

SUMMARY OF HARAV YOSEF SHALOM ELYASHIV'S PSAK

Yeshurun, XV, Nisan 5765 pp.641

Rabbi Yosef Shalom Elyashiv

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

BS"D Fast of the Tenth [Month] 5764

To My Friend etc. Rabbi Shraga Feivel Cohen etc.

The essence of the letter [you sent to me, is that]: one knows that someone is abusing a boy or a girl; is it permissible to report such a matter to a secular government official [police, etc.]?

In the language of the *Rashba* (Rabbi Shlomo ben Aderet, Spain, 1235-1310, one of the foremost authorities in Jewish law) in his Responsa, III no. 393, "... it is permitted to impose a monetary fine or corporal punishment [which penalties and punishment fall outside those proscribed by the *Torah*],... and this maintains society."

"Because if you will adjudicate based only on the laws established by the *Torah*, society will be destroyed... "

From the words of the *Rashba* we learn that in matters that concern societal welfare the Sages of *Israel* of every generation have the authority to extend their authority and decide matters according to their best judgment and [in the absence of a clear directive contained in the *Torah*] to stand in the breach ...

Accordingly, it is my determination that one should report [an abuser] to the secular government authorities [police, etc.]; and in this there is benefit to society...

[Rabbi] Yosef Shalom Elyashiv

Click [here](#) to read the entire correspondence in Hebrew between Rabbi Cohen and Rabbi Elyashiv