נשמע ונעשה
WE WILL LISTEN AND WE WILL DO

Exploring Biblical and Rabbinic Responses to the Voices of Sexual Violence Survivors to Develop Prevention-based Education and Survivor Support in Jewish Communities

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Thesis Submitted in Partial Fulfillment of Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
New York, New York

January 2019
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…וְלֹא אָבָה לִשְׁמֹעַ בְּקוֹלָהּ …

… but he would not listen to her voice…

- *II Samuel 13:14*

Millions of people around the world who are survivors of sexual violence – very specifically, sexual violence – raised their hands to say, 'Me, too.' And their hands are still raised. My vision for the #MeToo movement is part of a collective vision to see a world free of sexual violence. I believe we can build that world.
Full stop.

We owe future generations nothing less than a world free of sexual violence.
I believe we can build that world. Do you?

- *Tarana Burke, founder of the #MeToo Movement*

To all who have said, #MeToo,
whose hands are still raised,
whose voices have yet to be heard,
To Sarah, Dina, Tamar, Hannah,
And all those who go unnamed
in our sacred text and beyond…

This is for you.

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Thesis Summary

The canon of sacred Jewish literature contains many unmistakable accounts of rape, and a range of responses by the biblical characters and the ancient rabbis. While sexual violence is generally understood as problematic, and the rabbi strive toward ethical solutions make restitution for the violence done, few of these stories and legal renderings include the voices of the survivor, the woman whose body was harm, sense of safety diminished, and Divine light dimmed. Tamar, in II Samuel 13, is the sole example in all of biblical literature of a survivor whose voice we do hear, and she has much to teach us. This thesis seeks to draw out her story and others in biblical (Chapters 1, 3 & 4), Talmudic (Chapter 2) and Midrashic (Chapter 6) literature, and explore the interpretations thereof, which form the basis for halakha pertaining to sexual violence (Chapter 5), to construct a "traditional" ethic. From there, informed by research and best-practices from the fields of medicine, public health, and other social sciences, and Jewish and secular programs designed to address sexual violence and related issues (Chapter 7), this work seeks to offer a new Jewish ethic with which to approach sexual violence (Chapter 8). This ethic is constructed based on the Revelation at Sinai: a process which begins with *Cheshbon haNefesh*, a process of preparation which requires a cultivation of awareness and self-reflection, progresses into an inversion of the biblical oath, *nishmah*, deep listening, and *na'aseh*, the creation of educational opportunities for all in our communities on ways to help survivors on their journey toward healing, and bring about an end to the age-old scourge of sexual violence. This work concludes with a sample of a new educational resource, designed to equip Jewish communal leadership with the skills and self-efficacy to implement this new approach within their communities (Chapter 9).

Table of Contents

Introduction

Jewish law and tradition has much to say about the ethical treatment of others, from our most intimate relationships, to the broader community. The Bible charges us 36 times to remember the stranger. Honoring our parents is one of the Ten Commandments. A great deal of Talmudic material is dedicated to the imperative of caring for those who are marginalized, and how to make restitution when we transgress. While the biblical authors and ancient rabbis may be less concerned with individual rights than we are today, they are clearly invested in the preservation of life and dignity, and instilling in their community the imperative to recognize and honor each person's humanity and the potential for holiness in every interaction.

However, Jewish traditional sources are often far less explicit when it comes to sexuality and encounters of a sexual nature. The Bible and the rabbis are proscriptive in some ways, but it is challenging to discern a singular biblical, rabbinic or overall Jewish sexual ethic. Sex in the bible is most often associated with either the first commandment, *"pru ur'vu,"* with sex being the means to a very specific end, or the commandments against forbidden sexual relationships, namely in Leviticus 18.[1] Biblical sexual encounters with a positive or neutral flavor are only those in the context of marriage, and even then, the accounts are either laden with euphemism – "lie with," "come unto," and on rare occasion, "love".[2] Whereas our canon of sacred literature provides instructions for a myriad of human experiences and behaviors, it largely lacks clarity about our lived experience in sexual bodies, and for navigating sexual relationships, especially that which resonates today.

[1] Genesis 1:28; Leviticus 18:6-30
[2] Genesis 24:67; Genesis 29:28

While Western society has made incredible advances in our understanding of sexuality and sexual activity, shame and stigma surrounding sexuality persists. From birth, males and females still receive different heteronormative messages and social reinforcement about their gender expression and sexuality. Boys are taught to be aggressive initiators who keep pursuing until they "win" the girl in the end. Girls are taught to be passive receivers who must find just the right balance of being available and playing hard-to-get. In many communities, both implicitly and explicitly, we are still evaluated based on how we adhere to those messages as we grow to maturity. In the public sphere, there is near-constant exposure to explicit, sexually aggressive imagery which objectify women's bodies, displaying them in sexually suggestive positions, however, in the United States, many consider women who actually dress "like that" to be distasteful, or worse.

With the advent of the internet and social media, pornography of all varieties is readily accessible to anyone of any age, at any time of day. While these images and media are not inherently problematic, with a tenuous relationship to our sexual selves and little sex education, many men end up with skewed view of what sex is "supposed to be," and how they and their partner should look and act. Men are taught that they have a right to sexual pleasure, which often comes at the expense of their partners', and worse still, often causes women pain.[3] These mixed messages about sex and sexuality, and imbalance still present in gender dynamics, despite efforts toward equality, often leave us feeling ambivalent and confused, and with a tenuous relationship to an essential piece of what makes us human.

[3] Loofbourow, L. "The female price of male pleasure," *The Week*. January 25, 2018. https://theweek.com/articles/749978/female-price-male-pleasure

In spite of the differences between tradition and modernity, the desire to see ourselves reflected in our sacred texts endures. To this day, many in Western society remain under the assumption that sex and religion are mutually exclusive; the text has nothing for them pertaining to their intimate selves and intimate lives. While this was never an inherent part of Jewish thought, Platonic stoicism, which was popular in the ancient Near East and preached degradation of the body for the uplifting of the soul, influenced many early Jewish thinkers who incorporated this idea into their Jewish practice. While it is largely Christian traditions that still preach this explicitly, many American Jews assume their tradition, at its core, holds similarly. However, there is much to explore within Jewish text what contains positive messages about sexuality, about our lived experience in human bodies. I have long hoped to create resources and provide opportunities for Jews at all ages and stages to explore their understanding of and relationship to their sexuality, sexual relationships and sexual ethics through such texts. Taking a page from the book of the UUU and UCC churches, co-creators of the *Our Whole Lives* program, my dream is to build a comprehensive sexuality education experience uniquely designed for Jewish audiences, rooted in Jewish thought and facilitated in Jewish spaces.[4]

This is a goal to which I plan to dedicate myself during my rabbinate: exploring how Jewish theology, practice and thought could inform a Jewish sex ethnic for the 21st century. Building on the work of Rabbi Dr. Eugene Borowitz (z"l) in his 1969 work, *Choosing a Sex Ethic,* and of Rabbi Laura Novak Wiener and her team who created

[4] Unitarian Universalist Association, *Our Whole Lives*, https://www.uua.org/re/owl; United Church of Christ, *Our Whole Lives*, http://www.ucc.org/justice_sexuality-education_our-whole-lives

Sacred Choices over 10 years ago, I plan to delve deeper into how Jewish sources may inform the creation of sexuality education for Jewish spaces, and explore how Jewish theology, practice and thought could inform a Jewish sex ethic for the 21st century. [5] [6] This thesis represents part of this work, with a particular focus on a critical topic found in comprehensive sexuality education, that has also dominated the cultural conversation in the United States and worldwide, especially in recent years: sexual violence.

Sexual violence – harassment, assault, abuse, rape – in the public sphere, in the work place, in our communities and in our homes has, seemingly always, been an endemic issue in human communities. Long before the #MeToo movement, activists, educators and professionals in the medical, public health, social work and social science fields have worked to understand this plague. Sexual violence is insidious; misconceptions and stigma abound and endure, and only exacerbate the challenges of untangling rape from sex, articulating the perpetrators' motivations, and understanding survivors' responses, and the community's response to survivors. Beginning with the advent of feminism and most explicitly since the #MeToo movement, Americans are slowly waking up to the fact that almost every woman has had the experience when her physical boundaries were crossed, maybe by a stranger, but more often a coworker, friend, spouse, or family member.[7] In the United States, among data that has been

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[5] Borowitz, E. B., *Choosing a Sex Ethic: a Jewish Inquiry* (Schocken Books, 1969).
[6] Union for Reform Judaism and Novak Wiener, L., ed., *Sacred Choices, Middle School Module* (URJ Press, 2007), Union for Reform Judaism and Novak Wiener, L., ed., *Sacred Choices, High School Module* (URJ Press, 2008).
[7] Rape, Abuse and Incest National Network, "Perpetrators of Sexual Violence: Statistics," https://www.rainn.org/statistics/perpetrators-sexual-violence. - *According to the US Department of Justice's National Crime Victimization Survey (Office of Justice Programs, Bureau of Justice Statistics, 2010-2016 (2017)), eight in ten sexual assaults are committed by someone known to the victim. 39% by an acquaintance, 33% by a*

collected, one in 6 women have experienced rape or an attempted rape in their lifetimes, and one in 33 men. 21% of college-age people of trans* experience have experienced sexual assault. [8] And while #MeToo has given many a platform on which to speak out, most sexual assaults still go unreported. As of 2016, 230 of every 1000 – 1 in 4 – incidents of sexual assault are reported to police.[9] And yet, these sobering and heartbreaking numbers and increased visibility has not stopped the negation, skepticism, and rampant victim-blaming when someone comes forward to share their story. Questions like, "What were you wearing?," "Were you drinking?," "Did you call for help?," "Did you fight back?" – or worse, assuming their experience was just "sex-gone-wrong," or that the assaulted person enjoyed it, or wanted it – all imply that they, and not the perpetrator of a violent crime, are at fault. That more often than not, the initial reaction to such an assault on personal bodily autonomy, boundaries, *personhood*, is to question the judgement and actions of the assaulted, is one of the clearest symptoms of rape culture, and clearest pieces of evidence as to how deeply embedded it is in our psyches.

When cases make national news because they are particularly horrific, like when videos are posted online of incapacitated teens being gangraped by those they considered friends, or when the perpetrator gets caught, as in the case of Brock Turner, we are often quick to ask if the perpetrator deserves his "reputation being ruined" all for a "mistake"

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current or former partner, 2.5% by a non-spouse relative, 19.5% by a stranger, and 6% by more than one person or the survivor cannot recall.

[8] Rape, Abuse and Incest National Network, "Victims of Sexual Violence: Statistics," https://www.rainn.org/statistics/victims-sexual-violence.

[9] United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "National Crime Victimization Survey, 2010-2016" (2017).

he made.[10] Perpetrators' high school graduation photos are shown as their achievements are read, their parents cry on camera, and those close to them wonder aloud how this could be happening to him… while their "victims'" or, worse, their "accusers," remain nameless and faceless. When names and faces of survivors do surface, they are berated in the news and on social media; that it was probably a misunderstanding, that they should have made different choices, or even that they deserved to be raped, and probably even liked it. Until recent years, and even now, often when survivors attempt to articulate their experience of being objectified, of having power exercised over their bodies in the guise of sex, backlash is common. Their voices are silenced. Perpetrators may get a slap on the wrist, but many walk free with no consequences. Yes, sometimes the Harvey Weinstein's will be taken to court, the Matt Lauer's will be fired, the R. Kelly's will be exposed after years of silence, but will justice ever be served for the many people they harmed?[11] Some, like the Brett Kavanaugh's and Clarence Thomas's of the world, even get significant job promotions, despite the brave testimonies of Dr. Christine Blasey Ford and

[10] Miller, M.E. "A steep price to pay…," *The Washington Post.* June 6, 2016. https://www.washingtonpost.com/news/morning-mix/wp/2016/06/06/a-steep-price-to-pay-for-20-minutes-of-action-dad-defends-stanford-sex-offender/?noredirect=on&utm_term=.a1b3f4a2b38c; Koren, M. "Why the Stanford judge gave Brock Turner six months," *The Atlantic.* June 17, 2016. https://www.theatlantic.com/news/archive/2016/06/stanford-rape-case-judge/487415/.

[11] Ortiz, E. and Siemaszko, C. "NBC New Fires Matt Lauer after sexual misconduct review," *NBC.* November 30, 2017. https://www.nbcnews.com/storyline/sexual-misconduct/nbc-news-fires-today-anchor-matt-lauer-after-sexual-misconduct-n824831; Desta, Y. Harvey Weinstein is going to trial. December 20, 2018, https://www.vanityfair.com/hollywood/2018/12/harvey-weinstein-trial-me-too-sexual-misconduct-rape; Deggans, E. "Making "Surviving R. Kelly": A conversation with executive produce dream hampton," *NPR.* January 3, 2019. https://www.npr.org/2019/01/03/681851521/lifetimes-series-about-r-kelly-depicts-a-darker-side-to-the-singer.

Anita Hill and many others.[12] This, at least in part, is possibly why most survivors of sexual violence do not come forward. Because everything and everyone in our society wants to tell them that they are at fault, that their perceptions of the encounter was incorrect, that they should just keep quiet.

So where can those who have experienced sexual violence turn? To whom can they disclose their experiences, free of judgment and stigma, and find support to begin to heal? As a Jewish professional, I would hope that Jewish sources would provide comfort, and Jewish communal spaces would be a safe haven, but for many they are not. The bible and classical texts contains unmistakable accounts of rape, sexual violence and coercion, as well as allusions to sexual contact that is obviously not consensual. While these actions are clearly looked down upon, biblical law and rabbinic interpretation often places the onus on the woman: she "went out," she was not where she was supposed to be, and thus is at fault.[13] She did not "cry out," she did not fight back, or fight hard enough, so that we might interpret that she actually wanted it.[14] And while the biblical authors and the rabbis look at these interactions though a lens which differs greatly from our contemporary approach, their responses and conclusions ring with the same accusations we hear today, offering little solace and seemingly paving the way for the formation of rape culture.

While Jewish sources relating to sexual violence may not provide the comfort we seek, surely our communal spaces might. I have been heartbroken to hear, again and

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[12] Talbot, M. "On the Attack: Christine Blasey Ford's Experience Was Just as Bad as Anita Hill's," *The New Yorker.* October 8, 2018. https://www.newyorker.com/magazine/comment/on-the-attack

[13] Genesis 34

[14] Deuteronomy 22:23-29

again, that for many, this is not the case. Women often do not feel welcome or safe to bring their stories into their Jewish communities. This may be because there is no place for sharing trauma, the way there is for sharing *simchas*. Or because there is a misconception in the Jewish community that Jews do not rape, or do not get raped, and so they assume their communities will not support them. Or because, despite being known perpetrators, many communities actively choose to continue bringing the work of Jewish leaders into sacred spaces, like Shlomo Carlebach's music, sending a message to survivors that one man's legacy takes precedence over their trauma.[15] Or because, while clergy may be great at the hospital bedside, their training on ambiguous loss or trauma that is not physically manifest may fall short, or their training on sexual violence may be nonexistent.

Can we listen to the voices of the survivors in our sacred text, or uncover them if they are not present, and learn from them about the experience of sexual assault, and how communities can and should support survivors in our own time? What do these narratives tell us, implicitly and explicitly, about how Judaism has responded to sexual violence? In what ways are these stories of their time, and in what ways do they illustrate that rape culture is as entrenched in our contemporary lives as in those of the biblical authors and the rabbis? How might we, as communal leadership, read these texts and use them to teach sexual violence prevention and **consent** from a Jewish lens, in Jewish spaces, and communicate the Jewish values of accountability and justice, and help us all heal from

[15] Lovy, A. "The skeletons in our closet," *JOFA* (blog) and *The New York Jewish Week*. January 2, 2018. https://jewishweek.timesofisrael.com/the-skeletons-in-our-closet/; JTA. "In the #MeToo era, these synagogues are banning Shlomo Carlebach songs," *Jerusalem Post.* February 1, 2018. https://www.jpost.com/Diaspora/In-the-MeToo-era-these-synagogues-are-banning-Shlomo-Carlebach-songs-540420.

the toxicity of rape culture? How can these texts, when read through the lens of our contemporary liberal Jewish values and tradition, teach us to listen deeply to the voices of survivors, help us to support them, provide space for them to heal, and to lead the way in ending rape in our communities and beyond?

By studying the story of the rape of Tamar, alongside classic and contemporary sources, these are some of the questions I hope to begin to answer in the following pages. While it is terrifying and devastating that the occurrence of sexual violence is as old as time, so deeply entrenched in every society, and still happening at an alarming rate, let our ability to ask these questions and seek their solutions be seen as a sign that things are beginning to change, for good.

As a rabbi, it is not my responsibility to finish the work, but it will be my responsibility to see and to name the hurt, the loss, the trauma in peoples' lives and in the world. It will be my responsibility to bring meaningful text, liturgy and ritual to draw the narratives out of painful darkness and into the light. Our leadership and laity must be provided with the tools to do this: to help make survivors feel welcome and heard and held, to help them begin to heal, and to empower all members of our communities to learn about and take action to prevent sexual violence, so for the next generation, no one will have to say #MeToo. That is the ultimate goal of this project. It is but a step on the journey, but a nonetheless important one, toward healing for us all.

כן יהי רצון.

A Note on Language

In the bible and throughout the classic Jewish canon, every instance of sexual violence and rape is one in which a man wields power and violence over a woman. As such, the terms “man” and “perpetrator” are often used interchangeably. Additionally, “woman,” “survivor” and “victim” are used interchangeably, as these terms are more apt than *betulah,* “virgin,” “young woman,” or “girl”. However, I do so with the recognition and painful understanding that **people of all gender expressions** – women and men, cis-gendered and those of trans* experience, non-binary, gender-nonconforming, genderfluid and others – have and continue to experience sexual violence, and that those of non-female identification are often rendered invisible in the conversation about sexual violence. In the educational materials I hope to develop from this work, these nuances will be addressed and examples of experiences of those of different expressions will be provided, so that we may recognize the many faces of this age-old issue and help all on their journey toward healing and wholeness.

PART A. EXPLORATION – TEXT AND CLASSIC COMMENTARY

Chapter 1. Biblical Texts on Sexual Violence

The *Tanakh*, the Hebrew bible is, at its core, a human story. Torah begins, ends and hinges on relationships at the interpersonal, communal and cosmic level, with all the beauty and brokenness involved in the business of being human. We learn early on, from the first chapters of Genesis, that human sexuality is an incredibly significant and complicated piece of our lived experience. Jewish tradition acknowledges that sexuality is powerful, is our creative potential, and allows us to connect deeply with another. At the same time, this deep connection requires vulnerability. Our tradition holds space for and acknowledges the need for balance of these two complex truths. Holding both, the rabbis strive to communicate sexuality as a part of us that must be handled with great care, but generally reject the notion that our bodies and sexuality are inherently sinful. However, the shame and stigma with which platonic dualism came to view the body deeply influenced the Hellenistic culture within which nascent Rabbinic Judaism formed, and some of these ideas did seep into early Jewish writing. This influence created palpable ambivalence with which the rabbis over the centuries approach sex, and certainly the way they respond to sexual violence.

There are many examples, explicit and interpreted, of sexual violence in the bible. In Genesis 12, we read about Sarah, and in Genesis 34, about Dinah, women who are compromised sexually. [16] [17] In Chapter 39, when Joseph is (wrongly) accused of rape, he

[16] Genesis 12:11-20; Genesis 34
[17] Genesis 39

is jailed indefinitely.[18] Leviticus and Deuteronomy provide laws concerning ערות, sexual sins or wrongful sexual interactions, including those which inform the rabbis' understanding of rape, an what to do in response.[19] Also in Deuteronomy, the threats of curses that will befall the Israelites if they disobey the commandments include threats of sexual violence against women. [20] Still, none of these explicitly outlaws rape outright. The laws are cited as determinants of culpability for adultery, depending on where the act occurred and whether the victim, always a woman, cried out for help. Their primary concern is the value placed on a woman's body and particularly, on her virginity, and how to reconcile the loss thereof and make restitution.[21] The laws are not read with the notion of consent as a factor, or with interest in the violation of bodily autonomy or dehumanization of the victim.

To contemporary sensibilities, this reading may be considered anathema to disregard the factors of consent and personhood. However, in the Ancient Near East, particularly among Jews who, since the first Exile were often a minority population within a dominant culture, they made logical and juridical sense. For a community constructed on heredity, it was necessary for sexual contact to only be acceptable in the context of marriage, to track lineage. And in a part of the world in near-constant conflict, it was essential to understand and respond to threats to lineage, and to have norms in place in the event a woman was "compromised," that is, raped.[22]

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[18] Zornberg, A. G. *Genesis: The Beginning of Desire.* (Schocken: 2011) 52-53.
[19] Leviticus 18; Deuteronomy 22:23-29
[20] Deuteronomy 28:30
[21] Cohn Eskenazi, T. and Weiss, A.L. (eds.). The Torah, a Women's Commentary. (New York: URJ Press, 2008). 288, 437.
[22] Schneiderman, A. "Sexuality: Human Biology versus Rabbinic Decree," in *The Sacred Encounter: Jewish Perspectives on Sexuality* (New York: CCAR Press, 2014) 14-15.

In the extra-biblical writings of Prophets and Writings, we find more explicit accounts of sexual violence and coercion. The book of Judges includes a gruesome account of the rape and murder of the concubine of the Levites.[23] In II Samuel 11, some commentators interpret the initial engagement of Batsheva by King David as rape, or at best coercion, due to the power dynamics at play.[24] Finally, we read about the rape of Tamar by her half-brother Amnon, King David's eldest son, in II Samuel 13.[25] While Jerusalem is likened to a "desolate woman" and the daughters of Israel are "taken" violently in Lamentations, there are no other explicit accounts of sexual violence in biblical writing.[26]

Each of these accounts differs in clarity and specificity of the types of interactions which transpired; not all are considered definitively as rape. At times, the bible and the rabbis demonstrate awareness of the fundamental difference between sex and rape, particularly in the evolution of the laws in Ketubot which draw distinctions between rape and seduction, and the penalties for each. At other times, rape and sex are woefully equated. Not only is a clear definition of the act itself apparent, but the sources lack clarity about its motivations. In instances where rape is certain, the text and the rabbis often point to the man's uncontrolled passions or even love for the victim, establishing a notion that to this day, we wrestle to dislodge from the dominant cultures' responses to sexual violence.

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[23] Judges 19-20
[24] II Samuel 11
[25] II Samuel 13
[26] Trible, P. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives* (Minneapolis: Fortress Press, 1984); Lamentations 1:16, 3:11

The texts also differ regarding punishment of the perpetrator. In the example of Joseph, although we know he was innocent, he was jailed. Others like Shechem or Amnon, are killed, and Deuteronomy would instruct such punishment upon the man who rapes a betrothed woman in the field, where no one could have saved her. [27] Sometimes perpetrators are punished in other, more abstract ways, without direct connection to their crime, like King David.[28] And yet, the Levitical laws and the halakha instruct that marriage and monetary recompense is necessary to restore the balance of justice.[29] A punishment which does not hold the perpetrator accountable or provide the survivor with resources to heal and move on is not truly just, but is forcing a woman to marry her rapist the best we could can do?

Taken together, what does all of this – the framing of the act and the punishments – teach about how biblical Judaism, rabbinic Judaism, and how we, as contemporary Jews, should respond to rape? Over the centuries, the ambivalence in the biblical text and responses by the classic interpreters has only led to even more ambivalence. Later writings and Jewish people's lived experience, as individuals and communities, proves that we still do not know how to talk about rape, or what to do with these stories.

