

A Single-Case Study of Rabbinic Sexual Abuse in the Orthodox Jewish Community

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ABSTRACT. This paper considers a case of sexual abuse allegedly perpetrated by a rabbi within an Orthodox Jewish community. The material is drawn from public records and interviews conducted with the family of the reported victim and others involved in the matter. Consideration is given to judicial procedures unique to the traditional Jewish community and how such procedures, while developed to foster justice within the Jewish community, at times may interfere with secular criminal procedures.

KEYWORDS. Beth din, child abuse, district attorney, m'sirah, Orthodox Jewish community

Judaism is a monotheistic but not a monolithic faith. There are three major religious branches within Judaism: Orthodox, Conservative, and Reform. These are roughly differentiated by descending degrees of adherence to traditional Jewish law. This paper examines an individual case of reported child sexual abuse (CSA) where the alleged perpetrator was an Orthodox rabbi from a strict adherence community. Such communities

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are sometimes referred to as “ultra-Orthodox,” “hareidi,” or “Hasidic.” While this case highlights some of the conflicts inherent when traditional Jewish systems of justice interact with secular systems of justice, it is not meant to be an attack on such traditional systems of justice. The authors are Orthodox Jews who present this material to foster greater understanding of the broad themes they believe this case represents.

THE RABBINIC COURT PROCEDURE

Several years ago, a prominent Orthodox Jewish psychologist expressed his concern over the handling of CSA cases in his religious community in an open letter to a major Jewish newspaper:

[I]f the police do get involved [in a CSA case], a massive cover-up and pressure campaign usually ensures that the case will either not get to trial or if it does, will be dropped because potential witnesses are pressured (code for threatened) to refuse to testify or outright lie. (Glick, 2000, pp. 87–88)

The “pressure campaign” this psychologist described is enhanced by a social institution largely peculiar to Orthodox Jewish communities: the rabbinic court, or *beth din*. Jewish tradition traces these courts all the way back to Moses. Historically, rabbinic courts have “exerted full and unchallenged authority” over Jewish communal life in many areas, “as in trade, real estate dealings, torts and damages, marriage and divorce,” as far back as third century Babylonia (Neusner, 1970, p. 447). To this day, traditionally observant Jews regard it as a sin, except under clearly defined circumstances, to take their disputes to a non-Jewish court in preference to a *beth din*. As a result, Orthodox Jews often present conflicts involving business, community politics, neighborhood quarrels, or marital disharmony to a rabbinic court for resolution (see *Shulhan Arukh, Hoshen ha-Mishpat 26:1 et seq.*).

Given the religious imperative behind them, rabbinic courts have great prestige in Orthodox Jewish communities, and this in turn can blind these communities to the severe limitations under which such courts necessarily labor when dealing with criminal or antisocial conduct. In fact, rabbinic courts are largely impotent to control actions such as CSA since they are unable to arrest suspects, compel the production of information or evidence, detain a suspect pending the outcome of a trial, or punish an offender in

the event he or she is found guilty. Nevertheless, for reasons to be examined in more detail, Orthodox Jews often take concerns about possible CSA to a rabbinic court for “resolution” before engaging secular authorities. This leads to a paradox: rabbinic courts, which can do little or nothing to deal with an offender who is “convicted,” can still wield great influence if their verdict favors the accused, as victims and potential witnesses alike may be threatened with ostracism or worse on religious grounds if they subsequently take their grievances to the police or testify in a criminal trial.

This effectively results in a lopsided balance of power between accuser and accused in rabbinic courts where the accuser has little or nothing to gain no matter what happens, while the accused stands to gain a great deal from a favorable outcome. Frequently, Orthodox rabbis being prosecuted for CSA by secular authorities have often simultaneously engaged rabbinic courts to investigate the same charges. In some of these cases, on reaching a verdict of “not guilty” the rabbis who make up the *beth din* have changed their roles from judges to advocates for the accused, approaching secular authorities to urge the dismissal of a criminal charge, which can result in exactly the “cover-up” Dr. Glick described in the letter quoted previously.

This article explores the way a rabbinic court intervened in a Brooklyn case involving serious charges of child abuse embodied in a 96-count complaint. After the members of the rabbinic court conducted their own “trial” and pressured secular authorities to accept their verdict of “not guilty,” the criminal complaint was abruptly withdrawn while the case was still being presented to a grand jury. The details of what happened in this case offer significant insights into both the *beth din* legal process as administered by the Orthodox rabbinate and the mechanics by which its attitudes toward CSA, non-Jews, secular adjudication, and concern over public scandal can cloud the workings of the criminal justice system.

