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# Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

## **Ha-Rav Shlomo Aviner on...**

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### One's Duty to Report Child Abuse Immediately, at all Costs

[Be-Ahavah U-Be-Emunah – Parashat Bechukotai 5767 – translated by R. Blumberg]

When children are battered, whether sexually or "just" physically, anyone who knows about it has to report it to the authorities. The child, after all, is helpless and has no defenses. According to Jewish law, the primary loyalty of anyone who knows what is happening must be to the battered child, and this duty is absolute. Allow me to add that from a legal standpoint, if the person who knows about it is a professional in an associated field, for example a social worker or psychologist, and he does not report it, he is liable to go to prison for half a year.

Cruelly hitting children is alien to the world of Jewish law. Our halachic authorities viewed the matter so gravely that Ha-Rav Ha-Gaon Yosef Shalom Elyashiv ruled that outside of Israel in the case of a battered child, one must assist the authorities to remove him from his home – even if the child will be moved to a non-Jewish family. The reason is that such treatment could threaten the child's life.

The desire not to report it in order to spare the perpetrator may derive from sincere motives, but one must first take pity on the helpless child. His fate comes before all else. In the Crisis Center for Religious Women, it is reported that there are more children who suffer from beatings and sexual abuse among the religious public than among the secular public. This is not because the religious are more violent, but because more often the religious public

avoids reporting such incidents, and they make reports only when the matter goes to extremes. Until then, the battered child suffers terrible harm.

It is important to note that there is only one situation in which one is exempt from reporting. If the perpetrator is aware of his problem, is willing to go for appropriate treatment, steadfastly shows up for treatment sessions, and the responsible authorities supervise this process, then the perpetrator is doing what he would be ordered to do anyway. In all other instances, without exception, there is an obligation to report abuse, and quickly. The child's fate depends on us.

I recall a story in which I was personally involved. Someone saw his neighbor kick his small daughter in the head when she was lying on the floor. The man hesitated about whether or not to report what had occurred, when it was clear that he would pay for his deed with a fight with the neighbor. I ruled that he was obligated to report it, and immediately. During the talk it became clear to me that the person asking the question was a social worker. I had trouble believing this and I asked him, "How can it be that you, as a social worker, would ask me such a question?"

He did report what he had seen, and as he feared, he got into a fight with his neighbor, as well as with much of the neighborhood in which he lived, since the violent father incited them against him. I heard about that and I talked to him. I told him, "It will all be worth it. Think about the fact that you saved a Jewish life."

Rav Aviner's article on this topic was reported about on Yediot Achronot's English website at: [www.ynetnews.com/articles/0,7340,L-3546788,00.html](http://www.ynetnews.com/articles/0,7340,L-3546788,00.html)