What most of the biblical accounts and rabbinic writing do share is the absence of the survivor's voice; of the person whose body is harmed, whose honor and sense of safety is diminished, whose autonomy and humanity were wrestled away, whose divine light is left dimmed. If God hears the cries of the poor and the stranger, then surely God hears the cries of those who have suffered and survived sexual violence. And yet, we

[27] Genesis 34; II Samuel 13; Deuteronomy 22:23-27
[28] II Samuel 11
[29] Deuteronomy 22:29

never hear their voices. We never hear the voice of Dinah, either when she is taken by Shechem or when her brothers rise up to kill him. We never hear the voice of Sarah, when she is taken to Pharaoh's house. We never hear the voice of the *betulah*, the young woman spoken *about* in the laws of Leviticus and Deuteronomy.[30] We never hear the voice of Batsheva when she is sent for by King David, nor of the Levite concubine when she is sent out into the hands of the Benjaminites, to meet her painful death.[31] What might these women say of their lives, their experiences of being "taken" by powerful men? What might they say of the actions of these men? Of the reactions of others in their lives about the ways they suffered?

The only exception we find in all of biblical literature is Tamar, in II Samuel, Chapter 13. Though it begins and ends in the span of only a few verses, her story has much to teach us. Tamar's story illustrates, as we still see all too often, how women's bodies are co-opted for the convenience or protection of the men in their lives, to fuel their ambitions and pursuit of power. How when women are raped, they are looked upon with disgust, and blamed for their actions, for bringing attention upon themselves, asked what they were wearing, why they were where they were, alone. And then, when survivors of sexual violence do speak, they are threatened and silenced, their stories swept under the rug, their bodies and lives discarded. Tamar, in spite of the harm done to her, in spite of the power taken from her, speaks truth to power, and is met with scorn and silence at every turn. Though her words fall upon deaf ears in her time, and even in the time of the rabbis, her story lives on as a testament to her lived experience, for us to read and wrestle with, from which to learn and grow and, God-willing, do better in the future.

[30] Leviticus 18; Deuteronomy 22:23-29
[31] Judges 19-20; II Samuel 11

Chapter 2. Rabbinic Responses to Sexual Violence

In order to understand how the rabbis read Tamar's story, it is essential to look at other references in Talmud to sexual violence: to the commentary on other biblical verses pertaining to rape, how the rabbis define rape, and the subsequent legal writing based on these texts. Interestingly, though not surprisingly, the stories of Tamar or Dinah are not cited as foundational to the rabbi's understanding of and rulings around rape. While they are cited as examples in the rabbinic writing, the legal precedent for rabbinic laws on rape come from the sexual prohibitions in Leviticus and Deuteronomy. From the bible and commentary, we may begin to construct a picture what sexual violence meant to the rabbis, in their time and place. We see the ways in which the rabbis objectify of women, and value women based on their virginity; nearly-universal cultural norms of societies in their time, and in our own. We also see some of the ways in which the rabbis can be progressive and countercultural: going out of their way to protect and offer respect to women's bodies and personal autonomy.

There are many references to rape, or references interpreted as such, in early Mishnaic and Talmudic tractates; Sanhedrin, Yoma Chagigah, Yevamot contain mentions of words translated as rape, but provide little context and do not define the terms. In the Babylonian Talmud, Tractate Ketubot 9b explicitly defines rape as it pertains to the story of David and Batsheva: "she did not engage in intercourse willingly."[32] This definition, in contrast to "adultery", is the determining factor in whether a woman who has sexual intercourse with "another" is permitted to return to her husband.

[32] Babylonian Talmud, Tractate Ketubot 9b.

However, discussions about rape begin much earlier. In Ketubot 3b, extensive information is provided about the timing of weddings, and what day of the week they are to take place. This section includes that marriage customs had changed because of "danger".[33] There was a time when Jews lived under Roman rule, with customs such *prima notte,* the institutionalization of rape in certain cultures, which young women would be sent to the local leader on or before her wedding night.[34] The rabbis proceed to turn legal and rhetorical backflips to determine under what circumstances these women would still be permitted to their husbands-to-be. There is even a suggestion that the women might enjoy this practice!

While it is difficult to imagine how the rabbis might make that leap, it is all the more difficult to imagine why, instead of fighting against this tyrannical leadership for the honor or humanity of the women in their communities, the rabbis would instead resign themselves to legislating the victimization of Jewish women. Rabbi Aviva Richman suggests such legal navigation around a horrifying reality must have been a veil for the lack of agency felt by Jewish men and the Jewish community at the time, in the face of situation seen as unchangeable. And so, they opted to use women's bodies as collateral, as a bargaining chip, deployed as a resource to subdue potential additional violence against the community, against men.[35]

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[33] Babylonian Talmud, Tractate Ketubot 3b.
[34] Richman, A. "Are We a City or a Field?: Building a Culture that Cares" and "Sexual Consent – in the Talmud?" (lecture series, Mechon Hadar, New York, NY, January 23 & 30, 2018)
[35] Ibid.

Ketubot 29a to 41a contain the most robust picture in Talmudic literature of how rape is seen in the eyes of Jewish legal tradition, and is nearly all based on laws derived from Deuteronomy 22:23-29. These chapters contain the explication of the rabbinic understanding of rape as a violent act, as inherently different from "seduction" or "adultery," and as a multifaceted offense which yields both physical and emotional injuries, of which the victim is deserving of restitution for "pain, humiliation and degradation".[36] All of these greatly augment the earlier definition of "unwilling intercourse," and provide workable, ethical, even sensitive solutions.

In the verses from Deuteronomy, we find a number of scenarios in which a young, unbetrothed woman is "come upon" by a man. If she is in a field, whether the intercourse was willing or not, she is considered to be innocent because, the rabbis conclude, if she was coerced or preyed upon, she would cry out, fight back against her assailant. In a field, presumably there would be no one to hear her cries and come to her aid. However, the text goes on to suggest that the same scenario in a city, presumably, there ***would*** be someone to hear her and come to her aid. As Richman points out, while the rabbis understand the importance of context, they make a lot of assumptions about the response of the community. She cites *Sifre D'varim* 243, which asks, even if her cries were heard, would anyone be willing to intervene?[37]

Later in the tractate, the rabbis begin the discussion of a rape of a betrothed or married woman, a different classification with different considerations altogether. In Ketubot 51b, the rabbis conclude that in a situation in which a married woman was

[36] Babylonian Talmud, Ketubot, 32a, 39a, 39b, 40a, 40b.
[37] Richman, A. "Sexual Consent – in the Talmud?" (lecture series, Mechon Hadar, New York, NY, January 30, 2018)

coerced, she would still be "permitted to her husband." That is, if she were coerced and raped, she would not be forcibly divorced, as she certainly would, had she willingly committed adultery.[38]

That the rabbi's stated reason for including this discussion in the Talmud is to determine the woman's culpability for adultery and later marriageability, may be disheartening for the modern reader. However, that the rabbis spend so much time asking various questions, look at it from so many sides, provide so many examples, and come to the conclusions they do, the importance of this topic to them cannot be understated. Was there a high incidence of rape within their communities? Was there enough of a threat of rape from outside communities? Did they live, as some have asked, in communities which didn't care enough about what was happening to women, and they felt the need legislate individual and communal responses?

The rabbis acknowledge that sexual violence, no matter the woman's marital status, has a cost, not only to her and her immediate family, but to the larger community, and requires a trial and restitution paid by the perpetrator.[39] In a case of forced sex with an unbetrothed woman, "the law assumes that the man initiated the act and that there was some degree of coercion as reflected in the statement, "he seized her and lies with her."[40] The perpetrator is then obligated to make a payment, usually to the woman's father; this is considered payment of a bride price, and he is then required to marry her and forbidden from divorcing her. While it sounds inconceivable, to force a woman to marry her rapist,

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[38] Frymer-Kensky, T. "Law and Philosophy: The Case of Sex in the Bible," *The Torah, a Women's Commentary*, 1173-4.
[39] Deuteronomy 22:28-29
[40] Cohn Eskenazi, T. and Weiss, A.L. (eds.). *The Torah, a Women's Commentary*. (New York: URJ Press, 2008), 414.

"As in most cases […] the law is not focused on the interests of women individual, but instead on families and society."[41] This kind of marriage may have, ethically speaking, been her best option. While the Torah does not forbid marrying a non-virgin, it certainly preferences virginity, largely to quell questions of lineage. The Women's Torah Commentary points to a law found in Ex. 19:15 and suggests that the rabbis are responding to a very real anxiety in their time: that non-virgin women may have been "vulnerable to the true claim of unchastity by a subsequent husband (v.20-21)" and created a law which "[…] seeks to prevent that situation".[42]

Great pains are taken to spell out how the biblical verses are meant to be read, and the rabbis provide a myriad of examples to address the proper action for each variable. They discuss who constitutes the "right" type of "young woman" (that is, age, social status, etc.), the significance of her being "unbetrothed," under what circumstances the payment goes to her father or to her, or, in the end, no payment is given at all. For example, if the woman is above a certain age, the payment goes to her, and not father. Also, Ketubot 38b specifies that if the woman dies before her assailant is brought to trial, no payment is required. This section of the tractate also delineates the kinds of payment which are acceptable, how to assess the required amount, and who receives it. While the general rule would have the perpetrator marry the woman he violated, the law provides examples of situations in which she may divorce him but stipulates that she may not be eligible for any payment, as one would with a ketubah. The law also discusses the determinations around whether a marriage in the event of a rape is even allowed, pointing

[41] Ibid.
[42] Ibid.

out that if the man and woman are related in the degrees mentioned in the עריות, the sexual sins, the marriage clause would not be upheld. In these ways, the text appears conscious of the norms of Jewish culture and facts on the ground, and seems intent on an equitable and ethical solution, especially in the face of an abuse of power and violence.

From the precedent established in Ketubot, the rabbis deliberate cases of sexual violence with the understanding that it causes injury, not only to the body, but to the whole self. Even in the context of marriage, whereas, on one hand, the rabbis say that a man may do what he wishes with his wife and goes so far as to speak about the wife as a piece of meat that a man may enjoy to his particular taste. However, Eruvin 100b establishes limitations to this.[43] Here, even with the inherent power imbalance between the sexes in biblical and rabbinic understanding, the rabbis unequivocally prohibit a man from forcing his wife to have sex.[44]

In addition to Ketubot, in Seder Nezikin and tractate Bava Kama, the rabbis specify that rape is included among the list of personal injuries and is to be treated as such, as opposed to "damage", which is typically applied to personal property. However, Rav Ashi cites rape as the paradigmatic case of which combines injury and damages. He cited the physical pain, causes by sexual violence, certainly to the victim, but also acknowledges the potential for other losses incurred by her, her family and community as a result.[45] As such, the rabbis understand that protecting women from unwanted advances when they are able, is of incredible importance, even if it means allowing a man to die. In Sanhedrin 75a, the rabbis provide a lengthy example of the lengths they demonstrate as

[43] Babylonian Talmud, Tractate Eruvin 100b.
[44] Boyarin, D. *Carnal Israel: Reading Sex in Talmudic Culture.* (Berkeley and Los Angeles, CA: University of California Press, 1993), 114-116.
[45] Babylonian Talmud, Tractate Bava Kama 84a.

necessary to protect women. The rabbis are approached about a man who is obsessed with a woman and desired her so much that he fell deathly ill. They attempt to address the various ways in which he may quell his desire and recover and, in consultation with doctors, the rabbis are told they should allow the man to have sex with the woman. The rabbis say no, better that he dies than force her to have sex. The doctors suggest the rabbis allow the man to see her naked. Again, they say no, better that he dies. The doctors finally suggest that at least he be allowed to talk to her, even through a fence, and still they say no.

The rabbis go on to discuss whether the woman in question is married and, if she is not, whether they should have her marry the man. The rabbis conclude this, too, would not be a fitting solution; that this man's desire is not out of love for the woman, or interest in marrying her, it is founded on the idea of forbidden relations. In the end, they would sooner see the man die than disgrace this woman and her family.[46] The rabbis understood that sex and sexuality are powerful; our creative force. They also understood that acts which appear to be sexual might be an abuse of that power. Rev. Dr. Marie Fortune defines rape as a "pseudo-sexual" act, one takes the mechanics of what should be an intimate, connective, creative action, and with malicious intentions, turn it into a weapon, tool to mislead, intimidate, denigrate.[47] The rabbis knew that a sexual-seeming act could be rape, which has the power to destroy one's sense of self, take away another's' personhood, diminish their inner light.

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[46] Babylonian Talmud, Sanhedrin 75a.
[47] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland, OH: The Pilgrim Press, 1983).

For the rabbis, not only was sex often skirted through euphemism, especially in public, but often, so was rape. As per the parsing of the biblical text above, even the verb used to imply rape does not fully convey what "happened" to Tamar. Still, from context and concordance work, the reader is able to discern the malevolent intent and violence which she was forced to endure. In other places in the text, intent is less clear, and the rabbis do not do us any favors in discerning what to do about these texts. When a word referring to sexual violence appears in the bible, as it does in Dinah and Deuteronomy, for the purposes of public reading, the rabbis err on, what might some consider the side of caution, but could be seen as outright censorship. [48] [49] [50]

We learn in Tractate Megillah that the rabbis may opt to differentiate between the word that appears in text, the *ktiv*, and that which is read aloud, the *krei*. The Talmud provides a list of such editorializing for public consumption, what topics should or should not be read aloud, etc.[51] For example, in Deuteronomy 28, the Israelites receive a reiteration of the covenant, and a detailed account of the curses for noncompliance, which are far more specific and numerous than the blessings: the land will harden and the skies will close up, enemies will be given the upper hand and wrestle away the people's possessions and their sense of security. Not only will external forces turn against the people, but their bodies will turn against them as well: fever and consumption, inflammation, hemorrhoids, boils, scars, ailments for which there is no cure.[52]

[48] Deuteronomy 28:30
[49] Lundbom, J. R. *Deuteronomy: A Commentary*. (Eerdmans, 2013), 778-779.
[50] Tigay, J. H. *JPS Torah: Deuteronomy*. (The Jewish Publication Society, 2003), 265.
[51] Babylonian Talmud, Tractate Megillah 25b
[52] Deuteronomy 28:22, 27

Just when the heaping-on of bodily afflictions cannot get any more gruesome, we are confronted with v. 30, which reads: אִשָּׁה תְאָרֵשׂ וְאִישׁ אַחֵר ישגלנה [יִשְׁכָּבֶנָּה]. In most translations, this verse is rendered: "If you pay the bride-price for a wife, another man shall enjoy her."[53] This curse alludes to a time in the Ancient Near East when a man would pay a "bride price" in advance of a marriage, in order to formalize a betrothal, a statement of intent to marry. At that point, the woman was designated or "set aside" for him. While the description of this practice may be problematic to contemporary readers, an additional significant problem is not with the text itself, but with how it is treated by the rabbis. The text of Deuteronomy 28:30 in the Torah scroll differs from how it appears in most modern biblical commentaries. The verb ישגלנה, the original word found in the Torah text, is followed by another word, often in brackets… [יִשְׁכָּבֶנָּה].[54] In this context, scholars generally understand the original verb, ישגלנה, the ktiv, as "an indecent term for sexual intercourse", or more specifically, rape. Commentator Jack Lundbom translates the phrase as "another man shall violate her." To make sure we understand the intended force of the verb, he states, quoting from Ibn Ezra, "cf. 'f…k." In contrast, the suggested krie, יִשְׁכָּבֶנָּה, from the verb שכב— "shachav," means "to lie with her."[55] These textual variations are found throughout the Torah, and printed texts present both what is written, the ktiv, and that what is read, the krie.

While sometimes attributed to scribal error, these changes are more than likely strategic scribal choices, to "clean up" the text and provide a more palatable picture of the

[53] Deuteronomy 28:30
[54] Plaut, W.G. *The Torah: a Modern Commentary*. (New York: UAHC, 1981), 1524; Cohn Eskenazi, T. and Weiss, A.L. (eds.). *The Torah, a Women's Commentary*. (New York: URJ Press, 2008), 1203.
[55] Lundbom, J. R. *Deuteronomy: A Commentary*. (Eerdmans, 2013), 778-779.

act in question. In a number of cases, as with this verse, the Talmud proposes alternatives to the inherited written text in order avoid using “coarse” language, so as not to offend the community during public Torah reading. However, when we do this, we not only effect the meaning, the depth and gravity of what the text communicates, we are also helping to perpetuate a particular set of ideas, namely those which equate rape and sex, and normalize sexual violence against women.

Chapter 3. Analysis of II Samuel 13

Chapter 13 of the second Book of Samuel (hereafter II Samuel or II Samuel 13) contains one of the clearest, most explicit accounts of sexual violence in the Bible. Many other biblical passages include or allude to sexual violence generally, or to the rape of a specific woman, or have been interpreted as such. However, the experience of Tamar at the hands of her half-brother Amnon surpass them all in detail, including timeline of events, supposed motivation, what immediately before and during, and the aftermath. Additionally, it is the only account of sexual violence in the entire canon of Jewish sacred literature which allows the reader, even in part, to see the events through the perspective of the victim/survivor and hear Tamar's thoughts, feelings and experience in her own words. In this text, we not only hear Tamar's voice as she begs and pleads with Amnon, we see her bravery and grasp on her agency, unparalleled by any other woman in biblical literature. Tamar herself may not wield "real" power, like that of her father King David and brother Avshalom, Amnon's younger but clearly more favored brother. Nonetheless Tamar is a symbol, an extension of power which Amnon will never have. Like many instances of sexual violence, Amnon confuses love and lust for Tamar with desire for the power she represents. Seeing that which he cannot have, he is motivated to take it from her by any means.

Tamar's only appearance in the biblical narrative begins and ends in this chapter. From what has been preserved in the canon, little ink has been spilled deciphering Tamar's story. Most biblical commentary focuses on her brothers, on why it might be permissible for Amnon to engage sexually with her, and whether her proposal of marriage to Amnon would even be possible. No classical midrashim describe Tamar as

having risen from the ashes or strive to redeem her from her fate of isolation. Much more recently, the advent of feminist theology and the feminist biblical scholarship of Phyllis Trible, Judith Plaskow, Tikvah Frymer Kensky and others, has shed light onto the instance and prevalence of sexual violence in the text, which historically and disproportionately affects women. This scholarship has, for the first time in many instances, raised the voices of biblical women and Jewish women across the centuries. Through them, women's voices have ignited the imaginations of many modern scholars and teachers, within and outside of the Jewish world. Their work has laid the foundation for understanding the fundamental difference between the biblical and rabbinic approach toward sexual violence, as a question of adultery or as a property crime, and the contemporary view that rightfully considers rape a human rights violation. Their work has also paved the way for the ways in which I hope to lift up Tamar's voices as a survivor, which resonates all the more so now, with the #MeToo movement, as people are finally coming out from the shadows to tell their stories.

For modern readers, this chapter reveals much of how Biblical Israel viewed and responded to women, to rape, and to power. The language echoes with many of the same long-standing norms which perpetuate the subjugation of women by rape. The narrative explicitly displays the incredible damage done to a person by such a transgression. While it can be said that this story is an example of how "the more things change, the more they stay the same," with its explicit examples of victim blaming and incorrect attribution for the motivation behind the assault, this story also offers rich instruction for our own time. Because we see sexual violence, rape culture, gender dynamics, power and consent differently now, we can read this text differently too. II Samuel 13 can serve as a valuable

teaching tool for contemporary audiences and can help to shed light on how we all, individually and collectively, can do better to serve the needs of survivors of sexual violence and work to prevent sexual assault in the future.

In the following sections, I will provide background and context for the biblical narrative, an in-depth textual analysis of Chapter 13, a comparison between the stories of Tamar and Dinah in Genesis Chapter 34 and bring to light some of the (often troubling) conclusions the rabbis of the Talmud came to about Tamar and sexual violence.

Biblical Background

II Samuel 13 opens as many biblical chapters do, "And it happened sometime after…". The Books of Samuel were composed in the 1st century BCE and are considered to be among the canon of Early Prophetic texts. These are thought to be attributable to the Deuteronomic authors, also responsible for the Books of Joshua, Judges, Kings and Chronicles.[56] The Books of Samuel recount the establishment of the kingship by the prophet Samuel, the early development of the monarchy of Israel under Saul, and largely focus on David. Once David arrives on the scene, halfway through I Samuel, much attention is paid to his rise to military leadership; he is drafted as a very young man into King Saul's inner circle for his prowess in battle, making David no stranger to violence. David's close relationship with King Saul, his acquisition of wives and influence in the kingdom, the trust and power given to him, all quickly go to his head. As David amasses

[56] Cohen, M.A. "History of biblical authorship," (course lecture, Biblical Politics, Hebrew Union College-Jewish Institute of Religion, New York, NY, October 16, 2018).

power, Saul begins to lose it, that is, his influence and his sanity. Despite his attempts to trap David in battle, David always seems to prevail.[57]

Throughout the Books of Samuel, David is seen mistreating and manipulating everyone around him, playing those who trust him against one another like pawns, throwing away the lives of those who trust him, including those of his wives. I Samuel ends with the death of Saul in battle, and II Samuel opens on David learning of Saul's death. David wastes no time seeking power within his native tribal land; by Chapter 2 David is crowned as King of Judah, and begins a campaign seeking loyalty from those still aligned with the House of Saul, killing just about anyone who stands in his way. In Chapter 3, seven years later, he becomes King of Israel. The rest of II Samuel is dedicated to stories of David's his kingship over the united kingdoms of Israel and Judah. The book chronicles various rebellions and attempts to overthrow him (some of which are led by David's own sons), and the family's exploits within the kingdom amidst constant conflict with neighboring peoples.

As David's military might grows, so does his family. The beginning of II Samuel 3 provides an inventory of David's wives and sons:[58]

1. וילדו [ויולדו] לדוד בנים בחברון ויהי בכורו אמנון לאחינעם היזרעאלת
Born to David were sons Hevron: There was his first-born, Amnon, by Ahinoam of Jezreel;

2. ומשנהו כלאב לאביגל [לאביגיל] אשת נבל הכרמלי והשלשי אבשלום בן־מעכה בת־תלמי מלך גשור
And his second, Chileab, by Abigail wife of Nabal the Carmelite; the third, Absalom son of Maacah, daughter of King Talmai of Geshur;

3. והרביעי אדניה בן־חגית והחמישי שפטיה בן־אביטל
the fourth was Adonijah son of Haggith; the fifth was Shephatiah son of Abital;

4. והששי יתרעם לעגלה אשת דוד אלה ילדו לדוד בחברון (פ)

[57] I Samuel 18, 23-24
[58] II Samuel 3:3-6

and the sixth was Ithream, by Eglah, David's wife. These were born to David in Hebron.

Later in the chapter, David summons Michal, his first wife and daughter of Saul, to return to him, though he mistreated her terribly and she left to marry another.[59] Shortly thereafter, David begins his campaign to conquer Jerusalem and, with the wives he took with him from Hevron, David has many more children (though none by Michal)[60] [61]:

13. ויקח דוד עוד פלגשים ונשים מירושלם אחרי באו מחברון ויולדו עוד לדוד בנים ובנות
After he left Hebron, David took more concubines and wives in Jerusalem, and more sons and daughters were born to David.

14. ואלה שמות הילדים לו בירושלם שמוע ושובב ונתן ושלמה
These are the names of the children born to him in Jerusalem: Shammua, Shobab, Nathan, and Solomon;

15. ויבחר ואלישוע ונפג ויפיע
Ibhar, Elishua, Nepheg, and Japhia;

16. ואלישמע ואלידע ואליפלט (פ)
Elishama, Eliada, and Eliphelet.

After successfully bringing the Ark of the Covenant from Judah to Jerusalem, David continues a series of military campaigns against the surrounding tribes and building out his circles of loyalty.[62] Then suddenly, in Chapter 11, for the first time since David's biblical debut, he does not to go out to war, but chooses to stay in Jerusalem. While lounging about in his palace, he looks out and sees a beautiful woman, bathing on her roof: Batsheva. Seeing her, he must have her by any means necessary. And, as with most everything David does, he succeeds.

