professional perpetrators avoid detection by disguising their behaviour and ensuring that their position is ‘so unassailable’ as not to be challenged.

This pattern of repeat offending and cover-ups within the Catholic Church is apparent globally (Parkinson 2014, p. 119). In the United States the topic of CSA came to the forefront in 2002, when The Boston Globe Spotlight Team investigated one particular priest - John J. Geoghan (Rezendes 2002, n.p.). This case was one of the most extreme the United States had ever seen, with over 130 victims coming forward to describe horrific abuse during the priest’s three-decades working in half a dozen parishes throughout the Boston area (Rezendes 2002, n.p.). The bigger issue that came to surface throughout this investigation was the fact that the head of the archdiocese at the time, Cardinal Bernard F. Law had been aware of the situation since 1984 (Rezendes 2002, n.p.). Despite his knowledge he continued to approve of Geoghan’s transfers, which his legal team stated only occurred due to medical assurances given to the Cardinal that Geoghan’s reassignment was ‘appropriate and safe’ (Rogers Jr. n.d., as cited in Rezendes, 2002, n.p.).

Two key questions emerged from the Boston case, ‘how could priests commit such acts, and how could an organisation knowingly allow the abuse to occur?’ (Terry 2008, p. 549). During this time Catholic communities and the general public alike were searching for answers, as was the Catholic Church (Terry 2008, p. 549). The Church then commissioned the John Jay College of Criminal Justice to complete two studies to establish the extent of the crisis and to elucidate possible causes (Terry 2008, p. 549). The first study entitled *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002*, is one of the most comprehensive international studies of CSA to date.

The nature and scope study is particularly significant, as it was the first study of its kind

to provide information about an entire population of abusers over a 50-year-period (Terry 2008, p. 567). The study identified a stable abuse rate across all regions of the United States of between 3%-6%, accounting for 4,392 allegations of abuse between 1950-2002 (John Jay College of Criminal Justice 2004, p. 4). There are, however, significant limitations to this study, as the researchers relied upon data provided to them by the diocese (Terry 2008, p. 567). Given that sexual abuse is often underreported, it is fair to assume that the sheer quantity of victims could be markedly greater than the number reported in this study. Prior to this time, however, few studies had looked at the problem of clergy perpetrated CSA (Terry 2008, p. 549).

There is some evidence that suggests that Australia appears to have a higher level of offending than the figures that were reported in the John Jay study (Parkinson 2014, p. 120). In his submission to the Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organisations, RMIT University Professor Des Cahill identified that one in 20 ordained diocesan priests in Victoria and Tasmania became child sexual abusers, which he believes is probably higher than the John Jay study, in light of underreporting (2012, p. 16). Professor Cahill, however, argues that the issue of CSA in the Catholic Church is systemic and therefore appears throughout the Catholic world on a global scale (2012, p. 17).

Despite the significant media attention that the Church has received in recent years, 'it is not the only Christian denomination or religious group to encounter this problem' (Fogler et al. 2008b, p. 302). There is growing evidence to suggest that sexual offenders can be found across all denominations and also in secular institutions. Parkinson (2014, p. 121) stipulates, however, that there is little research regarding clergy perpetuated CSA within faith-based communities other than the Catholic Church. During the Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organisations, Graham Ashton the Deputy Commissioner of Victoria Police at the time, provided statistics on the prevalence of CSA for a selection of faith-based communities (Victoria Police 2012, p. 6). Victoria Police had identified at that time over 1000 offences concerning the Catholic Church, 150 offences in relation to the Anglican Church, 135 offences that involved the Salvation Army, and a total of 69 offences pertaining to Judaism. These raw figures suggest that CSA in the Jewish community is much more prevalent than in any other community, given the relatively small size of

the Jewish community versus the Christian denominations in Victoria. To be sure, Parkinson (2014, p. 122) questions the reliability of the statistics offered, but regardless these statistics highlight the need for further research, particularly with regard to faith-based communities other than the Catholic Church.

In an APS submission in response to the RCIRCSA, limited evidence regarding CSA perpetrated by clergy and other organisational workers was highlighted, which they argue is in stark contrast with the vast amount of research available for CSA occurring within the general community (Astbury 2013, p. 5). Fogler et al. (2008a, p. 349) believe that the effects of clergy-perpetrated sexual abuse are 'still in its infancy'. Furthermore, Terry and Ackerman (2008, p. 643) have identified a lack of attention given to research and policy development for sexually based offences in specific situations. Despite a growing body of literature on CSA in the general population, Terry and Ackerman argue that little research into clergy-perpetuated CSA prior to 2002 has occurred (2008, p. 647). It is argued that there have not yet been any empirical studies specifically devoted to understanding and ascertaining the prevalence of CSA within religions other than the Catholic Church (John Jay College of Criminal Justice 2004, p. 217). The John Jay study noted specifically that whilst 40 Rabbis had been publicly accused by the Awareness Center, a US survivors of CSA advocacy group, of sexual misconduct with adults and children, there was no reliable empirical evidence. They highlighted the need for research to examine prevalence statistics within Jewish communities (2004, p. 217).

