

Imagine a World Without Jews

Wednesday, February 10, 2010

Sex with Children by Talmud Rules

Sex with Children by Talmud Rules

We are told there is a movement afoot to make pederasty (child-adult sex) socially acceptable and legally permissible. Researching the issue, we find that many dominant voices on both sides of the controversy are Jewish.

How is this possible? Which voices speak for the core values of Judaism? Our questions are not prompted by idle curiosity, but by social concern. America is rapidly becoming Talmudized, and we should understand the direction in which our social policies are moving.

Let us start with an article in the *Washington Times*, a major newspaper that espouses conservative Christian values. The *Times* provides a useful starting point because they name names. Let us borrow the *Times'* viewpoint.

Jewish Bad Guys

Feminist writer Judith Levine's book *Not Harmful to Minors: The Perils of Protecting Kids from Sex* has been condemned by those who say she excuses sexual abuse of children — a charge she strongly denies.

Ms. Levine says she was "misunderstood" after a news article last month quoted her saying a boy's sexual experience with a priest "conceivably" could be positive.

— Washington Times (1)

The *Washington Times* depicts Harris Mirkin as follows:

Harris Mirkin, a professor at the University of Missouri-Kansas City, published a 1999 article in the *Journal of Homosexuality* complaining that boys who have sex with men "are never considered willing participants, even if they are hustlers." He has also written that "children are the last bastion of the old sexual morality."

— Washington Times (1)

The Washington Times cites a controversial psychology research study:

A 1998 "meta-analytic" study in an American Psychological Association (APA) journal argued, among other things, that "value-neutral" language such as "adult-child sex" should be used to describe child molestation if it was a "willing encounter."

— Washington Times (1)

The study was conducted by Bruce Rind, Robert Bauserman, and Philip Tromovitch, and was published in the *Psychological Bulletin* in 1998 under the editorship of Nancy Eisenberg.(4)

Jewish Good Guys

Here come the good guys. Meet Joy Silberg.

Ms. Levine's book favorably cites the Rind study and, in a telephone interview, she defended the study as "methodologically meticulous." But Baltimore psychologist Joy Silberg, whose clinical practice involves treating child-abuse victims, says the study is "horribly flawed."

"I can't call it science," she said.

... Ms. Silberg, the Baltimore psychologist, agrees that the "whole academic movement" to legitimize sex with children "is growing."

— Washington Times (1)

Now comes Dr. Laura Schlessinger:

Radio host Laura Schlessinger led a campaign against that study by Temple University psychology professor Bruce Rind and two other academics. Congress eventually voted unanimously to condemn the Rind study — which has already been used as evidence to defend accused child molesters in at least three court cases.

— Washington Times (1)

Dr. Laura is, of course, widely considered a shining example of moral rectitude. She is famous for her denunciation of homosexuality, (7) and very popular with those who call themselves fundamentalist Christians. As one of America's best-known Orthodox Jews, Dr. Laura received the 2001 National Heritage Award from the National Council of Young Israel, an organization of 150 Orthodox synagogues in the US. The executive vice president of Young Israel is Rabbi Pesach Lerner. The following report comes from the *Jewish Telegraphic Agency*.

The program for the National Council of Young Israel dinner described Schlessinger as "a powerful source of inspiration and pride for all Jews." The mainly right-leaning Orthodox Jews filling the large room applauded her, and many approached her afterward to ask for autographs and declare their admiration ...

— Jewish Telegraphic Agency (2)

We are told that Schlessinger is a member of a Lubavitch synagogue, Chabad of Agoura, in suburban Los Angeles. Then:

Schlessinger's rabbi, Moshe Bryski, insists that his most famous congregant is serious about the moral questions she receives, researching Jewish ethics and frequently calling him to consult on issues that arise on her show.

"There is a sense of responsibility because at times she'll call me about specific questions, and I realize the answer is going to be

broadcast to 20 million people, and I better get it right," Bryski says.

— Jewish Telegraphic Agency (2)

The Jewish publication, *Forward*, also covered Dr. Laura's Young Israel award.

The executive director of Young Israel, Rabbi Pesach Lerner, said Ms. Schlessinger was chosen because of her success "in changing the moral compass of this country," on issues such as abortion, abstinence and homosexuality. He also cited her personal religious journey that eventually led her to adopt an Orthodox lifestyle.

— Forward(5)

No doubt Rabbi Bryski listens to Dr. Laura's show to see how his student is doing. Given her fame as an Orthodox Jew, we might expect that some of the rabbis affiliated with the 150 Orthodox synagogues in the Young Israel organization would listen in, too.

Jewish law, of course, is based primarily on the Talmud, which Jews often call the "Torah." (48) Let's follow Dr. Laura, Rabbi Bryski, and Young Israel directly to the source of their doctrines, the Talmud. We will ask the reader to be patient and tolerant when reading this material, even though some of these ideas may be very new.

(Note: When excerpting quotations from the Talmud, we sometimes omit non-germane text and footnotes.

Omission of text is indicated by an ellipsis (...). To see the full text and footnotes, follow the hot link at the end of the excerpt. It is our pleasure to make available on line a number of Talmud tractates, so that you can see the excerpt in full context. We indicate unprintable Hebrew characters, words, and phrases with the symbol [H].)

Talmud Permits Child-Adult Sex

Talmud law permits sexual intercourse between children and adults. This doctrine is contained in a number of Mishnahs. Before we examine them, however, it is necessary that the reader be familiar with the word *kethubah*.

According to the Soncino Talmud Glossary:

KETHUBAH (Lit., 'a written [document]'); (a) a wife's marriage settlement which she is entitled to recover on her being divorced or on the death of her husband. The minimum settlement for a virgin is two hundred *zuz*, and for a widow remarrying one hundred *zuz*; (b) the marriage contract specifying the mutual obligations between husband and wife and containing the amount of the endowment and any other special financial obligations assumed by the husband.

— Babylonian Talmud, [Soncino Talmud Glossary](#)
Zuz is a unit of currency. We see, then, that a dollar (or *zuz*) value is put on virginity.

Now let's look at a Mishnah from Kethuboth 11a:

MISHNAH. WHEN A GROWN-UP MAN (7) HAS HAD SEXUAL INTERCOURSE WITH (8) A LITTLE GIRL, (9) OR WHEN A SMALL BOY (10) HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD (11) — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ] ...

— Babylonian Talmud, [Tractate Kethuboth 11a](#)
Soncino 1961 Edition, page 57
The translator, Rabbi Dr. Samuel Daiches, amplifies the text with footnotes:

7. A man who was of age.
8. Lit., 'who came on'.
9. Less than three years old.
10. Less than nine years of age.
11. Lit., 'One who was injured by wood', as a result of which she injured the hymen.

— Rabbi Dr. Daiches
Let's review the above-cited Mishnah: "When a grown-up man has had sexual intercourse with a little girl, or when a small boy has intercourse with a grown-up woman ..." It is obvious that sex activity between a grown man and a little girl, and between a grown woman and a little boy, is a part of the woof and the warp of everyday Talmud life; such relationships, in the eyes of the Sages, are unremarkable. There is no prohibition on sexual activity between adults and young children — it is simply regulated. Recall the

words of the Very Reverend the Chief Rabbi of the British Empire the late Dr. Joseph Herman Hertz:

Religion in the Talmud attempts to penetrate the whole of human life with the sense of law and right. Nothing human is in its eyes mean or trivial; everything is regulated and sanctified by religion. Religious precept and duty accompany man from his earliest years to the grave and beyond it. They guide his desires and actions at every moment.

— Rabbi Dr. Hertz (38)

Thus, if the Talmud permits girls three years old and younger to be sexually used by adults, that is the law. The concern of the Sages is to ensure that the adult is not, technically speaking, in violation of any of the rules.

Regenerating Virginity

In the Gemara that follows the Mishnah of Kethuboth 11a (cited above), the Sages discuss the issues. They say having intercourse with a girl younger than three is like putting a finger in the eye. Rabbi Dr. Daiches explains in the footnotes that, just as tears come to the eye again and again, so does virginity come back to the little girl under three years.