[59] II Samuel 3: 13-14
[60] II Samuel 6:23
[61] II Samuel 5:13-16
[62] II Samuel 6:16-17

In Chapter 12 of II Samuel, which immediately precedes the rape of Tamar, by manipulation and trickery, David rids himself of the obstacle of Batsheva's husband, Uriah the Hittite, and secure her as his wife. Then, Natan the prophet comes to tell him a story: A rich, greedy man wants to entertain a certain guest, but does not want to lose a sheep of his own flock, so he steals a lamb from poor neighbor.[63] David flies into a rage at the behavior of the rich man, at which point Natan turns the mirror on David: ***he*** is the rich man in the story, exploiting others for his own gain, and must be punished. Natan then gives David the following prophesy:

10. וְעַתָּה לֹא־תָסוּר חֶרֶב מִבֵּיתְךָ עַד־עוֹלָם עֵקֶב כִּי בָזִתָנִי וַתִּקַּח אֶת־אֵשֶׁת אוּרִיָּה הַחִתִּי לִהְיוֹת לְךָ לְאִשָּׁה
"…Therefore the sword shall never depart from your House—because you spurned Me by taking the wife of Uriah the Hittite and making her your wife.'

11. כֹּה ו אָמַר יְהוָה הִנְנִי מֵקִים עָלֶיךָ רָעָה מִבֵּיתֶךָ וְלָקַחְתִּי אֶת־נָשֶׁיךָ לְעֵינֶיךָ וְנָתַתִּי לְרֵעֶיךָ וְשָׁכַב עִם־נָשֶׁיךָ לְעֵינֵי הַשֶּׁמֶשׁ הַזֹּאת:
Thus said יהוה*: 'I will make a calamity rise against you from within your own house; I will take your wives and give them to another man before your very eyes and he shall sleep with your wives under this very sun.*

12. כִּי אַתָּה עָשִׂיתָ בַסָּתֶר וַאֲנִי אֶעֱשֶׂה אֶת־הַדָּבָר הַזֶּה נֶגֶד כָּל־יִשְׂרָאֵל וְנֶגֶד הַשָּׁמֶשׁ:
You acted in secret, but I will make this happen in the sight of all Israel and in broad daylight.'"

This prophecy foretells of the retribution to be visited upon David: the death of his first child with Batsheva. When the child first becomes ill David mourns and repents, hoping for Divine pity, but as soon as the child dies, he stops, citing the futility of mourning, "because it will not bring his child back." Batsheva later bears a son, Solomon, who "The Eternal favored" and renames him Jedidiah.[64] This, seemingly, is a turning point for David. After Solomon's birth, David goes on to a military victory, and all seems well in the kingdom.

[63] II Samuel 12:1-4
[64] II Samuel 12:25

Chapter 13

Then, "after that", Chapter 13 of II Samuel opens by introducing Tamar, the beautiful sister of Avshalom, David's third son, who the text tells, וַיֶּאֱהָבֶהָ אַמְנוֹן, is "loved by Amnon", David's eldest son.[6566] Unlike her brothers, this is the first time Tamar appears in the text. She is continually referred to as "sister of Avshalom" or as "my sister," instead of by name.[67] References to biblical characters by their familial relationships not only helps to orient the reader as to who is connected to whom, but also serve to contextualize and reinforce the strength of those relationships. While Amnon and Avshalom are both referred to as "son of David" in this and other chapters, Tamar is never referred to as "daughter of David," nor does she appear in the list of David's children in previous chapters.[68] The Talmudic rabbis speculate this is because Tamar's mother was a beautiful woman who was taken by David as a spoil of war and had not converted by the time Tamar was born. Thus, Tamar is not considered as a "true" child of David by Jewish law, which will serve as an important point for the rabbis in how this text, and Tamar's experience, is treated.[69]

There are so few uses of "אֱהָבָה" in the Bible, that this word stands out. While the text does not specify why Amnon "loves" Tamar, v. 2 provides that, because she was a virgin, וַיִּפָּלֵא בְּעֵינֵי אַמְנוֹן לַעֲשׂוֹת לָהּ מְאוּמָה, it was "too difficult in Amnon's eyes," "beyond Amnon's power" to "do to her" "anything" at all.[70] That the text directs the reader toward

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[65] II Samuel 3:3
[66] II Samuel 13:1
[67] II Samuel 13:1, 4, 11, 20
[68] II Samuel 5:13-16, 6:23
[69] Babylonian Talmud, Tractate Sanhedrin 21a
[70] Cline, D. *Dictionary of Classical Hebrew, Volume VI.* (Sheffield Phoenix Press, 2007), 683.

Amnon's lack of power, plus his intent to act *upon* her, to "do to her", rings of intent to disempower and objectify. Amnon is described as being distraught and "sick over" Tamar. The concept of "lovesickness" was a common motif in early Egyptian poetry and is thought to have influenced the biblical authors. However, the kind of "love" and the kind of "sickness" experienced by Amnon is called into question, considering his relationship to his "beloved" and how he talks about her in v. 2, and the events which transpire.[71]

Enter Yonadav, Amnon's friend, advisor and cousin. Yonadav is described as "wise" or "clever," however while these are thought to be admirable qualities, in biblical parlance, the term used suggests that he uses his wisdom "to attain goals… in contemptable ways."[72] Together, in v. 3-5, the two devise a plan to get Tamar alone with Amnon, so he may "eat from her hands" and "look on her".

In v. 6, Yonadav instructs Amnon to go to King David, and request:

"תָּבוֹא־נָא תָּמָר אֲחֹתִי וּתְלַבֵּב לְעֵינַי שְׁתֵּי לְבִבוֹת וְאֶבֶרֶה מִיָּדָהּ"

"Send, please, Tamar my sister, and she will make cakes before me, two cakes, and bring them to me".

The verse repeats the root ל-ב-ב, shared by the word "heart." The verb וּתְלַבֵּב can be translated as, "to bake," specifically these kinds of cakes. The root is also shared by words which indicate infatuation and seduction.[73] The immediately noticeable difference between Yonadav's suggestion and Amnon's execution of the plan is what Amnon asks of David: Yonadav suggests Amnon say, "וְתַבְרֵנִי לֶחֶם וְעָשְׂתָה לְעֵינַי אֶת-הַבִּרְיָה," that Tamar bring him bread, and prepare the food in front of him. However, in Amnon's message to

[71] McCarter, P.K. *The Anchor Bible: II Samuel, New Translation.* (Garden City, New York: Doubleday & Co., 1984), 320-321.
[72] Ibid.
[73] Cline, D. *Dictionary of Classical Hebrew, IV.* (Sheffield Academic Press, 1998), 506.

David, he says, "וּתְלַבֵּב לְעֵינַי שְׁתֵּי לְבִבוֹת," requesting that Tamar make him, specifically, two of these specific kinds of cakes, a "reasonable request on the face of it," as it is suggested that these may have been traditional food for the sick, or food with particular healing properties.[74] However, the use of this verb in particular indicates a smart and telling play on words. As Phyllis Trible writes on this verse, "Tamar preparing the desired bread (לְבִבוֹת) will herself be the desire of Amnon's heart. Feasting upon her with his eyes, his lust will reach out to eat from her hand," alluding to Amnon's supposed love for Tamar (תְּלַבֵּב is "to cause to fall in love") and foreshadowing an object of desire, beyond baked goods, soon to be consumed.[75] Amnon, whether caught up in wishful thinking or plotting a nefarious act, according to the text, seems intent on contriving a situation in which he may get Tamar alone.

All goes as planned: in v. 7-9, David sends for Tamar, instructing her to tend to her brother. When she arrives and goes about fulfilling the request made of her, "in obeying David, Tamar has become the object of sight. Amnon, the narrator, and the readers behold her. Voyeurism prevails. Yet Amnon himself wants more than illicit sight; he desires forbidden flesh. Abruptly, he refuses to eat," and in v. 7-9, Amnon sends his servants away and beckons Tamar to feed him in the bedroom. Trible continues, "All that his lust demands he must have, and refusal is his way to fulfillment;" it is here that

[74] McCarter, P.K. *The Anchor Bible: II Samuel, New Translation.* (Garden City, New York: Doubleday & Co., 1984), 322.
[75] Trible, P. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives* (Minneapolis: Fortress Press, 1984), 28.

Amnon makes his move, וַיְחַזֶּק־בָּהּ, grasping, seizing or physically taking hold of her.[76] [77] In v. 11, Amnon says, "בּוֹאִי שִׁכְבִי עִמִּי אֲחוֹתִי:", "Come, lie with me, my sister".

First, Amnon says, בּוֹאִי, "Come!", a word which appears in liturgy as well as everyday speech, such as בואי קלה during Kabbalat Shabbat. But he has already grabbed ahold of her, indicating that he is not asking nicely. It is followed by שִׁכְבִי, from the root ש-כ-ב, typically translated as "to lie with," a common idiom for sexual intercourse in the Bible. Here, it appears in in the imperative, as a demand, further distinguishing this "request" as forceful rather than mutual. Then, he refers to her as אֲחוֹתִי, "my sister". As per the discussion of familial relationship terminology from v.1, on one hand, the use of אֲחוֹתִי here may be a term of endearment, as it appears in *Shir HaShirim*, calling back to the influence of Egyptian love poetry on Hebrew biblical literature.[78] But the use of אֲחוֹתִי here, referring to Tamar as sister conveys that Amnon knows that their relationship is close, and his desires are outside of the realm of acceptable behavior. Just as Tamar is referred to as Avshalom's sister, by calling her sister, Amnon is asserting that he, like Avshalom, may have jurisdiction over her, that he has power over her, which he is prepared to act upon as he deems fit.[79]

Caught in Amnon's grasp, Tamaris fully aware of his intentions and v. 12-13 describe how she fervently resists his advances, attempting a variety of approaches to reason with Amnon:

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[76] Trible, P. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives* (Minneapolis: Fortress Press, 1984), 42-43.
[77] Cline, D. *Dictionary of Classical Hebrew, III.* (Sheffield Academic Press, 1996), 187.
[78] McCarter, P.K. *The Anchor Bible: II Samuel, New Translation.* (Garden City, New York: Doubleday & Co., 1984), 322.
[79] Trible, P. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives* (Fortress Press, 1984), 40.

וַתֹּאמֶר לוֹ אַל־אָחִי אַל־תְּעַנֵּנִי כִּי לֹא־יֵעָשֶׂה כֵן בְּיִשְׂרָאֵל אַל־תַּעֲשֵׂה אֶת־הַנְּבָלָה הַזֹּאת׃

She said to him, "Don't, brother! Do not (force) me, for this is surely not done in Israel! Don't do such a (vile/foolish) thing!

First, Tamar says אַל־אָחִי. The "no" is unmistakable; it is the first word uttered. By reciprocating Amnon's use of familial language and utilizing the formalized version of the address, she may be employing a multifaceted strategy: by mirroring Amnon's use of family terms, she may be trying to appeal to him, ingratiate herself with him (after all, imitation is the highest form of flattery) while also reminding Amnon and reinforcing their familial relationship, as a plea that he come to his senses. She follows this with the more explicit, כִּי לֹא־יֵעָשֶׂה כֵן בְּיִשְׂרָאֵל, *"for such a thing is surely not done in Israel!"*.[80] Some say Tamar is referring to the sexual prohibitions in Leviticus 18 and Deuteronomy 24. Assuming the laws of the Davidic monarchy include these, as many commentators assume, Tamar is seen as calling on Amnon to remember the norms and boundaries of their culture. While Tamar might not be considered a "true" child of David, they do share biology, and the Levitical laws explicitly prohibit sexual relations between people who share a parent. As Dr. Eve Levavi Feinstein points out,

> Disgust at particular sexual relationships is, in this case, not natural but cultural, and it requires cultural reinforcement to be sustained. Given these observations, it is not so surprising that the prohibition articulated in Deuteronomy 24:1-4 was not universally recognized in the ancient near east and may not even have been recognized throughout the history of ancient Israel. It is likely that many people of the ancient Near East would indeed have considered the sequence of relationships described in these verses repugnant, but that does not necessarily mean that it would have been universally treated as taboo. Contravening interests could lead individuals and even legislators to set aside feelings of repugnance in favor of a perceived greater good.[81]

[80] Cline, D. *Dictionary of Classical Hebrew, V*. (Sheffield Academic Press, 2001), 595.
[81] Levavi Feinstein, E. *Sexual Pollution in the Hebrew Bible.* (Oxford University Press, 2014), 65.

Others speculate that "this thing" refers, not to the prohibition of incest but to prohibition of acts of unauthorized sexual conduct. That is, the laws found in Genesis 20:9 and 29:26, which indicate prohibitions against engaging in sexual relations with someone either married, or not designated to be married to the partner in question.[82] Still others, like the *Arba'ah Turim*, cite this verse to explain exceptions to the Talmudic injunction that "the law of the land is the law," such as when those in power use their position to take advantage of others.[83]

Between these first and third statements, Tamar says, אַל־תְּעַנֵּנִי. This conjugation of the root in v. 12, **תְּעַנֵּנִי**, is a *hapax legomenon*; this is the only time the verb in this form appears in *Tanach*.[84] Evan-Shoshan provides 80 references for the root ע-נ-ה and defines it as "לחץ, הציק", which translate to "pressure, force, oppression" and "bother, irritate". The root appears in the *piel* form 57 times with a range of contexts and definitions, all indicative of oppressive or degrading treatment: affliction, humbling, or lowering down, and are used in references of oppression – of slaves by hard labor, of the poor, of a conquered nation – and to denote divine affliction of people, breaking a person's strength, and acts of self-denial.[85] [86] While classic sources do not explicitly translate this word alone as "rape," possibly because there is no singular word for rape in biblical Hebrew, over the years, it seems that it has come to be understood as such. For example, the old JPS translation consistently renders verbs with this root, such as in this context, as

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[82] McCarter, P.K. *The Anchor Bible: II Samuel, New Translation*. (Garden City, New York: Doubleday & Co., 1984), 322.
[83] Arba'ah Turim, Hoshen Mishpat 369; Shulchan Aruch, Hoshen Mishpat 369:6. Babylonian Talmud, Tractate Nedarim 28a
[84] Even-Shoshan, A. A New Concordance of the Hebrew Bible. (Israel, 2000, 2007), 902.
[85] Even-Shoshan, A. A New Concordance of the Hebrew Bible. (Israel, 2000, 2007), 901.
[86] Levavi Feinstein, E. *Sexual Pollution in the Hebrew Bible.* (Oxford University Press, 2014), 68.

"humbled," but the new JPS translates reads, "lay with her by force".[87] Frymer Kensky indicates that "'*innah*,' 'degrade,' is a key word in […] the sacred history of Israel […]. It usually has nothing to do with sex and means to treat people without regard to the proper treatment that their status requires."[88]

However, other examples, such as those in the books of Deuteronomy and Ezekiel with verbs sharing the root ע-נ-ה, the words are used to denote a "lowering" or the violation of a relationship, specifically through inappropriate sexual contact. Deuteronomy 22:24 and 29 detail circumstances under which a woman may be considered culpable for adultery, depending on the location of the sexual contact and whether or not the woman cries out. The text assumes that if she did not cry out, it was consensual, and thus she is liable for adultery; if she did cry out, the contact was unwanted, and she is not liable. If the incident occurred in a city and was unwanted, she would cry and presumably, there would be someone to hear her and come to her aid. However, under the same circumstances, if she did not cry out, she was culpable. Whereas if the contact occurred in a field, she cannot be held liable. Presumably, no one would hear her and it is impossible to prove culpability, so she is assumed to be innocent.

Ezekiel 22:11 provides an example that is a step further, combining the verb with a specific reference to forced sexual relations with a sister and, as in the case of Tamar, one who shares a father with her assailant. This example raises the added complication of the interaction between Tamar and Amnon: not only is Amnon guilty of forcing himself on an unwilling partner, he is also transgressing a known sexual sin:

וְאִישׁ אֶת-אֵשֶׁת רֵעֵהוּ, עָשָׂה תּוֹעֵבָה, וְאִישׁ אֶת-כַּלָּתוֹ, טִמֵּא בְּזִמָּה; וְאִישׁ אֶת-אֲחֹתוֹ בַּת-אָבִיו, **עִנָּה**-בָהּ.

[87] *JPS Hebrew-English Tanakh*, Philadelphia: The Jewish Publication Society, 2003.
[88] Frymer-Kensky, T. *Reading the Women of the Bible* (New York: Schocken Books, 2002), 183.

"And each hath committed abomination with his neighbor's wife; and each has lewdly defiled his daughter-in-law; and humbled his sister, his father's daughter."[89]

In these cases, Koehler and Baumgartner translate the verb as "to do violence," "to rape a woman," and cite similar uses for verbs with shared roots in Genesis 34:2, Judges 19:24 and 20:5 and Lamentations 5:11.[90] Cline's definition is the most explicit, "*To humiliate (a woman sexually) by rape or unlawful intercourse*".[91] Levavi Feinstein cites eleven instances of ע-נ-ה, including these, which refer specifically to forced or coercive sexual acts. She writes, "In all of these cases, the subject is male and the object is female. Some exegetes understand the term in these contexts as connoting rape," for example the rabbis read "[…] the use of the verb in Genesis 34:2 as an indication of Shechem forcing himself on Dinah."[92]

Nonetheless, it is clear that Amnon's proposition is sexual in nature, and that Tamar is actively resisting unwanted sexual contact. In v. 14, Tamar implores Amnon:

אַל־תַּעֲשֶׂה אֶת־הַנְּבָלָה הַזֹּאת: וְאָנִי אָנָה אוֹלִיךְ אֶת־חֶרְפָּתִי וְאַתָּה תִּהְיֶה כְּאַחַד הַנְּבָלִים בְּיִשְׂרָאֵל וְעַתָּה דַּבֶּר־נָא אֶל־הַמֶּלֶךְ כִּי לֹא יִמְנָעֵנִי מִמֶּךָּ:

Do not do this (sacrilege, outrage, serious disorderly conduct (specifically in reference to sexual offences)/wickedness/foolish thing![93] [94] And I, please! Where will I go with my (reproach/shame/disgrace)?[95] And you! You will be like one of the scoundrels (fools) in Israel![96] Here, please! Speak to the king; he will not (withhold/hold back/restrain/refuse) me to you."[97]

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[89] Ezekiel 22:11
[90] Koehler, L. and Baumgartner, W. The Hebrew and Aramaic Lexicon of the Old Testament, Vol. II. EJ Brill 1995. P. 852-854
[91] Cline, D. *Dictionary of Classical Hebrew, VI*. (Sheffield Phoneix Press, 2007), 497-9.
[92] Levavi Feinstein, E. *Sexual Pollution in the Hebrew Bible.* (Oxford University Press, 2014), 68.
[93] Cline, D. *Dictionary of Classical Hebrew, V*. (Sheffield Academic Press, 2001), 595.
[94] Ibid.
[95] Cline, D. *Dictionary of Classical Hebrew, III*. (Sheffield Academic Press, 1996), 321.
[96] Cline, D. *Dictionary of Classical Hebrew, V*. (Sheffield Academic Press, 2001), 592.
[97] Cline, D. *Dictionary of Classical Hebrew, V*. (Sheffield Academic Press, 2001), 354.

Tamar's words in v. 10-13 are clear, concise and with pleading urgency, and while she continues to employ formal language, her words devolve into sputtered, fragmented sentences. She is clearly panicked, trying desperately to appeal to Amnon's ethos, pathos and logos. She tries to reason and bargain with Amnon, naming the repercussions to be visited on them both, and the possibility of an appropriate channel to grant him what he wants. The "shame" Tamar is trying desperately to avoid may be the experience of being raped, which the rabbis say is equivalent of killing someone. It may be the experience of being raped specifically by her brother, as per the sexual prohibitions in Leviticus. However, the shame may be in the loss of her virginity, regardless of her consent and sexual partner. Until relatively recently in history, a woman's worth lay in her virginity and then, once married, in her ability to have children. While nothing in halakha prohibits the marriage of a non-virgin, culturally, it may have been challenging to make that case. Without her virgin status, Tamar may stand to lose most, if not all, of her prospects for marriage and thus her future.

Despite her pleading, her sound reasoning and grasp on the cultural and legal norms of their time and place, Amnon is unable or unwilling to listen, וְלֹא אָבָה לִשְׁמֹעַ בְּקוֹלָהּ (note: while the conventional translation for אָבָה is "be willing" or "heed", particularly in combination with לִשְׁמֹעַ, interestingly, אָבָה, in other places such as Deuteronomy 13:9, Psalms 81:12, Proverbs 1:30, it is translated by Cline as "consent").[98] As passionately, desperately as Amnon desired to see and touch her, to hear her voice is another matter. Hearing her voice disturbs his fantasies that eyes and hands have fashioned. To hear her might mean acknowledging her humanity, and bring on guilt, shame, responsibility, and

[98] Cline, D. *Dictionary of Classical Hebrew, I.* (Sheffield Academic Press, 1993), 101.

the need for repentance. Tamar's words fall on deaf ears; Amnon willfully chooses not to hear and remains determined to take what he wants: וַיֶּחֱזַק מִמֶּנָּה וַיְעַנֶּהָ וַיִּשְׁכַּב אֹתָהּ: Amnon, again, forcefully grabs ahold of Tamar, וַיֶּחֱזַק. Then, וַיְעַנֶּהָ, and וַיִּשְׁכַּב; commonly translated as "he lay with her" and "raped her", however the grammar as it appears would be more accurately translated as "he laid her". This string of verbs indicates swift, harsh movement, with intention to harm, physically and otherwise. **וַיְעַנֶּהָ** as it appears here in v. 14, appears only twice, once here and once in Genesis 34:2, in the story of Dinah.[99] *More on the comparison of the Dinah and Tamar narratives can be found in the next section.*

In v. 15, after raping her, Amnon's lust turns to rage, greater than any love he thought he felt for Tamar. The term used here, **וַיִּשְׂנָאֶהָ**, translated as "hate," in other contexts describes something more along the lines of "buyer's remorse," and is stated in Deuteronomy 24:1 as grounds for divorce.[100] He wants her gone. Frymer Kensky reads this verse as Amnon, "possibly appalled at his own violent act, now hates Tamar for being the occasion for it, blaming her as its 'cause.' […] This rape was an act of violence, and it is followed by yet another".[101] Amnon commands "קוּמִי לֵכִי", "Get up and go!" demanding that Tamar leave, then turns to his servant and says, "… שִׁלְחוּ-נָא אֶת-זֹאת מֵעָלַי הַחוּצָה", "Please send *that* out from here…". Amnon barks orders at Tamar and then refers to her in the third-person, while she is still present as "זֹאת", "*that*," further dehumanizing her in his mind, and allowing him to distance put emotional and physical distance

[99] Even-Shoshan, A. A New Concordance of the Hebrew Bible. (Israel, 2000, 2007), 902.
[100] Levavi Feinstein, E. *Sexual Pollution in the Hebrew Bible.* (Oxford University Press, 2014), 63.
[101] Frymer-Kensky, T. *Reading the Women of the Bible* (New York: Schocken Books, 2002), 163.

between himself and the object of his lust. To his servant he says twice the number of words, including "please", indicating significantly more respect. We see further proof that Amnon's "lovesickness" is not, in fact, love at all. He thought that by possessing Tamar, he may possess some of the power that she, as an extension of Avshalom and David, represents. But here, he realizes that his hunger is not sated, that he treated her as an object, and now that she is no longer of value or use to him, he can toss her aside.

Even in the moments immediately after she is used and discarded, Tamar tries, in v. 16, fragmented sentences, to reason with her assailant-brother, to do anything to make this right:

וַתֹּאמֶר לוֹ אַל־אוֹדֹת הָרָעָה הַגְּדוֹלָה הַזֹּאת מֵאַחֶרֶת אֲשֶׁר־עָשִׂיתָ עִמִּי לְשַׁלְּחֵנִי וְלֹא אָבָה לִשְׁמֹעַ לָהּ׃

She pleaded with him, "Please don't commit this wrong; to send me away would be even worse than the first wrong you committed against me."

