

## **How do Ultra-orthodox Jewish leadership bodies respond to manifestations of Institutional Child Sexual Abuse (ICSA)? A critical reflection on the findings of two public inquiries in Australia and England**

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### **Abstract**

Leadership responses by ultra-orthodox, Jewish communities to Child Sexual Abuse (CSA) have been a subject of international concern. However, minimal empirical research has been undertaken on this subject. This paper analyses the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse (Australia) and the Independent Inquiry Child Sexual Abuse (UK) and associated writings. We find that cultural and religious conventions, patriarchal social norms and leadership and governance practices all contribute to the vulnerability of children and poor outcomes for CSA survivors within ultra-orthodox communities. Ultra-orthodox children may be more likely to experience Institutional Child Sexual Abuse (ICSA), be discouraged from disclosing such incidents to appropriate authorities, receive inadequate leadership support, and be especially vulnerable to post-abuse communal trauma. Reforms are required to address ultra-orthodox governance and leadership practices, cognisant of cultural norms, to improve child safety outcomes.

**Keywords** Child Sexual Abuse, Jewish, Royal Commission into Institutional Responses to Child Sexual Abuse, Institutional Inquiry Child Sexual Abuse, Ultra-orthodox communities, Leadership

### **Introduction**

In the last decade there has been an increasing interest on examining ICSA and more recently the incidence and prevention of these crimes within religious communities and institutions. Whilst the literature shows a dearth of research within Jewish Communities, the evidence base does show some examination within the Haredi, an ultra-orthodox segment of the Jewish community (Epstein and Crisp 2018:930) Of particular interest is the small but significant links identified in the literature between the incidence of ICSA and failings of governance and leadership, noted as being particularly associated with Haredi religious and cultural characteristics.

Commentary regarding these communities have highlighted Rabbinic utilisation of Jewish religious concepts to discourage victim disclosure including preventing communal members from reporting to appropriate authorities, protection of perpetrators above the interests of the victims, and prioritisation of institutional and communal reputation (Dratch 2009:vii; Neustein & Leshner 2009; Blau 2017). Notwithstanding the scarcity of

empirical evidence highlighting ICSA within Ultra-Orthodox communities in general, research addressing the role that governance and leadership may play in both the primary prevention of ICSA and improved, victim-centric reporting and redress procedures are vital.

This paper explores these issues. It presents a systemic analysis of the two most contemporary examples of government inquiries addressing ICSA - the recent Royal Commission into Institutional Responses to Child Sexual Abuse (RCIRCSA) in Australia, 2013-2017, and the Independent Inquiry Child Sexual Abuse (IICSA) in the UK, (2015 to date) (RCIRCSA 2014; IICSA 2018). Both inquiries have highlighted the importance of governance and leadership practices for advancing child safety and in the quality of responses in those cases where ICSA occurs. Both offer a range of input from various Jewish bodies, survivors and victim advocates with a marked emphasis on incidents of ICSA that have occurred within Haredi communities. Further, they provide evidence from comparable communities based in the different jurisdictions of Australia and the UK. This provides a potential for additional comparisons to be drawn with Haredi communities in jurisdictions outside those addressed by the subject reviews, such as Israel and the United States of America.

There are, however, some limitations with each review. Considered in more detail throughout the analysis, these reviews are at different stages of completion. Having finalized its work, the RCIRCSA has been able to produce detailed reports and recommendations pertinent to ICSA, as specifically relevant to the Haredi. As an ongoing undertaking, investigations undertaken by the IICSA have provided data as yet unreported. Furthermore, the RCIRCSA reviewed a number of the Chabad Haredi organisations within the cities of Melbourne and Sydney, Australia in specific Case Studies, enabling them to report with deeper insight on these Haredi communities (RCIRCSA 2016, 2017a). No such specific investigation on the Haredi has been undertaken by the IICSA. However, the analysis is still a good fit for purpose as within their general investigations the IICSA have gathered data on a broader range of Haredi communities and organisations within the UK. The impact of this, is that while the RCIRCSA have reported greater detail and nuance as to issues of concern pertaining to ICSA regarding the Haredi, the IICSA has provided more comprehensive comparative data.

It should also be noted that IICSA research is negligible in its focus on Jewish, much less Haredi communities. Materials utilised may only be derivative in their discussion of characteristics of religious communities of a common nature, for instance, patriarchal, collective and insular. Yet, comparative learnings both about and pertinent to the Jewish communities have emerged from IICSA research reports inquiries (Lovett, Coy, and Kelly 2018).

This paper analyses documentation of the RCIRCSA and IICSA, and is structured as follows. Firstly, it reports on definitions, predominantly as

regards child sexual abuse. Background to the Jewish community is provided, with particular focus on the Haredi. An examination of religious and cultural leadership norms and their influence upon child safety is followed by consideration of governance practices, the importance of which, to ensure child safety, has been noted by both inquiries. In conclusion, we suggest policy and practice implications and areas for further research.

## **Definitions**

### *Definitions of Child Sexual Abuse (CSA)*

Each inquiry developed their own working definition of CSA. Within the scope and purpose of this analysis, the definition of CSA is critical, given its potential to explain differences in reporting and management of grievances. Definitions offered by each of the RCIRCSA and the IICSA form a framework for their processes, authority, and ultimately the clarity they provide their stakeholders.

### *Child Sexual Abuse – RCIRCSA*

Within the opening of its' definition, the RCIRCSA (RCIRCSA 2017c:19) references CSA as 'Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards.' The RCIRCSA are attuned to both the nuance and importance of a child's comprehension – and thus the exploitation that may and does result should a child be manipulated beyond their understanding. The attachment of this exploitation to the values, or violation of community standards, however, links abuse not just to the possible naivety or judgement of a child, but to a wider societal, ethical responsibility. The definition goes on to detail a series of sexually abusive behaviours – extending from the anatomically graphic and explicit, to inclusion of grooming, and establishing emotional connections in preparation for sexual activity (RCIRCSA 2017c:19). This extensive spectrum has equipped the RCIRCSA with a substantial remit to both investigate matters brought before it and pursue relevant research.

### *Child Sexual Abuse – IICSA*

The IICSA, has defined CSA as '...forcing or enticing a child or young person to take part in sexual activities'(Hurcombe et al. 2019:80). The principal context is wholly descriptive of the actions of the perpetrator. Comparable to the RCIRCSA, this definition provides a list of CSA activities, however, does not contain graphic or explicit naming of sexual actions or anatomical parts. The list is less severe in its depictions (though all depictions of CSA would be considered severe). Language utilised may have been a choice taken to be more accessible to a lay public. An inclusion within the IICSA definition, 'Sexual abuse of children...including via the internet' (Hurcombe et al. 2019: 80) seems appropriate, given contemporary use of the internet as a stage for grooming, and various forms of CSA.

Despite numerous studies into CSA, there remains widespread variation to definitions used along the lines of ‘...contact, violence, and severity’(Sawrikar and Katz 2018:178). As recently as 2018, Sawrikar and Katz identified the one definitive element included in definitions as ‘...the element of non-consent’(Sawrikar and Katz 2018:178). In light of these recognised discrepancies, it is not surprising that the RCIRCSA and IICSA have disparate definitions. The definition of CSA offered by the World Health Organization (WHO), however, which is well-recognised and widely utilized, creates a reference point of consequence. The lead sentence within the WHO definition identifies CSA as ‘...the involvement of a [child] in sexual activity that he or she does not fully comprehend, is unable to give informed consent to...or else that violates the laws or social taboos of society’ (Garcia-Moreno 2017:vii). Key elements found within the opening of the RCIRCSA definition, in regard to a child’s comprehension and violation of community standards, are comparable to the WHO definition, thus providing it with associated credibility and authority . The absence within the IICSA definition of these elements arguably weaken its authority compared to the definition developed by the RCIRCSA.