The Prevalence of Child Sexual Abuse:

Research into the prevalence of CSA faces many challenges. Significant delays in reporting abuse, high levels of under-reporting, and a lack of consistent data whereby institutional abuse is differentiated from familial abuse, are highlighted as key challenges by the Royal Commission (2014b, p. 95). CSA is found in all cultures around the world and is 'almost uniformly shrouded in secrecy and silence' (Aronson Fontes & Plummer 2010, p. 491). Although research into the impacts of culture on disclosures of abuse are limited, Aronson Fontes and Plummer (2010) believe that cultural values determine the likelihood of disclosure, as children and their families are influenced by the awareness that members of their community are 'watching, judging,

encouraging, and demanding certain responses' (p. 496). As with CSA within the general population, the prevalence of sexual abuse of minors by members of the clergy is unclear (Terry 2008, p. 550).

Although there is little research on CSA within Jewish religious institutions, there is now a growing body of research on CSA perpetrated by Catholic clergy. To be sure, Jewish institutions differ considerably from those of Catholicism, but there are some parallels, and some lessons to be learned from the evidence base which has developed around abuse in Catholic churches, schools and other institutions. According to Terry (2013, p. 171) similarly to other religious organisations there is no empirical evidence to highlight the prevalence of sexual abuse within the Jewish community. Media reports, and communal survivor websites have typically informed the discussion surrounding child sexual abuse within the Jewish community. Also similar to other religious organisations the Jewish community has its own system for responding to negative behaviour, and 'as such there are no reliable statistics on the prevalence of child sexual abuse within the Orthodox Jewish community' (Terry 2013, p. 171). Whilst no mainstream religion endorses the sexual abuse of children, 'a wide variety of religious norms and expectations may make disclosure of sexual abuse difficult' (Aronson Fontes & Plummer 2010, p. 502).

Abuse within the Ultra-Orthodox Jewish community may pose unique challenges for victims seeking to disclose (Mandel & Pelcovitz 2011, p. xii). On the one hand, there are multiple protective factors present within such communities including, for example, high levels of social support, an emphasis on high moral conduct, a prioritising of family values and the protection of children. On the other hand, Ultra-Orthodox communities also experience a variety of specific risk factors, not limited to a deeply ingrained discomfort reporting fellow Jews, limited access to the media and the 'general community's language for discussing sexual matters', and a distinct lack of sexual education within schools and homes (Mandel & Pelcovitz 2011, p. xii).

Cultural Context:

In order to better understand the context surrounding the recent Royal Commission public hearings into the Yeshiva programs and the Australian Ultra-Orthodox Jewish community, we must develop a greater awareness of the historical and cultural experience of Australian Jewry. According to the recent 2011 census, Australia's total Jewish population was estimated to be 105,600 – 0.5% of Australia's total population (Graham 2014, p. 2). Judaism is a united but pluralistic community and in Australia includes three main streams that generally pertain to levels of religious observance, or lack thereof, with a variety of groups and sub-groups developing from each of the main streams (NSW Jewish Board of Deputies n.d., para. 1). These streams include Orthodox Judaism, Conservative Judaism and Reform Judaism. Although the majority of Jews in Australia are affiliated with an Orthodox congregation, many of those Jews do not attend synagogue regularly, and are only mildly observant of Jewish dietary laws and other religious practices (Markus et al. 2011, pp. 46-47; NSW Jewish Board of Deputies n.d., para. 1). According to a report from the Gen08 Survey – the Australian and New Zealand Jewish Population Study (Markus 2011, p. 9), there are six key sub-groups of the Jewish faith represented in Australia, these are defined in Table 1. It is challenging to identify the percentage of the Jewish population of Australia affiliated with each sub-group, however, as the Jewish religion is included in the Australian census as a singular group, often included in the 'other' category. Ultra-orthodox Jews appear to be a small minority of the community. Goldlust (2004, p. 25) estimated that a mere 5% of the total Jewish population of Melbourne in 1991 identified as Ultra-Orthodox.

Table 1: Key Sub-Groups of the Jewish Faith Represented Within Australia

Religious Identification	Level of Observance
Ultra/Strictly Orthodox	Consists of two main schools: Hassidism and Mitnagdim. United by the desire to preserve traditional values and practices.
Modern Orthodox	Also attentive to traditional practices and texts but embraces the modern world.
Traditional	Traditional values are upheld, as a means to sustain and uphold Jewish life.
Conservative	More open to change than Orthodoxy but more connected to tradition than Progressive or Reform Judaism.
Progressive	The most radical of the three main religious streams, it maintains that Judaism should be modernised to become compatible with the surrounding culture and its practices.
Secular	Focused on the state of being Jewish, as opposed to Judaism as an ideology.

Despite the variation in levels of ‘observance’, Jewish people are linked by common history, language, traditions, and by the written teachings of the Torah (Featherman 1995, p. 129). Jewish values, beliefs and codes of behaviour are ‘rooted in tradition as articulated by the Torah’, and in Ultra-Orthodox communities this influence can become quite literal with the incorporation of the Halacha – rules of Jewish life (Featherman 1995, p. 129-130). Attitudes towards gender norms and relationships, child rearing, and physical and sexual violence are influenced by Jewish traditions, and enforced by rabbis in positions of prominence and authority particularly within Ultra-Orthodox Jewish communities (Featherman 1995, p. 129-130). Some Ultra-Orthodox Jewish groups boast a collectivist communal nature, and yet maintain individualistic forms of exclusion (Ben-Rafael & Sharot 1991, p. 247). These Ultra-Orthodox religious communities may distance themselves from non-Orthodox Jews, and in turn may avoid the dominant culture and its attitudes and values. As a result Ultra-Orthodox communities may have little or no exposure to new parenting models, concepts of children’s rights and the protection of children (Shor, 1998, p. 402). In comparison, Reform congregations have been identified by some commentators as leaders within the Jewish community for combatting CSA (Zucker 2005, p. 86), most likely due to

their ability to embrace the surrounding culture as the prevention of CSA has become an important topic within public life.