Tamar knows that as a woman in this time and place, her virginity is her value; without it, any marriage prospects she may have looked forward to, any power or agency she may have had, disappears. Whether in reality or in her traumatized state, Tamar reasons that if Amnon marries her, though not the match she would have wanted, or the best she (and the power structures around her) might have hoped for, in her present state, stripped of her value, her honor, the power she once represented, she knows it is likely that no one will want her now. Amnon, she must reason, is better than no match (although it is difficult to imagine how a woman would even suggest marrying her assailant, even though this is the halakhic proscription for rape, to be discussed in more depth in a later section) would afford her the opportunity to salvage her life, remain in or close to home and may even raise her status, as the wife of David's firstborn, the would-

be heir apparent. For Tamar, in her time and place, marrying Amnon is better than being sentenced to a life of solitude.

Throughout this chapter, but especially here, it is clear that Tamar is the opposite of Amnon. She is nurturing, conversant in the ways of the land, knowledgeable of and articulate in discussing the power dynamics at play, even under duress. As Tamar makes one last attempt to retain even a shred of dignity and stay, Amnon responds in terse language in v. 17: Get up! Go! By first physically violating her, stripping her of her present value and future prospects, and then forcing her out, not taking responsibility for his actions, Amnon adds insult to injury, further shaming Tamar. Amnon then instructs his servants to lock the door behind her, sealing her fate and throwing away the key. But this is not the last nail in Tamar's coffin.

As she makes her way home, back to the house of her brother Avshalom, verses 18-19 describe Tamar as wearing a כְּתֹנֶת פַּסִּים, a particular garment indicating her status as a virgin and as a princess. The garment seems to mock her now, it is no longer a fitting symbol. She tears it, reflecting the ways she has been torn, ruined, and places ashes on her head, symbols of mourning for her stolen virginity, her loss of status and of self. When she arrives before her brother Avshalom, she no longer has a voice. In v. 20b, upon seeing her, he seems to know what happened, and yet does nothing to comfort or support her. Instead, Avshalom fires questions and directives in rapid succession:

אָחִיךְ הוּא אַל־תָּשִׂיתִי אֶת־לִבֵּךְ לַדָּבָר הַזֶּה הָיָה עָמָּךְ וְעַתָּה אֲחוֹתִי הַחֲרִישִׁי אָחִיהָ הַאֲמִינוֹן אָחִיךְ

"Was it your brother Amnon who did this to you? For the present, sister, keep quiet about it; he is your brother. Don't brood over the matter."

The Malbim, one of the few classic commentators who tackles these verses, writes, "אל תשיתי את לבך לדבר הזה, טוב שתשכחי זאת מלבך כי מה שהיה היה," which I have

translated as, "Best that your heart forgets this, because what happened, happened..." Keep quiet. Don't brood "worry your heart" over this "thing."[102] Just forget about it. In the last third of v. 20, Tamar then enters her brother's house, in silence, never to be heard from again: וַתֵּשֶׁב תָּמָר וּשְׁמֵמָה בֵּית אַבְשָׁלוֹם אָחִיהָ׃

And Tamar, forlorn, torn apart, bereft, remained in her brother Absalom's house.

On this verse, Trible writes, "When used of people elsewhere in scripture, the verb "be desolate," the root ש-מ-ם connotes being destroyed by an enemy," as in Lamentations 1:16: *For these things do I weep, My eyes flow with tears: Far from me is any comforter Who might revive my spirit; My children are* ***forlorn****, For the foe has prevailed.*
It is also used to refer being mangled or torn to pieces by an animal, as in Lamentations 3:11: *He has forced me off my way and* ***mangled*** *me, He has left me numb.*[103]

In the following two verses, David "hears about all these things" and becomes very "angry," however does nothing. The Septuagint adds that David "did not rebuke his son Amnon, for he favored him, since he was his first-born," again, the patriarchy will protect itself.[104] However, other interpretation holds that David assumed this was further punishment for the Batsheva affair; as David was guilty of similar crimes, on what grounds could he punish Amnon? Avshalom does not speak to his brother, and v.21-22 informs the reader that he "hated Amnon because he had violated his sister Tamar". David and Avshalom remain silent, further harming Tamar, but also themselves with their silence.

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[102] Cohen, M. *Mikraot Gedolot HaKeter, Samuel I-II.* (Israel: Bar Ilan University, 2013).
[103] Trible, P. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives* (Fortress Press, 1984).
[104] 1 Kings 1:6

The chapter then skips ahead in time two years and goes on to reveal Avshalom's plot to kill Amnon.[105] In v. 32, after successful execution of his plan and Amnon, Yonadav appears again to inform David that Amnon was killed and why he was singled out,

…כִּי־אַמְנוֹן לְבַדּוֹ מֵת כִּי־עַל־פִּי אַבְשָׁלוֹם הָיְתָה שׂוּמָה מִיּוֹם עַנּוֹתוֹ אֶת תָּמָר אֲחֹתוֹ׃

…Only Amnon is dead; for this has been decided by Absalom since his sister Tamar was violated.

Avshalom then flees to Hebron, where he remains for three years while David mourns for him but seems to quickly get over the death of Amnon. In chapter 14:23, when David sends his advisor Yoav to Hevron to bid Avshalom return to Jerusalem, we learn of Avshalom's social capital for which he is admired: his beauty and his children,

וַיִּוָּלְדוּ לְאַבְשָׁלוֹם שְׁלוֹשָׁה בָנִים וּבַת אַחַת וּשְׁמָהּ תָּמָר הִיא הָיְתָה אִשָּׁה יְפַת מַרְאֶה׃

Avshalom has three sons and a daughter named Tamar who was a beautiful woman.

After 14:28, there is no other mention of Tamar, either Avshalom's sister or daughter.

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[105] Cohen, M.A. "Rebellions under King David," (course lecture, Biblical Politics, Hebrew Union College-Jewish Institute of Religion, New York, NY, November 13, 2018). - In studying the rebellions during the reign of King David, including the uprising led by Avshalom, described in II Samuel 15, I asked about the political significance of Tamar: Why introduce a character, only to have her raped and then allow her to fade into the distance? According to Dr. Cohen's theory of biblical politics, the biblical authors and redactors worked to craft a narrative resonant with the many tribal factions of which early Israel. While there were certain facts and historical events which could not be ignored, they nonetheless had to strike a balance. In order to appease the various factions, certain events or individual's attributes could be framed or explained to further the desired political end-game. While we cannot know for sure whether Tamar existed, if she was raped and if Avshalom killed Amnon in order to avenger her, Dr. Cohen's assumption is that this narrative served an etiological purpose. The biblical authors may have known that Avshalom was accused of fratricide, a fact they could not hide, but that both brothers had dedicated followings and demanded representation in the narrative. Tamar and her experience of being raped is thus used as a tool, providing a meaningful explanation for Amnon's death, and allowing Avshalom to be read as righteous, and the killing of his brother valiant.

Chapter 4. Rabbinic Commentary on II Samuel 13 and Other Accounts of Rape

Content and Context

The content of chapter 13 might be considered out of place in the trajectory of the Books of Samuel and other works belonging to the Deuteronomists canon. Sandwiched between major plot points in the story of David's kingship, II Samuel 13 introduces a new character, but gives little detail on Avshalom and Amnon who, up to this point, are only mentioned as part of the inventory of David's children who accompanied him from Hebron to Jerusalem. It is possible that this narrative serves as an etiological explanation for Avshalom's killing of Amnon. Apart from explaining why Avshalom might be angry enough to kill Amnon, apart from clearing the line of succession and making a move toward the throne himself, the narrative's content has little bearing on the events which transpire (and lacks the depth of interpretation and scholarship as other chapters of the Books of Samuel have been treated). The narrative is also unclear as to exactly what happens to Tamar after she is raped and returns to Avshalom's house. The introduction of a daughter of Avshalom who shares Tamar's name creates additional loose ends that are never tied up: Does sister-Tamar die in Avshalom's house in the five years which elapse between her rape and the introduction to Avshalom's daughter, and become the child's namesake? Or did Avshalom take Tamar in as his own child, so that he may protect her from future harm? Unfortunately, these questions are never answered by the bible or by the classic commentary.

So why is this story here and why does it matter? According to most classical biblical commentary, this story has little or nothing to do with rape. Rather, it is simply an etiological story, a narrative serving as a stepping stone for Avshalom's killing of

Amnon.[106] While this might read along the lines of a Shakespearean drama, a brother seeking to avenge his scorned sister, it is anything but. Tamar is merely an object, caught in yet another power struggle within the Davidic kingdom, and "Avshalom's killing of Amnon in revenge for the rape of his sister Tamar was regarded as unjustified" by biblical commentators.[107] Reading the bible as a political document, it is easy to understand that, by removing Amnon, his elder brother, from the line of succession, Avshalom clears the path to overthrow David and usurp the kingdom later in the book.

From another perspective, the events and behavior of the characters in II Samuel 13 is clearly symptomatic of a cycle of violence-into-silence which pervades David's life. In addition to constant internal power struggles and conflict with neighboring lands, David's household is rife with blatant mistreatment of women and use of women's sexuality as a pawn in plays for power. Specifically, Chapter 13 points to key issues that characterize the ways in which sexual violence is still often misunderstood: the confusion of lust for love, questions about power dynamics and why perpetrators seek to disempower, subjugate and dehumanize another, lack of consent, particularly by those who are marginalized, in the bible's case, and most often today, women.

Using the commentary found in *Mikraot Gedolot* on the rape, Tamar's shame, Amnon's hate and the responses by Avshalom and David, we can begin to piece together how Jewish tradition and halakha approached this story and laid the foundations for how, even today, we talk about or don't talk about this story and its issues.[108]

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[106] II Samuel 13:32
[107] *The Anchor Bible Dictionary, Volume 5 (O-Sh)*, Punishments and Crimes, s.v. "rape", 552.
[108] Cohen, M. *Mikraot Gedolot HaKeter, Samuel I-II.* (Israel: Bar Ilan University, 2013).

The Rape – 13:12-14

In the *Mikraot Gedolot* on v.12, only the Malbim and Ralbag provide commentary on Amnon's proposition. The Malbim says,

כי לא יעשה כן בישראל אל תעשה את הנבלה הזאת: ורמזה גם כן אל מעשה שכם בן חמור שאמר שם, כי נבלה עשה בישראל לשכב את בת יעקב וכן לא יעשה ואם מצד כבודה אמרה:

Comparing Amnon's actions to those of Shechem, the Malbim refers to Shechem as "son of a donkey" and says plainly that his actions were "foolish". Engaging in sexual intercourse with the daughter of Jacob "is not done" because of her "honor". This might inform the reader that there was, indeed concern for Tamar's (and Dinah's) life and wellbeing, but seems more concerned with "honor," as in virginity. He does not explicitly mention rape.

Ralbag says,

כי לא יעשה כן בישראל. לא אמרה משום שאין ראוי לשכב עם אחותו משום גלוי ערוה שאם היה זה כן איך יודה לו המלך אך אמרה שלא יעשה כן בישראל לבא על אשה דרך זנות אם לא יהיה דרך אישות ומזה יתבאר שלא היתה תמר אחותו על דרך האמת ולזה אמרו רז"ל שתמר היתה בת יפת תואר שנבעלה בגיותה ונתעברה מדוד אחר כן נתגיירה ונשאה דוד ולפי שאמה לא היתה גיורת בעת שנתעברה ממנה הנה לא היתה הבת בת דוד כי אין הבן הבא לישראל מן השפחה קרוי בן לישראל ההוא ולזה אמר בפרשת ואלה המשפטים בבנים שיולדו לישראל מן השפחה כנענית אשר הם עבדים כמוה לא ישראלים:

Unlike the Malbim, rather than speaking in terms of her "honor," Ralbag directly states his concern about Tamar's status as a virgin and what will change for her, legally, if she engages in any sex outside the context of marriage. What is "forbidden," however, is prostitution, which is what sex would be considered as they are unmarried. As other commentators do, Ralbag also points to earlier verses citing Tamar and Amnon's familial relationship and reiterates that because she is not considered a daughter of David, marriage might be permitted.

In response to Tamar's continued pleading in v.13, the rabbis remain concentrated on the legality of the sexual and possible marital union between Tamar and Amnon: Rashi explains, similar to Rav Yehudah's teaching in the name of Rav, in Sanhedrin 21a, that because Tamar's mother was taken as a spoil of war, she is not considered David's daughter, and thus would be permitted to marry Amnon.[109]

כי לא ימנעני ממך – שמותרת אני לך, לפי שנתעברה בי אמי כשהיא נכרית יפת תואר, שלקחה דוד במלחמה, ומי שיש לו בן או בת מן שפחה, אינו בנו לכל דבר.

Ralbag concurs: Tamar is not considered David's daughter, and thus not forbidden from marrying Amnon.

המ״ט הוא להודיע שזרע יפת תאר אשר יהיה מהביאה הראשונה שנבעלה בגיותה אינו מיוחס לאב כלל ולזה הגיד כי תמר לא היתה אסורה לאמנון כאמרה ועתה דבר נא אל המלך כי לא ימנעני ממך

The Malbim alone speaks about the "foolish," "vile" actions of Amnon:

ואני אנה אוליך את חרפתי -
רצה ,אל אחי, ובראשית דבריו כללה כל זאת במ"ש) ,ואתה תהיה כאחד הנבלים, ואם מצד כבודו אמרה , והוסיפה לאמר , (אל תעננ, לומר הלא אחי אתה וצריך שנחוס כ"א על כבוד אחיו, ועל גוף המעשה אמרה ותוכל לישא אותי בדרך היתר כנ"ל ,ועתה דבר אל המלך כי לא ימנעני ממך

But nothing explicit is mentioned about rape. On v.14, only the Malbim comments:

ויענה תחלה עינה אותה שלא כדרכה, לבל תאבד בתוליה וכשלא שקט רוחו שכב אותה כדרכ

In terse language, he says everything we need to know about this interaction, and about the nature of sexual violence. "And he responded to her by עינה אותה, *oppressing, torturing, raping her*, in a particular way, lest she lose her virginity, and yet his spirit was not quieted that he lay with her in this way". In this, the Malbim highlights the distinction between עינה and שכב – that עינה is not sex and is meant to be understood as neither acted on from a place of love, nor a desire for sex or connection, nor does this

[109] Babylonian Talmud, Tractate Sanhedrin 21a.

"way" intend to claim her virginity as his property. The Malbim also specifies that this is not satisfying, but just the opposite – this kind of interaction, though sexual in its mechanics, is disquieting, harmful on the physical but also on the spiritual level.

The Aftermath: Amnon's Hate (v. 15) and Tamar's Shame (v. 20)

On v. 15, pertaining to Amon's "hate," Rashi says,

וישנאה אמנון. אמרו רבותינו (סנהדרין כא א): נימא נקשרה לו, ועשאתו כרות שפכה:

Saying nothing about the situation being coercive or violent, or Amnon's actions being wrong and harmful, Rashi again lifts up an opinion offered in Sanhedrin 21a, which attributes Amnon's hate of Tamar to a random, strange and barely-plausible explanation: that a hair of hers became wrapped around his penis, cutting it off during the rape.[110] Some may say the punishment fits the crime, but it comes out of nowhere. It is hard to believe that Rashi would appear so tone-deaf, so beside the point, and completely ignore all seems painfully obvious about what Amnon is doing, and why his passion may turn to hate. However, as master of *pshat,* it is possible that Rashi is looking for a tangible, as opposed to emotionally-driven explanation.

Radak focuses elsewhere, citing Natan's prophecy from II Samuel 12. He attributes Tamar's rape and Amnon's hate and eventual death as additional punishment visited upon David, for what he did concerning Batsheva and her late husband, Uriah.

וישנאה אמנון – זאת השנאה היתה סבה מאת השם כדי להגדיל החרפה בשלחו אותה מביתו ויהיה אבשלום יותר שונא אותו עד מות עד שחשב להרגו וזה המעשה היה עונש דוד על מעשה בת שבע ואוריה שבעונש ההוא נעשית בביתו זמה הבאה לידי חרב לקיים מה שאמר לו הנביא לא תסור חרב מביתך וכן בדבר אבשלום זמה וחרב הכל מדה כנגד מדה, ובדרש מה היה השנאה הזאת נימה קשרה לו בשעת בעילה ועשאתו כרות שפכה.

[110] Ibid.

Ralbag attributes Amnon's hate to Tamar's words. She calls him a "villain of Israel," and possibly other, more "difficult" things, which caused hurt and contempt to swell inside him, driving him to send her out of his house in shame.

וישנאה אמנון שנאה גדולה – ידמה שנתעצמה כפי יכלתה לחלוק על רצונו ואולי הכאיבה אותו בזה ההתעצמות שהיה ביניהם או אמרה לו דברי חרפות ולזה שנאה כי כבר אמרה לו ואתה תהיה כאחד הנבלים בישראל או אולי אמרה לו דברים יותר קשים מאלו, והנה מרוב השנאה שלחה אמנון מביתו דרך בוז למדנו מזה שגדר השנאה הוא שלא ידבר עמו למרע ועד טוב ולפי שאמרו והוא שונא לו מתמול שלשום למדנו שאם לא דבר עמו שלשה ימים אינו גולה.

The Malbim says that Amnon's hate grew out of the understanding that his actions were wrong, and that his love was sinful, "an abomination," and that shame turned his love for Tamar into hatred.

וישנאה אחר שהיה תאוה כלביית מיד שנכבה רשף התאוה חלפה האהבה שלא היתה אהבה עצמיית, ואז בהכירו תועבת הנבלה הזאת שב לשנוא את הנושא שעל ידו נסבב לו זאת, וזה שכתוב גדולה השנאה מהאהבה שהאהבה בעצמה סבבה את השנאה שכשזכר תועבת האהבה הזאת, אשר היתה עתה לזרה בעיניו, נהפך לבו בקרבו לשנאה גדולה.

On the question of Tamar's shame, on v. 20, Rashi interprets Amnon's sending Tamar away as an "evil thing" which, as he writes in her voice, "[…] which is worse than the other [evil thing] that you did to me. You raped me and then you added on more evil to that by sending me away." This is the first time Rashi acknowledges definitively that Tamar was raped, and, in agreement with other commentaries, that sending Tamar away, silencing her and refusing to confront or take responsibility for his wrongdoing, Amnon further transgressed, and Tamar was shamed once again. The Malbim writes, " ושממה ולא ישבה בסוד משחקים," "She was deserted and did not sit in secret". That is, while Tamar returned to Avshalom's house a changed woman – shamed, destroyed, torn apart – she did not go quietly. She did not keep her experience a secret. She did not remain silent. While her voice may have fallen on deaf ears in her own family, and in her own time, her

story is not hidden, not a secret. It is preserved on the pages of our sacred text, waiting for us to hear it, ensuring that she will never be forgotten.

Avshalom and David's Responses – 13:21-22

Not only has Tamar been stripped of her value, but the people with the greatest potential to be her advocates fail her in many ways and fail themselves. They do not act, or even to listen to her, doing nothing to stop the cycle of violence and silence that pervades in this family. In v. 21-22, rather than confronting Amnon, Avshalom does not speak to his brother, because of the hate he harbored for what Amnon did to Tamar. On this verse, the Ralbag says,

כי שנא אבשלום את אמנון:
למדנו מזה כי כבר תוסר השנאה כשיעמוד האדם לדבר עם רעהו מפני השנאה למרע ועד טוב.
"For Avshalom hated Amnon: We have learned from this that hate will be removed when man is able to speak to one another from hatred to evil and good".

The Tamar/Dinah Comparison

Many parallels are drawn between Dinah in Genesis 24 and Tamar, from the earliest biblical commentators to the Talmud to contemporary feminist scholars. Their stories are thought of as the most obvious and specific accounts of rape in the Biblical canon and serve as the basis for the Talmudic rendering of laws pertaining to rape. It seems that Dinah's story is better known, which may be attributed to its place in Torah, as opposed to Tamar's, deep in the middle of the historical books. There are similarities between them: Dinah and Tamar are the only daughters of two known and prominent characters in the eyes of the biblical authors, men who are founders and leaders of nations. They are both said to be loved by their assailants, and they are both said to be

raped; possibly the worst thing to happen to women. Particularly so in societies which value virginity so highly, and which see the maintenance of women's virginity as a reflection on their fathers, who stand to lose, socially and financially, if they are compromised. Other men in their lives, namely their brothers, take up the mantle of defending their honor, either immediately or after some time has passed. After their respective chapters end, we never hear from either woman again. And there are many differences: Dinah goes out; Tamar stays home. Dinah is raped by a man from a forbidden tribe; Tamar is raped by a family member who she is sent to help, at the behest of the king. We do not know whether Dinah fights off Shechem; Tamar fights from the moment of Amnon's initial proposition and continues to fight after she is raped. Dinah returns home, with the hope of marrying Shechem; by the time Tamar returns home, she knows there is no hope.

It should be said that no judgment can be ascribed to either character for the choices they are said to have made, or the actions they do or do not take. The biblical authors are notoriously terse, and any description or dialogue in either story should be approached with this in mind. It is along these differences that the Talmud make clear statements on the interpretation of the biblical text, and in how they approach the subject of rape. Sforno's commentary on Genesis 34:3 extrapolates on Shechem's love for Dinah. He says "על הפך באמנון לתמר", it was the exact opposite in the case of Amnon ['s love for] Tamar. The biblical text says of Shechem, "ותדבק נפש", his soul was bound to her, and he continued to pursue marriage with Dinah after their sexual interaction, consensual or not. However, Amnon's "love" turned to hate and disgust afterward (and whether Amnon

loved Tamar at all is debatable).[111] The Tur Aruch compares Rashi and Ibn Ezra's interpretation of the meaning of Dinah's experience, and the use of the word "innah": He cites Rashi's definition of "perverse" sexual contact, possibly rape, and then Ibn Ezra's interpretation of the verb as "suffer," and concludes that verb indicates pain experienced during intercourse, because Dinah was a virgin. Ramban is cited saying they are both wrong and suggests that Dinah was first seduced, that there was mutual consent, at least at the outset, and then she was raped. He goes on to explicitly compare this to Tamar, who was not seduced and only raped.[112] However, some commentators argue that for Dinah, it is less clear that hers was indeed a case of rape.[113]

Frymer-Kensky acknowledges the many possible ways to read the text but argues the most telling indication are not the words themselves, but the order in which they appear. She notes how, in the Dinah narrative, v. 2 contains three verbs: "he took her", "he lay with her" and "he violated her".[114] In Tamar's story, the same three verbs are used, only in a different order. From this, Frymer-Kensky concludes that, unlike in the case of Dinah,

> There is no question of seduction here: Amnon has raped [Tamar] by force. The word "innah," degrade, used before the verb for intercourse rather than after it, indicates rape. It is not strange that a mere change in verb order can denote such a colossally different experience for the woman. After all, in the case of unauthorized sex, the sex itself can be sweet, romantic, and passionate; it is only after the fact that the girl has been unchaste that degrades her. In the case of rape, the sex itself is degrading and humiliating, and the degradation begins the moment that force is used, before penetration. For this experience of brutality, the verb "degrade" properly goes first.[115]

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[111] Sforno on Genesis 34:3. https://www.sefaria.org/Sforno_on_Genesis.34.3.1.
[112] Tur HaAroch, Genesis 34:2. https://www.sefaria.org/Tur_HaAroch,_Genesis.34.2.1.
[113] Levavi Feinstein, E. *Sexual Pollution in the Hebrew Bible.* (Oxford University Press, 2014), 67.
[114] Frymer-Kensky, T. *Reading the Women of the Bible* (New York: Schocken Books, 2002), 183.
[115] Ibid. 162-163.

In Tamar's case, "'innah' is augmented for clarity by the word 'overpower'" which comes before "innah," and both come before "lay with," indicating that the *intention* of the sexual contact was to disempower and degrade […], as Frymer-Kensky concludes her analysis of this verse: "In rape, abuse starts the moment the rapist begins to use force, long before penetration," and indeed, "Tamar's experience has been one of total degradation."[116]

[116] Ibid. 183, 163.