#### *Institution*

‘A public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated)...’(RCIRCSA 2014).

#### *Institutional Child Sexual Abuse*

‘CSA that has occurred within the context of an institutional setting.’ (Kaufman and Erooga 2016:15)

#### *Institutional responses*

Practices relating to CSA in institutions such as schools, churches and the media. It includes how they have responded to ‘...allegations made about sexual abuse within their own institutions or elsewhere; their treatment of victims and survivors and perpetrators; and their formulation of child protection and safeguarding policies’(Lovett, Coy, and Kelly 2018:6).

#### **A demographic snapshot of the Jewish community**

Given the lack of academic analysis on CSA within ultra-orthodox Jewish communities, it is important to establish an understanding of the Haredi community. In particular, this includes how the closed nature and specific, cultural and religious platforms inherent to these communities reconcile to a unique influence in spite of their relatively small numbers.

The Jewish population in England and Wales is estimated at approximately 284,000 as of 2011 (D. Graham, Boyd, and Vulkan 2012:2). The Jewish population of Australia, the country covered by the RCIRCSA, is

estimated at 118,000 (D. Graham and Narunsky 2019:3). Jews are commonly recognised as an ethnic group, rather than solely adherents to a religion (Zuckerman 2003:15-16). While linked by history, language and traditions, Jews are diverse in culture, race, class, religious observance and Jewish concerns and practices, enabling a range of cultural norms and religious practices that facilitate extremely variant lifestyles, (Featherman 1995:128-130) particularly when utilising religious practices as an identifying factor. Graham and Markus comment (2018:4) that there is no such thing as a ‘typical Australian Jew’, and have identified spectrums of the Jewish religious continuum in both Australia and London, utilising comparable characteristics (Markus 2011:20-23) (D. Graham 2003:1-6) as seen in Table 1.

**Table 1. Key Sub-groups of Jewish faith as identified in the UK and Australia**

<b>Religious identification</b>	<b>Practices</b>
Ultra-Orthodox (Haredi) Strictly Orthodox	Preservation of traditional, religious values and practices.
Modern Orthodox	Traditional teachings and practices; engaged with the modern world.
Traditional	Traditional values are upheld, to uphold Jewish life.
Conservative (Masorti)	More open to change than Orthodoxy, but more connected to tradition than other liberal forms of Judaism.
Progressive	Most progressive of religious streams, observing Jewish laws and practices through a liberal lens, maintaining that Judaism should be modernized and compatible with surrounding culture.
Secular	Focused on secular/cultural Judaism, rather than the spiritual; regarding Judaism as an evolving, cultural, civilisation.

Considering the weight of international writings and thus, the principal focus of this paper, familiarity with the Haredi community is of importance. According to the Union of Orthodox Hebrew Congregations (UOHC), the principal umbrella organisation of Haredi communities in London, there were an estimated 60,000 to 70,000 Haredi Jews in the UK in 2020 (IICSA 2020e:2). Within Australia, the RCIRCSA calculated the largest Haredi sect, Chabad-Lubavitch, probably comprised no more than 400 families, or approximately 2000 people (RCIRCSA 2017d:163). Nevertheless, it has been recognised that Chabad have ‘unrivalled religious leadership’ within the Australian religious community, as in addition to Chabad synagogues,

numerous mainstream orthodox synagogues are headed by Chabad Rabbis (RCIRCSA 2017d:163-164).

These figures reflect the leadership and accompanying influence the Haredi have across wider Jewish communities in both the UK and Australia.

The Haredi consider themselves historic owners and practitioners of 'authentic' Judaism, thus asserting exclusive religious legitimacy (Berkovitz 2008:12). They live with cultural and ideological emphasis on the superiority of the ways of old, rituals based in Jewish religious texts and tradition passed down by rabbinic figures through the centuries, and a messianic conviction (Heilman 2019:219; Hamo and Idisis 2017:408; Sharabi 2012:242). The Haredi remain isolated from modernity and the secular world, actively protecting communal boundaries across all spheres of life (Katzenstein and Fontes 2017:755; Hamo and Idisis 2017:408). Exposure to secular media is almost entirely suppressed, owing to potential heresy that could result from its influence (Rashi 2011). Dress is typically dark and modest and some writers have noted similarities between the Haredi and the Amish (Sharabi 2012:242; Schechter 2011:306).

Deep-seated, hierarchical, patriarchal structures bind their lifestyle (Schechter 2011:307). Community leadership sits within the exclusively male domain of the Rabbinate, thus overwhelmingly excluding women from leadership and decision-making positions (Schechter 2011:306). Almog and Perry-Hazan note the lesser religious education generally provided to women, and associated exclusion from social power (Almog and Perry-Hazan 2011:282-283). The fostered prototype is of an ill-informed woman whose main role is the care of children and household, while the traditional rationale of their education teaches them to accept the patriarchal order practiced within their communities (Almog and Perry-Hazan 2011:275).

Sawrikar and Katz apply a theoretical framework which enables us to identify the Haredi communities as collective in nature (Sawrikar and Katz 2018:175), as does Schechter, more specifically (Schechter 2011:307). It is not unusual to see reference in the literature to societies that are 'closed' or 'collective' in nature, with common patterns of silence and exclusion (Rosen 2009, 9; Sawrikar 2016:19, 25). It is these patterns, along with Haredi religious convictions, ideologies and lifestyle practices as outlined above, that appear to impact on Haredi responses to ICSA as outlined in the following analysis.

### **Haredi religious culture vs. child safety**

#### *Haredi Leadership approaches to ICSA – the case of Malka Leifer*

Within Jewish communities, there has been ongoing examination of the Haredi approach to ICSA, along with the impact of Haredi leadership choices upon ICSA and survivors. Despite the existence of minimal empirical evidence, there are generic writings to be found (Brofsky 2017:60; Lopiansky, Eisen, and Berman 2018:21). These have been noted extensively

out of the U.S.A., and following the RCIRCSA, from Australia (Resnicoff 2012:288; Waks and Visontay 2016). Not least of these, would be addressing the well-known case of Malka Leifer, former headmistress of the Haredi Adass Israel School in Melbourne. Upon becoming aware of allegations of ICSA, a number of the school Board organized and paid for a one-way plane trip for Leifer to return to Israel, prior to reporting concerns to either the police or child protection authorities (Mendes, Pinskier, and McCurdy 2019). Since 2014, Leifer resisted extradition to Australia on 74 charges of sexual abuse. Israel's Deputy Health Minister Yaakov Litzman, from the same Haredi sect as Leifer, was also accused of interference to block her extradition. It was only in January 2021, that she was finally extradited to Australia (Magid 2021), where she has since been scheduled for an initial Court hearing in September 2021.

#### *Religious barriers to disclosure*

Despite a range of contemporary, orthodox, rabbinic sources now writing and advocating for reformed child safety practices and standards based on Halacha (*Jewish law*) (Dratch 2009:109-110), generic and anecdotal literature addressing Haredi Rabbinic leadership choices continues to focus on failings associated with cultural and communal practices. These practices discourage disclosure by victims, promoting internal routes of management above engagement with secular authorities. They include prioritization of the well-being of the community, institution and even the perpetrator above victim support (Brofsky 2017:60). Three of the most prominent religious concepts used to justify these approaches are Loshon Horah, Hillul Hashem and Mesirah.

#### *Loshon Horah*

Loshon Horah is a prohibition against any form of derogatory speech against a fellow Jew (Katzenstein and Fontes 2017:757). ICSA victims are consistently warned against pursuing allegations by Rabbinic authorities lest they fall prey to this sin. This serves to silence victims, their families and other communal advocates, as well as providing a reason for Haredi leadership not to pursue investigations further, to avoid Loshon Horah themselves.