“INFORMING”: A HISTORICAL AND SOCIOLOGICAL PROBLEM FOR JEWISH COMMUNITIES

While the case to be discussed in this paper was being processed, a full-page notice was published in a community Yiddish newspaper bearing a “severe prohibition and serious warning” against making police reports even against a suspected child abuser. This notice, written in the

formal Hebrew of the traditional religious texts, was supported by the names of 50 prominent rabbis as cosignatories. It stated:

A Jewish man or woman who informs [to non-Jewish authorities], saying, “I shall go and inform upon another Jew,” with respect to either his property or person, and [such person] was warned not to inform and he demurs and insists, “I shall inform!”—regarding him, it is a *mitzvah* [positive commandment] to kill him and whoever has the first opportunity to kill him is entitled to do so, as in the law of the “pursuer” [the law that permits killing someone who is attempting to kill someone else]. (“Notice,” 2000, p. 8)

This passage, in rough outline, is based on a seminal 16th century authority for practical Jewish law, *Shulhan Arukh, Hoshen ha-Mishpat* 388:9. The roots of the law extend to the Talmudic legislation of the early Middle Ages (e.g., Babylonian Talmud *Baba Kamma* 116b–117a and *Gittin* 7a). However, neither the Talmud nor the traditional law codes actually define a police report regarding a suspected criminal as “informing” within the meaning of the prohibition.

The license to kill, in particular, will startle many outsiders to the Jewish community, even in those cases religious law does define as “informing.” It is best understood as a reflection of the bitter experience of Jews at the hands of many non-Jewish governments, which has led to extreme hostility toward “informers” and an ingrained cultural habit of avoiding dealing with secular government wherever possible. A natural concomitant to this attitude is the harsh punishment threatened to those who violate the prohibition. Thus, the concept of *m’sirah* and its accompanying death penalty have been invoked, even in modern times, to protect Jews from malicious talebearing to hostile authorities. For instance, it is reported that a Jew who was suspected of passing information to the Soviet NKVD (People’s Commissariat of Internal Affairs) was threatened with death in order to protect members of his community from potentially deadly military service during World War II (*The Rebbes*, 1993).

The horror traditional Jews have come to feel toward *m’sirah*, after centuries of grim experience, has increasingly come to dictate policies among Orthodox Jews regarding reporting a rabbi suspected of CSA. Neither the phenomenon of sex abuse cover-ups in general in religious Jewish communities nor the details of the case we present can be understood apart from this ingrained traditional resistance to the engagement of secular authorities.

The traditional Jewish mistrust for secular authorities is by no means restricted to sex abuse investigations. In February 1993 and reported in the *New York Times* in 1994, the Department of Education investigated widespread Pell grant fraud in the New York area, issuing subpoenas to schools and individuals who were suspected of running sham postsecondary school programs with federal money (Winerip, 1994). For months, full-page ads ran in prominent Jewish newspapers, signed by eminent rabbis, urging special “sensitivity” on the part of government officials when serving subpoenas on Orthodox Jews. The rabbis, who were able to secure the support of several United States senators from the region, wanted the Jewish schools to receive advance notice before federal agents arrived with subpoenas to seize their records. They argued that an unannounced visit would be especially traumatic for Jews given their recent history in Eastern Europe, where hostile non-Jewish government authorities would conduct “ambush” searches of their homes for incriminating evidence.

Not every Orthodox rabbi supports the cultural prejudice that makes traditional Jews reluctant to turn to government authorities, particularly when a crime such as CSA is suspected. Rabbi Mark Dratch, a leading authority on Jewish clerical abuse, has publicly rejected the invocation of *m’sirah* to shield a rabbi accused of abuse from being reported to secular authorities. Speaking at a “roundtable” of the Rabbinic Council of America, Rabbi Dratch (1992) argued that *m’sirah* is misapplied in cases of CSA, in which the overriding obligation of *pikuah nefesh* (saving a life or, as here, a functioning soul) should take precedence over any concern about reporting a Jew to secular authorities.

However, the issue is not simply one of religious law. Rabbi Dratch himself, in discussing the misapplication of *m’sirah*, has pointed to factors that still motivate members of Orthodox communities to protect pedophiles and sexual offenders from criminal investigation and prosecution. For example, Rabbi Dratch notes the fear among his coreligionists that a suspected rabbi, if jailed, may be attacked in prison. Another commonly expressed fear is that the convicted rabbi’s family name will be so badly tarnished that his children and relatives will have difficulty finding suitable marriage partners.

These concerns touch on yet another motive traditional Jewish communities have for avoiding police reports. This is the preoccupation of such communities with the fear of scandal. Orthodox Jewish communities are extremely self-conscious about public image—partly because of religious doctrine that makes them responsible, on the basis of their behavior, for

the reputation of the God they serve (see *Mishnah, Aboth* 4:5), and partly because of historically grounded fears that scandal can reinforce anti-Semitism and give enemies of the Jews an excuse to attack. The publicity attracted by a charge of CSA against a rabbi is therefore considered as bad as the act itself. As a result, it is not unusual for members of Orthodox communities to “publicly defend [a religious Jew] just to keep him out of the criminal justice system,” as one insider explained to the authors (personal communication, July 10, 2000). This can have profound consequences for victims of CSA. For example, in 1990, prominent rabbis allegedly threw their weight behind a Hasidic operator of a Brooklyn day care center after he was accused by parents of having molested children in his care. A friend of one of those parents complained to *The Jewish Week* that “they [the rabbis] have an ‘in’ with the District Attorney’s office and hold weight as to whether a case is pressed or not. They want this one shoved under the carpet . . . so it is going to be hushed up” (Ain, 1990, p. 7). In the end, that is exactly what happened.