PART B. EXPLICATION – Interpretive and Practical Applications

Chapter 5. Halakha

The biblical commentary and Talmudic work explicating the text of II Samuel 13 yielded little halakha which pertains specifically to rape, and so there are few mentions of the story in major halakhic codes, such as Maimonides' *Mishneh Torah* (12th Century, Egypt) or Joseph Karo's *Shulchan Aruch* (16th Century, Israel). The halakha which cites II Samuel 13 as a proof text pertain to questions of marriage, per the sexual sins, and of hate. Other texts which help to crystalize the rabbi's approach to sexual assault, such as the laws from Deuteronomy, are cited and will be explored here to explore what we, as contemporary Jews, have inherited as part of Jewish culture and practice.

In response to II Samuel 12:12 and 13, the *Mishneh Torah* reiterate the legal issues at hand when considering a marriage between Tamar and Amnon. On v. 13, Maimonides, in the *Mishneh Torah*, in the section, "Kings and Wars", discusses how and why a marriage between Tamar and Amnon may be permissible. In a section pertaining to the process to be followed in order to marry a woman taken as spoil of war, Maimonides acknowledges the reality: that rape or pre-marital intercourse may happen before the conversion and marriage process is complete. He concludes that if the woman becomes pregnant before she converts, the child is considered a "גר", a stranger, and the court must convert the child by ritual immersion in the *mikveh*. This, Maimonides says, is the case for Tamar (whereas, he assumes, Avsahlaom was born after their mother converted), making marriage to Amnon permissible.[117]

[117] Maimonides, Mishneh Torah. Kings and Wars 8:8.

On v. 22, the *Mishneh Torah*, *Sefer HaChinuch* (13th Century, Spain), and *Kitzur Shulchan Aruch* (19th Century, Hungary) address the question of, not Amnon's hate, but of Avshalom's. Maimonides teaches the importance of not holding silent hate against another, and cites Avshalom's behavior as an incorrect example of dealing with hate:

> If one commits a sin against another, the injured party shall not remain in silent hate against the sinner, as it is said of the wicked: "And Avshalom spoke to Amnon neither good nor bad; for Avshalom hated Amnon" but, on the contrary, it is obligatory to make known and say to the sinner: "Why have you done this to me, and why have you sinned against me in this particular matter?"; for, it is said: "And you shall indeed rebuke your neighbor" (Leviticus 19:17). And, if the sinner repents and begs to be forgiven, the injured one must forgive the sinner; and in doing so should not be cruel, for it is said: "And Abraham prayed unto God" (Genesis 20:17).[118]

The *Kitzur Shulchan Aruch* agrees, and reiterates Maimonides' teaching almost verbatim, but adds, "[…] didn't God say; "Love your neighbor as [you love] yourself, I am Hashem?" For what reason? Because I (God) have created him. And if he keeps the laws of your people you must love him, if not, you should not love him."[119] *Sefer HaChinuch* also agrees, citing the Abraham example from Genesis 20, but then includes the following about the commandment to rebuke:

> It is from the roots of the commandment [that it is] because there is peace and goodness between people with this. As when one sins against another, and [the injured one] rebukes [the sinner] privately, [the sinner] will apologize, and [the other] will accept the apology, and he will be whole [or "at peace"]. But if [the injured one] does not rebuke [the sinner], he will loathe [the sinner] in his heart and injure him at the time or at some [other] point in time, as it is stated about evildoers (II Samuel 13:22), "And Avshalom did not speak with Amnon." And "all the ways of the Torah are pleasant and its paths are peace". [120, 121]

[118] Maimonides, Mishneh Torah, Human Dispositions 6:6
[119] Kitzur Shulchan Aruch 29:23.
[120] Sefer HaChinuch 532:3
[121] Sefer HaChinuch 239:2

It is interesting that the halakhists choose to cite Avshalom's hate of Amnon from this story, but say nothing of Amnon's hate for Tamar, nor of his hateful actions. This may be because the halakhic response to rape is treated in response to other passages from Torah, and the Torah passages are more clearly legal, whereas this is "just" a story in the historical books of Samuel.

Maybe the rabbis, as Dr. Cohen does today, view this as an etiological story for Amnon's hate and motivation for killing his brother Amnon, in which rape is a plot point, but not central to the overall narrative in their eyes. Still, I find it hard to believe that the rabbis would hesitate to cite this story alongside other responses to rape, as it is such an obvious example. But maybe, in the end, its contents were just too taboo. There are so many complicating factors at play, particularly the sibling relationship. Almost every commentator has something to say about this particular point, which seems to indicate a persistent discomfort. And yes, this is uncomfortable, but their silence on the rape, on Amnon's unlawful violent actions, as opposed to Tamar's potentially unlawful suggestion of marriage, are equally disquieting.

The halakha pertaining to rape in most legal codes is derived from laws provided in Deuteronomy. Through these, we not only see an attempt at equitable, ethical responses to a violent crime which also preserve the cultural norms in the time and places in which they were written, but we can also see an evolving Jewish response to rape over the centuries, from Maimonides to Karo and beyond. Maimonides' *Mishneh Torah* deals with rape in a few different sections of the work. The first mention of rape is in *Sefer Madah,* the first book of *Mishneh Torah,* which deals with issues of human behavior, in

Hilchot Yesode Torah (Foundations of Torah), the book's first section.[122] In Chapter 5, Maimonides prescribes the sanctification of the name of God, and describes the many ways, in both actions and words, which God's name might be profaned. In section 7, Maimonides quotes from Deuteronomy, and what many would recognize from the *V'ahavta*: to love God with "all your heart, all your soul, and all your might".[123] He goes on to teach that, even in an attempt to circumvent blasphemy, taking one life in order to preserve another is not permitted. He says,

וַעֲרָיוֹת הֻקְּשׁוּ לְנָפָשׁוֹת שֶׁנֶּאֱמַר כִּי כַּאֲשֶׁר יָקוּם אִישׁ עַל רֵעֵהוּ וּרְצָחוֹ נֶפֶשׁ כֵּן הַדָּבָר הַזֶּה (דברים כב כו)

Offering a caveat, Maimonides likens the transgressing of עריות (often translated as "adultery", but referring to the sexual sins generally), to murder, and then refers to Deuteronomy 22:26, in which a woman is raped in a field. By citing this as the proof text, Maimonides teaches that rape is likened to taking a life.[124] While the perpetrator may or may not be subject to the death penalty as a result, this is a clear statement communicating the gravity with which Maimonides approaches rape and is interested in instilling in the Jewish community.

Sefer Nashim primarily deals with laws of marriage and divorce, and the 4th treatise of the book, *Hilchot Na'arah Betula*, contains laws concerning "the virgin maiden". The first two chapters of the three-chapter section are dedicated to parsing the positive and negative commandments derived from Deuteronomy 22:22-29. These verses serve as the proof text for the laws around restitution for rape as per biblical instruction: payment of a fine by, and marriage to the perpetrator. The first verse of Chapter 1

[122] Maimonides, Mishneh Torah, Foundations of Torah 5:7.
[123] Deuteronomy 6:5
[124] Deuteronomy 22:6

initially conflates seduction and rape, and throughout this section, the two are often conflated. In verse 2, Maimonides offers a differentiation by recalling the contexts provided in Deuteronomy 22:24-29: a woman raped in a field and in a city. While earlier commentary holds that the woman in a city is complicit and culpable for adultery if she does not cry out, Maimonides acknowledges circumstances under which a woman may not cry out in a city, such as if she is threatened with a weapon.

Verse 3 offers a number of scenarios in which the marriage requirement is either refused or unlawful. For example, the woman or her father may refuse marriage and, in that case, the payment of the fine will suffice and the parties may go their separate ways. However, if "the seducer" refuses marriage and the woman and her father consent, "he must be compelled" to marry her, pay the fine and consummate the marriage.[125] Verse 5 adds that if the woman is forbidden to him, that is, if they are related, they may not marry.[126] The halakha goes on to cite the age at which sexual interaction with a girl or woman would make a man liable to fine – from three years old until she comes of age. Once she reaches maturity, she is no longer entitled to a fine. Maimonides gives a number of other examples of women who are not entitled to fines, even in the event they are raped, and examples of forbidden relations, which vary in their requiring of fines, depending on her health and social status and whether they are related.[127] Maimonides also includes that, if the woman dies, either during the rape or before appearing in court,

[125] Klein, I. trans., *The Code of Maimonides, Book Four, The Book of Women*. (New Haven and London: Yale University Press. 1972), 327.
[126] Ibid. 328.
[127] Ibid. 329-330.

no fine is due, but the perpetrator would then be tried for murder, and face the death penalty.[128]

In Chapter 2, Maimonides provides more detail on payment, and begins, "The fine of fifty shekels constitutes payment for the enjoyment of intercourse alone". Verses 1 and 2, respectively, provide more details on the types payments the seducer must pay, as opposed to the violator, or the rapist. In a case of rape, the violator is required to pay, "in addition to the payment prescribed by the Torah, compensation for humiliation, blemish and pain," as "a woman who submits to intercourse willingly suffers no pain whereas if she has been violated she does suffer pain." Maimonides states that the fine for intercourse is the same for all women, but compensation for humiliation, blemish and pain is not the same; these are judged on a relative scale. Compensation for humiliation depends on the status of the violator and the woman and are assessed by the judges of the case. Verse 5 concludes that the payment due is the "amount the girl's father and family would have paid to prevent such a thing from happening […]". Compensation for blemish is assessed according to the woman's beauty, and verse 6 instructs that judges "consider her as if she were a bondswoman being sold in the market place and must estimate her value as a nonvirgin against her value as a virgin" or "her deterioration in value". Compensation for pain depends on age of the woman, the structure of her body, compared to the age of the offender and structure of his body. Again, the verse instructs the judges to "estimate the amount the father would have paid to prevent his daughter from being hurt by this man," which becomes the amount the violator must pay.[129] Both a

[128] Ibid. 330-331.
[129] Ibid. 332.

violator and seducer must make all payment immediately, and the violator must consummate the marriage immediately.

There are many obvious issues here. Maimonides' continual conflation of rape and seduction, makes it challenging to determine whether he really understands the difference. Maybe legally speaking, in Maimonides' time and place, there is little difference. Either way, the woman has lost her virginity outside of marriage, which effects not only her but her family, because this status change will impact her marriage prospects. On one hand, it is heartening to see Maimonides' recognition of the many ways a victim of sexual violence may be affected by her experience, reflected in the payments due for the physical, emotional and social toll, the parameters offered are alarming, to say the least. True, as a legal text this cannot be emotionally driven. However, that Maimonides holds to the rabbis' position of forcing a father to assess the monetary value of his daughter's body and beauty, "as if she were a slave in the marketplace," and use that as a measure for how much he would pay to prevent her rape, adds incredible insult to injury, especially to our contemporary eyes.

Lastly, in *Sefer Kedusha*, which contain laws derived from the Holiness Code in Leviticus 19, *Hilchot Issure Bi'ah*, the treatise on Forbidden Intercourse, outlines the parameters of inappropriate sexual behavior, including the sexual sins of adultery and incest generally and prohibited sexual behavior within the context of marriage. This section delineates clear lines that previous halakha does not. For example, earlier rabbinic text, as codified in the Talmud, assumes that in the context of marriage, a man may "enjoy" his wife however he chooses. Not so, according to Maimonides:

וְכֵן אָסְרוּ חֲכָמִים שֶׁלֹּא יְשַׁמֵּשׁ אָדָם מִטָּתוֹ וְלִבּוֹ מְחַשֵּׁב בְּאִשָּׁה אַחֶרֶת. וְלֹא יִבְעֹל מִתּוֹךְ שִׁכְרוּת וְלֹא מִתּוֹךְ מְרִיבָה וְלֹא מִתּוֹךְ שִׂנְאָה וְלֹא יָבוֹא עָלֶיהָ עַל כָּרְחָהּ וְהִיא יְרֵאָה מִמֶּנּוּ. וְלֹא כְּשֶׁיִּהְיֶה אָחָד מֵהֶן מְנֻוָּל. וְלֹא יָבוֹא עָלֶיהָ אַחַר שֶׁנִּמְאַר בְּלִבּוֹ לְגָרְשָׁהּ. וְאִם עָשָׂה כֵּן הַבָּנִים אֵינָן הֲגוּנִים אֶלָּא מֵהֶן עַזֵּי פָּנִים וּמֵהֶן מוֹרְדִים וּפוֹשְׁעִים:

Here, Maimonides cites "the sages," who forbid a man from having sex with his wife while thinking of another woman. He also may not initiate sex with his wife while drunk, or out of spite or hatred. **Nor may a man rape his wife, or may he coerce her by making her afraid.** A man is also forbidden to have sex with his wife who he has "divorced in his heart," even if they are not legally separated. The halakha says, "If he does any of these, the children will not be proper but brazen, rebellious and criminals."[130]

While Jewish law generally understands marital sex as acceptable beyond the intention of procreation, this seems to communicate that the sexual contact between a married couple must be, at minimum, consensual and intentional. This is an important correction to the earlier form of the marital laws, working to ensure couples regard one another with *kedusha*, holiness and special significance, and not as objects. *Sefer HaChinuch* applies an alternative frame to laws derived from Deuteronomy 22:29:

משרשי המצוה. כדי ליסר הנבלים מן המעשה הרע הזה ושלא יהיו בנות ישראל כהפקר, שאם יחשב האונס למלאת נפשו בה וילך לו יקל בעיניו לעשות כן פעמים הרבה, אבל אם בדעתו שתהיה קשורה עמו ומוטלת עליו כל ימיו לחיוב שאר כסות ועונה, ואפילו אם יקוץ בה לא יהיה לו רשות לגרשה לעולם, ושיתחייב לתן לאביה חמשים כסף מיד באמת יכבש יצרו וימנע מעשות הנבלה עם הקנס הזה. וגם יש בזה קצת תנחומין על העניה המבויישת שתשאר עמו לעולם, פן יביישנה איש אחר בדבר הרע שארע לה, ופקודי יהוה ישרים משמחי לב (תהלים יט, ט).

> *The roots of this commandment serve to keep villains from this evil deed, and that the daughters of Israel should not be abandoned. If a rapist thinks he can fill his desire with her and [just] walk away, it will be "light in his eyes" (or easy for him to do so) many times. But if he knows that she will be tied to him and he will be obligated to [her] sustenance, clothing and times, forever; and that even if he gets sick of her, he may never divorce her; and that he will have to give her father fifty silver [shekel-coins] immediately - he will surely suppress his [evil] impulse and prevent himself from doing this villainy that comes with such a penalty. And there*

[130] Maimonides, Mishneh Torah, Forbidden Intercourse 21:9.

> *is also in this a little comfort for the poor embarrassed woman; she will stay with him forever, lest another man would embarrass her with this evil thing that happened to her. 'And the ordinances of the יהוה are straight, they rejoice the heart.' (Psalms 19:9).* [131]

While scare tactics are rarely the most effective means of prevention, the intention behind this approach is well-taken. *Sefer HaChinuch* recommends, rather than approaching the payment and marriage laws as a reactive measure, that the laws be taught as a preventative measure. Whereas law's reactivity suggests that rape is simply part of the culture and attempts to offer the most amenable solution possible, the "you break it, you buy it" approach, as offered here, encourages forethought. In keeping with its titles' suggestion of instruction, this frame seems to suggest that if men are taught that rape might cost them in this way, they might be dissuaded. However, this perspective, like Maimonides', conflates rape and sex, and assumes that "desire" is the primary motivator". While this approach does little to raise the inherent human rights violations of rape and consider the full personhood of the woman involved, and cost to her, it does articulate consideration for the woman and calls rape "evil" outright. Through the rest of this section, *Sefer HaChinuch* reiterates and respectfully raises tensions with the many of the halakhic points of Maimonides', expressing "wonder" that Maimonides might say that certain women are not entitled to fines or other protections afforded to others, but does not raise alternatives here. Though not a perfect frame, this perspective provides some much-needed nuance to the rabbinic response to rape up to this point.

In the *Shulchan Aruch*, *Even HaEzer*, the chapters pertaining to women, family purity and marital relations, there are explicit additions to the previous laws about rape,

[131] Sefer HaChinuch 557.

but only in the context of marriage. In 25, in the paragraph dealing with laws about marital sex, the text explicitly says,

[...]ולא יבעול אלא מרצונה ואם אינה מרוצה יפייסנה עד שתתרצה ויהיה צנוע מאד בשעת תשמיש

A man may not have intercourse with his wife "if she does not want," that is, without her consent, and it is the husband's responsibility to find ways to "appease her", but not coerce her. [132] Adding to the already-established laws on restitution for rape, Karo includes in the judgement of a rapist, if he does not pay the fine, he may be subject to excommunication.[133] In the next verse, which discusses the commandment of the rapist to marry his victim, he includes,

[…] האונס את הבתולה חייב לישא אותהובלבד שהיא ואביה יהיו מרוצים

"[…] only if she and her father want".

These additions are small, and do not bring the conversation about or consequences of rape up to the same place from which we discuss and respond today. However, they certainly demonstrate increasing sensitivity on the part of the rabbis. As time goes on, we see increasing awareness about the experience of rape as painful and harmful on multiple levels, both to the victim, and to her community. We also see the rabbis' evolving treatment of perpetrators. While the marriage clauses remain, and are still difficult, that there is an attempt to teach and prevent, and to convey the asocial nature of rape and the need to separate perpetrators from the community are significant advances.

[132] Karo, J. Shulchan Aruch, Even HaEzer, 25:2-10.
[133] Karo, J. Shulchan Aruch, Even HaEzer, 177:2.

Chapter 6. Midrash

Since the biblical and Talmudic authors, many Jews have attempted to make sense of and find responses to the sexual violence endemic to their communities, whether perpetrated internally or by outside forces. Jews have always employed a variety of methods in meaning-making, including creation of law and ritual, and certainly, telling stories. We tell and retell stories from the biblical canon, and create midrashim, stories which account for gaps, contradictions and provide alternative perspective. In my learning and research on this topic, among all of the texts I have read, I was able to find only a few midrashim which deal directly with sexual violence. Even fewer convey the experience of sexual violence from the victim/survivor's perspective and allow her to speak for herself. One story in *Bereishit Rabbah*, homiletical midrashim on the book of Genesis, and two in *Otzar Midrashim*, an encyclopedic work of midrashim composed between the 2nd and 13th centuries are presented here. While these stories may not provide definitive answers to the myriad of questions about the "right" Jewish response to sexual violence, or to do right by survivors, they bring us the voices of women who, all too often, are silent.

Sarai

Bereishit Rabbah provides an *aggadic* midrash featuring Sarah at the beginning of the journey to the Promised Land, when they are still Sarai and Abram. As they travel through Egypt, Abram is aware that Sarai's beauty will be appealing to the Egyptians and decides to tell anyone who asks that Sarai is his sister. Sure enough, Sarai is seen and

desired by Pharaoh's servants, and Abram allows her to be taken to Pharaoh's house, to be part of his harem, to save himself.[134] From the biblical text, we learn,

וַיְנַגַּע יְהוָה ׀ אֶת־פַּרְעֹה נְגָעִים גְּדֹלִים וְאֶת־בֵּיתוֹ עַל־דְּבַר שָׂרַי אֵשֶׁת אַבְרָם׃
יהוה *afflicted Pharaoh and his household with great afflictions because of Sarai, the wife of Abram.*

To explain this, the midrash takes us to Sarai, in Pharaoh's house:

וְכָל אוֹתוֹ הַלַּיְלָה הָיְתָה שָׂרָה שְׁטוּחָה עַל פָּנֶיהָ וְאוֹמֶרֶת, רִבּוֹן הָעוֹלָמִים אַבְרָהָם יָצָא בְּהַבְטָחָה, וַאֲנִי יָצָאתִי בֶּאֱמוּנָה. אַבְרָהָם יָצָא חוּץ לַסִּירָה, וַאֲנִי בְּתוֹךְ הַסִּירָה. אָמַר לָהּ הַקָּדוֹשׁ בָּרוּךְ הוּא כָּל מַה שֶׁאֲנִי עוֹשֶׂה בִּשְׁבִילֵךְ אֲנִי עוֹשֶׂה, וְהַכֹּל אוֹמְרִים עַל דְּבַר שָׂרַי אֵשֶׁת אַבְרָם, אָמַר רַבִּי לֵוִי כָּל אוֹתוֹ הַלַּיְלָה הָיָה מַלְאָךְ עוֹמֵד וּמַגְלַב בְּיָדוֹ, הֵוָה אָמַר לָהּ אִין אֲמַרְתְּ מְחֵי מָחֵינָא, אִין אֲמַרְתְּ נִשְׁבּוֹק שָׁבֵיקְנָא, וְכָל כָּךְ לָמָּה שֶׁהָיְתָה אוֹמֶרֶת לוֹ אֵשֶׁת אִישׁ אֲנִי וְלֹא הָיָה פּוֹרֵשׁ

… The whole night Sarah prostrated on her face, saying, "Master of the Universe! Abraham went out with certainty, and I, I went out on faith. Abraham went outside of the ship, and I am inside the ship." The Holy One said to her, "All that I do, I do for your sake." And all that is said about the words of Sarai, wife of Avram, said Rabbi Levi, "The whole night an angel stood with a whip in hand. If she (Sarai} said "strike," he would strike. If she said "Leave off", he would. Why all this? Because she said, "I am a married woman," and he [Pharaoh] did not stop.

Sarai is sent by her husband under false pretenses, in an agreement between men, to become part of Pharaoh's harem. Abram uses her body is used as a bargaining chip to protect himself. In the midrash, we meet Sarai in a moment of despair, and she addresses God directly. She cries out to remind God that only Abram got the call, "*Lech l'cha*", and the promises of prosperity. While we may be inclined read "*Lech l'cha*" as extending equally to Sarai, in this version, it is to her clear that the command from God was yet another agreement between men. Nonetheless, Sarai went along with faith and trust, but without the certainty of a promise. Now, she is as if adrift at sea, open to danger, while Abram remains safe and protected. She cries out as if to say, "And for my faith, my trust, this is what I get?!".

[134] Genesis 12:11-16

When Pharaoh confronts Abram at the end of the biblical narrative, after he has been afflicted, he demonstrates an understanding of cultural norms which prohibit taking another man's wife (norms that Abram seems aware of, but nonetheless circumvents). Pharaoh is certainly not innocent. The midrash says, "He did not stop," seeming to imply that he had sex with Sarai, even though she was unwilling. And though neither did God not stop Sarai from being harmed, it is because *she cried out* that God afflicted Pharaoh with the whipping angel. Because she spoke up, Pharaoh and his household were punished and she was liberated. But this punishment is only visited upon Pharaoh; Abram is neither confronted about nor punished for his direct role in the rape of his wife. After this, Sarai and Abram are sent out of Egypt, and the incident is never spoken of again.

This is one of the first of Abraham's many offenses which slowly but surely chip away at Sarah's personhood, and bring her life an end. Time and again, Abraham and God fail to consider Sarah in their plans, and agreements between men continue to determine the ways her body is used. At the end of her life, commentary says, Sarah dies of shock and grief that Abraham sacrifices (or attempted to sacrifice) Isaac. But like so many women throughout history, it is Sarah's body, her whole self, on the altar, sacrificed time and again.

The Unnamed Woman

The midrashim from *Otzar Midrashim* both present stories of women who were able to speak up in the face of impending sexual violence.[135] The first story is said to be taken from a 13th century French manuscript and is thought to be inspired by a story from

[135] Eisenstein, J.D. Otzar Midrashim, Ma'asiot 343.

Arabian Nights, "The Jewish Cadi and his Pious Wife".[136] In the version found in *Otzar Midrashim*, the protagonist is an unnamed woman, followed over the course of a long journey. The story appears to be an amalgamation of many biblical stories and the woman is, at once, the woman come upon in the city in Deuteronomy 22, and Tamar in II Samuel; she also demonstrates significant characteristics attributed to male characters like Joseph and Jonah. In the end, after many hardships, she becomes a healer who is able to heal and save herself.

At the beginning of her story, her husband departs to travel on business, leaving her as a פיקדון, in the care of his brother. No sooner does the woman's husband leave does her brother-in-law make a move. He comes to her day after day saying, "Submit to me, and I will do whatever you need and give you whatever you want," and she would rebuke him, citing numerous laws about the sexual sins and the lack of ethics and empathy with which he is treating her and his own brother.[137] One day, he comes to her, sends the servants away, jumps on her, and attempts to rape her: רוצה לאוסה. She "screamed a great and bitter scream,"צעקה גדולה, "but there was no one to save her, until because of her screams, he left her."[138] [139] He then goes to the marketplace and pays two "witnesses" to testify in court that she committed adultery with one of the servants. She is convicted and taken to the stoning house to be killed.