#### *Hillul Hashem*

Hillul Hashem is a grave spiritual breach that engenders *Damage to the Divine Reputation*. This is commonly described as 'washing dirty laundry in public'. Though a Hillul Hashem may be seen to arise through publicity associated with the criminal act of abuse, for the Haredi, any action that risks the reputation of the Jewish community, a Jewish individual, even an alleged perpetrator, is by extension a direct affront to God himself (Lopiansky, Eisen, and Berman 2018:14). Prevention of Hillul Hashem is a common rationale to silence complainants, or to deal with matters 'in-house', rather than reporting

alleged perpetrators to secular authorities. Akin to Loshon Horah, community members are unlikely to criticize members of the Rabbinat for inaction, lest a Hillul Hashem, is created (Blau 2017:56).

Further, Hillul Hashem provides motivation for Haredi leaders to move alleged perpetrators, speedily and unobtrusively, from one institution to another (Lopiansky, Eisen, and Berman 2018:14). They may be assisted to flee the jurisdiction in order to avoid prosecution, as has been mentioned previously in the case of Malka Leifer (Mendes, Pinskier, and McCurdy 2019:930). In these situations, perpetrators may have continued access to children and repeat their actions (Lopiansky, Eisen, and Berman 2018:14).

Several modern orthodox Rabbinic authorities now argue that this public denial of ICSA in the Jewish community forms a Hillul Hashem in and of itself. They comment that the unethical behaviour associated with denial of public discussion of abuse and repression of victim disclosure, is the kind of conduct that in itself desecrates God's name. In addition, a much larger specter of Hillul Hashem may ensue from the perception in the wider community, that within the Jewish community, child molesters are being protected (Katzenstein and Fontes 2017:757). Notwithstanding, these protections are seen to continue within Haredi communities.

#### *Mesirah*

Prohibition of Mesirah (*To inform on a fellow Jew to secular authorities / Moiser-an informer*), arose in medieval times, when Jews could not presume on fair judgement in civil courts. As a result, antisemitism commonly impacted on the entire community (Dratch 2009:114-116). Today, an ongoing sense of solidarity and prioritisation of cohesion along with the reputation of community against any perceived secular threat external to their lives, continues to maintain a resistance to reporting, and the power of Mesirah in the lives of the Ultra-orthodox (Lusky-Weisrose, Marmor, and Tener 2020:8).

Haredi Rabbis continue to rank 'informing outside' on a fellow Jew as unforgivable, evidenced at both the IICSA and the RCIRCSA (RCIRCSA 2017d:203; IICSA 2020a). Treated as worse than the original abuse; it is the victim, the informer, who ends up on trial within their community, commonly threatened, harassed and ostracised, should they take complaints to police or secular authorities (IICSA 2020g:4). A fear of being identified and targeted as a Moiser, remains a severe impediment to disclosure by Haredi, and was noted by both inquiries as a means of pressuring victims to withhold complaints from secular authorities (IICSA 2020a:11; Lopiansky, Eisen, and Berman 2018:47; RCIRCSA 2017d:203).

#### *Beth Din*

The rabbinic judicial institution, the Beth Din (*Jewish religious court*), acts as a further impediment to disclosure of ICSA. Haredi victims will almost universally first discuss allegations with their Rabbi (IICSA 2020g:3). Commonly, they are directed to the Beth Din for that institution to act in place

of secular authorities. Rabbinic courts enjoy enormous prestige – and as such their communities can be blind to their limitations as they try to adjudicate crimes such as child abuse (Leshner 2011). However, they are a highly problematic forum for addressing ICSA. Rabbinic judges on these courts are not commonly trained to recognise CSA. They cannot compel information nor evidence, are not able to punish an offender should they be found guilty or take action to prevent offenders from further abuse (Dratch 2009:115; Neustein and Leshner 2009:202). In addition, under Jewish law, though a woman or child may be party to a dispute, only an adult male (over the age of 13) can give evidence (Longman 2007:80). Often recognised as prioritising institutional or communal reputation, the IICSA reported rabbis associated with the Manchester Beth Din as having advised a victim that ‘...it was “not considered an option” to go to the police because to do so would result in her being regarded as a “Moiser” and [being] shunned by the community’ (IICSA 2020a:10-11). Nevertheless, as has been mentioned, numerous rabbinic authorities have addressed the application of Jewish values as regards CSA, with reference to the concepts of Loshon Horah, Mesirah, Hillul Hashem, and use of the Beth Din. As far back as the C16th, rabbinic authorities confirmed that a person who attacks others should be punished, and if Jewish authorities were unable to do so, the victim had the right to go to the civil authorities (Dratch 2009:115).

In more contemporary times, the well-regarded statement by the Modern Orthodox Rabbinic Council of America advises that mandatory reporting of CSA, indeed without the prior consent of rabbinic authorities, is consistent with Jewish law (RCA 2013; Katzenstein and Fontes 2017:757). Interestingly, it has been noted that despite a number of their resolutions on abuse that supported reporting to the police, even among this more mainstream arm of orthodoxy, questions have been raised as to how much impact there has been on real situations (Blau 2017:56). The Rabbinic Council in the Australian State of Victoria (the RCV) likewise issued a statement (RCV resolution) in 2010 stating that the prohibition of Mesirah did not apply to CSA, though the RCIRCSA were to later note that it did not result in an immediate change to communication about CSA within the community (RCIRCSA 2016:9-10).

Community outcomes in regard to CSA for the Haredi communities, with their accompanying religious strictures and rituals, as outlined above, have been noted as comparable to other closed communities. These have included silencing the victim, ignorance, underreporting to appropriate authorities and involving others outside the community with intimate issues, as being deemed improper (Lusky-Weisrose, Marmor, and Tener 2020:8)

#### *Patriarchy and gender deficits*

A number of additional leadership deficits are identifiable within Haredi communities which clearly impede capacity for better ICSA practices. The

RCIRCSA have noted that patriarchal leadership structures within Haredi institutions and communities, including the absence of women in decision making processes, have contributed to their failures in responding to abuse complaints in an effective fashion (Mendes, Pinskier, and McCurdy 2019:932). A range of authors have further noted the influence of patriarchal gender roles in discouraging reporting of CSA and the development of effective child safety procedures (Katzenstein and Fontes 2017:760). Both studies from Israel and survivor literature have reported concerns that victims were labelled as homosexual, (while not necessarily of itself a negative description), a term consistently interpreted by Haredi survivors as highly pejorative within their culture and society. This has been identified as a further reason for disinclination to disclose (Dolev-Cohen, Ricon, and Levkovich 2020:2).

Ultimate authority, particularly in regard to religious matters has been noted as contributing to an imbalance of power favouring men within the Ultra-orthodox communities (Katzenstein and Fontes 2017:760). The IICSA likewise reported survivor accounts reflecting on a range of religious institutions where all positions of responsibility and decision making was within male control. The associated male-dominant culture within these various religions, analogous in their patriarchal religious cultures, were enabling factors in sexual abuse (Hurcombe et al. 2019:32).

The UOHC challenged remarks as to the nature of patriarchal leadership within their communities, asserting that ‘...some of the strongest organisations within the [UOHC] community were established and led by women’, and that nominated women ‘...command great respect within the community’ (IICSA 2020e:4-5). Alternate submissions, however, refuted these propositions, contending that these women were ‘...a ‘token’ in the vast majority of cases’ (IICSA 2020b). To be sure, women may be involved in establishing or leading welfare or charity movements, but these leadership roles are generally limited to committees populated exclusively by other women, and rarely include acting as equal voices on significant Haredi communal bodies. Moreover, Jewish laws of modesty largely forbid males from looking at women or listening to their voices. Indeed, the Haredi paper *HaModia*, prohibits photographs or even illustrations of women on its pages (Chizhik-Goldschmidt 2015). Furthermore, as mentioned earlier, cultural mores and lesser religious education generally keeps women considered less appropriate for leadership. Haredi women lead almost unequivocally among women, or subservient to the word of men. To the point, listed among the UOHC Trustees, on the Charity Commission for England and Wales, are 26 men – and no women at all (CCEW 2019).