In spite of authoritative rulings such as those of Rabbi Dratch, the strong sociological factors described previously cause most Orthodox Jews to shield abusers from authorities. Some cases described to the authors involve public attacks or the threat of such attacks on the character or credibility of the accuser in order to suppress an accusation. In other cases, someone credibly accused of CSA is quietly expelled from his or her local community. Neither course protects prospective victims or vindicates children who have already been abused. Even if an accused predator is banished from one community, he or she can almost always find another one, since the predator escapes official law enforcement investigation and is never prosecuted, let alone punished, for his or her actions.

The case examined in this article involves a paradoxical twist on this theme. In this case, because the family of the alleged victim *did* turn to the police, the members of a rabbinic court approached the secular prosecutors as well, not to cooperate with the prosecution but in order to cut it short. They succeeded. Thus, hostility to secular authorities led rabbis from the Orthodox Jewish community, in the end, to manipulate those authorities with the result that a credibly accused child abuser went free.

The discussion of this case, therefore, illuminates sociological patterns that reach beyond the details of a particular incident. This case forces us to consider the effects of religious culture, history, mistrust of outsiders, and fear of scandal on a community that has risen to political prominence in several urban areas in the United States. As this example shows, the

social mores at work in this community can cause rabbis and Jewish community members to obstruct the prosecution of sex crimes committed by rabbis, whether in temples, synagogues, day schools, or yeshivas.¹

CASE MATERIAL

Case Selection Criteria

The authors chose this particular case for in-depth research and reporting for three reasons. First, the case involved important figures and political groups. The accused and accuser belonged to one of the world's largest Hasidic sects, which in New York has become a powerful voting bloc. The rabbi accused of abuse enlisted the services of a nationally recognized trial attorney. The case was initially given high-profile treatment by the Brooklyn district attorney (DA), and it received prompt television coverage. And, as we will show, it generated a very strong reaction within the Orthodox Jewish community. Second, this case brought together rabbis from an unusually broad array of Orthodox communities to serve as arbiters. Consequently, it illustrates that the forces that derailed this particular CSA prosecution belong not just to one ultra-Orthodox sect, but to many segments of this population. Third, the details and outcome of the case continue to resonate in the collective memory of the more progressive mental health professionals within the Orthodox Jewish community, whether or not these professionals were personally connected with it.

Interview Procedures

While investigating this case history as journalists, the authors employed appropriate journalistic standards, which are congruent with human subject research standards in the social sciences. The authors took care to protect the rights, welfare, and integrity of their human subjects. The 13-month study of the facts began with interviews of a doctor and a speech therapist involved in the case from whom the authors sought guidance as to how best to approach the victim's family. Only after the professionals contacted the family and the family granted permission to proceed did the authors contact family members. Moreover, before interviewing the victim's family members, the authors conferred with a mental health professional about the questions to be posed to the subjects.

The authors have not used the actual name of the victim or of his family members and have provided anonymity to other sources who asked that their names be withheld. In keeping with the standards used by social researchers, the authors also excluded details about the alleged offender's political affiliations, family/political connections, personal history, etc.

During the course of the case study, the authors conducted numerous interviews, many of them long, often at late hours of the night, to accommodate the prayer and teaching schedules of the rabbis who agreed to be interviewed. The authors followed a careful procedure for interviewing subjects. Before each interview, they reviewed with one another a list of prepared questions; following each interview, they compared notes via detailed e-mail and phone discussions. Some interviews were joint face-to-face meetings. For some subjects (victim's family members, community members, the alleged offender's wife, rabbinic supporters), interviews by a single author were often deemed preferable, particularly where two interviewers could have induced unnecessary stress in the subject. To reduce contamination of data, the authors shared and reviewed the transcripts of each interview with one another. This procedure helped the authors to maintain a scientific approach to an emotionally charged project.

The authors were at pains to make sure that this case did not present an anomaly, such as a victim with a mental disorder or an offender who had a historical or consanguineous relationship with the family of the victim so as to ensure that the research findings would not be skewed by such factors. In addition, to ensure that the findings were corroborated, notwithstanding the qualitative approach employed, the authors interviewed many sources besides the ones cited in the article. For example, the authors interviewed rabbis who presided over other rabbinic panels, Orthodox Jewish therapists and medical doctors, Orthodox community members and leaders, religious schoolteachers, and others. However, the authors understand the limitations of such single subject qualitative methods and do not claim that this case is necessarily representative of all cases of clergy abuse within the Jewish community.