The Establishment of the Royal Commission into Institutional Responses to Child Sexual Abuse:

In November 2012, the Prime Minister of Australia, Julia Gillard, announced the establishment of a Royal Commission into institutional responses to instances of child sexual abuse, following allegations from a senior police officer in New South Wales (NSW) that the Catholic Church had covered up evidence involving ‘paedophile priests’ (Australian Government 2013, p. 146). This followed several state-led parliamentary inquiries into the protection, or lack thereof, for vulnerable children in a variety of organisational contexts. Calling for a national response, Ms. Gillard (2012, p. 1 of 10) highlighted that too many children had suffered child abuse and had their trust betrayed, not only at the hands of their abusers, but also by other adults who failed to act appropriately.

The RCIRCSA is currently investigating how various institutions including schools, religious organisations, sporting clubs and various government organisations have responded to allegations and instances of CSA (2014a, para. 1). The purpose of the Royal Commission is to create a ‘safer future for all children’, by investigating any public, private or non-governmental organisation that is, or has been in the past, involved with caring for children (2014a, para. 3). The Commission stipulates that this includes organisations both responsible for the abuse, and for not responding appropriately ‘regardless of where or when the abuse took place’ (2014a, para. 3). A final report is due no later than 15 December 2017 (RCIRCSA 2013).

All forms of CSA are recognised as a gross violation of children’s rights under Australian law, and the unlawful or improper treatment of children has long-term negative effects on individuals, the Australian economy and society (RCIRCSA 2013, para. 3-4). The Royal Commission identifies the important role that various public and private institutions provide for the development of children, but further stipulates that any and all claims of systematic failures by such institutions, specifically in relation to

allegations of sexual abuse, must be explored fully in order to identify best practice to protect against further occurrences, to ensure appropriate responses occur in relation to such claims, to hold perpetrators accountable, and to provide justice to victims (2013 para. 5-6). The Royal Commission offers victims the opportunity to share their experiences in writing, in a private session with a Commissioner, or as part of a public hearing. Recently the Royal Commission advised that a further series of public hearings will take place in 2017, in relation to the current policies and procedures for a number of organisations that previously attended the Royal Commission, this will include Yeshivah Melbourne and Yeshivah Bondi.

The Current Situation:

The Australian Jewish community was thrust into the international limelight when on Monday 2 February 2015 in the County Court of Victoria, the 22nd case study of the Royal Commission into Institutional Responses to Child Sexual Abuse began. The public hearing was the first of its kind to examine institutional responses to CSA within the Jewish community, despite a number of highly publicised criminal and legal investigations particularly in the United States. At the centre of the hearing were two prominent Jewish institutions, the Yeshivah Centres in Victoria and NSW. The Yeshivah Centres are Ultra-Orthodox single-sex schools lead by rabbis. The purpose of the inquiry was specifically to examine offences committed by three convicted perpetrators, however, the Commission also intended to examine institutional responses to victims and community members following allegations of abuse, police investigations and subsequent criminal proceedings (RCIRCSA 2015, p. 2-3). Namely the systems, policies, practices and procedures for both the reporting of, and responses to, allegations of CSA within these specific organisations were to be scrutinised. Due to the sheer quantity of testimonies provided throughout this case study, a detailed analysis of the proceedings will be examined in a separate paper to be read in conjunction with this literature review. The Royal Commission released a report regarding Case Study 22 – the response of Yeshivah Melbourne and Yeshivah Bondi to allegations of CSA on 29 November 2016.

In light of the magnitude of this subject matter the remainder of this piece will be devoted to analysing attitudes within the broader context of the Jewish community and the cultural context surrounding CSA within this religious denomination. Furthermore we will attempt to explore experiences of CSA within the Jewish community. Obviously this will not be an exhaustive analysis given the limited amount of research available in this specific area, and the personal nature of this crime.

The Current Research

The Research Methodology:

The John Jay study (John Jay College of Criminal Justice 2004) was the first identified academic literature to single out the Jewish faith as of concern with regard to CSA. However there is very little academic literature in this field, and therefore number of sources were utilised to attempt to locate additional research in this area. Initially databases including PsychInfo were searched using the terminology 'Jewish responses to child sexual abuse'. But this was obviously too specific as no resources were found and so a broadened search including the terms 'child sexual abuse in religious organisations', was introduced, however this too proved unsuccessful. 'Religious/organisational responses to child sexual abuse' also proved fruitless. It is interesting to note that a search of 'child sexual abuse' highlighted 5271 available resources, and searching for 'catholic church and child sexual abuse' resulted in 62 items, however, when the search terminology eventually included 'rabbinic sexual abuse' only a single item was found. From this single article a limited reference list assisted the search for additional resources. Namely a text edited by Dr Amy Neustein one of the original authors of the first chapter, called 'Tempest in the Temple: Jewish Communities and Child Sex Scandals', claims to be the first of its kind to delve into this previously taboo subject. From here the writings, most notably from a religious perspective, of American Orthodox Rabbi Mark Dratch, a prolific writer on the need to combat abuse within the Jewish community and founder of JSafe: The Jewish Institute Supporting an Abuse Free Environment, were located. An avid writer, a search for work written by Rabbi Dratch led to a number of opinion pieces on the topic, and the location of a since discontinued journal entitled *Religion and Abuse* of which he was a

member of the editorial board. However, the struggle to access academic literature on the specific topic of Jewish responses to CSA continued.