As to contemporary governance practices, gender diversity has become an established issue on boards across Australia. Within the not-for-profit (NFP) sector, where the Haredi institutions under discussion sit, in 2019 the percentage of women on boards sat at 40% (Knight 2019:22). These

numbers are in contrast to those within Haredi data above, and to be noted in the Melbourne Yeshivah practices, as part of their updated constitution (2017) to be discussed, below (ACNC 2017).

Discussion will show that the intersection of Haredi religious interpretations and practices, along with a lack of contemporary governance development, as will be analysed in the forthcoming section, come together to form something of a ‘perfect storm’ as regards systemic inadequacy toward the prevention of ICSA, improved disclosure processes and supportive outcomes for ICSA survivors.

### **Governance**

Governance encompasses the system by which an organisation is controlled and operates, and the mechanisms by which it and its people are held to account, and by extension is critical to any analysis of responses to CSA (GIA n.d.). Within the NFP sector, there is a recognised absence of academic research on governance issues (Chelliah, Boersma, and Klettner 2016, 3). This dearth of research is even more apparent within Jewish community organisations. The significance of the RCIRCSA and the IICSA as the first government inquiries addressing both NFP governance within the Jewish population, and their consequent influence on child safety, thus, cannot be overestimated.

Both inquiries reference the importance of governance in prevention and minimisation of ICSA, but neither has defined governance nor fundamental elements thereof within their works (IICSA 2020h, 11-13; RCIRCSA 2017d, 289). These fundamental elements, (common to NFP and For-Profit governance) however, are both implicit and researchable. Listed consistently among both academic and regulatory sources as governance fundamentals are accountability and transparency, compliance (including management of conflicts of interest), organisational culture and leadership (Holland 2002, 409; Ryan 2019, 6). Clarification of these terms, is provided below, in Table 2.

These concepts are interdependent. Accountability, for example, may see a school board report that they had provided details of ICSA in a given year to a regulatory organisation. Transparency would address degrees of accountability; including reports to wider stakeholders, such as school parents, and additional, relevant information provided. Incumbent upon transparency would be the accessibility of this material. Information may be available to discrete individuals upon request, or freely distributed to all members of the school community. Comprehension of key governance concepts enables an examination of their applicability to Haredi leadership practices as analysed and commented upon within IICSA and RCIRCSA documentation, below.

**Table 2: Fundamental elements of governance**

<b>Accountability</b> (Holland 2002:410; Pomeranz and Stedman 2020:430)	The governing body is answerable for decisions and fulfillment of responsibilities. It identifies and reports to constituencies to whom the organisation owes compliance, and who must be provided with adequate means to raise concerns.
<b>Transparency</b> (Pomeranz and Stedman 2020:430)	Adequate information is available and accessible to those affected by decisions. Material is provided in understandable forms and media.
<b>Conflicts of interest</b> (Ryan 2019:88-89)	The governing body works to an established code to ensure duties to the organisation/members are prioritised, above actual or potential personal interests; such as other financial, personal or organisational interests.
<b>Compliance</b> (Ryan 2019:87)	Decisions are taken and enforced in a manner that meets legal and regulatory obligations and internal policies.
<b>Organisational culture</b> (MacCormick 2019:1)	Norms and values that impact decision making, and re-framing compliance questions into ethically weighted questions.
<b>Leadership</b> (Ryan 2019:87)	Clear articulation of behavioural expectations and results of misconduct.

Despite not holding a specific investigation into the Haredi community, the IICSA were able to examine the ICSA practices of the Haredi community through the evidence of Migdal Emunah, an organisation established to support victims and families affected by sexual abuse within the UK Jewish community (IICSA 2020g:1). Their statement, submitted by CEO, Yehudis Goldsobel is particularly compelling, due to its extremely contemporaneous nature. It addresses management of ICSA events having occurred within the Haredi community as recently as 2015-2019, with further events listed just several years prior (IICSA 2020g:1,4-6,9-12,18-20). These events address the actions of Haredi leadership in regard to both incident management and other matters associated with ICSA. In contrast, evidence submitted to the RCIRCSA regarding Haredi leadership pertained to incident management that predominantly occurred at least twenty years ago. More contemporary concerns chiefly addressed issues regarding post-disclosure ‘fallout’. These might be detailed as attitudes and behaviour of Haredi community leadership toward conflict management, disclosure, victim ostracism and further aspects such as apologies and redress (RCIRCSA 2015a:C60001-60067; 2015c:C6199-C6253). While these last two aspects are of importance, discussion at length goes beyond the boundaries of this paper.

#### *Accountability and Transparency*

The RCIRCSA observed that ‘...governance arrangements of particular religious institutions have [also] inhibited effective institutional responses to CSA’ (RCIRCSA 2017d:253). They note that ‘Independent, autonomous or

decentralised governance structures have often served to protect leaders of religious institutions from being scrutinised or held accountable ... in responding to CSA'. In his victim submission, 'Adon' stated '...The way the organisation is...structured [is] a fundamental part of the problem' (RCIRCSA 2018). RCIRCSA victim submissions described allegations of ICSA brought to institutional rabbis, and being assured of actions that did not actually occur (RCIRCSA 2016:41-43). Reports of ICSA complaints to Yeshivah leadership in 1984, 1986, 1991, 1992, 1996 and 2000 were documented by the RCIRCSA, along with a general failure to document allegations, report to authorities, or take any appropriate actions (RCIRCSA 2017d:205). Yeshivah College Melbourne was noted as lacking a formal policy for responding to reports of CSA until 2007, nor was there a practice of recording allegations received. This absence of appropriate governance mechanisms and structures enabled lack of accountability and transparency through the periods of ICSA allegations and complaints brought to rabbinical leaders for some 30 years, dating back to the 1980's. Kaufman and Erooga highlight the importance of policies to protect children as well as protocols to respond to disclosures, as do the RCIRCSA in their Child Safe Standards (Kaufman and Erooga 2016:50). The presence of policies and systems as key governance mechanisms within institutions serve both to minimize risk of ICSA, as well as hold governance bodies accountable – both to their communities and indeed to improved leadership practices.

Within reports of Case Study 22 (CS22), the RCIRCSA documented further that rabbis had significant influence upon the thinking and conduct of members of the Yeshiva/h communities, and '...that the rabbis were not subject to any oversight' (RCIRCSA 2017d:256). This communal influence, combined with a lack of oversight, contributed to '...a lack of scrutiny of the responses of the rabbis to allegations of child sexual abuse'(RCIRCSA 2017d:256).

Similar words emerge from the IICSA Reports, when referencing upon survivor experiences within a range of religions, that 'Religious leaders were ... seen as unquestionable and untouchable'(Hurcombe et al. 2019:64). These references emphasize the lack of accountability, which allowed for allegations received by the Rabbis to be addressed as they saw fit. Kaufman and Erooga (2016:50) note that risk factors of ICSA increase in religious institutions where the religious have unchallenged authority/power akin to that described above. Communal culture and education within the Haredi world have continued to affirm deferment to the Rabbi, and consequentially, this situation enabled in-house dealings, reflected in victim narratives, designed to maintain the 'reputation of the institution and the reputation of those involved'(Heilman 2019:219; RCIRCSA 2018). Submissions from within the Orthodox community to the IICSA noted 'the needs of the organisation [are] considered more important than that of a 'single' victim'' (IICSA 2020f:21), an implication as was reiterated in reflections on

behaviours within comparable religions by the IICSA. (Hurcombe et al. 2019:64; IICSA 2020g:21).