GEMARA. Rab Judah said that Rab said: A small boy who has intercourse with a grown-up woman makes her [as though she were] injured by a piece of wood. (1) When I said it before Samuel he said: 'Injured by a piece of wood' does not apply to (2) flesh. Some teach this teaching by itself: (3) [As to] a small boy who has intercourse with a grown-up woman, Rab said, he makes her [as though she were] injured by a piece of wood; whereas Samuel said: 'Injured by a piece of wood' does not apply to flesh. R. Oshaia objected: WHEN A GROWN-UP MAN HAS HAD INTERCOURSE WITH A LITTLE GIRL, OR WHEN A SMALL BOY HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR WHEN A GIRL WAS ACCIDENTALLY INJURED BY A PIECE OF WOOD — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER KETHUBAH IS A MANEH! (4) Raba said, It means (5) this: When a grown-up man has intercourse with a little girl it is nothing, for when the girl is less

than this, (6) it is as if one puts the finger into the eye; (7) but when a small boy has intercourse with a grown-up woman he makes her as 'a girl who is injured by a piece of wood,' and [with regard to the case of] 'a girl injured by a piece of wood,' itself, there is the difference of opinion between R. Meir and the Sages.

— Babylonian Talmud, [Tractate Kethuboth 11b](#)

Soncino 1961 Edition, page 57-58

Rabbi Dr. Samuel Daiches amplifies the text with footnotes (page 58):

1. Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood.
2. Lit., 'is not in'.
3. I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah.
4. The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel.
5. Lit., 'says'.
6. Lit., 'here', that is, less than three years old.
7. I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a.

— Rabbi Dr. Daiches

To a person unaccustomed with the Talmud culture, it may seem that discussion of sexual intercourse between grown men and very young girls is merely theoretical. But as we shall see, cases are cited, judgments are weighed and debated, and the Sages discuss the wounds suffered by the young girls as a result of the intercourse.

More on Regenerating Virginity

We know that the amount of a woman's *kethubah* depends on her virginity on her wedding day. But what of a woman who, as a little girl below the age of three years, was raped or otherwise subjected to sexual intercourse? The Sages rule that the *kethubah* of such a woman is set as if she were still a virgin.

MISHNAH. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR *KETHUBAH* IS TWO HUNDRED [ZUZ]. AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-]VIRGINITY. (17)

— Babylonian Talmud, [Tractate Kethuboth 11a](#)
Soncino 1961 Edition, page 54

This seems like a generous and humanitarian ruling, the creation of a legal fiction of virginity when the woman is no longer physiologically a virgin. But Dr. Daiches corrects us. He tells us that, according to the Sages, the hymen of a girl younger than three *literally* grows back again.

17. If they had sexual intercourse before they were three years and one day old the hymen would grow again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.

— Rabbi Dr. Daiches ([25](#))

See also the discussion of Niddah 44b and 45a, below. As we continue to explore the Talmud doctrines on child-adult sex, we will see further confirmation that the Talmud Sages believed that the hymen regenerates in a girl younger than three.

"... Of Lesser Age, No Guilt is Incurred"

In modern America, sex between an adult and a child is condemned in proportion to the youth of the child. That is, Americans generally consider sex with a fifteen year old, a twelve year old, a six year old, and a three-year-old on a continuous scale of condemnation. The younger the child, the greater the condemnation.

Talmudic law works on the reverse scale: sex with younger children is less significant than sex with older children. How did this doctrine come about? Scripture states thus:

22. Thou shalt not lie with mankind, as with womankind: it is abomination.

— [Leviticus 18:22](#) (KJV)

The Old Testament prohibits a man lying with a man; but notice, the Old Testament does not prohibit a man lying with a boy. Thus, the Talmud Sages arrive at their position on pederasty. In the following, bestiality said to be committed "naturally" when a man uses the vaginal passage of the beast, and "unnaturally" when a man uses the anal passage of the beast. The Sages make a similar distinction for the couplings of a woman with a beast.

GEMARA. ... Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that. (2) What is the basis of their dispute? — Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect]. (3) But Samuel maintains: Scripture writes, [*And thou shalt not lie with mankind*] as with the lyings of a woman. (4)

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day; [55a] [he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment. (5)

— Babylonian Talmud, [Tractate Sanhedrin 54b - 55a](#)
Soncino 1961 Edition, page 371

The translator, Rabbi Dr. H. Freedman, amplifies the text with footnotes. Note particularly footnote 2: "... but if one committed sodomy with a child of lesser age, no guilt is incurred." See also the final sentence of footnote 5: "... nine years (and a day) is the minimum age of the passive partner for the adult to be liable." (See Soncino Talmud Glossary for definition of [Baraitha](#).)

2. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.
3. At nine years a male attains sexual matureness.
4. Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three.
5. (Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.) There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day — refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

— Rabbi Dr. Freedman

The plain English meaning of the Talmud text is clear, but if there is any doubt, the Soncino scholars put the matter to rest: No guilt is incurred with a boy child younger than nine, even in incest. Thus we see that Orthodox Jewish doctrines concerning homosexuality are not accurately represented by Dr. Laura and other Orthodox spokesmen.

Out of Context?

When quoted, those passages in Tractate Sanhedrin 54b and 55a are sometimes said to be taken out of context. Theologian James Trimm is one who makes this protest.⁽⁶⁾ But now the full context of Sanhedrin 54b and 55a — and indeed, the complete Sanhedrin — is available to the readers of Come and Hear™.

Rabbi Michael Rodkinson, whose English translation of the Talmud was republished in 1918, censored the Sages' teaching on this issue. The 1918 Edition of Rabbi Rodkinson's Talmud was published under the editorship of Rabbi Dr. I. M. Wise, the pioneer of Reform Judaism. Rabbi Rodkinson explains his censorship in a footnote:

We deem it expedient not to translate about two pages of the text preceding the next Mishna, treating of miserable crimes with men and animals, and giving the discussion with questions and answers, it would be undesirable to express in the English language ...

— Rabbi Rodkinson ⁽²⁶⁾

For further discussion, see "Rabbi Rodkinson Censors the Talmud" in [Do Not Censor the Talmud, Please](#).

Censorship, expurgation, and denial of the clear and obvious meaning of basic religious text do not help inter-religious understanding. It does not help people of different religions understand each others' faiths. See [What We're About](#).

The lack of reliable authoritative information on the doctrines of Judaic law is a significant problem as American society and law becomes more Talmudized. Such information gaps can cause unwanted societal consequences.

America Is Rapidly Becoming Talmudized

In 1999, the Supreme Court agreed to consider an *amicus* brief based wholly on Talmudic law (see [Sentence and Execution](#)).

In November 2002, the American Orthodox Jewish community held a kosher dinner in the Supreme Court building to celebrate the establishment of the National Institute for Judaic Law. (31) The dinner was attended by 200 people, including three Supreme Court Justices. The purpose of the Institute is to introduce Talmudic laws into the US legal system and law schools.

It is thus the clear civic duty of every American to become intimately acquainted with the Talmud. Read articles at:

Death Penalty: http://www.come-and-hear.com/editor/capunish_1.html

Kosher Dinner: <http://www.come-and-hear.com/editor/cp-jp-11-09-2002> and <http://www.come-and-hear.com/editor/cp-jw-01-08-03>

Oedipal Incest

According to Rabbi Dr. H. Freedman ([footnote 5, above](#)), in Sanhedrin 54b-55a the Sages confirm, "in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day." Therefore, a mother who encourages her son to have sexual intercourse with her incurs no guilt if her son is younger than nine years old and a day. In such an arrangement, the mother would be the "passive" adult, of course.

Adult Male Homosexuality

MISHNAH. HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED.