Case History

In January 2000, Rabbi Solomon Hafner, a member of the Bobov Hasidic sect in Brooklyn, New York, was arrested and charged with first and second degree child abuse for allegedly twisting and tugging a young boy's genitals over eighteen months of religious tutoring.

Barely two months after Rabbi Hafner's arrest, the office of Brooklyn DA Charles "Joe" Hynes, after a visit from a member of an influential panel of ultra-Orthodox rabbis, abruptly announced that "there is no evidence to support the charges" (Kings County District Attorney's Office, 2000). The charges against Rabbi Hafner were then dropped and the grand jury that had been hearing testimony in the case disbanded.

Members of Brooklyn's ultra-Orthodox community have expressed little doubt about who got the DA to dismiss the Hafner case. "We educated the DA on how to properly conduct a sex abuse trial," stated Rabbi Chaim Rottenberg, one of the rabbinic judges whose court cleared Hafner, to the authors. "If we didn't convince the DA," Rabbi Rottenberg asked *The Jewish Voice and Opinion* rhetorically, "then why did Hynes drop the case so suddenly?" (Rosenbluth, 2006, p. 16).

"This [the Bobov Hasidim and their supporters] is a very powerful, political community," said Katherine Grimm, the pediatrician and child abuse expert who examined the alleged victim and then turned the case over to the police. "The community [rank and file] was told not to talk to the police . . . [And] there were definitely things said about [the boy and his family] that weren't true." In the end, said Grimm, "justice was obstructed."²

The history of the charges against Hafner certainly appears to describe a legitimate case. In 1997, "David Abraham" (not his real name) was nine years old. Because of his serious hearing deficiency, he required special tutoring in order to be "mainstreamed" into the Bobov yeshiva, or religious school, where he was a student. Rabbi Solomon Hafner seemed a natural choice for the job. According to his wife, the 38-year-old Hafner, with nine children of his own, had tutored "hundreds" of other children in the Bobov community over 18 years, and he was well known to the Abraham family. "I never fought with [the Abrahams]," remembered Chaya Hafner, Rabbi Hafner's wife, who says she was shocked when her husband was charged with abuse. "[We were] friendly, good friends, knew each other for years."

The tutoring took place from eight to nine on weekday mornings in a converted house known as the Voydislaver Synagogue. This location was chosen, according to Mrs. Hafner, because it was "secluded" and thus best suited to the boy's special needs. But during a year and a half of intensive tutoring from Hafner, the boy's performance, to his parents' surprise, seemed rather to stagnate than to improve. "He was daydreaming, distracted," says his speech pathologist, Adele Markwitz. This was particularly puzzling to the family since the boy, notwithstanding his hearing

problem, was described by Markwitz as “very intelligent and hardworking.” In late 1998, “worried about his behavior and performance,” according to Dr. Grimm, the parents fired Rabbi Hafner as their son’s tutor. But no one yet suspected abuse.

Months later, the boy began to disclose bizarre details of his 18 months with Rabbi Hafner. “They were sadistic things,” Grimm told the authors, audibly balancing outrage and professional detachment. “Pulling of his genitals . . . hitting the ear with the hearing aid.” The child also said he was threatened with worse than this if he told anyone about the abuse.

Grimm confirmed that Mrs. Abraham, like other Hasidim, was so reluctant to allow charges like these into general view that she spent over eight months seeking a solution “within the community.” “The mother’s concern [was] for other children who may be at risk,” she says. “She felt it was her ethical duty.”

Finding her fellow Hasidim uninterested in her concerns, Mrs. Abraham finally decided that intervention from “outside” was necessary. Armed with the support of two Orthodox Jewish therapists, Meir Wikler and Moshe Wangrofsky, both of whom reportedly believed the boy was telling the truth, Mrs. Abraham had her son examined by Dr. Grimm, who worked with the Manhattan Children’s Advocacy Center, and who, as an assistant professor at Mount Sinai Medical Center, not only chaired a child abuse clinical evaluation program but taught other doctors about child abuse prevention and detection. Grimm was impressed: “The boy’s story was consistent to everyone he spoke to and in all the details.”

Detective Brenda Vincent Springer of the New York Police Department’s (NYPD) Special Victims Squad, described by Dr. Grimm as an experienced professional with specific experience in the Hasidic Jewish community, interviewed the child after Grimm made an official report of suspected abuse. “She [Springer] found the [boy’s] story to be very credible,” said Grimm. “She was so encouraging, and she was so helpful,” said Mrs. Abraham of Detective Springer. “My son felt so secure with her, like she really understood him, and he wasn’t scared to tell her what actually happened, like he told her things that he hadn’t even told us happened.” (Springer was barred by NYPD rules from commenting to the authors.)

