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pp.641

Rabbi Shalom Yosef Elyashiv

A Question in the Matter of Informing the Government Concerning Sexual Abuse of a Boy or a Girl

BS"D Fast of the Tenth (Month) 5764

To my friend etc. Rabbi Shraga Feivel Cohen etc.

I received this letter in its time but was unable to respond until "a day on which scholars take a holiday." The essence of the letter [you sent to me, is that]: one knows that someone is sexually abusing a boy or a girl in a manner in which we are incapable of stopping him from continuing his evil deeds; is it permissible to report such a matter to a government official?

This is the language of the *Rashba* (Rabbi Shlomo ben Aderet, Spain, 1235-1310, one of the foremost authorities in Jewish law) in his Responsa, III no. 393, "It appears to me that if the witnesses are believed by the selected *Bais Din* [Jewish Court of Law] judges, [these judges] are permitted to impose a monetary fine or corporal punishment [which penalties fall outside the letter of *halacha*], all in accord with their evaluation; and this maintains society. Because if you will adjudicate based only on the laws established by the *Torah*, society will be destroyed... And, therefore, those *Bais Din* judges who did this, if they saw that the situation required [such action] for communal welfare, they acted legally,..."

From the words of the *Rashba* we learn that in matters that concern societal welfare the Sages of Israel of every generation have the authority to extend their authority and decide matters according to their best judgment and to stand in the breach...

Accordingly, one should report (an abuser) to the government when one is certain that the accused has transgressed; and in this there is benefit to society. However, when there is no substance or foundation [to the allegation] but merely a *dimyon* (speculation), if we would allow (reports to the government) not only is this not for societal welfare, but this is societal destruction. It is possible that [a student may make false allegations] because of some bitterness that the student holds against the teacher or for some meaningless speculation a baseless accusation is made which can result in the ruin of the accused's life to the extent that he will believe that his death would be better than life—all this through no fault of [the accused teacher]. In this situation I do not see any permission [to report to the governmental authorities].

Shalom Yosef Elyashiv