— Babylonian Talmud, [Tractate Sanhedrin 54a](#)
Soncino 1961 Edition, page 367

This clears matters up. Consenting adults who engage in homosexuality suffer the death penalty. But homosexuality with a male child under the age of nine years and a day is

not punishable (Sanhedrin 54b-55a, above). Recall Rabbi Dr. Freedman's clear statement of the doctrine:

2. I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.

— Rabbi Dr. Freedman (21)

Female Homosexuality

But what of female homosexuality?

GEMARA. ... Women who practise lewdness with one another are disqualified from marrying a priest.

— Babylonian Talmud, [Tractate Yebamoth 76a](#)

Soncino 1961 Edition, page 512 - 513

The same statement appears in [Shabbath 65a](#), page 311.

The ruling, then, is only that a woman who "commits lewdness" with another is disqualified from marrying a priest. Thus a woman who never had ambitions to marry a priest suffers no sanction for her homosexual activity. All of this paints a different picture of Orthodox Jewish doctrine on homosexuality — as enshrined in the G-d-given law of the Talmud. What would Dr. Laura say if she knew? Or does she?

More on Oedipal Incest

In the following passage, the question before the Sages is this: If a mother committed incest with her son, would she still be eligible to marry a priest? As we shall see, the answer depends on the son's age. Again, incest with a young boy is not a concern, while incest with an older boy brings consequences to the adult. Here, the Sages debate the threshold age.

GEMARA. ... Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood. Beth Hillel declare her fit. R. Hiyya the son of Rabbah b. Nahmani said in R. Hisda's name;

others state, R. Hisda said in Ze'iri's name: All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not: (2) their dispute refers only to one who is eight years old, Beth Shammai maintaining, We must base our ruling on the earlier generations, but (3) Beth Hillel hold that we do not.

— Babylonian Talmud, [Tractate Sanhedrin 69b](#)

Soncino 1961 Edition, page 470

The translator, Dr. Freedman, uses "cohabitation" to denote sexual intercourse. (32) He amplifies the text with footnotes.

2. So that if he was nine years and a day or more, Beth Hillel agree that she is invalidated from the priesthood; whilst if he was less than eight, Beth Shammai agree that she is not
3. When a boy of that age could cause conception.

— Rabbi Dr. Freedman

The issue rests on the boy's theoretical ability to cause conception. Since (theoretically) a boy younger than nine cannot cause conception, he cannot (theoretically) engage in sexual intercourse (see above, from [page 58, footnote 1](#), "... the intercourse of a small boy is not regarded as a sexual act"). This is a specialized definition of sexual intercourse.

The boy's youth also exempts the man who sodomizes him — from moral guilt and legal liability. That is, the young boy cannot "throw guilt" on a man who lies with him, and the Scripture does not apply. If the boy is old enough to cause conception, the man who lies with him is in violation of Scripture.

And now we have the answer to a question that might have occurred to the reader when we discussed incest between mother and son, above: Why wouldn't a mother like that be charged with incest? We have seen this explanation from Rabbi Dr. Freedman before, but it warrants further study. In a synthesis of logical premises

unique to Talmudism, the translator again helps us out with a footnote. The language is complex, but the meaning of the last few lines is clear: By reckoning back and forth between the definition of "man," "cause conception," "active," and "passive" participants in a sexual act, the conclusion is drawn that incest is not punishable with a boy younger than nine years old.

5. [Rashi reads [H] instead of the [H] in our printed texts. A male, aged nine years and a day who commits etc.] There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day — refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, *Thou shalt not lie with mankind*, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

— Rabbi Dr. Freedman (24)

American Puritanism vs. Rabbinic Tradition

Forward reports criticism of Young Israel's award to Dr. Laura.

The problem, according to her liberal critics, is that Ms. Schlessinger pushes a conservative, pro-life platform that is out of touch with the

mostly liberal American Jewish public. Worse, they say, is that her "sanctimonious" moralism and harsh style are more a reflection of American Puritanism than the ancient rabbinic tradition.

"It's sad that with all the outstanding individuals doing great work, the National Council of Young Israel has chosen someone whose comments have been so divisive within and outside of the Jewish community," said Rabbi Douglas Kahn, the executive director of the Jewish Community Relations Council of San Francisco.

Rabbi Kahn said he was referring in particular to the controversy sparked by Ms. Schlessinger's claim that homosexuality is "deviant" and a "biological error." Last year gay rights organizations and other liberal groups organized a boycott of Ms. Schlessinger's new television show, which was eventually canceled due to poor ratings.

More than a dozen Jewish leaders signed a critical letter to Ms. Schlessinger, including Rabbi Paul Menitoff, the executive vice president of the Reform movement's Central Conference of American Rabbis.

— Forward(5)

Indeed, Rabbis Kahn, Menitoff, and other Reform rabbis are right. Dr. Laura is not representing "the ancient rabbinic tradition," which allows ample room for homosexuality and pederasty. But why didn't Rabbis Kahn and Menitoff and their Reform colleagues publicly correct Dr. Laura and her Orthodox mentors, in particular Rabbi Moshe Bryski, by using the authority of direct quotes from the Talmud?

Children as Concubines, Babies as Wives

The ancient Hebrews were permitted to use children as concubines. Moses established the precedent. In the passage below, the Hebrews have just massacred the Midianite men. They return home with booty, and the Midianite women and children. Moses directs them to slaughter the captive women and children with this exception: virgin girl children are to be kept as concubines for the Hebrews.

12. And they brought the captives, and the prey, and the spoil, unto Moses, and Eleazar the priest, and unto the congregation of the children of Israel, unto the camp at the plains of Moab, which are by Jordan near Jericho.
13. And Moses, and Eleazar the priest, and all the princes of the congregation, went forth to meet them without the camp.
14. And Moses was wroth with the officers of the host, with the captains over thousands, and captains over hundreds, which came from the battle.
15. And Moses said unto them, Have ye saved all the women alive?
16. Behold, these caused the children of Israel, through the counsel of Balaam, to commit trespass against the LORD in the matter of Peor, and there was a plague among the congregation of the LORD.
17. Now therefore kill every male among the little ones, and kill every woman that hath known man by lying with him.
18. But all the women children, that have not known a man by lying with him, keep alive for yourselves.

— [Numbers 31:12-18](#) (KJV)

In the following, the Talmud Sages reason that, since Phinehas was among the Hebrews who were permitted a child concubine and Phinehas was a priest, Numbers 31:17-18 is Divine sanction for the marriage of priests with

girls under the age of three — babies. The rabbis describe the babies as proselytes. The *American Heritage Dictionary* defines *proselyte* as "a Gentile converted to Judaism." In the following passage, a bondman is a male slave, and a bondwoman a female slave.

GEMARA. ... It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest, (2) for it is said, *But all the women children that have not known man by lying with him, keep alive for yourselves,* (3) and Phinehas (4) surely was with them. And the Rabbis? (5) — [These were kept alive] as bondmen and bondwomen. (6) If so, (7) a proselyte whose age is three years and one day (8) should also be permitted! — [The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, *Kill every woman that hath known man by lying with him,* (9) but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, *But all the women children, that have not known man by lying with him, keep alive for yourselves,* (3) but do not spare them if they have known. Consequently (10) it must be said that Scripture speaks of one who is fit (11) for cohabitation. (12)

— Babylonian Talmud, [Tractate Yebamoth 60b](#)

Soncino 1961 Edition, page 402

This is a special definition of cohabitation. The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

2. She is not regarded as a harlot.
3. Num. XXXI, 18.
4. Who was a priest.
5. How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte?

6. Not for matrimony.
7. That, according to R. Simeon, Num. XXXI, 18 refers to matrimony.
8. So long as she has '*not known man*'.
9. Num. XXXI, 17.
10. To reconcile the contradiction.
11. I.e., one who had attained the age of three years and one day.
12. Not one who had actually experienced it.

— Rev. Dr. Slotki

The doctrine that Jewish men may have sexual intercourse with non-Jewish children ("proselytes") under the age of three is expanded in the following passage; "Rabbi" is Judah the Prince.