Additionally, a number of 'generic' child safety journals were searched including Child Abuse Review, Child Abuse and Neglect, Children and Society, Family Matters, Children Australia, Child and Family Social Work, The International Journal of Children's Rights, Sexual Abuse: A Journal of Research and Treatment, Sexual Abuse in Australia and New Zealand: An Interdisciplinary Journal and Journal of Child Sexual Abuse. A select number of academic articles were located, however, the focus of these pieces was often on the counselling requirements for the aftermath of such abuse. Furthermore a number of Jewish-specific journals including the Journal of Jewish Social Studies, Jewish Quarterly and the Jewish Journal of Sociology were searched with little success before contact was made with the UK-based Institute for Jewish Policy Research which directed the researchers to the Berman Jewish Policy Archive. Whilst a number of resources accessed via the Archive appeared to be available regarding abuse within the Jewish community, upon further review the majority of the literature was devoted to abuse within the home and often in regards to domestic abuse. Very little of the literature sourced referred specifically to CSA within an organisational context.

The majority of information gleaned on the subject has occurred through a variety of opinion pieces and a number of websites devoted to uncovering CSA, often developed and maintained by survivors of abuse within organisational and religious Jewish settings. A substantial number of 'break-through' texts have also been written by those who have either survived CSA within the Jewish community, or witnessed someone close to them struggle with the ramifications of the abuse. Often these texts include input from a wide variety of professionals, including religious authorities, psychologists and counsellors, with many offering resources for victims, families and professionals working in the field.

In 2014 Michael Leshner, a United States attorney, writer and advocate for victims of abuse documented the many 'cover ups' within Orthodox Jewish communities, entitled 'Sexual Abuse, Shonda and Concealment in Orthodox Jewish Communities'. A text edited by Dr David Pelcovitz Professor of Psychology and Education at Yeshivah

University, and David Mandel Chief Executive Officer at Ohel Children's Home and Family Services, informed a great deal of the discussion in this paper. Given the lack of available academic literature, their book entitled 'Breaking the Silence' highlighted the many facets of abuse including the experiences of victims, prevention and intervention programs, Jewish religious law (halachic) and legal perspectives, and identified suggestions for best practice for professionals. Of note, several documentaries have been produced highlighting manifestations of CSA in Jewish communities. One example is the Australian documentary written by Danny Ben-Moshe and Dan Goldberg called 'Code of Silence' (2014) highlighting the experiences of CSA survivor Manny Waks and the sequel 'Breaking the Silence' (2015) directed by Danny Ben-Moshe and produced by Dan Goldberg which documented amongst other things, Waks' testimony at the Royal Commission.

Attitudes to Child Sexual Abuse within Jewish Communities:

Jewish accounts of child sexual abuse within the community have been reported across the globe for a number of years. As early as 1993, the Los Angeles Times published an article entitled 'Jews Begin to Address Allegations of Sexual Misconduct by Rabbis' (Heiman, n.p.). Sensational headlines continue to grace the pages of many major newspapers and magazines, and independent and community Jewish publications worldwide. 'The Child-Rape Assembly Line' (Ketcham 2013, n.p.); 'Speak No Evil' (Jacobs 2014, n.p.); 'Sex, Power and our Rabbis' (Blustain 1998 n.p.) are merely a snapshot of the array of headlines available. A number of investigative series have been produced, claiming to analyse the overwhelming problem of Rabbinic sexual misconduct. The most blatant exposure of the CSA 'scandal' rocking the worldwide Ultra-Orthodox Jewish community, however, has been presented on a number of websites established by victims and their families who elected to take matters into their own hands often after feeling betrayed by their community and its leaders. For example, one of the best known of these sites is Failed Messiah, a controversial anti-Orthodox blog that made headlines when it was sold to anonymous buyers earlier this year. Similarly, Manny Waks, a Jewish survivor of CSA in Australia, publishes a regular online newsletter, and has published a book about his personal experiences as a victims advocate (Waks 2016).

Victims of abuse can experience disbelief and skepticism when they speak out against their perpetrators, and this may be exacerbated within the Jewish community when abusers are often well known to the victim, their families and friends, and the wider community (Dratch 2006a, p. 1). In many Culturally and Linguistically Diverse (CALD) communities, the standing of the family in the community is very important to family members, including marriage opportunities for family members and obtaining office within the community (Sawrikar & Katz 2017 forthcoming). Having a family member who is a victim or perpetrator of CSA or who has disclosed CSA to authorities can undermine the status of the family. Similarly family cohesion is very important in many CALD communities. Disclosure of CSA can cause rifts within families, with some members supporting the victim and others the alleged perpetrator (Sawrikar & Katz 2017 forthcoming).