The RCIRCSA noted that ‘A system for responding to complaints of CSA in which the exclusive authority for making decisions is vested in one person is deeply flawed.’(RCIRCSA 2017d:254) These words resonate with the, *Protecting Victoria’s Vulnerable Children* report. Therein Justice Cummins noted, that ‘A private system of investigation and compensation, no matter how faithfully conducted, cannot fulfil the responsibility of the state to investigate and prosecute crime’(Cummins, Scott, and Scales 2012). Remarks of both the RCIRCSA and Justice Cummins illustrate a situation whereby external accountability is patently absent. In the case of the Haredi, these structural deficiencies, which were further aggravated by cultural mores, detracted from appropriate resolution of CSA issues.

Rabbinic authority as to what was permitted and prohibited remained predominantly un-challenged. As has been evidenced above, institutional reputation was prioritised over victim care across a range of jurisdictions. Rabbinic leadership commonly ‘served’ with neither challenge, nor adequate oversight. A societal pyramid existed, with the absolute influence of rabbinic leadership at the peak, exhibiting neither accountability nor transparency, either to an appropriate governance body ‘above’, nor to the community ‘below’.

A more effective structure would deliver universal decision-making through legitimate institutions, and consideration of influence through constructive participation across the community (J. Graham, Amos, and Plumptre 2003). This would augment good governance and cultural practices, providing communal accountability, transparency, and oversight of rabbinic leadership as shown in **Diagram 1**, below.

**Diagram 1 – Improved communal governance and influence**



Communal advantages are to be seen with the recognition, encouragement and movement to leadership bodies of informed professionals in fields including governance, child safety and Jewish cultural and religious backgrounds. Further, such a structure would allow for a social and political power shift away from the male domination inherent in Haredi communities and create additional potential for women to move into leadership positions.

#### *Conflicts of interest*

Management of conflicts of interest are an obligation both legislated and regulated within Australia. Directors within governance bodies, such as those under review, are expected to recognise and declare any conflicts they may have (ACNC n.d.). More importantly, conflicts are to be managed in a fashion that are transparent and not impede effective leadership of an organisation. The issue of conflicts of interest for Rabbinic leadership within Haredi communities and the range of associated fallout has been repeatedly noted. Rabbis in these communities often hold multiple, interlinked leadership roles – as judges on rabbinic courts, members of organisational committees, guardians of their community's reputation – indeed as the authority for all communal matters (Katzenstein and Fontes 2017:759-760). They are at the heart of a communal Venn diagram, with unavoidable conflicts of interest.

The adverse impact of conflicts of interest on management of CSA allegations within the UK Haredi community was well-documented at the IICSA. Goldsobel references how due to familiarity with multiple parties, unavoidable conflicts '...hinder those in positions to report abuse'(IICSA 2020f:21). Submissions regarding Rabbi Brodie, the Registrar of the Manchester Beth Din detail conversations he held with an alleged victim, at which time she disclosed her sexual abuse by the alleged perpetrator Todros Grynhaus. The submission also outlines Rabbi Brodie discussing the abuse with others to whom the victim had disclosed and Rabbi Brodie's personally collecting a diary with written accounts of abuse the victim had maintained, as well as a statement she had created at his request. At the subsequent trial, Todros's father, a renowned and prestigious judge at the UOHC Beth Din at the time, gave evidence in his son's defence. In court, Rabbi Brodie denied any memory of the Grynhaus case, and said that as the Beth Din did not arbitrate on these matters, he would have had nothing to do with it. The case ended with a hung jury. Rabbi Brodie died a short time later – when the case was re-tried Todros Grynhaus was found guilty (IICSA 2020f:13-14).

Whether reluctance on the part of Rabbi Brodie as to the possible discrediting of the reputation of the Manchester Beth Din or indeed the senior and greatly respected Rabbi Grynhaus, this matter highlights how a lack of management of conflicts of interest, such as those arising with familiarity with multiple parties, contributes to impeding disclosures of ICSA and subsequent trial impact.

Testimony provided at CS22 likewise spoke to conflicts of interest within organisational leadership bodies. AVB, survivor of abuse at both Yeshivah Melbourne and Yeshiva Bondi, advised ‘...there are powerful relationships, family bonds and blind loyalties within the Yeshivah... community that create significant conflicts of interest’; and in addition, ‘if you have great conflicts of interest, even with processes in place you only have a corrupt system (RCIRCSA 2015a:C6201; 2015d:C6680).

The RCIRCSA reported on the historic and ongoing, long-standing connections of the Yeshivah Committee of Management, both through close connections, friendships, and familial ties. The Commission observed that, ‘...failure to recognise and deal transparently with perceived and actual conflicts of interest contributed to poor governance on the part of the Committee of Management’(RCIRCSA 2016:54). In highlighting this matter, the Commission recognised the effect that failures to comprehend and manage conflicts of interest have on fundamental governance capacity. The RCIRCSA made recommendations about the importance of organisational policy – both regarding child safety and governance. Issues pertinent to conflicts of interest have provided an exemplar as to how failure of good governance practice may have profoundly harmful ramifications.

### *Compliance*

Mandatory reporting of CSA requirements is a substantive compliance disparity between Australia and the UK. Across both jurisdictions, there exists a comparable and lacklustre series of past practices from Haredi leadership. Reporting of CSA is mandated with greater stipulations in Australia. While requirements to report differ in various states, it is legislated in all jurisdictions that various professional groups are mandated reporters, solely ‘on the grounds of reasonable belief or concern’(AIFS 2020). Alternatively, there was ‘no general legal requirement on those working with children in England to report known or suspected child abuse or neglect’ (Foster 2020:3) as recently as February 2020. Non-statutory obligations apply to a number of professions, such as social workers, police and teachers, who are expected to adhere to professional codes in reporting. Following a recent UK Government consultation on ‘Mandatory reporting of child abuse and neglect’ and ‘The introduction of a duty to act’, in 2018 the government chose not to introduce either of these requirements (Foster 2020:7-9). Despite the currency of this determination, the IICSA has held several seminars on Mandatory Reporting.

Submissions were presented regarding CSA taking place in Jewish religious venues (which remain unregulated within the UK) to both the IICSA and the RCIRCSA (IICSA 2020g:3; RCIRCSA 2015a:C5988,C6006). These include synagogues or other locations such as a Mikvah (*Ritual bath*).

Chabad operations within the UK include 41 synagogues and/or centres, multiple nurseries, boys’ and girls’ primary and senior schools,

camps, a tertiary academy, out-of-school religious classes and further operations across England and Scotland. In IICSA submissions, Chabad acknowledged that it seemed appropriate that ‘...religious organisations should be subject to the same minimum standards as any other organisations, as are appropriate to the kinds of activities they undertake’(IICSA 2019:17-22). Though they expressed some reservations as to processes and education, Chabad acknowledged the need for mandatory reporting common to other organisations. While not actively discouraging greater regulation, the submission deemed current regulations adequate. This is of interest, noting the eight incidents or alleged concerns of CSA or historical CSA, recorded within their submission over the previous ten years (IICSA 2019:17-23).

Contrary to Chabad, who acknowledged some element of common mandatory reporting, the UOHC opposed any change to the status quo regarding religious organisations. Indeed, they expressed ‘concerns’ that escalation of reporting requirements would have no positive impact on children. They noted these concerns most particularly regarding religious bodies and venues currently unregulated. Further, they suggested that such changes may have negative consequences on service provision by smaller organisations – though they do not detail how or why this might be the case (IICSA 2020i:3-4).