After Rabbi Hafner’s arrest on January 13, however, the reaction in Bobov was swift and angry. Kevin Davitt, the Brooklyn DA’s Director of Public Information, acknowledged that some members of the Bobov community complained to his office that the DA was on a “witch hunt” against Hasidim. Henna White, the DA’s official liaison to Orthodox Jews, went farther than that: she said that after Rabbi Hafner was formally

charged, she heard from “sources” that even Dovid Cohen, a prominent Brooklyn rabbi who had approved the Abrahams’ resort to secular authorities, had been “threatened.”

Intervention of a Beth Din

The key to what happened in the Hafner case is found in understanding the *beth din*, which was assembled in February 2000 in response to Bobov community pressure to make its own “inside” investigation of the charges against Rabbi Hafner. The rabbinic court was composed of five rabbis drawn from ultra-Orthodox communities all over New York City and its surrounding territory. At its head was Manhattan’s Rabbi Dovid Feinstein, the son of one of America’s most famous Orthodox rabbis, the late Moshe Feinstein. From the very beginning, at least one member of the court, Rabbi Chaim Rottenberg, chief rabbi of a Hasidic enclave in Monsey, a heavily ultra-Orthodox community 35 miles from Manhattan, clearly saw the rabbinic panel as a way to try to influence the official legal proceedings. He told the authors he actually warned other rabbis he approached to join the panel that if the rabbis did not intervene, “this [case] is going to stay by the DA until the DA’s decision.”

The rabbis worked at a pace Rottenberg described as “emergency.” And by the first week in March, even before the rabbinic court had officially handed down its judgment, they were prepared to visit the DA’s office, together with Hafner’s attorney Jack Litman, with “new evidence” of Hafner’s innocence. According to Rottenberg, Assembly Speaker Sheldon Silver, also an Orthodox Jew himself, weighed in with political support: “Shelly Silver said he’s not taking sides,” he said, “but he does want the doors opened [at the DA’s office] to listen to what we have to say.” (Silver himself did not return calls for comment.)

The critical meeting with prosecutors took place in mid-March. A few days later, the DA’s office issued a statement unequivocally exonerating Rabbi Hafner. The DA’s statement offered no specifics to explain its action, and its officials have never divulged details of the evidence of Hafner’s innocence they are supposed to have received. Remarkably, according to the members of the rabbinic court themselves, no witnesses to any of the “evidence” in Hafner’s favor ever met with the prosecutors. Rabbi Moshe Farkas, a Brooklyn rabbi, and the most active member of the court in its evidence-gathering stages, told the authors that he alone presented Bobov’s case, aided only by Hafner’s lawyer, to Chief Assistant District Attorney (ADA) Albert Teichman, Sex Crimes Unit head Rhonnie

Jaus, and ADA Deanne Puccio. Rabbi Rottenberg seconded Farkas's claim that no witnesses spoke to DA officials. He said that he and another member of the rabbinic panel tried to introduce community witnesses to prosecutors before Farkas's visit (and Silver's call), but "they didn't let us in the door." Attorney Litman insisted that witnesses were "presented" to DA officials, though he would not say who they were. If no witnesses were actually interviewed by prosecutors, according to Karen Burstein, a former judge, the DA's office should have required "independent confirmation" of what Farkas said. "I think if I were the DA," said Burstein, "I would be chary of acting solely on their [the rabbis'] representation."

Nor does the rabbis' evidence of Hafner's innocence appear "overwhelming," though that is how DA spokesman Davitt characterized it to the authors. According to Attorney Litman, the rabbis had discovered that the boy claimed to have been sexually abused in a place "observable by dozens and dozens of people every single day." Rottenberg explained by saying the small synagogue had "big, huge half wall windows . . . open to the street," and insisted, "There are close to a hundred people who have the combination if it would be locked. There are twenty, thirty in and out daily . . . There's a side door which everybody knows. It's open always."

But Rabbi Hafner's wife presented a different picture of the place her husband tutored the Abraham boy stating, "[The Abrahams] had asked him to learn privately [with the boy] in a very secluded place because he has a hearing aid and his hearing aid will pick up any outside noise, so he must have a quiet place. . . . He [Rabbi Hafner] tutored the child for eighteen months, once a day, in the mornings between eight and nine, *there was nobody there. . . .*"

A weekday morning visit to the site by the authors confirmed Mrs. Hafner's description. The aging Voydislaver Synagogue, a converted house, had no windows on the street level. All doors were locked and only someone standing on a ladder could have seen into the synagogue on the main floor. Through a small diamond-shaped pane in one of its three weather-beaten doors (not the main one), only a staircase leading up was dimly visible. When a buzzer next to the door was pressed, a woman's voice confirmed that the synagogue was closed, and that there were no prayers inside except on the Sabbath. No one entered or left the building between eight and nine o'clock, the time period when Hafner tutored the Abraham boy.