Preserving the good name of the community is very important to many CALD communities (Sawrikar & Katz 2017 forthcoming). Disclosure of CSA can be seen as undermining the reputation of the community and exposing the community to scrutiny from the authorities and from the broader society. Preserving the good name of the community is considered more important than protecting victims or prosecuting perpetrators. In some communities victims (and their supporters) are likely to be punished or even expelled by the community if they report abuse to the authorities outside the community (Sawrikar & Katz 2017 forthcoming).

In Australia an editorial published in the Australian Jewish News in 2008, naively (in view of future revelations) claimed that they were pleased to report that ‘the likelihood of such an event taking place now or in the future at any Australian Jewish school – Orthodox or otherwise – is remote’ (‘A lesson learnt’ 2008, p. 18). The disbelief that abuse has occurred, or perhaps could ever occur, within the Jewish community is not unique. The isolation, particularly for certain sects of the Jewish community, may appear to provide security against such abuse occurring, however, this is often the environment that most attracts paedophiles. Furthermore in many religious communities there is a strong belief that ones’ destiny is ordained by god. Suffering is viewed as a punishment which should be accepted by victims and which is part of their fate (Sawrikar & Katz 2017 forthcoming).

In their (unpublished) review of the literature relating to CSA in CALD communities, Pooja Sawrikar and Ilan Katz (2017 forthcoming) identified a range of factors which are pertinent to minority groups in providing the context in which CSA is likely to occur, and in preventing disclosure of abuse by victims or other community members in those communities. The review differentiates between individualist and collectivist cultures and finds that the response to CSA differs between these different types of communities. Individualist cultures are generally western societies and are characterised by a concern for individual rights. Family and community are relatively less important than individuals, and where there are conflicts, individual rights are upheld, if necessary to the detriment of family and community cohesion.

In collectivist cultures the family and the community are seen as more important than the individual (Sawrikar & Katz 2017 forthcoming). Where there are conflicts between individual wellbeing and the preservation of the family or community, the interests of the community are the more important consideration. Generally in these societies children (and women) have low social status. Most collectivist societies are patriarchal in structure. Families and communities are headed by men; women and particularly children have low social status outside the family. Men will by default be believed and their opinions valued. Knowing this, children and women are less likely to disclose abuse by men when this occurs (Sawrikar & Katz 2017 forthcoming).

The review identified a range of factors which make CSA in collectivist societies more challenging to deal with than in individualist societies, although the factors identified in the review are not exclusive to collectivist cultures and apply to CSA in individualist cultures as well. Whilst the review of CSA in CALD communities does not directly address CSA in Jewish communities or institutions, it does provide important insights into the vulnerability factors for CSA in the Jewish community. The Jewish community and its institutions differ in many respects from the Catholic church and from other religious and cultural groups. Nevertheless some of these broader characteristics such as a suspicion of the mainstream and the prioritising of community over individuals are certainly prevalent in at least some Jewish communities and institutions (Sawrikar & Katz 2017 forthcoming).

A study by Donald Palmer, Valerie Feldman and Gemma McKibbin for the Royal

Commission into Institutional Responses to Child Sexual Abuse (2016) identified a number of factors which increase the vulnerability of institutions to CSA. In particular Palmer, Feldman and McKibbin describe the characteristics of ‘total institutions’, where CSA is most likely to occur and where the abuse is least likely to be disclosed or action taken against perpetrators. These tend to be institutions in which children are ‘inmates’ or unwilling institutional residents. Total institutions often become insulated from mainstream society and there are severe sanctions for anyone who attempts to breach the closed nature of the institution. This is not true of many Jewish institutions although some institutions may have some characteristics of total institutions, and some Jewish communities also have some of these characteristics.

Palmer, Feldman and McKibbin identify six characteristics to discuss how organisational culture can create the context for CSA to occur in institutions. This part of the analysis refers to a wider range of organisations and is relevant to many Jewish educational and communal institutions:

Organisations are perceived as ends in themselves,

The organisation is seen as more important than the goals they were established to pursue or the people they are set up to serve. These cultures can impede the disclosure of CSA and undermine responses to instances of abuse, because they prioritise the reputation of the organisation over the welfare of the victims and the prosecution of perpetrators.

Organisational cultures that reinforce hyper-masculine assumptions

Organisations cultures which hold ‘macho’ values, beliefs and norms regarding men and boys authorise perpetrators to engage in sexually abusive behaviours and encourage victims to tolerate abuse.

Cultures that support inappropriate sexual behaviours

Organisational cultures that support child sexual abuse, grooming behaviours and sexualised behaviours more generally, thus authorising perpetrators to engage in inappropriate sexual behaviour towards children. They make it difficult for victims and others to distinguish appropriate from inappropriate social interactions.

Organisations that discourage discussion about sex and abuse

Organisational cultures that do not support the open discussion of matters relating to

sex and CSA can facilitate abuse by making it difficult for victims to recognise inappropriate behaviour by staff or other children, and can inhibit disclosure and organisational response to abuse.

Undermining children's self-expression

Cultures that inhibit and undermine children's self-expression can make it difficult for children to disclose abuse or even be aware of abuse when it occurs.

Cultures where senior managers are rewarded for behaviour or outcomes other than the protection and wellbeing of children, can undermine responses to child sexual abuse by prioritising the organisation's defence against external sanctions (such as bad publicity or legal judgments) over the welfare of victims and the prosecution of perpetrators.