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[136] Stein Hain, E. "On Gender, Sexuality and Derech Eretz" (lecture, The Shalom Hartman Institute Rabbinic Torah Seminar, Jerusalem, Israel, July 2018). All quotations are taken from the Hebrew text as found in the Eisenstein *Otzar Midrashim*, and English translation are provided by Elana Stein Hain.
A version of (what is understood to be) the original story can be found here: http://al-hakawati.net/en_stories/StoryDetails/2741/The-Jewish-Cadi-and-His-Pious-Wife
[137] Genesis 39
[138] Genesis 27:34
[139] Deuteronomy 22:22-27

Here, the story takes a turn for the fantastical: three days later, a man and his son, who are travelling to study with a great teacher in Jerusalem, find themselves caught outside the city as darkness falls.[140] They take shelter in the stoning house in which the woman, who may be dead, speaks to them from under the pile of stones they are sleeping on.[141] The man digs her out and she tells them her story. When she learns that they are travelling to meet a teacher, she says "If you take me to my land, I will teach him Torah, Prophets and Writings […]".[142] So the man takes her home with him, to become the child's private tutor. While in his house, one of the servants becomes infatuated with her, and says, "Submit to me and do my will, and I will give you whatever you desire," but because she says no, the servant takes a knife and tries to kill her. Just then, the child walks in and the servant accidentally kills him and runs away. The father, grief stricken, says "Leave my house," and she is sent out.[143]

She then makes her way to the ocean and is captured by pirates. God sends a great storm and the pirates decide to draw lots to determine who is accountable. The lots, of course, fall on the woman.[144] She then tells them her story, and God makes a miracle: the pirates are overcome with mercy. They do not touch her, bring her safely to land and build her a shelter. The storm passes and the pirates go on their way.

Left alone, God gives the woman plants with curative properties and she becomes a healer, and over time very famous. Meanwhile, back home, her husband returns and, when he asks what happened to his wife, his brother and the false witnesses fall ill with

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[140] Genesis 22:4
[141] Genesis 28:10-19
[142] Ruth 1:16
[143] II Samuel 13:15
[144] Jonah 1:7

skin disease because of their false testimony.[145] They hear of a great healer on an island and the four men set out in search of her, but when they find her, they do not recognize her. She says "I cannot heal anyone until they tell me their greatest transgression." Initially they are not truthful, but eventually they confess everything. Only then does she reveal herself, saying, "God knows the secrets of the world and the secrets inside all creatures, and God brings all the secrets out into the open, as it is said, "And [God] shall give a face to secrets."" She says, "All of the healing in the world cannot work on you," because they had lied and deceived so many people, even though they told the truth in the end. God does not allow the three men to be healed and they die from the skin disease, and the woman is reunited with her husband.

In this story, the woman is many things, a victim, both of men and circumstances. The established system is corrupt and fails her. Her husband leaves her in the hands of an untrustworthy brother, she is tried by a corrupt court. In many ways, she is like Job, punished again and again for no reason. Nonetheless, she remains strong, never questioning God or blaming herself. In the end, though eventually she is helped by God, she becomes her own savior by speaking her truth, by telling her story. The act of telling of one's story, in and of itself, has healing properties. Elana Stein Hain teaches that the woman is never overcome by the odds stacked against her, or by the shame of what happened to her. Even in the face of violence and death, she rises again and again. Stein Hain says, for many, the mistake is that we do not get back up when we are knocked down. Even if we are physically able, so often, we allow shame to win. When we do this, we internalize that shame, and it becomes part of our identities and our DNA, and it

[145] II Kings 5:1

passed on to the next generation. This woman, by sharing her story, in spite of the shame associated with the pain and subjugation she continually endured, the truth was stronger than shame, and through the truth, she is able to redeem and heal herself, and then help to heal others.

Hannah bat Matityahu

The second story from *Otzar Midrashim*, *Midrash Maaseh Hanukkah*, presents an incredible story of one woman who started the Hasmonean Revolution. In this iteration of the etiological myth of Hanukkah, the midrash depicts a what might be possible when women speak truth to power. In dialogue with the content of Ketubot 3b, the midrash opens citing a very particular brand of sexual violence: it describes the mandated practice under Greek rule of sending Israelite women to the hegemon, the Greek local leadership, on her wedding night. According to the story, this policy caused weakness among the Israelites, and the community stopped marrying altogether. Nonetheless, "the Greeks would abuse the maidens of Israel," taking them against their will. This continued for three years and eight months, until the marriage of the High Priest Matityahu's daughter, Hannah, to the Hasmonean, Elazar. On her wedding day, in the middle of the feast, before "all the great men" who gathered "In honor of Matityahu and the Hasmonean," Hannah rose, tore off her royal garments and "stood before all of Israel, revealed" – naked – "before her father, mother and groom".

> *When her brothers saw this, they were embarrassed, and put their faces on the ground and tore their clothes and stood to kill her. She said, "Listen, my brothers and uncles! So what — I stand naked before you righteous men with no sexual transgression and you get all incensed?! And yet you are not becoming incensed about sending me into the hands of an uncircumcised man who will abuse me?! You've got something to learn from Shimeon and Levi, the brothers of Dinah, who*

> *were just two men who became vengeful on behalf of their sister and murdered a walled city such as Shechem,and gave up their souls for the sake of the Makom! And YHVH helped them and they were not destroyed. And YOU are five brothers – Yehudah, Yoḥanan, Yonatan, Shimon, and Elazar – and you, youth of the priesthood, are more than 200 men! Put your faith in the Makom and you will find help, as it is said: 'There is no stopping YHVH from winning' (I Samuel 14:6)." And she opened her mouth and wailed and said, "Master of the World! If you don't have mercy on us, have mercy on the holiness of your great name that is called on us, and avenge us!*[146]

According to the midrash, this is what precipitated the Hasmonean revolution: a woman, stepping out of her normative role as a passive receiver, speaking her truth. Hannah speaks up, not only for herself in the face of sexual violence, but for all women. In speaking and revealing herself, literally and metaphorically, her body is a mirror, held up to the face of this timeless issue, forcing everyone to see the human cost of rape and of the complicity which enables the threat of sexual violence to immobilize whole societies. In doing this, she challenges everyone's behavior, not only of the perpetrators, but of her own community and her own family, which continue to use women's bodies as collateral in order to protect men, but in truth maintains a status quo which hurts everyone.

This story offers a possible antidote by offering a powerful depiction of the power of one person. Hannah's willingness to use her voice, to stand up and speak out, provides a portrait of how we may begin to overturn the hegemonic cultural structures which subjugate bodies and silence voices. Her actions also shine a spotlight on the importance of addressing the complicity of individuals who, in their silence, and of institutions, which create laws that continue to uphold these structures, even though they are harmed by them too. Each of these stories contain the pieces necessary to make the #MeToo

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[146] Hochberg, A. (trans.), "Midrash Ma'aseh Hanukkah," *Open Siddur Project*, shared 12/6/2015, https://opensiddur.org/readings-and-sourcetexts/festival-and-fast-day-readings/hanukkah-readings/midrash-maaseh-hanukkah/.

movement and real, sustainable culture change happen: People speaking up, telling their stories, bearing their most vulnerable selves, not allowing shame or possible social consequences or threats to physical safety to keep them silent. Yes, men and others may get mad, lash out. Looking into the mirror which shows the ways in which you are complicit is difficult and painful. However, it is necessary to begin the process of making change. The Midrashic tradition may not have redeemed Tamar, but its stories gave Sarah and other women a voice where they had none before. These stories allow us to imagine a world, even in 2019, in which a woman does not need a man or God to save her, but can make change and save herself, beginning with speaking her truth.

Chapter 7. Contemporary Resources

In her 1975 work, *Against Our Will*, Susan Brownmiller wrote, "Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and the first crude stone axe. From prehistoric times to the present, I believe, rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear."[147] Brownmiller articulates what many of us have come to understand and name as an enduring, endemic problem among all people, at all times. Previously, experts thought sexual violence to be an act of the deranged or sexually perverted, perpetrated only upon the promiscuous, or a random act between strangers, or worse, "sex-gone-wrong". Even Freud dismissed rape, writing little about it, as did most "professionals" for many years.

In the United States, efforts to bring attention to sexual violence began to gain traction with the women's movements of the early 1900s, like the Temperance movement, but in truth, have been ongoing since before the abolition of slavery and Reformation process, particularly among communities of color.[148] Almost half a century later, well before her legendary bus ride helped to launch the Montgomery bus boycott and the Civil Rights movement, Rosa Parks worked for the NAACP, investigating rapes of black women and helping them to seek justice. In 1944, Parks launched the Committee for Equal Justice for Recy Taylor, a campaign named for a black woman in Alabama who

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[147] Brownmiller, S. *Against Our Will: Men, Women and Rape*. (New York: Fawcett Columbine, 1975). 14-15.
[148] Prevent Connect, "History of the Rape Crisis Movement and Sexual Assault Violence Prevention". http://wiki.preventconnect.org/history-of-the-rape-crisis-movement-and-sexual-violence-prevention/.

was gang-raped by a group of white men who were never brought to justice. This campaign sought to advocate for protection of black women and accountability of white perpetrators.[149] The across communities of color, it was well understood that racial discrimination and sexual violence were intersectional, born of the same subjugation and abuse of power, and that advocacy around one was inextricably linked to, and necessitated the other.

By the middle of the 20th Century, while many disciplines had begun to acknowledge the *occurrence* of sexual violence, it was not until the 1970s that the rest of the country and the world began to catch up. In the 1970s, the rise of social protest across racial, gender and socioeconomic lines gave way to second-wave feminism, "women's liberation" and the "anti-rape" or "rape crisis" movements. These movements brought conversation about women's rights, gender-based discrimination and sexual violence into the mainstream. Terms like "sexual violence," "sexual assault," "sexual harassment," "domestic violence" and "intimate partner violence" were either coined or began to find their way into everyday parlance.[150] Now that the issues were named, cases were increasingly brought to courts at all levels to challenge sex- or gender-based discrimination, beginning with now-Supreme Court Justice Ruth Bader Ginsberg's landmark case, Moritz v. Commissioner of Internal Revenue.[151] Courts also began to hear

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[149] McGuire, D. "More Than a Seat on the Bus." *We're History.* December 1, 2015. http://werehistory.org/rosa-parks/.

[150] Cohen, S. "A Brief History of Sexual Harassment in America Before Anita Hill." *Time*. April 11, 2016. http://time.com/4286575/sexual-harassment-before-anita-hill/.

[151] Moritz v. Commissioner of Internal Revenue**, 469 F.2d 466 (US 10th Cir. 1972).** https://law.justia.com/cases/federal/appellate-courts/F2/469/466/79852/**.**
Thulin, L. "The True Story of the Case of Ruth Bader Ginsburg Argues in 'On the Basis of Sex'". *Smithsonian Magazine*. December 24, 2018. https://www.smithsonianmag.com/history/true-story-case-center-basis-sex-180971110/.

appeals for women, survivors of sexual violence, who, in fighting back against their assailants, were convicted of violent crimes, irrespective of their claims of self-defense. Organizations began forming to address all of these issues, including the earliest "rape crisis centers," and hotlines which opened in major cities in the early 1970s.[152] Consciousness-raising groups formed, where women gathered to share stories, take self-defense classes and plan public demonstrations like "Take Back the Night," which debuted in San Francisco in 1978 and in New York City in 1979.[153]

The rise of feminist scholarship in the late 1970s and 80s gave way to research dedicated to determining the causes and effects of sexual violence and, with the increasing incorporation of public health approaches and understanding of intersectionality of issues, emphasis shifted from response to prevention. Legislation like Title IX provides funds for sexual violence prevention education in schools, and the Violence Against Women Act (VAWA), initially passed in 1994, funds survivor support resources, like the Rape, Abuse and Incest National Network, known as RAINN, founded in 1994, and training programs for law enforcement and other community service agencies. [154] This kind of federal funding allocated to support survivors and educate the masses has contributed to a significant decrease in incidence and increase in awareness about sexual violence. In her TED Talk from November 2018, Tarana Burke tells the story of how #MeToo came to be: In 1997, while working with young black women she

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[152] Prevent Connect. "History of the Rape Crisis Movement and Sexual Assault Violence Prevention". http://wiki.preventconnect.org/history-of-the-rape-crisis-movement-and-sexual-violence-prevention/.
[153] Take Back the Night. https://takebackthenight.org/.
[154] Violence Against Women Act, S.11 (1993). https://www.congress.gov/bill/103rd-congress/senate-bill/11; Rape, Abuse and Incest National Network. "Public Policy: How VAWA Protects Victims." https://www.rainn.org/news/how-vawa-protects-victims.

heard story after story of their experiences of sexual violence, and struggled to find the words to respond to this pervasive issue in her community. One day, she sat down and wrote, "Me Too" on the top of a page. From there, Burke crafted an action plan which provided the building blocks for Just Be Inc., an organization she founded in 2006 to support low income women of color, who continue to disproportionately experience sexual violence.[155]

Since then, at every level of government, in every industry, across religious sects and their spectra, in every discipline of study and research, efforts have been made to address and educate about sexual violence. Private and public conversations have brought attention to the impacts of sexual violence in homes, in schools, in the workplace, and in public spaces. Awareness-raising and educational efforts across the world, like National Sexual Assault Awareness Month in April, and smaller (but no less fierce) local efforts like Denim Day in Los Angeles have been plentiful. [156,157] Researchers have dedicated their careers to developing scholarship to determine the efficacy of these various efforts to stem the scourge of sexual violence. All of these efforts had to be made to bring us where we are today.

For many, 2017 was the first time they spoke up to say #MeToo and #TimesUp.[158] It was the first time some, irrespective of age, heard such stories or were confronted with the overwhelming pervasiveness of sexual violence. In these ways, it was

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[155] Burke, T. "MeToo is a movement, not a moment." TEDWomen 2018. November 30, 2018. TED, https://www.ted.com/talks/tarana_burke_me_too_is_a_movement_not_a_moment/?blog#t-374260.

[156] May, C. "How We Got Here: A History of Sexual Assault Awareness Month," *National Sexual Violence Resource Center.* April 27, 2018. https://www.nsvrc.org/blogs/how-we-got-here-history-sexual-assault-awareness-month.

[157] Denim Day. https://www.denimdayinfo.org/.

[158] Me Too, https://metoomvmt.org/; Time's Up. https://www.timesupnow.com/.

considered a watershed moment. And yet, victims are still blamed. Rape jokes are still made. Many of those who speak out about abusive behavior are asked whether they misread the signals, or whether it was "just bad sex," threatened over social media with rape, or told they are not attractive enough to be raped. All of these symptoms signal the continual practice of victim blaming, conflation of sexual violence with sex, among other serious issues. There remains such a significant backlog of rape kits to be processed by law enforcement that many investigations end up halted in their tracks.[159] The policies and programs, organizations and individuals dedicated to this work have helped thousands if not millions of people affected by sexual violence, and to ensure allocation of resources to keep survivors safe. However, most of the efforts enumerated above are *responses* to the horrors of the sexual violence still endemic to our culture and society. From a public health perspective, reactionary measures may be necessary, but alone, they are not sufficient.

In order to make real, sustainable change, increased efforts must be made to develop and implement educational efforts toward prevention, which work in tandem with public policy and survivor support efforts. The public health education has helped our medical system curb drug use, with combined efforts of research-based educational campaigns and access to programs like Al Anon, which serve family members and friends of people living with addiction, who otherwise may be at risk for substance use and abuse themselves.[160] Unplanned pregnancy and sexually transmissible infections have steadily declined with increased funding for condoms distribution programs and

[159] Rape, Abuse and Incest National Network. "Public Policy: How VAWA Protects Victims." https://www.rainn.org/news/how-vawa-protects-victims.
[160] Al-Anon Family Groups. https://al-anon.org/.

access to sexuality education; similarly, HIV/AIDS has declined, largely thanks to free screenings, and clean syringe exchange programs for injection drug users. These efforts have seen such success because of their emphasis on prevention instead of treatment, and due to availability outside of medical settings, like schools, programs run by city and state governments, nonprofits and religious institutions. All of these and others have joined the prevention front and, by making education and direct services available, have helped to make their communities healthier and safer.

In the effort to curb sexual violence, most college campuses have, at least, a page on their website, a program, a staff person or, in best cases, a whole office, dedicated to responding to and preventing sexual assault. Most work places have a policy or program on sexual harassment required of their employees, which demonstrate what harassment and assault behavior looks like, leaving no one guessing. However, the prevention approach instructs that messaging must come much earlier and be found in multiple places, and many examples of programs and resources exist which achieve this. The national organization, Men Can Stop Rape, founded in 1997, was one of the first to put the onus on men to take responsibility for sexual violence, and implement a primary prevention approach. This means MCRS “offers men a positive role to play. Put simply, this public health approach is about stopping the violence before it starts. End goals include not only healthy relationships but also healthy communities. In a healthy community the well-being and safety of all its members is of central importance. Gender-based violence, racist violence, and gay bashing destroy a community's health.” MCSR provides for professionals to facilitate and support chapters on high school and college

campuses, which conduct peer education in sexual assault prevention and, more recently, healthy masculinity.[161]

ReThink, founded by longtime labor and racial justice organizer and lawyer, Tahir Duckett, in collaboration with the DC Rape Crisis Center, provides small group, discussion-based programming for young men in Washington DC public schools.[162] ReThink is, at its core, an evidence-based sexual assault prevention program, but is so much more. With a holistic approach, the program relies on the relationship and trust build between the facilitator and participants to address student's beliefs about masculinity, relationships, sexual decision making, assault and consent. ReThink is still young, and Duckett's dream is to bring the program beyond high schools, into middle and elementary schools, as well as into religious institutions. He says, "If what we're trying to do is shift the ethical ways in which people have relationships, doing that without religious institutions is the wrong idea". Duckett describes ReThink's theory of change as one which seeks to implement consistent messaging in many areas of teens' lives. His approach is not just about education, but about cultural transformation. In his thinking, this requires change within and throughout the whole culture in which children growing. He says, "by receiving consistent messages at school, after school, at soccer practice, at church – all these messages echo throughout. By doing that, you change the culture for that person."[163]

Often, sexual violence prevention and consent education falls under the auspices of sexuality education, which should include information on sexual boundaries, coercion,

[161] Men Can Stop Rape. http://www.mencanstoprape.org/.
[162] ReThink. https://we-rethink.org/.
[163] Duckett. T. Phone conversation, Fall 2018.

rape and consent, as well as opportunities for learners to practice consent and refusal skills. While conflation of sexual violence and sex should be avoided and remains a challenge, this might seem counterintuitive. However, because sexual violence is so often perpetrated under the guise of sex, and sex can become rape when consent is rescinded, coerced or not given, it is crucial to clearly demonstrate the differences within the context of sex education. Many states require public schools to teach some version of sexuality education, at some point in their middle and/or high school curriculum. However, there are so few guidelines on what "sex education" means and what is required to be included, and often sexual violence and consent are only vaguely glossed over, if included at all. In states which either mandate or provide sex education in schools, the quality and quantity of the content, and the level to which that content is based in fact, may vary greatly, state to state and even between school districts. According to the Guttmacher Institute, 28 states and the District of Columbia "which require the provision of information about skills for healthy sexuality (including avoiding coerced sex), healthy decision making and family communication *when sex education is taught*". Of those, 25 states and DC "require that sex education include information about skills for avoiding coerced sex," 22 states "require that sex education include information on making healthy decisions around sexuality," and 11 states "require that sex education include instruction on how to talk to family members, especially parents, about sex".[164]

Religious communities, too, have long worked to support survivors of sexual violence. Over the years, interdenominational organizations like the Religious Institute, the Faith Trust Institute and Auburn Seminary have produced publications and

[164] The Guttmacher Institute. "Sex and HIV Education," January 1, 2019. https://www.guttmacher.org/state-policy/explore/sex-and-hiv-education.

educational opportunities for clergy and communities of faith on sexual violence.[165] Feminist scholar and Rev. Dr. Marie Fortune has written, spoken and taught about sexual violence since the 1970s, and her work has been a guiding light for many religious communities as they strive to address this issue and support survivors. In her book, Sexual Violence: The Unmentionable Sin, she addresses the leading research and best practices of the day and delves into theological responses to rape, and how religion, spirituality and faith communities can assist in survivors' healing process. For many religious communities, it seems that efforts around sexual violence have been mostly private, in the form of one-on-one counseling with those seeking guidance from their clergy. However, more and more in recent years, clergy and laity have sought to bring sexual violence out of the shadows and help bring survivors' truth and lived experience to light. In my study of this topic, I have encountered many invaluable resources which seek to stem the onslaught of violence against women, in relationships, in the community, and bring the cycle to a close. Namely among them are educational programs.

Even more so than schools, workplaces and other affinity groups or activities, religious institutions and communities of faith are incredibly influential on the beliefs *and behavior* of their constituents. That is real power, and with it, comes responsibility to continually communicate their values and provide education and support for issues affecting their congregants' real lives whenever possible. With this understanding, over the years, liberal religious organizations have done incredible work and paved the way for implementing comprehensive sexuality education, which includes sexual assault

[165] Religious Institute. "Resource Spotlight: Summer Webinars, October 22, 2018. http://religiousinstitute.org/news/summer-webinars/; FaithTrust Institute. https://www.faithtrustinstitute.org/; Auburn Seminary. https://auburnseminary.org/.

prevention and consent education, in religious spaces. The most notable among them is Our Whole Lives. Often called by its acronym, OWL, this is an evidence-based, lifespan sexuality education program, and has been an ongoing collaborative effort between the Unitarian Universalist Association and the United Church of Christ for the last 20 years. A task force of UUA and UCC leaders, members and experts in the field of sex education make regular updates to program materials and provides facilitator training across the country in secular and other religious settings. The program has been used and adapted by many other religious groups, including Reform and liberal Jewish communities.

Each of the six age-specific program levels – young children/Grades K-1, Grades 4-6, Grades 7-9, Grades 10-12, Young Adults, ages 18-35, and Adults – provides age- and stage-appropriate information to equip the learners "with knowledge, attitudes and skills" to avoid unhealthy or harmful situations and has "the more proactive goal of helping [learners] become sexually healthy people who feel good about their bodies, remain healthy, and build positive, equitable relationships."[166] Each denomination publishes its own companion for each level, "Sexuality and Our Faith," which provides optional religious components, such as blessings and theological questions for each lesson.

Depending on the age group, there may be as many as 25 workshops, to be conducted weekly over the course of a schoolyear for learners in 7th to 9th grade, or as few as 10 workshops, for the younger learners, and 12 workshops for the adult groups. The programming for younger ages, kindergarten to 1st grade and 4th to 6th grade, are designed as family education experiences, acknowledging that "sexuality education

[166] Wilson, P.M. *Our Whole Lives, Sexuality Education for Grades 7-9*. (Boston: Unitarian Universalist Association, United Church of Christ, 2014) Introduction, xi.

begins at home" and "parents have primary responsibility for the sexuality education of their children."[167] This format seeks to equip parents with skills and resources to confidently take on that role for their children and model healthy open communication about the range of topics covered in sexuality education. These curricula provide basic definitions of terms and introductions to anatomy, development and puberty, body image, bodily autonomy, diversity of families (which serves as the basis for conversations about sexual orientation and gender identity), and boundaries and healthy relationships. Opportunities for preliminary discussions about the impacts of social media and bullying, family planning options and consent appear in the middle- and high-school programs. Materials for adult groups emphasize health and well-being, sexual self-discovery, communication of expectations, wants and interests in relationships, the diversity of what "family" can mean, sexuality and faith, as well as advocacy and policy issues.