GEMARA. ... R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The *halachah* is in agreement with R. Simeon b. Yohai. (13) Said R. Zera to R. Jacob b. Idi: Did you hear this (13) explicitly or did you learn it by a deduction? What [could be the] deduction? — As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day, (14) and Rabbi declared her eligible to live with a priest. (15)

— Babylonian Talmud, [Tractate Yebamoth 60b](#)

Soncino 1961 Edition, page 403

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

13. That a proselyte under the age of three years and one day may be married by a priest.
14. And was married to a priest.
15. I.e., permitted her to continue to live with her husband.

— Rev. Dr. Slotki

Not every Sage agreed with this practice. The Talmud records the words of one Sage who objected to one case, though it does not record the specifics of his objection.

GEMARA. ... A certain priest married a proselyte who was under the age of three years and one day. Said R. Nahman b. Isaac to him: What [do you mean by] this? (12) — The other replied: Because R. Jacob b. Idi stated in the name of R. Joshua b. Levi that the *halachah* is in agreement with R. Simeon b. Yohai. (13) 'Go', the first said, 'and arrange for her release, or else I will pull R. Jacob b. Idi out of your ear'. (14)

— Babylonian Talmud, [Tractate Yebamoth 60b](#)

Soncino 1961 Edition, page 404

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with footnotes:

12. I.e., on what authority did you contract the marriage.
13. V. *supra* p. 403. n. 13.
14. He would place him under the ban and thus compel him to carry out his decision which is contrary to that of R. Jacob b. Idi.

— Rev. Dr. Slotki

How Old Is the Screamer?

In Talmud doctrine, if a wife is a screamer — that is, her voice can be heard by the neighbors — she can be divorced without her *kethubah*.

MISHNAH. THESE ARE TO BE DIVORCED WITHOUT RECEIVING THEIR KETHUBAH: A WIFE WHO TRANSGRESSES THE LAW OF MOSES OR [ONE WHO TRANSGRESSES] JEWISH PRACTICE ... [SUCH TRANSGRESSIONS INCLUDE] ALSO THAT OF A WIFE WHO CURSES HER HUSBAND'S PARENTS IN HIS PRESENCE. R. TARFON SAID: ALSO ONE WHO SCREAMS. AND WHO IS REGARDED A SCREAMER? A WOMAN WHOSE VOICE CAN BE HEARD BY HER NEIGHBOURS WHEN SHE SPEAKS INSIDE HER HOUSE.

— Babylonian Talmud, [Kethuboth 72a](#)

Soncino 1961 Edition, page 449

However, in the current context of the child bride, the matter becomes another issue. It is surely possible that a three or four-year-old wife screams in pain when required to perform her marital duties. On reading further, the Gemara explains that if the wife screams during intercourse, it may be a sign of a physical defect.

GEMARA. ... R. TARFON SAID: ALSO ONE WHO SCREAMS. What is meant by a screamer?
— Rab Judah replied in the name of Samuel: One who speaks aloud (10) on marital matters. In a Baraita it was taught: [By screams was meant a wife] whose voice (11) during her intercourse in one court can be heard in another court. But should not this, then, (12) have been taught in the Mishnah (13) among defects? (14) — Clearly we must revert to the original explanation. (15)

— Babylonian Talmud, [Tractate Kethuboth 72b](#)

Soncino 1961 Edition, page 453

Rev. Dr. Israel W. Slotki amplifies the above Gemara in the following footnotes. He tells us these were not screams of pleasure — they were screams of pain.

10. Lit., 'makes her voice heard'.
11. Her screams of pain caused by the copulation.
12. Since her screaming is due to a bodily defect.
13. Infra 77a.
14. Of course it should. Such a case in our Mishnah is out of place.
15. That given in the name of Samuel.

— Rev. Dr. Slotki

In some cases, however, the screaming wife may be one who is so young and physically underdeveloped, her sexual organs cannot accommodate those of a grown man. It seems this child is at risk of being divorced without her *kethubah*. That is, of course, a concern.

A Different Viewpoint

There is not Talmud prohibition against sexual activity between an adult and very a young child on the basis that such activity could wound the child. Instead, the concern of the Sages is focused on interpreting Biblical injunctions and technicalities that absolve the adult from guilt or liability: At what age, they ask, does the child begin to cause "defilement" of the adult who uses the child for sex? This next passage illustrates the point once more. The Sages debate "from what age does a heathen child cause defilement"? Is it nine years, or is it three years? If the correct threshold age is observed, the Jew incurs no guilt for the act of pederasty.

GEMARA. ... From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day, [37a] for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement] from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious! — You might argue that he is at an age when he knows to persuade [a female] but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age].

— Babylonian Talmud, [Tractate Abodah Zarah 36b-37a](#)
Soncino 1961 Edition, pages 178-179

This may surprise the American reader who encounters it for the first time. In our society, of course, an adult who uses a child — particularly a very young child — for sexual activity is criminally censured.

Brother Takes Three-Year-Old Widow

In Tractate Niddah, again there is approval for priests to marry and copulate with baby girls. This passage describes a situation in which a priest dies without children, leaving a three-year-old widow. In such case, the priest's brother (the *yebam*) can acquire the girl by having sexual intercourse with her. *The ellipsis (...) in the following Mishna indicates the omission of non-germane text. The full text is available through the link at the Come and Hear™ link, below.*

MISHNAH. A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED BY INTERCOURSE; ... IF SHE WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH.

— Babylonian Talmud [Tractate Niddah 44b](#)

Soncino 1961 Edition, page 308

Terumah is the word for temple offerings eaten by priests.

This statement indicates that the three-year-old bride is the widow of the priest in all respects and privileges.

In the passage below, we see that the widow of a man who is not a priest can be sexually possessed by her erstwhile brother-in-law and thereby become his wife.

GEMARA. ... R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his.

— Babylonian Talmud, [Tractate Sanhedrin 55b](#)

Soncino 1961 Edition, page 376

The statement quoted above from [Tractate Sanhedrin 55b](#)

also appears in [Tractate Sanhedrin 69a](#), Soncino 1961 Edition, page 469.

Wounding Young Brides by Intercourse

The Sages go on to discuss sexual intercourse with a girl younger than three years old: Wounding the child and causing her to bleed is one possible result. From the Sages' description, it is apparent that the baby bleeds again and again from copulation with a grown man, and the Sages, once again, attribute the bleeding to the

repetitive rupturing of the hymen (i.e., virginity growing back).

In the following Mishnah, non-germane text is omitted (...). Please follow the source link to view the complete Mishnah.

MISHNAH. A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED BY INTERCOURSE; ... IF ONE WAS YOUNGER THAN THIS AGE INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE.

— Babylonian Talmud, [Tractate Niddah 44b](#)

Soncino 1961 Edition, page 309

The image of "a finger in the eye" is once again explained in the following Gemara. The possibility that the three-year-old committed adultery with a stranger is also addressed:

GEMARA. ... IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE. It was asked, Do the features of virginity disappear and reappear again or is it possible that they cannot be completely destroyed until after the third year of her age? In what practical respect could this matter? — In one, for instance, where her husband had intercourse with her before the age of three and found blood, and when he had intercourse after the age of three he found no blood. If you grant that they disappear and reappear again [it might well be assumed] that there 'was not sufficient time for their reappearance, but if you maintain that they cannot be destroyed until after the age of three years it would be obvious that a stranger cohabited with her. Now what is your decision? — R. Hiyya son of R. Ika demurred: But who can tell us that a wound inflicted within the three years is not healed forthwith, seeing it is possible that it is immediately healed and it would thus be obvious that a stranger had cohabited with her? Rather the practical difference is the case, for instance, where her husband had intercourse with her while she was under three years of age and found blood and when he had intercourse after the age of three he also found blood. If you grant that the features disappear and reappear again the blood might well be treated as that of virginity, but if you maintain that they cannot be destroyed until after the age of three years, that must be the blood of menstruation. Now what is your decision? — R. Hisda replied, Come and hear: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE; what need was there to state, LIKE PUTTING A FINGER IN THE EYE' instead of merely

saying: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS of no consequence'? Does not this then teach us that as the eye tears and tears again so do the features of virginity disappear and reappear again.