Overall the report indicates that dangerous organisational cultures occur when the institution itself becomes more important than the purpose of the institution or the people who it is intended to serve. The reputation of the organisation is the most important consideration for leaders, rather than the wellbeing of children. Although not all of the factors identified by Palmer, Feldman and McKibbin apply to Jewish religious organisations, some of these factors are prevalent in Jewish religious and educational institutions, particularly those connected to the more religious sectors of the community.

No Jewish organisations defend CSA, in fact it should be noted that all peak Jewish communal bodies within Australia have unequivocally condemned manifestations of CSA, and support reporting to the police. The Jewish Community Council of Victoria (JCCV) is the peak body representing Australia's largest Jewish community, and recently they released a statement in relation to the RCIRCSA report on the Yeshivah centres, with JCCV President Jennifer Huppert stating that;

The inaction, lack of reporting and absence of support for victims described in the Report is totally unacceptable. We all expect our community leaders and rabbis to set an example, and that includes protecting the vulnerable, supporting the victimised and having zero tolerance for child sexual abuse. (JCCV 2016).

The Executive Council of Australian Jewry's (ECAJ) newly elected President Anton Block stressed the need to hold anyone found to have betrayed the trust of children to the full extent of the law, stating that;

The abuse of children in any way, be it physical, sexual, emotional or psychological, is abhorrent, particularly when it is perpetrated by those in positions of trust and authority. All claims of abuse must be treated with the utmost seriousness. There is no place for victims to be ostracized or "punished" in any way for coming forward and making a complaint. On the contrary, they should be given every support. (ECAJ 2016).

Rabbinical leaders concur. A joint statement released by the Executive of the Rabbinical Council of Australia and New Zealand, The Rabbinical Council of New South Wales and the Rabbinical Council of Victoria expressed deep distress regarding the contents of the Royal Commission report into the Yeshivah centres, and called upon anyone 'identified in the report as not fulfilling their legal obligations to protect children to stand down from their public positions' (cited in J-Wire 2016).

Many reports have been made regarding Jewish religious authorities hiding behind fundamental religious concepts as a means to discourage members of the community from speaking out against a fellow Jew, particularly to secular authorities. Reports of victim intimidation are rife. Featherman, a psychologist (1995, p. 153) highlights the need for professionals to understand the Jewish traditions of *lashon hara* and *chillul hashem*, in order to understand the religious notions that may frustrate the reporting of CSA, and/or inhibit disclosures of abuse by Jewish children. *Lashon hara* (Leviticus 19:16) relates to biblical requirements against harming a person's reputation, and *chillul hashem* (Leviticus 22:32) broadly speaking refers to the desecration of the name of God, but specifically prohibits the adjudication of Jews in a non-Jewish court (Featherman 1995, p. 153). This leads to the concept of *mesirah* or informing, which refers to a prohibition on reporting Jews to outside authorities. This concept can be linked to the negative experience of Jews at the hands of non-Jewish governments, and in some communities has dire consequences for the accuser, that of the death penalty (Neustein & Lesher 2008, p. 273). These explanations are quite simplistic and certainly not exhaustive definitions of these important concepts, however, within the limitations of this study they highlight the need for additional research to further understand the complexities surrounding CSA disclosures within Jewish communities of varying levels of observance worldwide.

For a thorough analysis of the legal ramifications of CSA within specific Jewish communities, see DePaul University College of Law Professor Steven H. Resnicoff's 2012 article in *Rutgers Journal of Law and Religion*. Resnicoff highlights the urgent need for Ultra-Orthodox communities in America, in particular, to uphold religious values and protect children from CSA. He identifies reasons that may impede the protection of children within such communities such as a reluctance to engage with secular authorities and the influence of Jewish law and traditions as noted above. He offers a number of suggestions to rectify the current state of affairs, in particular, he highlights the need for rabbinic authorities to make a public stand against CSA, to discuss the potential damage for victims, and to encourage the community to utilise secular authorities and services to ensure the safety of the community and in turn provide the support necessary to treat or incarcerate perpetrators for the protection of all children.

Rabbi Dratch discusses how Jewish law highlights the need to judge others favourably, as 'society's interests are served not only by advancing the cause of justice but by furthering the integrity and innocence of each and every one of its members' (Dratch 2006a, p. 2). This raises the question within Jewish law, whether the abused must view their abuser favourably. Dratch (2006a) argues that the benefit of the doubt must be offered to victims, by 'investigating carefully and thoroughly, and in a timely manner', and by ensuring the safety of the accuser from further abuse and retaliation at the hands of the accused (p. 6).

'Jews worldwide share in common a vulnerability to attitudes and acts of anti-Semitism' (Featherman 1995, p. 129). For example, a survey of Australian Jews found that at least 40 per cent had experienced one or more incidents of anti-Semitism, and a similar number viewed anti-semitism as 'a very serious' or 'quite serious problem' (Markus et al. 2009, p. 13). Regardless of the degree of the experience of anti-Semitism, or whether it is expressed covertly or blatantly, 'it always resounds with the ghastly echo of thousands of years of persecution, expulsion, and, in our own era, the annihilation of most of a generation of European Jewry' (Featherman 1995, p. 129). The Holocaust stands as 'the ultimate expression of anti-Semitism', and almost all Jews have been touched by this horrendous event, which Featherman (1995, p. 139) contentiously believes could prevent even the least observant Jew from seeking