Sexual violence and consent may have its own designated workshops for certain age groups, but the topics of bodily autonomy, boundaries, coercion and rape are also interspersed throughout. In the Grades 7-9 materials, for example, from the first workshop, entitled "What is Sexuality?", the first activity after creation of the group covenant and icebreakers, is the "Circles of Sexuality" activity. This includes defining terms like "sexual identity," "intimacy," "sensuality" and "sexualization". Here, the learners engage in a robust definition of sexualization, including specific behaviors which objectify, control, or even abuse another person, like sexual harassment, "unwelcome verbal or physical sexual advances or conduct, including unwelcome requests for sexual favors" and sexual assault, "sexual contact or behavior that occurs without explicit

[167] Sprung, B. *Our Whole Lives, Sexuality Education for Grades K-1,* (Boston: Unitarian Universalist Association, United Church of Christ, 1999) 1.

consent of the recipient. It can consist of physical and/or psychological threats and/or taking advantage of someone who is unable to give consent (for example, someone impaired by alcohol or other drugs). Rape is a form of sexual assault". Learners receive these definitions on a printed handout, which also specifies that sexualization can happen on interpersonal and societal levels, and highlights the problematic reality that "accused rapists are believed more readily than victims."[168] The following activity states OWL's "Program Assumptions," which include, among "All persons are sexual," and that sexuality is a good, natural part of human life, a part of us meant to express love and caring, share pleasure, bring life into the world and have fun, includes "Sexuality in our society has is damaged by violence, exploitation, alienation, dishonesty, abuse of power, and treatment of persons as objects."[169] The third activity in this workshop covers OWL's values, which among encouragement of self-worth, responsibility, justice and inclusivity, states, "Sexual relationships should never be coercive or exploitative".[170] Later, section 3 provides 2 workshops on "Healthy Relationships," which include information and activates to teach about healthy vs. unhealthy relationships, including emotional and physical power dynamics, identifying their personal relationship "deal breakers," and activities which allow learners to differentiate between assertiveness and overpowering, and practice consent and refusal.[171]

Some may think that young adolescents in the 7th to 9th grade are too young, particularly for information about sexual violence, and may not be able to understand the

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[168] Wilson, P.M. *Our Whole Lives, Sexuality Education for Grades 7-9*. (Boston: Unitarian Universalist Association, United Church of Christ, 2014) 19-20.
[169] Ibid. 22.
[170] Ibid. 23.
[171] Ibid.175-215.

terminology. However, introducing this information for the first time in the context of their religious education, by a trusted adult and among peers, in matter-of-fact terms, and couched in a conversation which differentiates between sexual violence and the behaviors seen in caring, loving relationships, with examples and opportunities to process, sends a clear, powerful message. That this clear message is instilled, hopefully before the learners encounter experiences of sexual coercion or violence gives them language to name it if and when they do see it in the world. This kind of programming provides the tools and building blocks to continue to develop their communication and discernment skills, so they may more readily talk about their emotions, their understanding of power, and understand that all of their actions have an impact. And by bringing these conversations into the sacred space of a congregation, and bringing together the languages of science and faith, this program has helped to reframe how these communities talk and think about bodies, relationships, power and the connection between religion and sex. It has also helped those who have participated in this program to sanctify these topics within and outside of the walls of the congregations.

In the Jewish world, and in Reform spaces specifically, there have been a few answers to the question of sexuality education, providing communities with the opportunity to learn more about the issues from a Jewish perspective and in a Jewish space. This has been done with both programming uniquely designed for Reform Jewish communal settings, or secular resources that have been adapted for Jewish spaces. And while most include topics of sexual decision making and healthy relationships, few have substantive programming on sexual violence or consent.

One of the most robust examples of sexuality education in a Reform Jewish space was created by Rabbi Billy Dreskin, the senior rabbi at Woodlands Community Temple in White Plains, NY. In the early 1980s as a rabbinical student, Dreskin was invited to staff a retreat during which his mentor, Rabbi Jonathan Stein, taught a modified version of the "About your Sexuality" program, a precursor to *Our Whole Lives*, designed by the Unitarian Universalist Association in the 1970s.[172]

Over the years, Dreskin created "Judaism Takes an Honest Look at Love and Sexuality," a weekend-long retreat for 9th grade students which he began facilitating in the 1990s. The programming is based, in part, on OWL and other comprehensive sexuality education programs, and incorporates Jewish text and values throughout. The retreat aims to reach students before onset of sexual activity and is designed to "further their decision-making skills specifically as those skills apply to sexuality".[173] In addition to learning about their changing bodies, assessing the language they know and use around sexual activity and familiarizing themselves with a variety of contraceptive methods, the goal of the program is for the learners to know that "Judaism cares about you as a whole person" and about "your experience as a human being," that "[Judaism] deeply embraces basic urges," and calls us to remember that "relationships are sacred".[174]

In the last few years, Dreskin has passed the torch on to his associate Rabbi Mara Young, who has made revisions to the program, including the addition of more prominent information pertaining to LGBTQ people and non-heteronormative families, as well as on consent. While sexual violence has never been the primary focus of this programming, it

[172] Dreskin, B and Young, M. Phone conversation, Fall 2015
[173] Dreskin, B. *9th Grade Sexuality Retreat, Email Letter to Parents.*
[174] Dreskin, B and Young, M. Phone conversations, Fall 2015, January 2018.

is addressed, defined and discussed in tandem with conversations about healthy relationships, bodily autonomy and setting boundaries. While this program has never been publicly published, Rabbi Dreskin's chapter for The Sacred Encounter includes a review of the program and a step-by-step guide to facilitation.[175]

In 2001, Jewish educator Michelle Shapiro Abraham created a "Facilitator's Guide for Work with Jewish Youth," a companion to the "Love – All that and More" video series, created by the Center for Prevention of Sexual and Domestic Violence. The video series was created "to inform young people about the elements that make up a healthy relationship, increase awareness and understanding about violence and abuse, and motivate viewers to seek relationships based on equality and mutual respect."[176] The materials demonstrate the difference between conventional and more balanced gender roles and dynamics, the elements of dating violence and sexual violence, and the elements of healthy relationships. In her introduction, Abraham acknowledges that there is nothing inherently Jewish about the video series, but that Jewish values are readily identifiable in its content, and Jewish texts can be applied to create a more robust experience for Jewish learners. By using *Eshet Chayil* from Proverbs 31 to catalyze conversation about articulate desirable character traits in a partner, and variations on the ketubah text to identify elements of healthy relationships, this material introduces young Jews to what Judaism has to say about relationships and encourages connections between

[175] Dreskin, B. "One Model: A Sexuality Retreat for Teens," in *The Sacred Encounter: Jewish Perspectives on Sexuality* (New York: CCAR Press, 2014) 465-478.
[176] Shapiro Abraham, M. "A facilitator's guide for work with Jewish youth." *Love – All That and More.* Center for the Prevention of Sexual and Domestic Violence. (Seattle: 2001) 5.

Jewish terms, texts and rituals and teens' own experiences, infusing them with new meaning and relevance.

In the early 2000s, in response to a critical mass of questions received by the URJ offices about teen sexuality, then-President Rabbi Eric Yoffie put together a committee, headed by Rabbi Laura Novak Weiner, to create a response.[177] The result was *Sacred Choices*, a Jewish sexual ethics program designed for Reform Jewish communities. With separate editions for middle- and high school students, Sacred Choices offers "guidance from Jewish tradition in making ethical decisions related to sexuality that are consonant with emotional, physical and spiritual health".[178] As opposed to a sexuality education program, a Sacred Choices was designed to provide "a sense of sexual ethics – a spiritual framework for thinking Jewishly about relationships," and acknowledges the need for overage of other topics, and provides a list of resources educators may explore for more content or depth.[179] The program is based on 2 central enduring understandings:

1. My body and soul – including my sexuality – are gifts from God.
2. Jewish tradition provides guidance in making sacred choices about how I used and care for those gifts and in coping with the consequences of my choices.

In addition to looking at various questions about sex and sexuality and looking to Jewish text and tradition for answers, the curriculum also works to ask learners about how, in their decision making and identity formation they can hear and stay true to their inner voice. While the material makes brief mention, in its framing of communication

[177] Novak Weiner, L. Phone conversation, Spring 2018.
[178] Union for Reform Judaism and Novak Wiener, L., ed., *Sacred Choices, High School Module* (URJ Press, 2008), 3.
[179] Ibid. 7.

strategies, that "no one can force you do anything with your body," "you have the right to say no" and "your body is your own," there is nothing specifically dedicated to or specific mention or definition of sexual violence, rape, coercion, or consent.[180]

Moving Traditions, founded in 2006 to "[embolden] teens by fostering self-discovery, challenging sexism, and [inspire] a commitment to Jewish life and learning".[181] Through programming which encourages teens to explore their gender and personal identities, challenge gender roles, talk about peer pressure in single-gender groups, *Rosh Chodesh* for girls, and *Shevet* for boys, and combined-gender, as well as gender nonconforming groups. Particularly in the last few years, Moving Traditions has increased its efforts around sexual assault and consent education, working to better incorporate these topics across many of its programs. Since the advent of the #MeToo movement, Moving Traditions began to offer standalone programs to explore the movement, its history and related issues, allowing teens to discuss their reactions to the movement, as well as experience with concepts relating to sexual violence, such as the bystander effect, victim blaming and slut shaming, and practice sexual decision-making, consent and refusal skills. Moving Traditions recieved good press around this programming, including an NPR story which reported the goal of the program: "to give teens the space to arrive at the right answer with their peers," and "help guys uncover tenderness… develop for themselves ethics and values and responsibility".[182] Moving

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[180] Union for Reform Judaism and Novak Wiener, L., ed., *Sacred Choices, Middle School Module* (URJ Press, 2007) 9; Union for Reform Judaism and Novak Wiener, L., ed., Sacred Choices, High School Module (URJ Press, 2008), 7.
[181] Moving Traditions. https://www.movingtraditions.org/.
[182] "Coming to the Right Answer by Themselves: Talking with Boys about Sexual Assault." Morning Edition, NPR. October 10, 2018. https://www.npr.org/2018/10/10/655932709/talking-with-boys-about-sexual-assault-and-consent

Traditions has also been involved with the *Shmira* Initiative, in collaboration with the Foundation for Jewish Camping.[183] This online resource aims to provide materials to camp staff, directors and boards on prevention of harassment and sexual violence at camp and in the workplace, so they may work to "change camp culture and language around sexuality and gender expression," to create safer, supportive environments and experiences for everyone. The Initiative has compiled resources from the across the Jewish world, from *Habonim Dror* and *Keshet*, and from the secular world, from organizations like Planned Parenthood and RAINN, including educational materials, webinars, reading lists, contact information for experts in the field, and crisis and support resources.

[183] The Foundation for Jewish Camp. "Shmira Initiative." https://jewishcamp.org/shmirainitiative/

Part C. EXPLICATION – DEVELOPING NEW RESOURCES

Chapter 8. Constructing a New Ethic

Power of One Voice

Each and every effort to advocate for survivors and bring an end to sexual violence begins with one voice, usually a woman's, speaking up to tell her story, and not letting shame, stigma or even threats of future violence silence her. Even when a woman's voice is silenced or unheeded, she paves the way for the women who will surely come after, who stand on her shoulders. Before Dr. Ford spoke up in 2018, Anita Hill spoke up in 1970. Before Tarana Burke in 1997 and Alyssa Milano in 2017, Rosa Parks and Recy Taylor spoke up in 1944. And before any of them, there was Tamar. While she certainly was not the first woman to speak out about her experience of sexual violence, she is the first that is documented in biblical literature. As such, we can look to her story as a watershed moment.

Because of her story, we also see how the biblical authors and ancient rabbis respond to sexual violence, and how it so closely mirrors the constructs of rape culture we see and experience today. It could be said that our sacred texts even laid the foundation for rape culture, codified it in our tradition, which served as the basis for so many constructs of Western culture. Just as the bible can be read to contain "permission" for the structures which instituted and upheld slavery and colonialism within its commandments to suppress and "rid the land" of other peoples through violence, there are also many instances in which the bible might be interpreted to permit sexual violence, particularly against women. When Tamar is raped, unlike when Abel is killed, neither the

text nor the classic interpreters name the violence done for what it is – a grave sin against another person's body and self, their humanity, which dims, if not completely extinguishes their Divine light.

Yes, some rabbis articulate the inherent wrong of sexual violence, and speak against Amnon's actions. These rabbis recognize the need for sensitivity toward Tamar and, from there, strive to create legal structures to protect and seek justice. While it might seem self-evident, it bears mentioning that the rabbis lived in a different time, with different social and ethical mores, that viewed certain structures and individuals as more important than others. Much of the commentary and laws derived from Tamar's and others' stories seem to only value a woman based on her virginity, or are only concerned with her marital status. However, laws which require marriage and payment, or which "permit" a woman to her husband after being raped, for example, were likely seen as the most ethical and just measures to preserve social structures and family dignity. Laws like these gave victimized women a chance at a future when, previously, through no fault of their own, they may not have been afforded one.

Given that progressive Judaism and our broader society, in general, no longer adhere to the same standards as the rabbis, it is time for a new ethic with which we approach sexual violence, how we respond to survivors, to perpetrators, and how we speak about it in our communities.

Judaism and The Body

First, it must be said that this new ethic also relates to the changing ways in which Judaism has, over the years, come to see and connect with the body. From the 1st century CE, the platonic dualism which dominated Greek and early Christian communities

greatly influenced rabbinic Judaism as a minority culture within those dominant cultures.[184] [185] At its core, Plato's philosophy rejected the body for the sake of elevation of the mind, the intellect, and the spirit, which he and his acolytes considered to be human's true essence. They saw the body as less-than the soul, or simply an empty vessel without the soul, as dirty and in need of suppression. These notions seeped in at this critical time in Jewish history, during the writing and codification of our sacred texts. The result of which, according to Boyarin, etc. was the incorporation of shame, negativity, and stigma about the body, which had great impact on the evolution of Jewish thinking, custom and law concerning the body, and would come to define many Western approaches to the embodied experience, especially that which even remotely relates to sexuality.[186] [187]

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[184] Boyarin, D. *Carnal Israel: Reading Sex in Talmudic Culture.* (Berkeley and Los Angeles, CA: University of California Press, 1993), 6. – "The notion that the physical is just a sign or shadow of that which is really real allows for a disavowal of sexuality and procreation, of the importance of filiation and genealogy, and of the concrete, historical sense of scripture, of indeed, historical memory itself. The emphasis, on the other hand, on the body as the very site of human significance allows for no such devaluations. Sexuality is accordingly not just a subheading under ethics but situated as the core alternate individual and collective self-understandings. A self and a collective that conceive of their actuality as spiritual will behave very differently from a self and a collective that see the body as the privileged site of human essence. Rabbinic Judaism and early Christianity were very different from each other in their ideologies of sexuality and thus of the self and collective and cannot be subsumed under a rubric of Judeo-Christian, a term which, if it means anything at all, only takes on that meaning in modernity."

[185] Ibid. 35. –"Because the Rabbis understood the human being as a body, sexuality was an essential component of being human, while in Platonized formations, one could imagine an escape from sexuality into a purely spiritual and thus truly "human" state. The rabbinic insistence on the essentiality of the corporeal and thus the sexual in the constitution of human being represents then a point of resistance to the dominant discursive practices of both Jewish and non-Jewish cultures of late antiquity."

[186] Ibid. 59.

[187] Borowitz, E. B., *Choosing a Sex Ethic: a Jewish Inquiry* (New York: Schocken Books, 1969), 59.

I believe these notions have only added to the already-complex question of sexual violence for the biblical authors and the rabbis. Again, sexual violence is not a sexual act, but "pseudo-sexual".[188] To explain this, Rev. Dr. Fortune provides a helpful example: with a hand, one may reach out to gently touch a face, as a sign of caring and affection. However, if that same hand were to reach out unwarranted, or in a closed fist, with force and intention to harm, it becomes an inherently different interaction, even if the same body parts are involved. The same goes for sexual violence. Sexual contact that is wanted and welcome, with the intention of expressing love, care, and pleasure, is an inherently different experience than using those same body parts when unwanted, violent, with the intention to harm. Same body parts, completely and utterly different experience.[189]

There is ample evidence that Rabbinic Judaism does not take the body lightly or sexuality. Unlike their neighbors, the rabbis understood the body as significant and full of potential. Reform Judaism, too, has come to value the body and its role in our lived experience, to understand and internalize the notion that bodies are created *b'tzelem Elohim*, and that our physical selves are deserving of care and attention. We have also come to recognize, as a society, the emotional and psychological toll of physical trauma, including and especially that of sexual violence. In a way, the rabbis knew this too. The halakha which recognizes and demands payment for not only physical pain, but "degradation, humiliation," reflects such acknowledgement.[190] However, this does not engage in the empathy necessary to respond in the most sensitive way we understand to be required today.

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[188] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland, OH: The Pilgrim Press, 1983).
[189] Ibid.
[190] Babylonian Talmud, Tractate Ketubot 32a.

A New Ethic

Reform Judaism deserves a new ethic for how to respond to sexual violence. The response happens on many levels: from general way in which we talk about the #MeToo and #TimesUp movements, the Women's Marches, the latest allegations brought against powerful men, to the granular, how we meet survivors, either when they reveal their experience to us on an individual basis, and what they need in order to find safety and healing in Jewish spaces. Working toward offering dedicated, evidence-based educational programming communicates to every member of our communities that sexual violence is a recognized issue. Consent and supporting survivors in themselves *are* Jewish values. By combining what we know from best-practices in the medical, public health, direct service and educational fields about sexual violence, with text and ritual from our tradition, and the values of education, the following guidelines will help to equip communities to respond to and speak about sexual violence thoughtfully, sensitively and Jewishly. The response has three parts, based on the Revelation at Sinai: a process which begins with preparation and concludes with *na'aseh v'nishmah*, the Israelites' commitment to "do and hear".[191]

The revelation in process is, unequivocally, a paradigm shift. The revelation of sexual violence is not new, but it is still unfolding. That sexual violence is happening, that sexual violence has always happened, the magnitude of the issue and proximity to each of us, that we have all, in different ways, played a role in its continuation – these are revelations to many. Taking on these interconnected understandings has caused everyone – men, women and everyone in between, of all ages, at all socioeconomic levels, in the

[191] Exodus 19:8, 10; 24:7

United States and around the world to question our most basic assumptions and interactions and the dynamics of our deepest relationships. And everyone receives this "revelation" differently. Some have already begun to hear the stories and do the work. Others may be unable hear; because of fear, anger or any number of reasons, they are resistant. Others may be able to hear but are paralyzed in the face of this plague on our communities and our world, leaving them unable to do. But just as with upholding Torah, working to repair the world in this ever-unfolding project of creation, it is not on any one person to finish the work alone. That takes all of us, in community. However, as individuals, we must each rise, as we're able, to the challenge. This requires three steps, implemented in a linear fashion at first, but in order to be sustainable, must happen as does Revelation: continually.

The first step is the preparation. Though we cannot expect to wash our clothes and "wash our hair" of this issue, a process of *Cheshbon HaNefesh*, "accounting of the soul," helps to bring to the surface that which keeps us from our truest selves, and from one another, confront and repent, and sets us on a path toward *teshuvah*, repair.

The second and third steps are *na'aseh v'nishma*, echoing the Israelites' commitment to do and hear that which they acquired at Revelation. However, for our purposes, these steps should not and cannot be done linearly, nor can they remain in the original configuration. For confronting and responding to sexual violence our first priority must be *nishma* – the communal commitment to listen, to hear, to witness and acknowledge. We must hear and truly listen to the lived experience of survivors, the validity of their stories and of their present reality. We must stop talking, telling women and everyone to be careful of what they wear, do, drink, where they go, who they are

with. We must only open our arms, our ears and our hearts. We must also hear and pay attention to the toxicity in which our culture is steeped and hear our own words and thoughts, the ways in which we contribute to keeping it that way, acknowledging that no matter what, while some are guilty, all are responsible.

Only then will we be able to say *na'aseh*, we are ready to do: to build the safer spaces to help victims on their journey toward becoming survivors. This is done on many levels, implicitly and explicitly, in big and small ways. For our purposes, this "doing" entails what Jews have been doing since Revelation at Sinai, what Jewish communities do best: to learn and teach. Yes, Jewish communities can and must work to provide survivors with much-needed support and resources. We also have the power and responsibility to teach about assault and consent. We can and must work to equip everyone to be more sensitive, to understand the dynamics at play, to know how to give and receive consent, to prevent even one unwanted touch, one assault. If we can do any one of these things, even teach one person one of these skills, we will have not only worked to prevent injury, we will contribute to saving a life.

Cheshbon HaNefesh – Preparing Ourselves

When the Israelites gathered at Sinai, before they were ready to receive, they had to prepare. The biblical text describes a purification ritual which had physical, but also emotional and spiritual components, for individuals and the community as a whole. Part of this preparation was the removal and washing of garments and bodies. The people removed the "layers" between themselves and the Divine. They bared their most inward selves, confronting and accepting responsibility, and washed away that which did not

serve them. Beginning at Selichot and during the Yamim Noraim, leading up to Yom Kippur, communities and individuals may go through a process of *Cheshbon HaNefesh*, "accounting of the soul," which achieves the same end. This is where the process begins – revealing to yourself that which does not serve you, or the community, or the world.

When perpetrators of rape, like Amnon, are killed in the bible, without direct connection to their crime, they are never held accountable to their victim, nor to the community. This does not bring justice to the woman who suffered and only serves to sweep the whole situation under the rug. There is no *tochecha*, no rebuke. There is no opportunity for acknowledgement, apology, or change – no *teshuva*. But it is not entirely on the perpetrator. There is also no *cheshbon nefesh* on the part of the community which, implicitly or explicitly, held up structures that enabled the sexual violence to happen in the first place. This is exactly where we, individually and communally must start. While today we may not be able to sway the hearts and minds of judges who let perpetrators walk free, or corporation which give powerful men golden parachutes, or politicians who could create stronger laws to help bring rapists to justice, we can begin by being introspective and truly honest with ourselves. True, any one individual may never have raped or personally helped to orchestrate such subjugation of another. But in what ways have we been complicit or enabled the use of power over another? When have we turned a blind eye, let a comment or even a touch go unchecked? When have we slut-shamed or victim-blamed? When have we asked, aloud or to ourselves, "What was she wearing?" or "How much did she drink?" or "What did she do to bring *that* kind of attention?". When have we asked, "What about his future?" before we said, "I'm sorry" or "I believe you"?

For all these things, we are guilty. For all these things, we must hold ourselves and one another accountable. For all these things, we must name and work to stop. Yes, this is painful, but in all these ways, we have the power to change. And once we are able to begin that process, we will be ready to hear and then do, to say "*nishma, v'naaseh"*:

Nishma – Deep Listening

When we have opened ourselves up to our own shortcomings through *cheshbon hanefesh* and looked critically and lovingly at laws and structures which may have side-stepped sustainable, sensitive responses in the past, and looked to other texts to bring comfort and support, then we may be prepared, possibly for the first time, to truly hear the voices of survivors. We can start by doing this with survivors' stories found in our sacred text, particularly those in which survivors and would-be victims speak. We can read, listen, witness and acknowledge the ways in which they are hurt, discarded, silenced: Tamar speaks to Amnon, in spite of the harms he caused her, and she is cast out and ultimately silenced. Sarah speaks, cries out to God in her darkest hour, so close to the start of her journey which, for all she knows, might end before it truly begins. The unnamed woman speaks, again and again, as her personhood is chipped away by those meant to protect her. Hannah bat Matityahu speaks, baring her body and soul as she bears the shame of her people.

We must listen to these women, whose bodies were harmed, whose honor diminished, whose personal autonomy and humanity were wrestled away, whose divine light left dimmed, and we must acknowledge: For too long you have suffered in silence, but no longer. We are willing to hear you and we want to make it right. We are sorry. We

believe you. We commit to hearing and listening. We commit to being aware of the structures which sought to silence you, and dismantle them, piece by piece.

