

| GUESTLINES |

FOR THIS WE WEEP



By Rabbi Aaron Lopiansky | JANUARY 4, 2022



We are held accountable for both our actions and our inactions. We therefore need to speak about the issues that are relevant. We have no right to be silent

It has been a week of upheaval and devastation. The notion of a serial predator comfortably ensconced within chareidi society shakes us to the core. This was never even remotely part of our vision of Torah community life. Instinctively, one wants to be just left alone; one wants to forget about the whole mess and go on with life as usual. But that cannot happen. If we ignore the events, then we are setting ourselves up for another round of tears, and *chas v'shalom* yet another.

"The heavens are G-d's province, but This World has been given to us." Once a person has passed on to G-d's world, we are no longer involved in judging him. We have lost the right, obligation, and ability to do so. But we live in a world that Hashem has entrusted to us. And we are held accountable for both our actions and our inactions. We therefore need to speak about the issues that are relevant. We have no right to be silent.

The first deluge of tears and sobbing to which we must open our ears and hearts is those of the victims of abuse. They cry unheeded; buried in rehab facilities, they have been told to hold their silence. I have visited those facilities and spent time with victims. I advise you not to do so, because it may ruin your capacity to enjoy life. But if you prefer truth over enjoying life, you will discover a Gehinnom that exists here in our world.

A young boy or girl has been taken advantage of by someone they know. At first they may not even have known what it's all about. They may have relished the attention and compliments. Slowly, the misguided "realization" sinks in that they are "bad," "damaged," and "worthless" in the worst way possible. Their pain becomes unbearable, they have no hope, and they turn to drugs and destruction to bring relief to their souls.

Quite a few choose to end their suffering. Tragically and disturbingly, *Rachmana litzlan*, this appears to have happened last week in Eretz Yisrael with one such victim. And often death draws no empathy, nor is it even mentioned. They are buried in deathly silence, with their sobs unheeded, and their families compelled to feel ashamed.

This problem is compounded multiple times over when the perpetrator is a powerful and respected public figure. No one believes the victims, and the best advice given to their family is "to hush it up." If they do speak up, at best the perpetrator will have them labelled as disturbed. Worst case scenario, the perpetrator fights back like a cornered animal knowing that if the victim's story comes to light, his life is over. All is fair in this war, and a perpetrator of this sort will not stop at anything. They correctly perceive it as struggle of life and death for themselves and their families.

A few years ago, I was involved in the publication of an issue of *Dialogue* on the topic of molestation and abuse. Included were lengthy interviews with professionals in the field and other related articles. One article was written by a survivor. It is a person known to me whose every word is to be believed, someone who leads an extremely honorable and *chashuve* life. After the person opened up to me, I was shocked. He seemed to live such a fine and happy life. And only then did I discover what kind of Gehinnom he lived in. Decades after the events, he still lives with the trauma and has occasional suicidal thoughts.

To quote an *adam gadol* who read the article, "It has changed my understanding of what abuse and trauma are all about. I've turned from an agnostic to a fervent believer."

[Ultimately, the decision was made not to publish the article in that forum.]

Indeed, one of the core problems of the issue is that people put abuse into the "*aveirah*" folder, as a crime. But it should in fact be put into the "*retzichah*" folder. Because it's nothing less than murder. The haunted, vacant eyes of a youngster who is on his way to self-destruction shout "*lo saamod al dam reiyacha*." Raising this issue is not about seeking "fitting punishment" for a sinner; that is indeed Hashem's province. It is about saving the next youngster from being murdered, and that is our most urgent obligation.

With the help of Hashem and thanks to the efforts of some extraordinary people, progress has been made in extending empathy and concrete help to victims. But their path remains a lonely and tortured one, and their tears continue to fall.

Besides not being aware of the intense sufferings of these people, there is another reason why our *tzibbur* keeps falling into this situation time and again, and that is the "halo" effect.

We have the misguided notion that “if it glitters it is gold,” all the way through. We feel that if a person is doing good in one area, he is perfect in every area. In order to move forward, we need to first rid ourselves of a fatal flaw. The most fallacious statement in our misguided thinking is, “someone who does good, cannot possibly be bad in any way.” This is flat-out wrong.

My rebbi, Hagaon Rav Chaim Shmulevitz, would often repeat a theme during his *shmuessen*: “*Ohr v'chosech mishtamshim b'irbuvya*” [lit. light and darkness are concomitant]. Even if one has bright and dazzling light radiating in his soul, it is not at all to the exclusion of him also having patches of darkness; and vice-versa.

We see the characters of our world as either black or white. This fallacy permeates our mindset. Our storybooks have heroes and villains; and never the twain meet. If he is good, he can do no wrong; if he is bad, he can do no right. This is a wonderful and simple set of tools. Unfortunately, it fits nothing in reality.

