

SERMON: RABBI DR. TZVI HERSH WEINREB¹

I was asked to address *halacha* and domestic abuse. By *halacha*, I mean traditional Jewish law, and the traditional Jewish approach to the problems of life and life's circumstances. If I were to give a survey of everything that *halacha* has to say about domestic abuse, we would be here not only way into the night tonight, but all day tomorrow, and probably most of the rest of the week because *halacha*, of course, begins with *Torah She'Bektav*, the Bible, and goes through *Mishnah* and *Talmud*, all the way down through the literature of the *Responsa*, the Codes, right down to rabbis writing at this very moment.

From the very beginning, truly from the beginning, from *Bereshis*, from Genesis, our *Torah*, our tradition, addresses the issue of domestic abuse. I have spoken in the past about how our *Torah* condemns physical violence of any sort, of even lifting a hand to another person, particularly to another Jewish person, and most particularly to a spouse. It is absolutely abhorrent in our tradition. We could speak about Medieval times, when especially the European rabbis had certain powers granted them by the municipal authorities to run their own courts and how strict they were with men who were guilty of physically abusing their spouses. How they drove them from their communities, how they shunned them in their synagogues, how they rebuked them, reprimanded them, fined them, and in some cases, even beat them.

Today I want to focus on a different aspect of domestic abuse — what the *halacha* says about domestic abuse in the emotional sense, verbal abuse. The abuse of being unkind, the abuse of being cruel, sadistic in a verbal way, and what does the *halacha* have to say about that. I'd also like to talk a bit about what the ideal family might be like, from the *halachic* perspective.

I am going to begin with what the Rambam, Maimonides, has to say about the relationship

between a husband and wife. I am only going to focus on the passage in which he addresses the husband's responsibility towards the wife. Every marriage involves a mutual relationship, and there are obligations and standards from wife to husband, as well as from husband to wife. Tonight I am going to focus on the passage in Maimonides, which can be found in *Hilchos Eishus (perek tes vuv)* fifteenth chapter on the laws of marriage and marital relations. And he writes:

Yoser me gufo...our hazal, our chachamim, our sages have commanded that a man honor his wife, even more than he honor himself, ve ohavo ke gufo...and love her as he loves himself...and if he has financial resources, he has to give her the benefit of his financial resources. If he is a poor man and he can't afford to give her gifts and luxury, of course he is exempt from that, but if he is a wealthier man, and has the means to give her a different standard of living, then he must do so. He is not to cast upon her extreme fear, he is not to intimidate her, he is not to say things which make her upset emotionally, which might cause her anxiety and discomfort. He must speak to her gently, he is to be not intense, sad, nor angry.

Maimonides, who was one of our most authoritative sages, very succinctly describes certain aspects of the relationship which not only prohibit physical abuse, but prohibit super control, an attitude of "controllingness." He urges a gentle, compassionate and soft voice and prohibits sadness as well as anger. How do you control sadness? I guess you can do it, but certainly you can control anger.

I have spoken numerous times on domestic abuse — at conferences for women, conferences for men, conference for communities and synagogues, and conferences just for rabbis. At each one of the rabbinical conferences where I



spoke, Rabbi Avraham Pam, *shlita*, was also there to speak. Rav Pam is a man now in his nineties, and he is the most universally acclaimed rabbi in the United States. He makes sure that he is at each of these conferences to lend his imprimatur as it were, to lend his *heksher* to this entire project. I listened to a tape this morning of the most recent such conference, exactly a year ago today. Strange, it was the Tuesday or Wednesday of *Parshas Vayara*, the same week that we are in now, and he gave the opening statement. He made the following point: in the traditional Jewish community for some years now, there has been a great emphasis on the topic of *lashon hora*, the topic of malicious gossip. There are groups across the country, *machson l'fe* is the name of some of them, who try to emphasize the importance of proper speech, of avoiding gossip, of avoiding *lashon hora*, and there are conferences and assemblies, tapes, lectures, all sorts of educational materials, posters, booklets, literature on the matter. Rav Pam says this is all very nice, but there is another aspect of speech that he would urge the community to put on its agenda, and that is, what's technically known as the topic of *on'as devarim*. The *Torah* tells us a person is not to oppress his fellow, "*lo s'onu ish es emaso*." What does it mean to oppress?