— Babylonian Talmud, [Tractate Niddah 45a](#)
Soncino 1961 Edition, page 309-310

Rest for the Intercourse Wound

This Gemara from Tractate Kethuboth takes up the discussion of the pre-pubescent bride who is wounded by intercourse.

GEMARA. ... R. Hisda objected: If a girl, whose period to see [blood] had not arrived yet, got married, Beth Shammai say: One gives her four nights, and the disciples of Hillel say: Until the wound is healed up. (1) If her period to see [blood] had arrived and she married, Beth Shammai say: One gives her the first night, and Beth Hillel say: Until the night following the Sabbath [one gives her] four nights.

— Babylonian Talmud, [Tractate Kethuboth 6a](#)
Soncino 1961 Edition, page 20-21
The translator, Rabbi Dr. Samuel Daiches, amplifies the text with this footnote.

1. The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first intercourse further intercourse is forbidden until the coming out of blood, i.e., menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation but to the wound caused by the intercourse. According to Beth Shammai this assumption holds good for four nights, and according to Beth Hillel it holds good 'until the wound is healed up.' As to the definition of this phrase, v. Nid. 64b. V. also Nid. 65b, where it is finally decided that after the first coition no further

intercourse must take place until the flowing of blood has stopped, even in the case of a young bride who had not yet had any menstruation. V. also Eben ha-'Ezer, 63, and Yoreh De'ah, 193.

— Rabbi Dr. Daiches

We have been told that according to Jewish law, a post-pubescent bride who bleeds after the first intercourse does not have intercourse again until after her next menstrual period (above). The situation is different, however, for a bride who has not reached the age of menstruation. What are the rules concerning the bleeding pre-pubescent bride? Shammai rabbis say the intercourse wound should be given four nights rest. The Hillel rabbis recommend abstinence until the wound is healed ([Kethuboth 6a](#)). See also Tractate Niddah, as follows:

MISHNAH. IF A YOUNG GIRL, WHOSE AGE OF MENSTRUATION HAS NOT YET ARRIVED, MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED FOUR NIGHTS, AND BETH HILLEL RULED: UNTIL THE WOUND IS HEALED.

— Babylonian Talmud, [Tractate Niddah 64b](#)

Soncino 1961 Edition, page 454

Again, there is no prohibition of a sexual practice that would almost certainly cause physical damage to a young girl due to the mismatched sizes of genitals between an adult's penis and a child's vagina or anus.

Old Fashioned Torah Values?

At a time when Americans are displaying an ever-increasing interest in all things Jewish — from kabbala to Senator Joseph Lieberman to "Kosher Sex" — Dr. Laura is the most popular source for a healthy dose of Jewish nagging, guilt trips and what she presents as lessons in good old-fashioned Torah values.

— Forward(5)

We have seen in Numbers 31:12-18 that Moses permitted grown men to use little girls as concubines. In the Talmud, grown men are permitted to have sexual intercourse with female babies and children, and homosexual relations with boys younger than nine.

Those "good old fashioned Torah values" are not quite as Christian America remembers them.

Marital Duties of the Pre-Pubescent Bride

The marital duties of the pre-pubescent brides are addressed in at least three tractates in almost the same words (Yebamoth 12b and 100b, Niddah 45a, and Kethuboth 39a).

In the following passage, the Sages discuss the use of contraception. All the Sages agree that a wife younger than eleven — a wife who is too young to become pregnant — is required to carry on "marital intercourse" in the normal manner. Recall that those brides can be as young as three, and sometimes younger.

GEMARA. ... Three classes of woman may use an absorbent (1) in their marital intercourse: (2) A minor, and an expectant and a nursing mother. The minor, (3) because otherwise she might become pregnant and die. An expectant mother, (3) because otherwise she might cause her foetus to degenerate into a sandal. (4) A nursing mother, (3) because otherwise she might have to wean her child prematurely, (5) and this would result in his death. And what is the age of such a 'minor'? (6) From the age of eleven years and one day to the age of twelve years and one day. One who is under (7) or over this age (8) must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy (9) will be vouchsafed from heaven, for it is said in Scripture, *The Lord preserveth the simple* (10) ...

— Babylonian Talmud, [Tractate Niddah 45a](#)

Soncino 1961 Edition, page 311

The translator, Rev. Dr. Israel W. Slotki, amplifies the text with these footnotes:

1. *Muk*, flax or hackled wool.
2. To avoid conception.
3. Is permitted the use of the absorbent.
4. A fish-shaped abortion. Lit., 'flat-fish'.
5. On account of her second conception which causes the deterioration of her breast milk.
6. Of whom it has been said that she is capable of conception but is thereby exposed to fatal consequences.
7. When conception is impossible.
8. When conception involves no danger.
9. To protect them from harm.
10. Ps. CXVI, 6; *sc.* those who are unable to protect themselves. At any rate it was here stated that a minor under eleven years of age is incapable of conception. ...

— Rev. Dr. Slotki

Did Girls Reach Puberty Earlier Then?

It is sometimes claimed that in the days when the Talmud Sages walked the earth, girls matured earlier; hence, sexual intercourse with girls three years old and younger was not inappropriate. However, the Talmud itself repudiates this assertion.

In Tractate Niddah 45a ([quoted above](#)), the Sages argue: "From the age of eleven years and one day to the age of twelve years and one day" a girl may use an "absorbent" (contraception) "because otherwise she might become pregnant and die." The Sages also say girls younger (than eleven) must carry on sexual intercourse "in the normal manner." Therefore, as a general rule, the Sages did not expect a girl younger than eleven could get pregnant. The statements in Niddah 45a indicate that sexual maturation of women in the time of the Talmud Sages compares with sexual maturation of women in our own day.

Or consider the passage that appears just previous in Niddah 45a:

GEMARA. ... It is related of Justinia the daughter of 'Aseverus son of Antonius that she

once appeared before Rabbi. 'Master', she said to him, 'at what age may a woman marry?'. 'At the age of three years and one day', he told her. 'And at what age is she capable of conception?' 'At the age of twelve years and one day', he replied. 'I', she said to him, 'married at the age of six and bore a child at the age of seven; alas for the three years that I have lost at my father's house'. But can a woman conceive at the age of six years?

— Babylonian Talmud, [Tractate Niddah 45a](#)
Soncino 1961 Edition, page 310

Justinia's assertion that she had a child at seven is surprising, and it even surprises the Sages ("But can a woman conceive at the age of six years?"). But note that Rabbi (Judah the Prince), who was familiar with far more than a single girl's experience, estimated twelve as the earliest age for childbearing. Rabbi would of course be familiar with all phases of human life from his career of counseling, judging, and recording. Remember ([Talmud Laws of Menstruation](#)), the rabbis were intimately familiar with the physiological details of their female parishioners, consulted even on specimens of a woman's vaginal discharge. Rev. Dr. Slotki remarks on the above Gemara in footnote 10 on the following page:

10. ... At any rate it was here stated that a minor under eleven years of age is incapable of conception. How then is Justinia's story to be reconciled with this statement?

— Rev. Dr. Slotki (3)

The Rights of the Child

The treatment of children in Orthodox Judaism has caused concern in Italy. A Genoa court, ruling in a custody dispute, accepted the report of psychologists that Orthodox Judaism views "exploitation and cruelty to minors as legitimate ... and perverted behavior as normal." For more details, see [Appendix: The Rights of the Child](#).

The Rudin Standard

Let us consider again *Forward's* coverage of Dr. Laura's National Heritage award from Young Israel.

With 20 million listeners and a tendency to present her conservative views as an outgrowth of her Orthodox Jewish faith, Dr. Laura may well be Judaism's top ambassador to middle America.