The UOHC are likewise not in favour of mandatory reporting for people in religious roles. Nevertheless, they requested that should legislation be amended determining faith leaders as mandated reporters, that contextual to the Jewish community, the Act should specify ‘Ordained Rabbis’ or people ‘Leading a congregation’(IICSA 2020e:3-4). This request is arguably problematic as it excludes individuals who may be considered ‘faith leaders’ by the Jewish community, but may not fall within these discrete definitions. Such individuals may include cantors, teachers, individuals facilitating smaller prayer-groups and other respected or educated individuals. Essentially, this would limit reporting obligations, thereby minimising best outcomes for those at risk of ICSEA.

Additional Orthodox organisations have indicated a preference to ‘negotiate’ their own reporting obligations. The United Synagogue (US), roof body of 62 Orthodox communities in the UK, submitted that to be ‘most effective’ one of the characteristics of an independent regulatory body would be that it ‘...provide religious communities with discretion as to how best to achieve (and indeed develop) the [minimum child] safeguarding standards’(US 2021; IICSA 2020d:7-8). Likewise, Shema Koli, a Helpline operating within Halachic guidelines for members of the Jewish community who have experienced abuse (ShemaKoli n.d.), proposed that the community should ‘...be involved in creating its own...child protection policies and procedures (including reporting protocols)’(IICSA 2020c:12). These preferences to self-formulation of distinct, minimum child safety standards and reporting protocols must raise concern that, despite the need for improved

child protection apparently receiving acknowledgement among the Haredi and additional orthodox communities, the potential weight of cultural and religious conventions may continue to reinforce silence and quell transparency.

Undoubtedly, significant and legitimate concerns exist for the Haredi as to how secular, universal protocols would impact on their cultural and religious lifestyle. Sex, and discourse around sexuality (Lusky-Weisrose, Marmor, and Tener 2020:2) for example, is a taboo subject (Katzenstein and Fontes 2017:760). This commonly leaves Haredi victims of ICSA without the language to comprehend, much less articulate and report, the detail of their experiences (IICSA 2020f:14). This lack of relevant language is a well-recognised impediment to disclosure (Mendes, Pinskier, and McCurdy 2019:932). To introduce the language required for appropriate preventative education, for the Haredi, both culturally, and in line with religious standards, within even a single-sex classroom much less for the very young, would be a contentious and challenging innovation.

Nevertheless, despite concerns regarding external interference, recognition of the problem of ICSA is a step forward, as many Haredi appear to seek a pathway to reconciling wider child safety expectations and internal practices and beliefs. Haredi institutions are clearly seen to be addressing the need for appropriate pro-active child-safety protocols, and how these might be undertaken in light of their own communal sensitivities. Such an example was evidenced by the Yeshivah-Beth Rivkah College at the RCIRCSA. Contemporary internal codes include alignment with state regulatory standards. It was noteworthy that in providing educational workshops for staff and students, the school was working, along with both law enforcement bodies and the Dept of Human Services, as well as Jewish communal organisations sensitive to communal philosophies (RCIRCSA 2016:56-57).

While Haredi leadership groups have predominantly expressed a preference to minimise additional regulation impositions within the UK, this has not necessarily been the case in Australia, where the RCV stated that they had no objection to Rabbis becoming mandated reporters (RCV 2012: 3). Though Rabbis were not mandated at the time, the RCV indicated that most Rabbis already conducted themselves as if they were. Nonetheless, the RCIRCSA reported examples of Haredi Rabbis in Australia choosing to deflect disclosures in contradiction of the official stance of the RCV. Significantly, the overwhelming membership of the RCV are Chabad Rabbis, again reflecting the influence of Chabad/Haredi Rabbis across the Jewish community (RCV n.d.).

As noted earlier, compliance with ICSA complaint processes is a matter of ongoing contention in Australia. Victims highlighted ineffective complaint processes to the RCIRCSA, or the lack of their existence at all. The RCIRCSA reported that till as recently as 2007, institutions they reviewed in CS22 ‘...did not have adequate policies, procedures and practices for

responding to complaints of child sexual abuse’(RCIRCSA 2016:40-43). As of the publication of the CS22 Report in 2016, while a number of their operations had developed child safety policies, the Yeshivah Centre Melbourne remained without an overarching child protection policy (RCIRCSA 2016:40-43).

#### *Organisational culture*

As noted earlier, members of the Haredi almost universally report an incident of ICSA to their Rabbi, prior to consideration of engagement with any secular body. Both the IICSA and the RCIRCSA received materials detailing allegations brought to Rabbinic leadership that failed to progress appropriately.

The IICSA heard allegations of abuse by Daniel Golomb, a teacher within a Chabad Lubavitch school (IICSA 2020a:11-12). Upon hearing of the allegations, the school Board re-located Golomb from Manchester to a school in Leeds. When allegations were received in that school, Golomb was re-located to a school in London. Throughout the period no allegations were brought to the attention of the authorities nor were safeguarding measures put in place (IICSA 2020g:18). Golomb was charged two decades later with 14 counts of indecent assault against four different underage boys (Weich) .

The RCIRCSA reported, in the case of contemporaneous disclosures by parents or children to those in authority at Chabad schools, that they ‘...were either disbelieved or ignored, no reports were made to police and perpetrators were commonly left with access to children or quietly removed from the institution’(RCIRCSA 2017d, 33:263).

The cases of David Kramer and David Cyprys were recounted, both ultimately convicted of CSA offenses. Kramer, dismissed from Yeshivah Melbourne following CSA allegations in 1992, fled Australia. An international school later made enquiries of Yeshivah when considering Kramer’s prospective employment, however, Yeshivah provided no specific information as to his departure. The RCIRCSA noted the Yeshivah response as being ‘less than frank’ as to why Kramer should not be employed (RCIRCSA 2016:42-43). Following the alleged events in Australia, Kramer served a lengthy jail term in the U.S.A. for child molestation. He was charged in Victoria with CSA offenses in December 2011, extradited from the U.S.A. and convicted (Deery 2013). Allegations involving Cyprys were received by Rabbinic authorities at Yeshivah over many years, however, throughout the period matters were managed ‘in-house’. Safeguarding measures were not put in place, enabling him to commit further offences for which he was later convicted and jailed (RCIRCSA 2016:43).

These episodes are among many that speak to a culture of prioritisation of institutional well-being above other concerns. The IICSA report that ‘...religious leaders...would protect the reputation of the institution to the detriment of the protection of children...’(Hurcombe et al. 2019:32)

The RCIRCSA recognised comparable outcomes in Australia, where ‘...many leaders of religious institutions demonstrated a preoccupation with protecting the institution’s ‘good name’ and reputation’(RCIRCSA 2017d:263). Actions taken were designed to minimise knowledge spread, prevent negative publicity, and thus protect the institution. This application of reputational prioritisation has also been underscored within survivor narratives. Experiences were related of oppressive cultural practices harming those who spoke out, thereby crossing a ‘social border line’. Victims were shunned and along with those ‘connected’ to them, considered damaged in some fashion, impacting on long-term communal, marriage or job prospects (RCIRCSA 2015b:C6231-C6235).

An echo of reputational prioritisation has been institutional financial prioritisation above survivor support – seen widely in consideration of redress by both the Yeshivah Melbourne and Yeshiva Bondi institutions. Despite the events of CS22 in February 2015, the RCIRCSA observed during CS53 (2017), provision of redress was still limited (RCIRCSA 2017d, 205). Rabbi Groner of Yeshivah Melbourne advised that their redress scheme closed after 13 months on the belief that this was the recommendation of the RCIRCSA, (though agreed following discussion that Yeshivah would revisit this matter)(RCIRCSA 2017b:27290). The Yeshivah-Beth Rivkah schools joined the National Redress Scheme in 2021; Yeshivah Centre remain unlisted as having yet joined (NRS 2021).