Our Sages tell us that the oppression spoken of in this text is verbal oppression. Speaking to a person disrespectfully, insultingly, is a prohibition in the *Torah*, and yet, there is very little written or spoken about this very important prohibition. Rav Pam suggested that we speak about it more, using the *Sefer HaChinuch*. It's a book which describes, in some detail, every single one of the *mitzvos* in the *Torah*, all 613. In the edition I am referring to, it's *mitzvah* number 368 I'd like to focus on: Not to oppress a fellow Jew with words. The prohibition is this: not to say to another person words which would pain him or her, or cause him pain in a way that he is not capable of responding to adequately. In other words, this prohibition might not apply to two equals on a playground or in a board game. You

can call me a name, and I can call you a name and we are fair and square. It applies when there is a super-ordinate and a sub-ordinate relationship, when one person is in some way more powerful than the other, and pains the victim in a way that he or she cannot protect himself. There is no way for the person to respond adequately to stop the intrusion, to stop the offense. It is a technical definition and it so accurately describes domestic abuse, when in most situations, the husband is in a position where he can cause pain and the wife cannot defend herself against him. This source also describes in great detail how important it is to be sensitive to the members of one's family because, in a family context, one's vulnerabilities are laid bare, one's defenses are stripped away, and it's so easy to be in a position of "*ain bo koach*," not being able to defend one's self.

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I have sat with numerous couples where violence and abuse have been prevalent. I remember one man speaking back to me and saying, "Where does it say?" Some people ask, "Where is it written? Where does it say that this is prohibited? Where does it say that I can't insult my wife?" I have two sources at this point, two authoritative sources: Rambam and the *Sefer HaChinuch*. But the interesting thing is that there is another source. I say to the person, "You know where it says that? You said it, and you signed it," and he looks at me with this blank stare. I ask him if the *Ketubah* is at home and he says, "Yes, I have my *Ketubah* at home." I tell him to go home and read it. The *Ketubah* is the commitment that the husband makes to the wife (the wife makes no *Ketubah* commitment to her husband). He writes it and signs it, and it is read aloud under the *chuppah* at the time of the marriage. It says, "I will worship, cherish, support, and sustain you throughout the duration of this marriage...." And it goes on to say, "throughout my life..." So when he asks, "Where does it say?" I tell him that he said it.

When we speak of verbal abuse, what do we mean? For this we can look at the *Torah*. In this week's Torah portion, Avraham is an old, old man, ninety-nine years old and Sarah is a bit younger. The angels come and she does not know that they are angels and Sarah hears that she will bear a child in a year and she laughs and says, "...weary, worn out, and my husband is old." Avraham doesn't hear her say that, but G-d does and when Avraham asks Him, "Why is she laughing?" Rashi says so beautifully, "*Hashem* doesn't tell Avraham that she said he was old because *Hashem* was afraid of and concerned for Avraham's sensibilities, and He didn't want to start trouble in the house. If Avraham would hear that Sarah says you are an old man, he would take offense. G-d protected Avraham and that's a fascinating thing." Think what this says to us about how we are meant to behave toward the people in our family.

Offensive doesn't mean calling someone an

obscenity or profanity, and that certainly is not right. Verbal abuse does not mean just not being obscene and profane, it doesn't even mean avoiding put downs, calling the other person dumb, stupid. It means being so delicately aware of the other person's sensitivities, and Avraham was sensitive to his age because he had no children and he desperately wanted a child and his age was the frustration of his life. One has to be so sensitive, so exquisitely sensitive to the areas of your spouse's vulnerabilities, to the buttons that you can push to make them even slightly upset. G-d was sensitive to that and He protected Avraham.

This is what verbal abuse is and avoiding verbal abuse is indeed a tall order, but let me tell you something, being a Jew is a tall order, it's not easy. It is not easy, but that's what is expected of us: an exquisite, serious, sensitive, constant vigilant effort to control our speech. It is part of our obligations as humans and part of our obligations as Jews, and that is what the *halacha* obligates us to do.

Rabbi Tzvi Hersh Weinreb, the new Executive Vice President of the Orthodox Union, was formerly the rabbi of Congregation Shomrei Emunah in Baltimore, one of the largest synagogues in Baltimore. Rabbi Weinreb, who earned a Ph.D. in Psychology from the University of Maryland, is a member of the Executive Committee of the Rabbinical Council of America and Vice President of the Rabbinical Council of Greater Baltimore. In addition, he is a member of the Ethics Committee of the Veterans Administration Hospital. A licensed psychotherapist, Rabbi Weinreb is also Rabbinic Liaison for NEFESH: North American Network of Orthodox Mental Health Professionals.

FOOTNOTE

¹ This sermon was excerpted from a talk Rabbi Weinreb gave in 1998 for CHANA: Counseling, Helpline & Aid Network for Abused Women serving the Jewish community of Baltimore, Maryland.