— Forward (5)

But we notice Dr. Laura never tells Middle America about the doctrines of Orthodox Judaism on child-adult sex. We wonder how things would work out for her ratings if she followed the advice of Rabbi A. James Rudin, Senior Interreligious Adviser of the American Jewish Committee. In February 2002, Rabbi Rudin wrote an article for *Forward*, commenting on the Vatican's decision to open its World War II archives — partially. In that context, Rabbi Rudin offered the Vatican the following advice:

... one thing is clear. Partial, incomplete or pre-selected archival records will not be enough in a world where transparency and full disclosure is now the norm if an institution — whether political, financial, or spiritual — is to maintain its integrity.

— Rabbi A. James Rudin (8)

If it is important to fully disclose records of historical events, surely it is more important to fully disclose fundamental religious doctrines that may soon be embodied in US law — especially when those doctrines are controversial.

On the subject of child-adult sex, there is a great divide between Talmud culture and American culture. However, the extent of that divide is known only to one side. Rabbis in America know and understand American culture, Americans know almost nothing about Talmud culture. When the fundamental doctrines of the Talmud are examined carefully, we find that feminist writer Judith Levine, author of *Not Harmful to Minors: The Perils of Protecting Kids from Sex*, is truer to classical Judaism than Dr. Laura.

Jewish leadership — from the most liberal of the Reform rabbis to the most conservative of the Orthodox rabbis — have done Judaism a disservice by not coming forward with the facts and applying Rabbi Rudin's standard of full disclosure. How can we achieve understanding between people of different religious faiths if we do not take courage and stand behind our own religious convictions? Thank you for your consideration of the above,
Carol A. Valentine, Ear@Come-and-Hear.com
July 14, 2003 (This article is on line at http://www.come-and-hear.com/editor/america_2.html)

New America 3: Talmud Laws of Menstruation

Endnotes:

This and other [Come and Hear™ Studies on Talmudic Judaism](#) can be found online:
<http://www.come-and-hear.com/editor>
The Jewish Religion: Its Influence Today by Elizabeth Dilling, complete with all 300 exhibits, can be found online:
<http://www.come-and-hear.com/dilling>
[Soncino Babylonian Talmud](#) tractates, with Forewords, Introductions, Glossary, List of Abbreviations, and footnotes. Now you can study the Babylonian Talmud in full context and with the running commentary of the finest scholars of Judaism:
Tractate Berakoth: <http://www.come-and-hear.com/berakoth>
Tractate Shabbath: <http://www.come-and-hear.com/shabbath>
Tractate Yebamoth: <http://www.come-and-hear.com/yebamoth>
Tractate Kethuboth: <http://www.come-and-hear.com/kethuboth>
Tractate Nedarim: <http://www.come-and-hear.com/nedarim>
Tractate Nazir: <http://www.come-and-hear.com/nazir>
Tractate Sotah: <http://www.come-and-hear.com/sotah>
Tractate Gittin: <http://www.come-and-hear.com/gittin>
Tractate Baba Kamma: <http://www.come-and-hear.com/babakamma>
Tractate Baba Mezi'a: <http://www.come-and-hear.com/babamezia>

Tractate Baba Bathra: <http://www.come-and-hear.com/bababathra>

Tractate Sanhedrin: <http://www.come-and-hear.com/sanhedrin>

Tractate Abodah Zarah: <http://www.come-and-hear.com/zarah>

Tractate Horayoth: <http://www.come-and-hear.com/horayoth>

Tractate Niddah: <http://www.come-and-hear.com/niddah>

Tractate Tohoroth: <http://www.come-and-hear.com/tohoroth>

Search the Talmud <http://www.come-and-hear.com/tindex.html>

Download all the above resources for local study, CD, or mirror web site:

<http://www.come-and-hear.com/download>

Appendix: The Rights of the Child — Italian Case

A report in the *Baltimore Jewish Times* in February 2000 gives an account of a custody dispute in Italy. Moshe and Tali Dulberg (sometimes "Dolberg"), Israeli citizens living in Genoa, were divorced. Custody of the couple's two girls was initially given to the mother, Tali. In 1996, Tali was converted to Orthodox Judaism and remarried. Moshe brought suit for custody of the daughters, asserting that Tali, as an Orthodox Jew, was now unfit to care for the girls. The court awarded custody to the father. When arguing the case, Moshe presented to the court the findings of two psychologists. The *Baltimore Jewish Times* states of the psychologists:

They charged Orthodox Judaism views "exploitation and cruelty to minors as legitimate ... and perverted behavior as normal." They compared Orthodox parents to drug addicts in their inability to serve as a "loving source of affection" for their children.

The court, guided by the assumption that the lifestyle of normal Italian children is self-evidently better, characterized the Lubavitch

movement, through which Tali originally became religious, as a "totalitarian sect."

Thus, Mr. Dulberg won absolute authority over all educational decisions involving Nitzan and Danielle, with the explicit goal that they be exposed to the full range of Italian culture and a "normal life."

— Baltimore Jewish Times (41)

Note the abbreviated nature of the *Baltimore Jewish Times* coverage. The *Times* presents only the psychologists' conclusions and infers the Italians are bigots. However, the court must have seen the psychologists' evidence and arguments, and the court must have been convinced. The *Times* does not describe the Orthodox Jewish doctrines and practices that prompted the psychologists' concerns. Nathan Lewin, an Orthodox Jewish Washington, DC lawyer, and Rabbi Raphael Butler, the executive Vice President of the Union of Orthodox Jewish Congregations of America ("Orthodox Union") at that time, arranged a meeting at the Italian Embassy in Washington, DC to protest the Genoa ruling. Mr. Lewin and Rabbi Butler should have been familiar with the details of the psychologists' testimony and the court's decision. They should have known the doctrines and the practices that worried the psychologists, and they should have been direct and forthright in correcting the record if the psychologists and the court were in error. Even if the psychologists offered no arguments or evidence to support their conclusions and the court reached its decision in the absence of information, Mr. Lewin and Rabbi Butler should have been quick to point out the folly.

Mr. Lewin wrote a follow-up letter summarizing the visit. (42) According to Mr. Lewin's account, neither he nor Rabbi Butler addressed the court's concern. Instead, Mr. Lewin and Rabbi Butler changed the subject: They charged that, in coming to its decision, the Italian court violated the United Nations Convention on the Rights of the Child. (We met Nathan Lewin in [Sentence and Execution](#), [40] and watched him misrepresent Talmud death penalty law in the brief he wrote and presented to the US Supreme Court.)

Rabbi Butler's Orthodox Union also organized a letter-writing campaign targeting Italian public officials. A prepared letter was posted on the Orthodox Union web page. (43) A review of the letter reveals the same scarcity of information: It contains no specifics concerning the doctrines or practices that worried the psychologists, and no attempt to demonstrate that their concerns are misplaced or in error. Instead, the Orthodox Union urges supporters to protest the "injustice" of the ruling, and to scold the Italians for violating the UN International Convention on the Rights of the Child. The following Italian officials are targeted:

Mayor of Venice

Massimo Cacciani

Plazzo Cavalli San-Marco 4089
Venice. 30100,
Italia

Phone: 011-39-041-2748111

Fax: 011-39-041-5200782/ 2748470

sindaco@comune.venezia.it

Office of the Minister of Justice

Min. Oliviero Diliberto

MINISTERO DI GRAZIA E GIUSTIZIA

Via Arenova, 70

00186 ROMA

Italy

Phone: 011-39-06-68851

Fax: 011-39-06-6868187

Minister of Foreign Affairs:

Min. Lamberto Dini

MINISTERO DEGLI AFFARI ESTERI

P. le Faresina, 1

00194 ROMA

Italy

Phone: 011-39-06-36912002

Fax: 011-39-06-36912006

rende@esteri.it

Secretary of the Foreign Minister of Italy

Fabrizio Rende

P. le Faresina, 1

00194 ROMA
Italy
Phone: 011-39-06-36912002
Fax: 011-39-06-36912006
rende@esteri.it

Ambassador Sergio Vento
Permanent Representative of Italy to the
United Nations

2 UN Plaza, 24th Floor
New York, NY 10017
212-486-9191 (Phone)
212-486-1036 (Fax)
E-mail at italy@un.int

Counsellor Mauro Politi
Mission of Italy to the United Nations

2 United Nations Plaza, 24th floor
New York, NY 10017
Fax: 212- 486-1036

Ambassador Ferdinando Salleo
Embassy of Italy

1601 Fuller Street, N.W.
Washington, D.C. 20009
Fax: 202-483-2187

President Carlo Azeglio Ciampi
PRESIDENZIA DELLA REPUBBLICA

Palazzo del Quirinale
00187 Roma
Italy
Phone: 011-39-06-46991
Phone: 011-39-06-46992696
Fax: 011-39-06-46993125

Prime Minister Massimo D'Alema
PRESIDENZA DEL CONSIGLIO DEI
MINISTRI

Piazza Colonna, 370
00187 Roma
Italy
Tel: 011-39-06-67791
Fax: 011-39-06-6794569
Email: salastampa@palazzochege.it

— Orthodox Union (44)

From the Orthodox Jewish perspective, surely this strategy is unwise. If the mother's case has merit, her case should be fought on its merit. But instead, Orthodox Jewry is organizing a letter-writing campaign to sway the judge and public officials with political pressure.