Mrs. Abraham said that some of Hafner's defenders simply fabricated the rabbis' details. "They had somebody go to the yeshiva down the block," she told the authors, "and tell the kids the combination [to the

front door lock], so they could say a hundred people had the combination.” Against this background, Ms. Burstein, the former judge, questioned the evidentiary worth of the rabbis’ claim to the DA that the synagogue was wide open to the public. “‘Everybody could see’ requires you to show that somebody did see” what transpired between Hafner and the boy, she said. Yet no one claimed that a specific witness actually observed Hafner tutoring the child.

Besides, the rabbis seem to have made only perfunctory efforts to ascertain the mental state of the alleged child victim. Two mental health professionals were consulted by the rabbis, but neither of them interviewed the child. Toward the end of the trial, the rabbis engaged the services of Sylvan Schaffer, an Orthodox psychologist and lawyer, who is the clinical coordinator and director of education of the forensic psychiatry program at North Shore University Hospital. But remarkably, even Dr. Schaffer was not asked to interview the boy. Instead, Rottenberg claimed the rabbis merely had him interview Rabbi Hafner, plus a “random” sample of six of Hafner’s other students, for any evidence that *they* had been abused.

The sketchiness of this evidence did not prevent some members of the rabbinic court from casting aspersions on the boy. “Because he’s hearing impaired,” said Farkas, “he always wants to get attention.” Rottenberg elaborated, “The kid was bragging on and on . . . ‘I want to talk more, I have more to say, I want to talk.’ The child spoke for a couple of hours, begging us to listen to him more and more . . . just eating the attention with such appetite.”

Nor did the rabbis pay much regard to the professionals who had supported his charges. Dr. Grimm was not invited to testify. “It was too dangerous a game, couldn’t afford to lose, if you know what I mean,” explained a friend of Rabbi Rottenberg who was himself a rabbi in Monsey and who made a point of referring to the Abraham boy as “the rascal.” “They [the rabbis] felt a *goy* would not have the perception . . . that’s the reason why this lady wasn’t called.”

Rottenberg himself stated he “cornered” one of the social workers who supported the boy by confronting him with the boy’s claim that Rabbi Hafner had pulled his pubic hairs: “I said to him [the social worker], ‘How stupid could you be?’” he remembered afterward. “A boy that age, either he doesn’t have, or it’s not big enough [to pull].” But Dr. Grimm told the authors that a physical examination showed the boy did have pubic hair and stated, “you don’t need much” to pull it painfully. Detective Springer, though interviewed by a rabbinic court member, was, like

Dr. Grimm, not invited to testify. “There seem to be real deficiencies,” said Ms. Burstein of the rabbis’ handling of the case. “Not hearing testimony from a forensic specialist who examined the child . . . is troubling.”

The rabbis’ priorities may perhaps be gauged by Rottenberg’s statement that the rabbinic court started to make tape recordings of its sessions—but stopped midway, “because they [DA officials] were going to subpoena it” and the rabbis did not believe details of child abuse allegations among Hasidim should be heard by non-Jewish authorities. And then there is Rottenberg’s claim that speech pathologist Adele Markwitz, though she visited the site of the trial to offer her testimony, was kept out because she had talked about the case on WNBC television news: “Making a statement in public about a private, *innocent* person,” he told the authors, “that’s being low.” Markwitz, who is Jewish, claimed the rabbis also said that her willingness to discuss the case publicly proved “she hates Jews.”

By the time of Farkas’s meeting with prosecutors, the rabbinic court had already reached its verdict. According to Rottenberg, prosecutors asked the rabbi “unofficially” not to publish their verdict before the DA’s office announced its own decision to drop charges, because “they didn’t want it to look like they bent under pressure.” Mrs. Abraham, by contrast, had no advance warning of the outcome and was distraught when she heard it.

“‘How am I gonna (sic) tell my son now that the rabbis feel he’s lying?’” Rabbi Rottenberg recalled her saying. Raising his voice an octave to imitate the mother, he quoted her, “‘I told him [her son] the rabbis are going to take care of Rabbi Hafner. They’re going to put him into jail, punish him, and now what?’ She started to go wild, claiming the *beth din* was biased, the *beth din* was all one sided . . . [She said,] ‘Now our name is going to be ruined.’”

Then it was the boy’s turn to get the news. Rottenberg told him, “Are you aware that we can’t buy this?” He told the authors that the child answered, “But that’s how it happened. It’s true.”

Community Attitudes and Reactions

There were no questions in Bobov about the rightness of the DA’s decision to drop the charges. Indeed, the news spread through the Brooklyn community on March 21, 2000, a date that coincided that year with the Jewish holiday of Purim, when Jews celebrate their deliverance from threatened annihilation under ancient Persian rule. The Hasidim saw the

timing of Hafner's exoneration as the work of divine providence. "By us *yidden* [Jews], we don't have the word 'coincidence' in our language," said Rottenberg. "We knew two or three days beforehand [that the charges would be dropped]. . . . In Bobov, they sang all of Purim, and Shabbos after, a *niggun* [special song] to his favor and against the [Abrahams] in a *shul* of three thousand people, the main Bobov shul. . . . Everybody knew who they meant."