The coexistence of good and evil is the reason why someone can build an empire of *hatzalos nefashos* while concurrently destroying many innocent lives. It is why a person who lived a seeming ascetic and puritan life, and was a “holy man” for many, has been jailed for molestation and extortion, and is now facing charges for setting up a murder. There are many people who may have engaged in one area of “*tov*,” and were automatically assumed to be good in every aspect. Fallacious assumption. Fatally fallacious because it prevents observers from processing and stopping what is truly happening. .

Nothing a person does, should make us oblivious to red flags. If anything, the behaviors of a public person need to meet a much higher standard.

The first round of sobbing is for the grief of these victims. And the second round of sobbing is for the tragedy of the perpetrators’ families. A family who felt that they were of the noblest in Klal Yisrael, has been utterly smashed and devastated. What consolation is there for them? They have not sinned, but the suffering is theirs.

And one needs to cry and ache for the generation of Israeli children whose childhood innocence has just imploded because of what these books and their childhood hero will forever be associated with. And in one instant, children have to have their innocence shattered to smithereens. There is not even a coherent explanation that one can give them.

But our deepest sobbing should be for ourselves and the state of our communal life. In a normal and properly organized society, there would be authority that could safeguard against malfeasance. We have built magnificent Torah and chesed institutions. But we lag far behind in erecting systems of sufficient oversight and authority. Who can one complain to? Who can take action? Who will stand up against the powerful and well-connected?

On the other hand, we need that same strong forum to protect the innocent as well. Rumors can take off with lightning speed, and the damage done can never be rescinded. It takes one mischievous child, one disgruntled parent, or one mistaken bystander, and a life is destroyed. Accusations ring far louder than acquittals. And unfortunately, there have been terrible stories like that. A well-respected forum will have the standing and trust to clear the innocent of rumors and innuendoes.

Yes, you will righteously declare, “the rabbanim ought to do x, y, z.” I need to break the news to you: There is no organization called “the rabbanim.” There are thousands of rabbanim, rebbeim, *ramim*, each inundated with the needs and demands of their communities and *talmidim*. But each one is a *yachid*, overwhelmed by the particular needs of his charges.

Given the reality that many are uncomfortable turning to secular authorities in the first instance, there is value in having a mechanism for determining the facts and an appropriate communal response. But creating a global network of effective forums, where a person no matter their location or affiliation can pick up a phone, lodge a complaint without fear of retribution, have competent people investigate, and communal action taken, seems a daunting feat.

It requires the following:

1] The forum must have standing, i.e. broadly accepted authority to investigate and conclusively determine a communal response. As things stand now, there are just a few *batei din* or rabbanim who can actually conduct a proper investigation. And too often there is a counter beis din that decides that this *dayan* is an *am haaretz* and a *rodef*.

2] The members must have the time to deal with an issue. To add this kind of responsibility to the workload of an already-overwhelmed rav, is a farce.

3] They also must have training in this area, and have access to experts who can investigate appropriately.

4] The forum must have real leverage. The accused will not cooperate unless the beis din can levy some real consequence. Some existing options: In very tight-knit communities, the threat of being thrown out is real. Others have a working arrangement with the police authorities from the start.

5] Finally, there must be some system in place to protect the dayanim and members of this forum. An accused person typically becomes desperate and launches an all-out war against the “corrupt” beis din. Rabbanim will be mobilized to speak out against them. Threats and innuendoes, harassing phone calls, and financial pressures on institutions associated with them are the norm. Ask any dayan who deals with family cases to share some horror stories. Will a group of rabbanim stand up publicly and consistently for the people in this forum?

Of course, there is room — and a need — for a “review board” that will handle complaints against beis din’s particular actions or rulings. But there is no room for vigilante actions. If someone were to try these tactics in a court, he would find himself rapidly behind bars.

Fortunately, there do exist some batei din that meet many of the conditions outlined above. And others are in the process of formation. Recent events have actually been a catalyst for some serious beginnings. These developing efforts need strong public urging and support. But too many victims have suffered, and continue to suffer, in the interim.

So let us cry out of self-pity. We are suffering and are helpless. Victims suffer. Perpetrators are allowed to continue until they destroy victims, their families and eventually themselves. So much suffering, and the valley of tears seems endless, as we live through story after story that never seems to find its happy ending.

But as a *maamin ben maamin*, I believe that the story of Klal Yisrael does have a happy ending. The chapters may seem gloomy and tragic, because we flawed mortals write them. But the conclusion is scripted by Hakadosh Baruch Hu.

The hashgachah that has brought about the miraculous rebirth of Torah Yiddishkeit and has given rise to stupendous citadels of Torah and chesed, is surely at work to preserve these self-same structures. With Hashem's help, there are people rising to the occasion and working to create that system that will safeguard our children and cherished institutions.

Amen, kein yehi ratzon.



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