assistance from non-Jewish social services and law enforcement agencies. This may also extend to individuals of the Jewish faith who choose not to affiliate with any Jewish community. It is not known whether this opinion is validated within world-wide Jewish communities, however, it is reasonable to consider that perhaps this fear of non-Jewish prejudice is exploited by perpetrators to avoid disclosure and punishment. Recently this came to light during Case Study 22 of the Royal Commission, where Mr Alex Lewenberg, the lawyer for convicted perpetrator David Cyprys, was quoted as stating his disapproval that ‘another Yid’ would assist police against a fellow Jewish person, in a telephone conversation with the victim. In many CALD communities there is considerable reluctance to report incidents or community concerns to the authorities. In some cases this has been because of previous negative experiences with authorities or because of the fear of culturally inappropriate responses. This is also related to the point above about bringing the community into disrepute.

Within Ultra-Orthodox Jewish communities there may exist a Beth Din – a rabbinic court dating back to biblical times that is entrusted with making decisions regarding all areas of communal life (Neustein & Lesher 2008, p. 271). The Beth Din is afforded great prestige within Ultra-Orthodox communities, and despite acknowledging that criminal matters are not on the agenda, and severe limitations with regards to criminal and antisocial conduct in particular, the Court continues to determine the outcome of many CSA allegations (Neustein & Lesher 2008, p. 271). The Beth Din are considered to be largely ‘impotent’ with regard to dealing with CSA, as the court is unable to arrest or detain suspects, compel evidence, or even punish an offender in the event that they are found guilty (Neustein & Lesher 2008, p. 271-272).

Nevertheless victims around the world continue to take their concerns to religious authorities prior to, and in some cases instead of, going to secular authorities (Neustein & Lesher 2008, p. 272). Furthermore, although the rabbinic courts seem to yield little control over the accused, a great degree of power exists over the accuser, and this can lead to threats and religious ostracism if their accusations are reported to external authorities, even if the accused is found guilty (Neustein & Lesher 2008, p. 272). It should be stated, however, that many Ultra-Orthodox rabbis do not support the belief that Jewish victims should ensure that CSA is not reported to outside authorities.

It is not simply a matter of how the application of religious law influences Ultra-Orthodox communal responses. Firstly, experiences of anti-Semitism have perpetuated fears for the safety of the accused should they be found guilty and enter the gentile criminal justice system. Secondly, there is a concern about the reaction of the wider community lest public scandal draw attention to the Jewish community and encourage enemies of the Jews to attack (Neustein & Leshner 2008, p. 275). It is for this reason that the cover-ups of CSA within Ultra-Orthodox Jewish communities cannot be understood as separate from a range of sociological factors, and may in turn account for the reason why many perpetrators have been supported throughout criminal investigations, often at the expense of the victims, who in some cases had to leave the community (Neustein & Leshner 2008, p. 275). This is consistent with the general view in some communities that all criminal or antisocial behaviour should be dealt with by the community rather than by reporting to secular authorities.

Neither course of action vindicates children who have experienced abuse, nor acts to protect prospective victims from other communities, as the perpetrator escapes 'law enforcement investigation and is never prosecuted, let alone punished, for his or her actions' (Neustein & Leshner 2008, p. 275). Albeit, Mandel and Pelcovitz assert that underreporting is not isolated to the Jewish community, furthermore they believe that recently there has been a significant attitudinal change amongst Orthodox communities' responses to CSA, as there is a 'growing awareness that sexual abuse in the Jewish community is an indisputable reality' (2011, p. xi-xiii).

Experiences of Child Sexual Abuse within Ultra-Orthodox Jewish Communities:

There have been a number of recent widespread reports of prominent Jewish religious leaders turning a blind eye to allegations of CSA in Ultra-Orthodox communities around the world, claiming that the incidents were not contrary to Jewish law. A variety of reasons may be offered in such circumstances, for example the belief that the perpetrator has repented and reformed, or is isolated and protected from vulnerable members of the community. This appears to be consistent regardless of the level of orthodoxy, however, access to mainstream services may act as a deterrent. The social isolation of Ultra-Orthodox communities world-wide, and a distinct lack of access to technology, renders this particular community vulnerable, as perpetrators may be exiled

from one community, only to engage with another in a different country who have little to no knowledge of the past crimes committed by such individuals. The on-going case of the former Adass Israel (ultra-orthodox School) Principal who is currently residing in Israel after being sent away from the Victorian Adass community is one such example. Furthermore there is an ongoing debate regarding the protection of Jewish criminals within Israel, which is something to be considered, but too extensive for this review.

The recent Royal Commission inquiries into the Yeshivah centres in both Melbourne and Sydney are merely examples of manifestations of CSA within Ultra-Orthodox communities and the cover-ups that occur behind the scenes. Rabbi Dratch (2006b) argues that there are several examples throughout Jewish legal literature that forbid such acts, furthermore he stipulates that a Code of Law is not necessary to forbid such ‘inherently repulsive and repugnant acts’ (para. 2). Nevertheless, the issue of sexual abuse within the Ultra-Orthodox Jewish community has only recently become a significant part of public discussions and forums. Although Rabbi Dratch (2007) believes that acknowledging there is a problem is the first necessary step, he stipulates that the community and its leaders need to act ‘efficiently, appropriately, and responsibly’ in order to silence their critics (p. 2 of 2).