Mrs. Abraham still believes Hafner is a danger to other children—and has been for years. "The only people I don't forgive in this whole story is the [other] mothers," she told the authors bitterly, "who . . . hid their heads under the rug and they kept quiet about it . . . and that's why my son got hurt, because they were selfish."

As we noted at the outset, "keeping quiet" is certainly not unheard of in ultra-Orthodox communities. Nor is a "pressure campaign" to suppress testimony by potential witnesses. In this case, the threatening notice quoted earlier in our essay was prominently displayed in a local Yiddish newspaper, signed by 50 rabbis, reminding everyone familiar with the case (that is, the entire ultra-Orthodox community of Brooklyn) that "informing" to the police was a capital crime. Hand in hand with this attitude, as part of the same sociological pattern, one continues to encounter outright denial about the reality of CSA by rabbis in the Orthodox community. A prominent rabbi well aware of this very case told the authors that "there is no problem in our community of child sexual abuse by rabbis," adding that Orthodox Jews would never face the scandal weathered by the Catholic Church because the rabbinate does not contain homosexuals.

Against this background, it is not surprising that no one in the Abrahams' community would come forward to criticize the *beth din's* actions. In fact, once Hafner was free of the charges, even Mrs. Abraham's erstwhile supporters in the Orthodox community proved unwilling to speak publicly about the case. Rabbi Dovid Cohen, who approved the use of secular authorities, was described to the authors by a close acquaintance of his as "shell-shocked" by community criticism. Mrs. Abraham said that Cohen told her, "Let's let it die down. . . . They have a lot more political clout than we do. . . . You have to cut your losses at a certain point." Under pressure from the rabbis on the court, Cohen even wrote an open letter, which appeared on community bulletin boards, apologizing to Hafner for causing him "distress and humiliation," while nevertheless stressing his own "good intentions."

The only voices heard loudly in ultra-Orthodox circles were pro-Hafner. A month after clearing the rabbi, the five-member rabbinic court

met again to issue an unusual written “blessing” to Rabbi Hafner, declaring that the charges against him were “false and based on falsehood,” and asking God to compensate him for any losses incurred through his involvement in the legal system. “After all,” said Rottenberg, “Rabbi Hafner has to marry off his children.” Nevertheless, Henna White, Hynes’s liaison to the Orthodox community, claimed to the authors that she had heard about the Hafner case everywhere she went, adding that she hoped the Abrahams’s willingness to pursue their son’s charges would “change things.”

“She’s full of baloney, in my opinion,” retorted Mrs. Abraham. She and her family, after being publicly humiliated in the main Bobov synagogue where thousands sang in support of Hafner and against the Abrahams, have moved out of Brooklyn altogether. “The man will strike again. And when he strikes again, and somebody else gets hurt, that’s when it will hit them.”

RECOMMENDATIONS FOR NEEDED CHANGE

The example explored in this article illustrates how a religious community, driven by a set of social mores that inform the actions of that community, responded to a serious allegation of CSA by a member of its clergy. In this case, the Orthodox Jewish community vilified the alleged victim’s family for turning to the secular authorities and did not appear to thoroughly investigate the allegation. What are the best ways to prevent such cases from occurring in the future?

One cannot quickly rid a community of mores formed over centuries by a complex mix of religion, sociopolitical history, and deeply ingrained memories of oppression. Anti-Semitism is still present in America, and it will be a long time before traditionally minded Jews can be habituated to a trustful relationship with this or any non-Jewish government. But reform is possible, both within and without Orthodox Jewish communities. In general, we propose reforms of two kinds: educational and legal.

Awareness Through Education

Already, to some extent, there is evidence that a few Orthodox communities, with rabbinic support, have begun to encourage education regarding CSA in schools and special forums. This new trend should be encouraged in several ways. Rabbi Mark Dratch (2006) has urged rabbis to lecture on

abuse-related issues. If nothing else, he says, doing this breaks the communal norm of silence and empowers victims to begin speaking out. Next, the community, as a community, needs to be educated to the harm suffered by its members through the toleration of abuse. All too often, Jewish communal officials speak of the “community” as if abused children were not part of it, when in fact they can be found in every school, in every synagogue, on every neighborhood street. What is more, while Jews are acutely conscious of the risks posed by ugly publicity, communities still need instruction in the costs incurred by silence. It must be realized, first, that today’s abused children are part of the bulwark of tomorrow’s community, and second, that sexual abuse causes long-term psychological and emotional damage to the victims, often leading in adulthood to eating disorders, sexual dysfunction, poor job performance, and a host of other psychological sequelae, all of which undermine the collective health of Jewish society. In addition, silence erodes public confidence in the institutions of the community, which by its inaction or worse seems to take the side of the criminal against the innocent. Finally, the tacit toleration of CSA means that Jewish communities will continue to be preyed on by pedophiles who are never reported to police.