Victims provided evidence to the RCIRCSA of sexual assault under the care of Yeshiva Bondi, a number of whom made contemporaneous complaints of abuse(RCIRCSA 2016:34-35). These included statements from NSW police and parents of an individual who made complaints in 1989, and reports in 2002 against a Yeshiva Bondi College rabbinical student (RCIRCSA 2016:62-64,66-67). Despite these matters being detailed within the CS22 Report, during CS53, two years later, Rabbi Feldman, representing Yeshiva Bondi, indicated the organisation had no need to provide a redress scheme as it had ‘...no victims... no money, so there was really no purpose in even thinking about it.’ When referenced to specific victims, he responded, ‘...I’m not familiar with any...potential claimants’. There was no acknowledgement of any ethical obligation to support survivors. Yeshiva Bondi remain unlisted as intending to join the National Redress Scheme.

Additional to financial redress, there is growing recognition within survivor literature and writings as to the importance of institutional apologies and their capacity for facilitating healing. Victim transcripts address the absence of such apologies, and highlight the associated pains these failures to acknowledge and express contrition, even decades following the original event, have caused (RCIRCSA 2015a:C6025; 2018). While these apologies are unlikely to undo original and ongoing effects of abuse, Rooney and Ross note that an authentic apology, may gift victims with a long-delayed

opportunity to move forward with his/her life by experiencing empowerment and recognition (Rooney and Ross 2007:10-14,18).

#### *Leadership and Conduct*

Warren Bennis stipulates that ‘...empathy and trust are reflected not just in codes of ethics, but in organizational cultures that support ethical conduct’(Bennis 2003:154). In matching ethical codes of the Chabad sector of the Haredi to the culture of their organisations, we look to their spiritual values modelled on social justice, commitment to material and spiritual assistance and associated service to the whole Jewish community (Greenbaum 2006:199). Paradoxically, the behaviour of Haredi leadership towards ICSA survivors and their families arguably epitomised quite the converse.

Bennis also comments upon the resistance of organisational leadership to distasteful truths, observing that in many organizations, ‘...those who speak unwelcome truths are fired or at least marginalized’, and that leadership ‘...sometimes go to...immoral lengths to ignore bad news’(Bennis 2003:xvii-xviii). While addressing secular leadership mores, these practices are a mirror of the worst behaviours exemplified by Haredi leadership in promoting Mesirah and the accompanying practices of shunning and ostracism, as has been experienced by survivors who have chosen to ‘speak out’ in both Australia and the UK. Perhaps the most manifest illustrations of this have been those of Manny Waks and Yehudis Goldsobel, survivors with the lived experience of insiders. Both born within ultra-orthodox communities, having spoken publicly they each experienced such severe harassment and communal rejection that they were to renounce their communities (MigdalEmunah 2018). In the case of Waks, associated shunning was so severe as to compel his parents to sell their home in Australia and move to Israel (Zwartz 2013).

Despite the RCV Resolution stating that regardless of Mesirah it was an obligation of Jewish law to report to appropriate authorities, controversies and differing views continued (RCIRCSA 2016:9-10,20). Victim ostracism was repeatedly highlighted within inquiry documentation. In 2015, AVC, wife of AVB, gave powerful evidence during CS22 addressing her loss of faith in community leadership. AVC referenced Rabbis preaching in regard to mesirah, ‘...preaching hellfire and damnation for those who have let the secular world in’, and spoke of ‘...the profound impact that...the failures of the Jewish community leadership have on the...families of the victims of child sexual abuse’(RCIRCSA 2015b:C0061-C6174). In regard to mesirah and wider consequences, Rabbinic leadership had clearly been both influencing, if not actively driving the actions of the Yeshivah community. Both AVB and Manny Waks referenced public sermons by Rabbi Telsner, the Head Rabbi of Yeshivah, in 2011, that were understood to condemn them and their actions, as either ICSA whistle-blowers or individuals assisting the

police in their investigations (RCIRCSA 2015c:C6222-C6223; Waks and Visontay 2016, 166-167). It is well understood, therefore, that the RCIRCSA found that despite the RCV Resolution, there was no ‘...immediate change in the community’s approach to communication about child sexual abuse’(RCIRCSA 2016:9-10).

In addition to the leadership failures noted above, lack of appropriate consequences is also examined. Despite the sermons of Rabbi Telsner, there was an extensive time lag between any subsequent action or rebuke on the part of the Yeshivah Committee. Eventually, following widespread publicity and associated condemnation, Rabbi Telsner issued a statement of resignation in 2015 (Booker 2015). Nevertheless, it was evident that the Yeshivah committee continued to interact with Rabbi Telsner as their Head Rabbi. This was ultimately confirmed in August 2019, when the committee issued a statement that it would not renew Rabbi Telsner’s contract, four years after his statement of resignation, and indeed two years following their own statement at CS53 that Rabbi Telsner no longer occupied a position of leadership (Levi 2019). This episode resulted in perceptions of Chabad communal leadership as disinclined to acknowledge experiences of ICSA survivors, much less address the situation.

Reluctance, if not refusal to acknowledge ostracism and shunning was also seen from the UOHC. In refuting the Migdal Emunah submission, while expressing regret, they noted that ‘...ostracising victims is not communal policy...’ and ‘Apart from Ms Goldsobel’s statement, we are not aware of any evidence that this...happens at all’(IICSA 2020e:007). Cognizant of the enormity of the community, while ostracism may not be ‘communal policy’, to profess no awareness of such events can only be regarded as disingenuous.

Another area of expected behaviour in leadership, aligned with religious values, would be to both nurture and support the community. In 2015, Ben Lewis, director of a summer camp in the UK hosting up to 90% of campers from the Jewish community, was arrested and eventually charged for possessing indecent images of children on his phone (Rashty 2016). IICSA submissions noted that ‘...no community leader or organisation took the lead in comforting, educating or empowering these parents or anyone else...’(IICSA 2020g:18). This mirrors observations of leadership activity – or absence thereof – in Melbourne. Whilst social media was replete with comment and rebuke from communities and individuals following CS22, no Jewish leadership group organised any forum in the short term to address aspects of ICSA or promote communal resilience.

Further, there has been denial of leadership as to duty for behaviours of their membership/organisations. The RCV identify themselves as the ‘...pre-eminent religious leadership body of Victoria’s Jewish community’, however stated that they have ‘...no responsibility at all for any...organisation, nor ... provide any services to the community’ (RCV 2012) thereby repudiating any responsibility to uphold a model of values and

practice among their own and across the community. It is therefore unsurprising that the RCIRCSA, noting the evidence as detailed above of both numerous survivors along with communal leadership within their review of Chabad communities, concluded that there was a 'marked absence of supportive leadership for CSA survivors and their families' (RCIRCSA 2016:51).

Haredi ethical codes, based within Halacha, demand that leaders be people of the utmost integrity, and indeed, that those who ignore communal responsibilities should be publicly chastised (Brown 2009:63-64). Failure to come to the aid of someone under assault, to prevent abuse and assist survivors find justice is more than just irresponsibility; it identifies one as an enabler sharing in the guilt of perpetuating that assault (Dratch 2009:105-106). One such case, may be viewed as the previously mentioned Rabbi Brodie, Registrar of the Manchester Beth Din, whose actions appeared to neither assist a survivor seek justice either in the short term, or in the years that followed, by denying any apparent personal or organisational involvement.

More generically, referencing back to issues of Hillul Hashem, Mesirah and use of the Beth Din, it is of interest as to the extent of writings quoting generations of Rabbinic authorities who speak to use of these Jewish laws/institutions being 'misinterpreted' in the case of abuse (Dratch 2011:129-148; Cohen 2011:121-128). Generations of Rabbinic sources note the ethical harms caused when Rabbinic leaders misrepresent the use of these laws in reference to prevention of disclosures. It is remarked upon repeatedly, that there are no Halachic grounds for prevention of justice being sought within secular courts in a 'friendly' country, even without Rabbinic permission, and that threats of Hillul Hashem indeed betray and exploit the victim further to their initial abuse (Dratch 2009:118).