Rabbi Dratch (2007) believes that many religious leaders have misrepresented halacha, by placing themselves in positions of authority in order to determine if abuse actually took place, and encouraging prohibitions on speaking out due to the constraints of lashon hara and mesirah (p. 2 of 2). This he believes has been detrimental for victims and needs to be corrected publicly. He asserts that;

When allegations are listened to seriously and respectfully, and responded to effectively and properly – in accordance with the halacha and informed by the best expert resources contemporarily available – communal integrity and respect will be restored. (Dratch 2007, p. 2 of 2)

Despite the limited response to CSA by many Ultra-Orthodox communities, victims and survivors of abuse within the Jewish community have often sought solace from their rabbinical leaders and community, and the Torah and halachic system ‘which they

were taught to revere and upon which they were raised to depend' (Dratch 2007, p. 2 of 2).

Recommendations for Future Practice:

Existing literature has highlighted the many and varied challenges of protecting children, particularly within smaller Ultra-Orthodox Jewish communities. There is little empirical evidence as to best practice with such groups. Neustein and Leshner (2008, p. 285) highlight the challenges associated with reforming Ultra-Orthodox communities given their deeply ingrained religious practices coupled with experiences and memories of historical oppression at the hands of non-Jewish authorities, especially given that anti-Semitism remains a part of the daily existence of Jewish people around the world regardless of the level of observance. They believe, however, that positive changes can occur within Ultra-Orthodox Jewish communities, with the assistance of educational and legal reforms (Neustein & Leshner 2008, p. 285).

By breaking the barriers of silence surrounding CSA, Ultra-Orthodox Jewish communities can empower victims to speak out, acknowledge their suffering and include them as viable members of the community once again (Neustein & Leshner 2008, p. 285). One suggestion for achieving policy change requires rabbis within the communities to re-educate their congregations regarding CSA and the teachings of the torah and other biblical texts that highlight and identify the many wrongdoings that have been allowed to perpetuate for many years. This may prove especially challenging given the sheer magnitude of differing religious communities within Judaism. But failure to recognise abuse within the community undermines the collective health of the community given the many and varied consequences of CSA. It also continues to diminish public confidence in community institutions, and it ensures that Ultra-Orthodox Jewish communities will continue to be preyed upon by paedophiles who will never suffer the consequences of their actions (Neustein & Leshner 2008, p. 285).

Unlike many denominations within the Catholic Church, there is no central authority within the rabbinate (Herzbrun 2005, p. 23). Rabbis serve and are accountable to individual congregations and boards, this places communal organisations in a position

to not only define appropriate policy, but to address the issue of clergy misconduct (Herzbrun 2005, p. 23). External associations affiliated with rabbinic members are also well positioned, and should be held accountable, however an independent body of community members would be more appropriate. Furthermore, Herzbrun (2005, p. 27) argues that the separation between church and state requires the Jewish community to protect themselves to a certain degree 'on their own'.

Mainstream legal systems need to enforce their standards of enforcement, demanding that cover-ups - regardless of the religious institution - be eliminated (Neustein & Leshner 2008, p. 286). Neustein and Leshner (2008, p. 286) highlight the need for the criminal justice system to treat witness intimidation, similar to that conducted by gangs of organised crime, as unacceptable. Brooklyn District Attorney Charles Hynes supports this notion claiming that Ultra-Orthodox communities care more about protecting suspects than victims (Chang 2012, n.p). For example, in 2012 four men were charged with witness tampering when they attempted to bribe a teenage girl who was witness to a sexual assault within the Brooklyn Orthodox community (Dye 2012 n.p). In order to provide more reliable statistics to illustrate the true extent of the problem of CSA within Ultra-Orthodox Jewish communities around the world, Zucker (2005, p. 86) calls for greater transparency. Furthermore research is essential in order to develop adequate policies, and to address appropriate educational and procedural ramifications for the exposure of CSA within religious communities. As Zucker states;

It is time to make this issue a higher priority for Jewish communal leadership, for the violation of sexual boundaries by clergy always is a betrayal of a sacred trust. (Zucker 2005, p. 86)

Conclusion:

Some Jewish communities have vigorously denied the problem of CSA in the past, which has prevented an open assessment of the problem (Herzbrun 2005, p. 29), but if anything is to be learnt from the recent and public scrutiny of the Royal Commission, then the issue of CSA must be acknowledged in order to truly capture a realistic representation of the problem at hand. Very little is currently known about the prevalence of CSA in Jewish communities worldwide including Australia, the varied

impact on male and female victims across the spectrum of Jewish observance, the responses of rabbinical and secular Jewish authorities, the tendency of perpetrators to jump from one Ultra-Orthodox community to another globally, and the experiences of Jewish CSA survivors.

Far more research is needed to ascertain prevalence and the merits of existing policies and practices. A good starting point, however, would identify the nature of Jewish communal responses to child sexual abuse globally. By commencing this dialogue with a wide range of members of the global Jewish community across different sub-sets who have either experienced CSA, or been privy to the ramifications of this insidious abuse on their loved ones or fellow community members, there is an opportunity to change the way CSA is viewed within closed communities. After all, ‘the loss of belonging to a trusted and trustworthy human community’ and the loss of faith may be one of the most difficult ramifications for both victims and perpetrators of CSA (Featherman 1995, p. 140).

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