Awareness of these things is already beginning to spread through Jewish communities, but, not surprisingly, progress is slow. At present, many Orthodox Jews express the belief that the airing of “old charges” by adults who were abused as children, even against rabbis who are still in contact with children, serves no purpose. This error can be corrected only by vigorous support for the survivors of CSA and sympathy for their needs. Clearly, education is needed to spur such a development.

It is also important for concerned rabbis and Jewish communal leaders to become acquainted with and to circulate the growing literature on Jewish law that supports the needs of abuse victims. This can be done by insisting on the duty to report abuse to police or other authorities, defending the right of victims to speak the truth, and placing the blame for “desecration of God’s name” through adverse publicity squarely on the abusers where it belongs. Our experience suggests that few religious Jews are aware that such rulings exist. If local rabbis were to include these rulings in some of their classes and lectures, the effects could be significant.

Legal Reform

Important legal reforms must also be undertaken outside Orthodox Jewish circles. It is essential that prosecutors, journalists, and others

involved in the criminal justice system speak out forcefully about any mechanism that facilitates cover-ups of clerical sexual abuse. To some extent, this simply means following existing law and policy directives, which up to now have not been sufficiently enforced. For example, New York's Executive Law, Section 642(1) specifically requires that the "victim of a violent felony offense" (which CSA is) or, where the victim is a minor, "the family of the victim . . . shall be consulted by the district attorney in order to obtain the views of the victim regarding disposition of the criminal case by dismissal." This was clearly *not* done in the Hafner case, though the offense in question was certainly a violent felony and the alleged child victim was a minor. If the law had been followed, perhaps prosecutors would have given the rabbinic court's "evidence" the second look it deserved, at a minimum.

Another way in which law enforcement authorities can rein in the overreaching of rabbinic courts in criminal cases is to apply to them the same standards and methods they are already accustomed to using when witnesses are intimidated by gangs or organized crime. We do not mean that rabbinic courts are composed of criminals, or that their methods are often the same as those of criminal gangs; however, within their communities rabbinic tactics can be just as intimidating and can undermine justice just as effectively. Therefore, secular law enforcement authorities must be educated about the potential of rabbinic courts to interfere with victims and witnesses in CSA investigations and must learn to act accordingly. Again, New York already has an applicable statute; section 641(2) of the Executive Law requires "notification of a victim or a witness as to steps that law enforcement officers or district attorneys can take to protect victims and witnesses from intimidation." There is simply no evidence that this statute has ever been applied to the Orthodox Jewish community. As the example of the case discussed here shows, in which the parents were allegedly pressured by the rabbinic court to recant their charges, it should be.

The legal system is part of a society's web of governing institutions, and it is critical that everyone connected with it recognize the importance of enforcing the laws against CSA everywhere, including inside religious Jewish communities. Prosecutors must both liaison effectively with a community whose norms may be somewhat foreign to them and, at the same time, stand aloof from improper influence. Perhaps no prosecutors can completely ignore the significance of large voting blocs, but they can establish policies that, for example, bar prosecutors from relying on religious courts to take over their function. Such a practice, so central to the

Hafner case, raises serious constitutional questions. The general public can and should demand that all abused children be given the same sort of treatment in the criminal justice system. Journalists, too, must do their part, informing the public about the miscarriages of justice caused by rabbinic interference and the failure of law enforcement officials to apply their own laws to such cases.

CONCLUSION

The authors of this article are themselves Orthodox Jews, and do not regard their argument as an attack on Jewish tradition. Rather, they urge a healthy examination and maturation of the community's social mores, which have not yet come to grips with the modern-day needs of children sexually abused by rabbis. As the eminent critic Hugh Kenner (1959) commented in an analysis of the role of the past in shaping the present:

. . . Tradition is not a bin into which you relegate what you cannot be bothered to examine, but precisely that portion of the past . . . which you have examined scrupulously. You cannot admire, you cannot learn from, you cannot even rebel against what you do not know. (p. 117)

The spread of knowledge and understanding about CSA committed by rabbis, and the tactics by which these offenses have been concealed, can only help to produce a saner and healthier future in traditional Jewish communities. And no one in the Orthodox or non-Orthodox world is likely to deny that we are at precisely that juncture in modern Jewish history.

NOTES

1. Nearly all Orthodox Jews send their children to private schools where religious education is an important part of the curriculum. The more traditional of such schools are called *yeshivas*; where religious discipline is less strict, such schools are usually known as "day schools."

2. Within this and the following two sections, "Intervention of the *Beth Din*" and "Community Attitudes and Reactions," there are more than 25 quotations drawn from personal communications. These quotations were drawn from face-to-face interviews, phone conversations, and e-mails. For the purposes of readability, each of these quotations will not be cited individually as a personal communication.

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