It appears that both by their own voice, practices and perceived manipulation of Halacha, leadership stood in abeyance. As such, prevention of abuse or the needs of survivors were a matter of insufficient prioritisation.

Looking to the future, attention is drawn to the constitution of the Yeshivah-Beth Rivkah Schools, re-written following CS22. For the original Board terms (three years), a minimum of three of ten voting positions were to be held at all times by Chabad Rabbis. In terms following, the constitution maintained the presence of three Chabad Rabbis of nine members on the Board. Further, should no women be elected for the original term, two women were eligible to be co-opted, however, they were to serve without the authority of voting rights. In later terms, voting positions were guaranteed for only two women (ACNC 2017).

The outgoing Trustees of Yeshivah, arbiters of the final version of the new constitution, appeared to discount a range of remarks made by the RCIRCSA. These included concerns as to Rabbinic accountability and recommendations as to the benefits of increased women in leadership

enabling more effective response to abuse complaints. To this end, female presence was well below the average of 40 per cent of women on comparable boards and the constitution re-enforced a cultural practice that undermined future female, leadership opportunities.

### **Discussion**

At the time of writing, the completion of the RCIRCSA, including final recommendations, has allowed for more explicit findings to be included in this analysis compared to those of the IICSA. Further, the RCIRCSA included case studies of specific Jewish institutions in their review and thus provided a more detailed analysis of Haredi communities compared to the IICSA. Notwithstanding these differences, research and findings from both inquiries demonstrate a representation of Haredi community members being particularly disadvantaged and at risk in regard to ICSA. This analysis suggests Haredi children may be more likely to experience ICSA due to the insular and patriarchal nature of the community. They may be discouraged from disclosing incidents to appropriate authorities as a result of religious precepts such as Loshon Horah, Hillul Hashem, Mesirah and internal structures such as the Beth Din, and may receive inadequate leadership support when reporting does occur. Finally, the examination shows children to be especially vulnerable to post-abuse communal trauma. Taken together, traditional, cultural religious leadership and religious precepts of the Haredi pose a structural disadvantage and consequent additional vulnerability to CSA for young people within their communities. In addition, leadership practices such as reputational prioritization of institutions and communities above the well-being of the survivor contribute to harmful outcomes.

Associated with these factors contributing to ICSA, major gaps in contemporary governance knowledge and practice have been identified. Issues such as limited accountability and transparency, poor management of conflicts of interest, problematic organisational and leadership culture, have all been noted as systemic weaknesses. It is contended that these, combined with a scarcity of women in leadership roles, pose an excessive level of risk to children both in prevention and reporting. This gender inequity is deeply embedded in both the social and religious fabric of patriarchal, ultra-orthodox institutions and will be hard to deconstruct. As noted by the RCIRCSA, it poses an additional, clear and present danger to children because of the important role that women play in effective decision-making processes when responding to abuse complaints (Mendes, Pinskier, and McCurdy 2019:932).

In their exploration of the Haredi community, the RC were able to examine the Yeshivah Melbourne and Yeshiva Sydney institutions (not connected) in depth. In the interim between reviews, publication of the Report on CS22 identified wide-ranging relevant concerns and systemic issues pertaining to these institutions, including concerns addressing governance and Rabbinic practice as they impacted on ICSA. The follow up

review enabled the RCIRCSA to not only assess change over the period since the original review, but also draw input from secular leadership figures across the Jewish community.

This series of reviews is particularly significant as the first occasion on which a national Australian government body has examined over an extended period of time the actions of Haredi leadership pertaining to ICSA. Indeed, it is likely that prior to the reviews of CS22 and CS53, no such evaluations over a substantive timeline have occurred internationally. It should be recognised that this series of reviews were intended to serve as the impetus for much needed acknowledgement and a greater focus on ICSA across both Haredi and broader Jewish community leadership and Jewish organisations.

### **Policy and practice implications**

Our review suggests that key factors hindering effective Haredi leadership responses to ICSA, along with cultural and religious elements, include poor awareness and practice of contemporary governance standards. The importance of how these factors intersect with child safety, has been noted in the first of the Child Safety Standards proposed by the RC, ‘Child safety is embedded in institutional leadership, governance and culture’(CSS1)(RCIRCSA 2020). Accredited and mandated governance training addressing legislative and regulatory requirements, inclusive of child safety requirements, for all directors of institutions where ICSA is a concern, would go far to address CSS1. Currently, there is no such mandated governance education, of any type, for directors in Australia or the UK. Directors may elect to undertake training and be well-equipped both in their governance responsibilities and by association, to govern issues pertaining to ICSA. Within Haredi institutions, however, appointed or elected Rabbis on boards often have minimal, if any training of this type. Indeed, this apparent lack of familiarity with governance responsibilities and accompanying failures in regard to ICSA has been highlighted by the RCIRCSA in reference to a range of religious organisations, including the Salvation Army (RCIRCSA 2017d:56) and the Australian Christian Churches and affiliated Pentecostal Churches (RCIRCSA 2017d:153). Cognisance of broader governance and associated leadership responsibilities would support not only pro-activity regarding child safety, but wider survivor support.

Change within Haredi communities to lessen recognised cultural barriers to disclosure is likely to be achieved only through wide-ranging communal education, from grassroots to leadership. This will in all probability require diverse and respectful partnerships between those empowered to develop relevant aspects and modules of CSA education, inclusive of content and formats sensitive to the religious experience and community leaders. Under these circumstances, one would anticipate that

change-effecting education would allow appropriate child safety standards and governance to be introduced by the Haredi.

Indeed, these modules would have applicability in alternate jurisdictions, including internationally where Haredi communities have comparable negative experiences of ICSA. Furthermore, certain basic frameworks, such as addressing issues of gender equity, would have application across diverse ethnic/faith communities.

#### **Areas for further research**

- Identify and analyse the availability and utilization of educational modules, tailored to prevention of ICSA and survivor support within Haredi communities.
- Detailed evaluation of Jewish leadership groups beyond the Haredi community involving interviews and consultation to assess leadership and governance practices, pre-and-post education designed to reduce ICSA within their institutions and communities.
- Current analysis has been limited to two Anglophone jurisdictions. Extension of analysis to Jewish communities in Europe, Latin America, and particularly Israel.

#### **Limitations**

This paper includes more detailed reflection on events in Australia rather the UK given that the RCIRCSA have completed their inquiry, whereas the UK inquiry is ongoing. At the time of writing, the Final Report on their Investigation into Child Protection in Religious Organisations and Settings, within which matters pertinent to the Jewish community were included, has yet to be published. Nor was there reference to this investigation within their Interim Report.

Additionally, research did not involve any direct consultations with religious leaders or CSA survivors. While such consultations would be of value, in terms of the analysis and validity of claims made regarding governance and leadership anomalies, in light of detailed evidence presented previously through submissions, narratives, transcripts and reports of the IICSA and RCIRCSA, it is likely that such direct input would support observations made herein.

#### **Conclusion**

This article critically examined the practices of Haredi leadership bodies and their impact on ICSA. Analysis of documentation sourced primarily from two government inquiries, the RC in Australia and the IICSA in the UK, indicate that deficiencies in contemporary governance and entrenched religious cultural leadership mores contribute to high risk factors for ICSA and adverse outcomes for survivors within Haredi communities. Improved outcomes may be advanced by a tailored pathway that acknowledges the need for integration of improved child safety requirements and contemporary

governance practices with religious cultural mores. There is also a need for further research in Jewish communities beyond the Anglophone jurisdictions covered in this paper.

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