In November 1999, Capt. Dr. Sharon, Israeli psychologist and captain in the Israeli Defense Force (IDF), wrote a report supporting the mother's case. Like Mr. Lewin and Rabbi Butler, Capt. Dr. Sharon does not address any specifics: He makes no attempt to discuss the psychologists' arguments or which Judaic doctrines and practices caused the concern, and he makes no attempt to show their concerns were misplaced. Like Mr. Lewin and Rabbi Butler, Capt. Dr. Sharon changes the subject and claims the court's decision violated the UN's convention on The Rights of the Child.

What can a rational, unbiased observer conclude? If the Italian psychologists' concerns are based on misinformation about Orthodox Judaism, the representatives of Orthodox Judaism (and the Israeli psychologist) should correct the misinformation. But since the material issues are being avoided, what should a reasonable person conclude?

Could the psychologists be worried about the Talmud laws and doctrines we have discussed in [Sex with Children by Talmud Rules](#)? If so, how can issues concerning child welfare be settled unless people are forthright about their religious beliefs? How can people of different faiths come to an understanding if there is a lack of candor?

Post Script: In an ironic sequel, Rabbi Raphael Butler, Vice President of the Orthodox Union, was forced to retire over a child sex abuse case. This from the *Star-Ledger* of January 23, 2001:

Sex scandal fallout ends rabbi-exec's career 01/23/01

BY JOSH MARGOLIN
STAR-LEDGER STAFF

The sex and abuse scandal that has laid waste to the reputation of a prominent Bergen County rabbi has now claimed the career of the chief executive of the largest Orthodox Jewish organization in the world.

Rabbi Raphael Butler of Queens resigned Friday as executive vice president of the Manhattan-based Orthodox Union, less than a month after a special investigative commission found that inaction at the top of the organization allowed decades of abuse by Rabbi Baruch Lanner of Fair Lawn to continue unchecked.

The resignation took effect immediately, and there was no attempt to sugarcoat it as the Orthodox Union made it clear that Butler quit because he was one of the leaders who knew about Lanner's activities long before they were made public.

Lanner was found to have abused — sexually, physically and emotionally — teenagers entrusted to his care while he ran the New Jersey region of the National Conference of Synagogue Youth, the Orthodox Union's youth organization, and worked at two New Jersey yeshivas, both of them high schools.

Criminal investigations into Lanner's activities in Bergen and Monmouth counties are continuing.

source & full story:

<http://www.njo.com/news/ledger/index.ssf?/jersey/ledger/121f0f2.html>

— The New Jersey Star-Ledger, as relayed by David Icke (46)

Footnotes: Full specifics for each of the printed sources are provided in the [Bibliography](#). Outside URLs were valid at the time this article was written. However, be mindful that URLs do change.

1. "Endorsement of adult-child sex on rise," *Washington Times*, April 9, 2002:
<http://www.washtimes.com/culture/20020419-75530376.htm> cached at <http://www.come-and-hear.com/editor/ca-wt-04-19-02>
2. "Loved and hated, 'Dr. Laura' receives award," *Jewish News of Greater Phoenix*, republished from the *Jewish Telegraphic Agency*:
<http://www.jewishaz.com/jewishnews/010323/laura>.

- shtml cached at <http://www.come-and-hear.com/editor/ca-laura-loved>
3. *Babylonian Talmud*, Tractate Niddah, page 311, note 10 available in Come and Hear™ hypertext as Niddah 45a footnote 27 http://www.come-and-hear.com/niddah/niddah_45.html#45a_27
 4. The study, "A Meta-Analytic Examination of Assumed Properties of Child Sexual Abuse Using College Samples;" see for example <http://www.ilja-schmelzer.de/Rind/Rind1998.html>
 5. "Orthodox Group Honors Dr. Laura," *Forward*: <http://www.forward.com/issues/2001//01.03.02/news6.html> cached at <http://www.come-and-hear.com/editor/ca-forward-01-03-02n>
 6. James Trimm exchanged emails with Seek God Ministries, who published his arguments on their web page, "James Trimm Responds," at <http://www.seekgod.ca/jtrimm.htm> cached at <http://www.come-and-hear.com/editor/ca-trimm>
 7. See for example, StopDrLaura.com: <http://www.stopdrlaura.com/laura/>
 8. "While the Messiah Tarries," *Forward*, Rabbi A. James Rudin, February 22, 2002: <http://www.forward.com/issues/2002/02.02.22/oped2.html> cached at: <http://www.come-and-hear.com/editor/forward>
 9. *America's Real War*, page 40
 10. *Young Boy* by Elisabeth Louise Vigee-Le Brun, 1817, oil on canvas 52x46cm, National Museum of Women in the Arts, DC
 11. *Babylonian Talmud*, "Introduction," Seder Nezikin, Vol. I, page xxxiii available at <http://www.come-and-hear.com/talmud/nezikin.html#xxxiii>
 12. "World Congress of Families Convened in Washington," *Concerned Women for America*, 10/30/2001: <http://www.cwfa.org/articledisplay.asp?id=1134&department=CWA&categoryid=family> cached at <http://www.come-and-hear.com/ca-cwa1>
 13. *Babylonian Talmud*, Tractate Sanhedrin, page 371, footnote 2, appears in Come and Here™ hypertext as Sanhedrin 54b footnote 24,

- http://www.come-and-hear.com/sanhedrin/sanhedrin_54.html#54b_24
14. "The Distilled Wisdom of Human Nature," *Bellevue Breakfast Rotary Club*:
http://www.bbrc.net/REVEILLE_ARCHIVES/v14n32-021102/v14n32-021102/v14n32-021102.html
cached at <http://www.come-and-hear.com/editor/na-bbrc>
 15. "Methodist minister defends performing gay marriage," *CNN*, March 26, 1999:
<http://www.cnn.com/US/9903/26/gay.marriage.trial/>
 16. "An Archetypal Interpretation Jung and Kabbalah," *The New Kabbalah*
<http://www.newkabbalah.com/Jung3.html> cached at <http://www.come-and-hear.com/editor/freuds-gold-mine>
 17. "Fromm, Freud, and Midrash," *Find Articles, The American Jewish Congress*,
(http://www.findarticles.com/cf_0/m0411/4_48/59120278/p1/article.jhtml cached at <http://www.come-and-hear.com/editor/ajc-freud-gertel> See also *Freud and Kabbalah* (<http://www.newkabbalah.com/Freud.html>) for a discussion of other connections between Freud's writings and Judaism
 18. "'This Is Gold': Freud, Psychotherapy and the Lurianic Kabbalah," *The Lurianic Kabbalah*,
<http://www.newkabbalah.com/KabPsych.html>
cached at <http://www.come-and-hear.com/editor/freud-with-zohar>
 19. "Controversial Studies Push Change in Society's View of Pedophilia," *Newhouse News*,
March 26, 2002,
<http://www.newhouse.com/archive/story1c032602.html> cached at <http://www.come-and-hear.com/editor/ca-newhouse>
 20. *European Traces of the History of Psychology*,
<http://www.ric.edu/dcousins/europsych/sfreud.html>
 21. *Babylonian Talmud*, Tractate Sanhedrin 54b, page 371, available in Come and Hear™ hypertext as Sanhedrin 54b footnote 24 http://www.come-and-hear.com/sanhedrin/sanhedrin_54.html#54b_24

22. "Ask the Rabbi," *Union of American Hebrew Congregations*: <http://uahc.org/ask/orthodo.shtml> cached at <http://www.come-and-hear.com/uahc-ortho-vs-reform>
23. *Babylonian Talmud*, "Introduction," Seder Nezikin, Vol. I, page xxxiii available at <http://www.come-and-hear.com/talmud/nezikin.html#xxxiii>
24. *Babylonian Talmud*, Tractate Sanhedrin, page 371 footnote 5, in Come and Here™ hypertext as Sanhedrin 55a footnote 2, available at: http://www.come-and-hear.com/sanhedrin/sanhedrin_55.html#55a_2
25. *Babylonian Talmud*, Tractate Kethuboth, page 54 footnote 17, in Come and Here™ hypertext as Kethuboth 11a footnote 4, http://www.come-and-hear.com/kethuboth/kethuboth_11.html#11a_4
26. *New Edition of the Babylonian Talmud*, Vol. 8: "Sanhedrin," Chapter VII, page 166, shown in facsimile as Exhibit 7 in *Jewish Religion: Its Influence Today*. Also available at *Sacred Texts* http://www.sacred-texts.com/jud/t08/t0810.htm#fn_52 cached at http://www.come-and-hear.com/editor/rodkinson/t0810.htm#fn_52
27. See *Social Legislation in the Talmud* by Soncino Editor Rabbi Dr. Isidore Epstein, at <http://www.come-and-hear.com/talmud/babamezia.html>
28. "Healthy sex or unhealthy ideas?," *CNN*, April 24, 2002: <http://www.cnn.com/2002/HEALTH/04/23/book.young.sex/>
29. "AARP Lurches Left," *Concerned Women for America*, 2/20/2003: <http://www.cwfa.org/articledisplay.asp?id=3344&department=CWA&categoryid=family> cached at <http://www.come-and-hear.com/editor/ca-cwa3>
30. "Regional Meetings: Washington, D.C.," *The Howard Center: World Congress of Families*, http://worldcongress.org/WCF/WCF%20Reg/wcf_reg_dc_ufi.htm cached at <http://www.come-and-hear.com/editor/ca-wcf>

31. "Jewish law institute launched in DC," *Jerusalem Post*, November 9, 2002, <http://www.jpost.com/servlet/Satellite?pagename=JPost/A/JPArticle/ShowFull&cid=1036830287246>, now moved to <http://pqasb.pqarchiver.com/jpost/index.html?ts=1042784008> cached at: <http://www.come-and-hear.com/editor/cp-jp-11-09-2002>
Also: "Jewish Law Comes to D.C.," *The Jewish Week*, January 8, 2003, <http://www.thejewishweek.com/news/newscontent.php3?artid=7074> cached as <http://www.come-and-hear.com/editor/cp-jw-01-08-03>
32. In the United States, cohabitation means only "living together" or "living together in an assumed sexual relationship outside marriage." In the Soncino, the word seems to be used to denote sexual intercourse
33. "In Defense of Dr. Laura," *The Jewish homemaker*, <http://www.ok.org/homemaker/tishrei61/person.html> cached at <http://www.come-and-hear.com/editor/na-jh-defense>
34. *Oedipus Complex Analysed*, <http://www.vuw.ac.nz/psyc/vornikFreud/oedip.htm>
35. *The Essential Talmud*, page 3. Rabbi Steinsaltz's credentials formerly at <http://www.steinsaltz.com/ravsacks.htm> cached at: <http://www.come-and-hear.com/editor/steinsaltz-honors>
36. *Toward Tradition*, <http://towardtradition.org/>, link page at <http://towardtradition.org/Links.asp> cached at <http://www.come-and-hear.com/editor/ca-lapin-links>
37. "Jewish Law and the Supreme Court: Happy Millennium From an Ancient Legal Tradition," *Project Next Step* by Rabbi Yitzchok Adlerstein, <http://projectnextstep.org/adlerstein-articles/jewish-law-supreme-court.htm> cached at <http://www.come-and-hear.com/editor/cp-adlerstein2>
38. *Babylonian Talmud*, "Foreword," Seder Nezikin Vol. I, pages xxv-xxvi available in Come and Hear™ hypertext as http://www.come-and-hear.com/talmud/nezikin_h.html#xxv

39. "Mortara Affair Revisited," *Baltimore Jewish Times*, February 4, 2000 cached at <http://www.come-and-hear.com/editor/na-bjt-02-04-00>
40. Sentence and Execution is available at http://www.come-and-hear.com/editor/capunish_1.html
41. "Mortara Affair Revisited," *Jewish Media Resources* from *Baltimore Jewish Times* <http://www.jewishmediaresources.org/article/264> cached at <http://www.come-and-hear.com/editor/na-bjt-02-04-00>
42. "Nathan Lewin's Definitive Letter to the Italian Government," *Union of Orthodox Jewish Congregations of America*, previously at <http://www.ou.org/public/statements/1999/dulberglewin.htm> (no longer available at original location, archived at <http://web.archive.org/web/20020210022633/http://www.ou.org/public/statements/1999/dulberglewin.htm>) cached at <http://www.come-and-hear.com/editor/na-italiancase>
43. "Sample Letter," *Union of Orthodox Jewish Congregations of America*, <http://www.ou.org/public/statements/1999/dulbergsample.htm> (no longer available at original location) cached at <http://www.come-and-hear.com/editor/na-italiancase3>
44. "Contact List for Dulberg Case," *Union of Orthodox Jewish Congregations of America*, <http://www.ou.org/public/statements/1999/dulbergcontacts.htm> (no longer available at original location, archived at <http://web.archive.org/web/20020215071117/http://www.ou.org/public/statements/1999/dulbergcontacts.htm>) cached at <http://www.come-and-hear.com/editor/na-italiancase2>
45. "Dulberg Case Information Center," *Union of Orthodox Jewish Congregations of America*, <http://www.ou.org/public/statements/1999/dulberginfo.htm> (no longer available at original location, archived at <http://web.archive.org/web/20020215071117/http://www.ou.org/public/statements/1999/dulberginfo.htm>)

- [/www.ou.org/public/statements/1999/dulberginfo.htm](http://www.ou.org/public/statements/1999/dulberginfo.htm))
46. "In the name of God/Lies, Frauds, Atrocities,"
David Icke
<http://www.davidicke.net/religiousfrauds/judaism/rabbisexabuse.html>
See also footnote 47
47. More information on the Rabbis Lanner/Butler case: "By showing dangers, Lanner case broke down Orthodox wall of silence," *JTA*,
http://www.jta.org/page_view_story.asp?intarticleid=8080&intcategoryid=4 cached at
<http://www.come-and-hear.com/editor/na-jta-lanner/>
and "O.U. scandal: Top official resigns," *Jewish Bulletin of Northern California*,
<http://www.jewishsf.com/bk010126/usouresignation.shtml> cached at <http://www.come-and-hear.com/editor/na-jsf-butler/>
48. According to many Rabbinical experts, the Talmud is the Word of God, the basic book of Jewish law, and the foundation of Jewish culture. See [What Come-and-Hear™ Is About, Critical Words of Talmud Study, and More Critical Words of Talmud Study](#) at
<http://www.come-and-hear.com/editor/about.html>
http://www.come-and-hear.com/editor/critwords_1.html and
http://www.come-and-hear.com/editor/critwords_2.html respectively.

© Copyright Carol A. Valentine, 2003. See copyright statement at <http://www.come-and-hear.com/copyright.html>