These stories can serve multiple roles: they are painful examples, illustrating the ways in which rape culture can be seen as founded in biblical text. But they also offer salves and solutions. Through them, not as a how-to but the inverse of we should be approaching sexual violence and its survivors. We can see the importance of listening. We can see the critical need for creation of safer spaces for healing, and opportunities for prevention, taking steps toward ending rape in our communities and beyond.

Only once we have this foundation will we be able to and truly deserving of receiving the stories of the lived experiences of those in our communities. Jewish communal leadership, unless specially trained as social workers or therapists, are not equipped and should not be expected to take on those roles. However, deep listening if and when someone discloses their experience is key, not only in establishing ourselves as worthy receivers of their stories, but in the teller's healing process. Marie Fortune writes,

> The thing that is most important in shaping that recovery is the response which the rape victim receives from family, friends, the church, and the community. If she/he feels comfortable sharing what happened with those around her/him, and finds a sensitive, caring response, then the recovery process proceeds […] If, for any reason, the victim cannot share the experience and seek support from such resources, then the recovery may be long and painful; the negative impact of the rape is maximized by the victim's isolation. […] Support and understanding from family, friends, or helpers enables the rape victim to utilize his/her own strengths to move through recovery and to discover new strengths and learnings which result in growth and change. Without supportive responses from family, friends church and community, all too often victims remain victims. The goal is not to rescue, but to assist the victim in moving through the crisis to become a survivor.[192]

[192] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland, OH: The Pilgrim Press, 1983).

Our ability to simply hear and truly witness someone as they disclose something as painful as an experience of sexual violence is the most precious and significant gift we can give someone. The impulse to spring into action, to do something, is certainly strong. But all we have to do is listen, receive and reflect: It's not your fault. It should not have happened to you. I am sorry. I am here for you.[193]

For clergy, especially in the Jewish world, many may feel the need to tap into our tradition's prophet voice for justice – to speak out, give sermons, write blog posts or newsletter entries about sexual violence as a display of support. However, Rev. Tim Hein, in his book, *Understanding Sexual Abuse*, would encourage we tread lightly. Hein reminds us that the worship space is "a place where people are willingly open and vulnerable" and while sermons can be powerful in demonstrating personal and communal values, "the words we use in sermons can trigger unwanted feelings, images, and memories […] flashbacks of the abuse experience of the feelings associated with the trauma". Any public mention of sexual violence must always come with a preface, a trigger-warning, and be closed with an open invitation to reach out. But more than anything, when it comes to sexual violence, our primary role is listening.

Hein also addresses the importance of sensitizing everyone - clergy, board members, congregational support staff, religious school teachers – to listen first and be cautious about how they speak about sexual violence. Because the nature of congregational space is one to which people "come not only with particular brokenness

[193] Rape, Abuse and Incest National Network, "Tips for Talking with Survivors of Sexual Assault". https://www.rainn.org/articles/tips-talking-survivors-sexual-assault.

but also to be vulnerable," everyone plays a role in creating and sustaining that container for vulnerability.[194] And it begins with listening.

Na'aseh – Precedents and Possibilities of Doing

In 1970, when Supreme Court Justice Ruth Bader Ginsburg prepared to stand before Colorado's 10th circuit appellate court to argue her first of many cases which helped to establish gender discrimination as unconstitutional, RBG said, simply, we need a new precedent. So too in Jewish tradition. We need to look at what we have inherited and do the work to read it in new ways to inform an effective Jewish approach to sexual violence. While studying the law for study's sake has inherent value, the majority of law and rabbinic commentary on which the "traditional" approach is based has long been outdated, particularly laws which would require a woman to marry her rapist. As Tarana Burk said, in her November 2018 TEDTalk, in headline after headline, the media vilifies the #MeToo movement with accusations that it began a "gender war" and is "dismantling due process".[195] But, she says, #MeToo is not doing any of those things. Rather, is it *continuing a conversation started long before*.

Similarly, by bringing the problematic elements of the conventional commentary and halakha to light is not meant to discredit or dismantle the tradition, or to vilify the rabbis. On the contrary. It is to acknowledge on whose shoulders we stand and continue a much-needed conversation. These texts, both what is on the page and what may be read

[194] Hein, T. *Understanding Sexual Abuse: A Guide for Ministry Leaders and Survivors* (Downers Grove, Illinois: InterVarsity Press, 2018) 2.
[195] Burke, T. "MeToo is a movement, not a moment." TEDWomen 2018. November 30, 2018. TED, https://www.ted.com/talks/tarana_burke_me_too_is_a_movement_not_a_moment/?blog#t-374260.

between the lines, have so much to teach us. There is precedent for this kind of re-reading. Certainly, within the tradition of feminist theology, but even as Rabbi Dr. Borowitz said,

> Law is always bound to time and place. If it is to remain effective, it must allow for change and adaptation… Judaism, deeply concerned with what mankind does in time, has for the most part preferred law to philosophy. Its legal tradition is self-consciously concerned with the need and the right to adapt the law to changing circumstances… in an emergency the rabbis could directly change or override an explicit commandment of the Torah… "Whatever an experienced legal master innovates in a later age was already given to Moses at Sinai as part of the Torah.[196]

According to halakhic scholars, "Jewish tradition offers a variety of resources and methods for Jews to "know and motivate the good," resources that influence Jewish moral thought and actions. According to some, this is the central purpose of halakha.[197] Whereas the Reform movement is not a halakhically-bound tradition, in that we are not looking to the *Mishneh Torah* or *Shulchan Aruch* for instructions on day-to-day living, these sources of Jewish law have merit and importance, and we can understand their content as guidelines toward moral and ethical responses. As such, I believe we can look to the basic intention of the halakha to answer some the myriad questions about how we may respond to sexual violence, Jewishly.

First, consider the halakha derived from Deuteronomy 22:23-29: if a woman is raped, the perpetrator must provide payment and marry her, without the option to ever divorce her. While certainly problematic for a number of reasons, given the time and place, we can understand this to be an ethical response. The law provides this woman

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[196] Borowitz, E. B., *Choosing a Sex Ethic: a Jewish Inquiry* (New York: Schocken Books, 1969) 49.
[197] Dorff, E.N. and Crane, J.K. (eds.) The Oxford Handbook of Jewish Ethics and Morality. (Oxford University Press, 2016) Introduction.

with the possibility of security and of a future whereas, after being raped and losing her virginity in a particular time and place, she may have been afforded neither. While we cannot bring perpetrators to justice or provide for all of the needs of survivors, as Jewish communities, we might see the "marriage" clause as a stated commitment by leaders and laity to supporting survivors. For example, we may find ways to communicate publicly and privately, explicitly and implicitly that, as leaders and communities, building safer spaces in which survivors can be assured of unwavering support throughout their healing process is a priority. This may include but is not limited to posting phone numbers for help lines in discreet but visible locations, writing about a related issue in a communal newsletter, and letting the community know that clergy is able to provide counseling and make reliable referrals, when care needs extend beyond their capacity.

Christian theologians and leaders who have written and done extensive work in this area discuss the imperative to explicitly, unequivocally express, not only support but love – especially God's love – to survivors. Rev. Tim Hein, for example, acknowledges that Jesus, too, is a survivor of trauma. Christianity's deity knows pain and suffering and espouses a love has the power to ease the burden and assist with the process of healing. [198] In our own tradition, we too can find theological expressions of Divine love which are meant to bring comfort in the darkest of times. For example, the *Shechina*, the feminine expression of God in Jewish mysticism, is said to be with Israel, even in Exile. The special Haftarot for the weeks after *Tisha B'av*, to bring comfort following destruction, may serve us in helping to bring healing and comfort to those in need of the extra reminder of God's constant, unending love, no matter what may have happened to us.

[198] Hein, T. *Understanding Sexual Abuse: A Guide for Ministry Leaders and Survivors* (Downers Grove, Illinois: InterVarsity Press, 2018) 2.

The payment, for injury, humiliation and degradation may be more complicated to transpose directly. We can certainly speak in terms of monetary support, such as investment programming and support services on site and in the community. However, the most important investment we can is in the dedication of time and resources to developing and implementing educational efforts at many levels, across ages and stages, to **prevent** such injury, humiliation and degradation in the future. We can teach the story of Tamar and others who were victimized, we can talk about the commentary involving sexual violence, as well as the halakha derived as a way to instruct Jewish communities on how to address, respond and even prevent sexual violence. We can name that while, on their face, much of these texts look to be the origins of what we have come to know as "rape culture," and victim-blaming – the shaming, stigmatizing and minimizing of experiences of sexual violence and the continual propping up of perpetrators, usually powerful men. On the other hand, like much of biblical writing, we can talk about these stories as just the opposite – as a demonstration of the effects of the power-hunger, the disaster that comes of disregarding the humanity and well-being of others, of incorrect responses to a loved one in need, to a victim of sexual violence. We can lean into the Jewish value of studying, using our texts as well as the best research and information that the public health, psychology, sociology and educational communities have to offer, and the best practices which survivor support and sexual assault prevention services have to offer. We can use those as the tools to help us all begin to heal and build a better world for the future. Like Tarana Burke, I too believe, "We owe future generations a world free of sexual violence. I believe we can build that world. Do you?"[199]

[199] Burke, T. "MeToo is a movement, not a moment." TEDWomen 2018. November 30, 2018. TED, https://www.ted.com/talks/tarana_burke_me_too_is_a_movement_

Chapter 9. Curriculum Introduction and Sample of Materials

Below is an introduction to the curriculum I hope to develop, based on this research. It includes the overall goals of the program and a short description of the main themes and content of each session. This, in whole or in part, would be included in the promotional materials and would be included in the participant program materials.

Over the last few years, #MeToo, #TimesUp, the Women's March and other efforts have brought the age-old challenge of sexual violence – against women and men – to the front pages and to our doorsteps in unprecedented ways. Hearing others' stories is often a catalyst for people to tell their own. Telling one's story is necessary to begin the journey toward recovery. Religious communities, our Jewish communities, should be places equipped to receive people at their most vulnerable, and to respond to these larger cultural conversations from a thoughtful place, grounded in our values.

Rev. Dr. Marie Fortune has written extensively on the role of religious communities in responding to sexual violence. Fortune says that when a victim of sexual violence chooses to disclose their experience to us, it is a big deal, and our response to that disclosure matters. As a trusted community leader, our support is one of the most important factors in shaping their healing moving forward. Finding support and understanding in us can enable a victim of sexual violence to utilize their "own strengths to move through recovery." However, she says, without supportive responses from those whom they trust, "all too often victims remain victims. The goal is not to rescue, but to assist the victim in moving through the crisis to become a *survivor*."[200]

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not_a_moment/?blog#t-374260.

[200] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland, OH: The Pilgrim Press, 1983).

We, as clergy and educators, have the power and responsibility to create **safer** spaces in our synagogues and community organizations to be supportive of survivors and those who love them, and of young people *and everyone* in learning about sexual violence and consent. Taking the time to invest in our own learning is a significant step toward helping our communities heal – from personal experience of violence, and from the toxic effects of rape-culture – and preventing harm in the future.

Many may assume that schools provide sexual health education, which includes sexual assault and consent education. In some places, that may be true. However, the quality and quantity of the content, and the level to which that content is based in fact, may vary greatly, state to state and even between school districts.[201] States which mandate sexual health education report between 1-5 hours of dedicated time to sexual assault prevention and/or consent education. However, most schools are not adequately addressing sexual violence prevention: 32% of 9th-12th graders report receiving **zero hours** of education on this topic.[202]

Additionally, sexual assault prevention and consent education is not just for our youth. Adults can benefit deeply from additional resources on healthy sexuality and decision making, and helping them to shed long-held, harmful misgivings about sexual assault in a supportive environment can be a paradigm-shifting experience.

The purpose of this series is to equip educators, clergy and communal leadership with Jewish resources and skills, informed by best-practices, and to achieve two main objectives:

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[201] The Guttmacher Institute. "Sex and HIV Education," January 1, 2019. https://www.guttmacher.org/state-policy/explore/sex-and-hiv-education.

[202] Vermont Network Against Domestic & Sexual Violence. *Vermont Consent Campaign Resource Packet.* (2012) 3-4.

- To educate about sexual violence and toward prevention, including skill-building on active consent and curbing the bystander-effect.
- To create safer spaces for survivors and learn to meet and hear their stories sensitively

This series is comprised of four, two-hour sessions, and will include:

- Biblical, rabbinic and contemporary text study,
- An opportunity for group or chevruta discussion,
- Role-play to applying the learning,
- A debrief to processing the learning and ask questions.

The sessions will be structured as follows:

Session #1 – *Beginning to Hear: An Introduction*

This session will be an introduction to II Samuel 13. It will include a close reading of the story and an overview of the rabbinic commentary. It will also cover myths and facts about sexual violence, teach key terminology (ex. rape, consent, victim-blaming, systemic oppression) and familiarize learners with significant data on sexual violence in the United States, and the history of the social movements which gave way to #MeToo.

Session #2- *Redeeming Tamar: Applying a New Ethic*

By looking at the rabbinic commentary and halakha derived from biblical passages on sexual violence, this session will identify ways to read our traditional sources that draw out our contemporary Jewish values. Once identified, we can then implement these texts in efforts to support survivors, and rethink how we approach and talk about sexual violence.

Session #3 - *From "Victim to Survivor": Your Role in Providing Support*

This session looks at both helpful and unhelpful examples of responses to sexual violence to examine our personal practices when meeting survivors. This session aims to impart the importance of our ability to not only listen in the moment, but the impact of our support on the survivor's journey toward healing.

Session #4 – *L'dor V'dor: Teaching So All Can Hear*

The last session is dedicated to understanding the importance and power of implementing sexual violence prevention and consent education within our communities. The session will include best-practices from the medical, public health, psychology and social services fields, and tools to build sexual violence prevention and consent education from scratch, or into already-existing programming for youth and adults. Using traditional Jewish ritual structures, such as *cheshbon hanefesh* and *t'shuvah*, we will generate ideas for individual and communal opportunities for healing.

Sample of Teaching Material from Session #3

Setting

This text study will be part of a ~4 session training, designed to provide Jewish communal leadership with tools to a.) meet survivors of sexual violence with greater sensitivity and b.) implement sexual violence prevention and consent education programming in their communities. As I imagine format of the training, this text study will not be the first or only the participants will have and will likely show up in one of the

later sessions in the series. That way, I can assume familiarity with the plot, main concepts and characters in II Samuel 13, ameliorating the need for too much framing.

Lesson Overview

By studying this selection alongside contemporary equivalents, and contrasted with best practices of responses, learners will gain a deeper understanding of supportive and sensitive ways to respond when someone discloses their experience of sexual assault. Using the tools acquired during this session, learners will be more equipped to meet survivors of sexual violence with increased sensitivity in the future, enabling them to build the necessary trust to help that person begin/continue the process of healing.

Core Concept

II Samuel 13:20-22 is a model text which demonstrates how ineffective responses to sexual violence silence victims and prevent them from moving through the healing process to become survivors.

Trigger warning

Facilitator Note: Though the participants know, and willingly signed up for the training, I would recommend offering a preface for a number of reasons. First, for the purposes of sensitivity. Whether the participants have trauma that is present in the room or underlying, it is important to acknowledge and make space. Second, modeling this kind of sensitivity helps to establish the tone in the room. In addition to considering how the room is set up physically and the warmth with which I greet folks on their way in, this

kind of message will help to set the learning environment and communicate to the participants my intentions.

"As with any session that contains sensitive material, I want to begin by reminding folks that this session contains information about and reference to sexual violence, assault and rape. If for any reason you are not in a good place to hear or talk about these matters today, I trust your discretion to do what you need – take a break, stay in the room but opt not to share, etc. While we can never promise anyone a truly "safe space," this is what I can offer in order to create a *safer* space for everyone."

Set Induction

Facilitator Note: Instead of jumping right into the text, this video effectively and humorously illustrates common harmful responses to sexual assault, and the ways our society talks about rape and to those who have experienced it. All of this serves to perpetuate rape culture. The video is meant to break the ice, and brings a little levity to this otherwise heavy, but nonetheless vital conversation.

"Let's do a thought experiment: say your laptop was stolen and you reported it to the police. What would you expect they would do and say in response?

- *Take my statement*
- *Open an investigation*
- *Check security cameras where I was to see if they could ID as suspect*
- *Gather information from possible witnesses*

A few years back, filmmaker Cynthia Kao made a video using the example of a stolen laptop, called "If reporting a robbery was like reporting a rape".[203] Let's take a look:

Show video: https://youtu.be/A0L4V5BWITM

- *Take reactions*
  - *Blatant victim blaming*
- *Name some of the ways in which the blame was shifted to the victim*
  - *"you seem pretty upbeat for someone…"*
  - *"are you sure it wasn't…?"*
  - *"were you flaunting it?"*
  - *"flashing your goods"/"asking for it"*
  - *If you report, you will bring "negative attention to the neighborhood, to yourself…"*
  - *"bad behavior"*
  - *"do you have any physical evidence?"*
  - *"how do we know you didn't want it?"*
  - *"were you drinking?"*
  - *"he-said, he-said"*
  - *"get alarm system… buy yourself a gun, take self-defense classes, get a big dog, make sure the house is never alone…"*
- *Everyone has the right to life without fear and feel safe*
- *I bet people who call the cops for a robbery are treated with way more respect*
- *The mention of the backlog – alluding to the insane backlog of rape kits waiting analysis that will probably never get done…*

ASK: How did it feel to hear these reactions?

- *Angry, frustrated, depressed - This is absurd!*
- *Not surprised – unfortunately this is probably not uncommon…*

First, it should be said that being robbed and being raped ***are fundamentally different experiences***. But using the same questions and assumptions, this video illustrates just how absurd and hurtful the responses are to most victims of sexual violence, from police as in this example, but also from family and friends.

[203] Bahadur, N. "If Reporting A Robbery Was Like Reporting A Rape." February 25, 2015; Cynthia Kao. www.cynthiakao.com.

Rev. Dr. Marie Fortune has written extensively on this, and it is this idea which underpins the examples and best practices provided in her book, "Sexual Violence: The Unmentionable Sin".[204] Dr. Fortune writes,

[ask for reader]

"The process of recovery from rape begins immediately. The thing that is most important in shaping that recovery is the **response which the rape victim receives from family, friends, the church, and the community**. If she/he feels comfortable sharing what happened with those around her/him, **and finds a sensitive, caring response**, then the recovery process proceeds. If, for any reason, the victim cannot share the experience and seek support from such resources, then the recovery may be long and painful; the negative impact of the rape is maximized by the victim's isolation."

ASK:

- What do you take from this?
    - *The process begins immediately*
    - *Responses are important*

Text Study

As Jews, The People of the Book, we know that words matter, they have power. This is certainly true with how we talk about sexual violence, and how we respond when someone discloses their experience to us. **If a survivor chooses to disclose to you, it means they trust you.** This is huge and how we, as part of that person's trusted circle, respond, the words we choose when hearing their experience of sexual violence, can greatly influence the trajectory of healing.

[204] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland: The Pilgrim Press, 1983) 144-145.

Let's take a look at the responses of those in Tamar's inner circle in II Samuel 13:

Read 2 Samuel 13:20-22

Facilitator Note: In keeping with the recommendation to "teach half the content in twice the time", a small selection of verses was chosen for this exercise. Remember, the participants will read the whole story during the first session, but a review to bring everyone up to speed may be helpful.

[Ask for readers. Thank readers after.]

ASK:

- What does the text say?
    - *Tamar tried to tell her family what happened*
    - *Avshalom didn't listen*
    - *David "got angry" but did nothing*
    - *Tamar stayed in her brother's house and… it's unclear after that*

ASK:

- What were Avshalom and David's **verbal and nonverbal** responses to Tamar's experience?
    - *Avshalom*
        - *He didn't **ask** her what happened, he just assumed*
        - *He did not give her a chance to speak, to tell her story in her own words*
        - *He prescribed her behavior, told her who to deal with it*
    - *David*
        - *He "got angry"*
        - *He didn't say anything to Avshalom, Amnon, or Tamar, nor did he punish Amnon for what he did*

Right. Unfortunately, the classic commentary on this text does not have much to say on these issues you raise. Most reflect on the use on familial language - the brother/sister relationship and what that means – but the Malbim, an early 19th century Hebrew grammarian and halakhic scholar from what is now Ukraine, gets right into the dialogue:

אל תשיתי את שתשכחי זאת מלבך כי מה שהיה היה **לדבר הזה,** טוב **לבך**

The Malbim interprets Avshalom's (unsolicited) advice to Tamar as: "Best that your heart forget this, because what happened, happened..."

- Hearing this response, what is coming up for you?
    - *Frustration, anger, sadness…*

Absolutely. And the next line tells us how this reaction bears out for Tamar…

[Ask for reader to re-read 13:20c]

וַתֵּשֶׁב תָּמָר֙ וְשֹׁמֵמָ֔ה בֵּ֖ית אַבְשָׁל֥וֹם אָחִֽיהָ׃

On this verse, Phyllis Trible writes, "When used of people elsewhere in scripture, the verb "be desolate" (שמם) connotes being destroyed by an enemy (Lam 1:16) or being torn to pieces by an animal (Lam 3:11)."[205]

- Lamentations 1:16: For these things do I weep, My eyes flow with tears: Far from me is any comforter Who might revive my spirit; My children are forlorn, For the foe has prevailed.
- Lamentations 3:11: He has forced me off my way and mangled me, He has left me numb.
    - What does this tell us about Tamar's experience after telling those in her inner circle?
        - *Adding insult to injury - She is further harmed by their reactions*
        - *She is not able to fully heal from this experience without family support*

Exactly. As Fortune writes, *[ask for reader]*

[205] Trible, P. *Texts of Terror: Literary-Feminist Readings of Biblical Narratives* (Minneapolis: Fortress Press, 1984).

"**Support and understanding** from family, friends, or helpers enables the rape victim to utilize his/her own strengths to move through recovery and to discover new strengths and learnings which result in growth and change. […] *Without* **supportive responses** from family, friends church and community, all too often victims remain victims. […]"[206]

Analysis

Facilitator Note: By asking about the biblical interpretation and what the learners already know and feel about sexual violence, this section gives them an opportunity to synthesize the information and begin to anticipate emotions that may arise and how they might use or manage those emotions in order to respond most effectively. By adding best practices, learners will gain new resources from those who serve survivors so they may integrate them to their own practices in the future.

We can understand that Avshalom's and David's responses were not helpful and were harmful to Tamar. But let's get into the details:

ASK:

- What, specifically about Avshalom's response was unsupportive?
    - *Avshalom didn't try to empathize, did not show that he felt bad in any way*
        - *He tells her to forget, pretend like it never happened – this totally invalidates her experience*
    - *Avshalom decided on the next steps without considering what Tamar may be feeling, or what she may have wanted*
        - *He offers no acknowledgement of what happened, doesn't leave room for Tamar to process her experience before moving on to the next thing*
    - *Tamar doesn't get a word in edgewise*

ASK:

[206] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland: The Pilgrim Press, 1983).

- How was David's response unhelpful for Tamar?

Add: The biblical narrator does not give much dialogue here, especially from David…

How do you think David might have felt when he heard about Tamar's rape, that caused his silence?

- *He was stunned into silence that his son would do such a terrible thing*
- *He didn't believe it and was angry that someone would make up stories about his son like that!*
- *He was angry at himself that his son is now exhibiting some of the same behavior he has in the past, and what could he say?*
- *He thought it was an exaggeration of what happened and why legitimize it and potentially "ruin his son's future?", as we've heard people talk about those accused of sexual violence*

While it is frustrating to see these unhelpful responses, we can understand that hearing about sexual violence, especially between people you know and love, are related to or deeply connected to, might be really hard. It may bring up a range of reactions.

- Like what?
    - *Anger*
    - *Disbelief/confusion*
    - *Fear*
    - *Hurt*
- Why might someone may respond unhelpfully?
    - *May be blaming themselves*
        - *OR may turn blame outward to keep the blame off of themselves, if there is fear they might be at fault*
    - *May raise questions about the nature of the people involved*
        - *We want to believe the best about our loved ones, and hearing they did wrong may be challenging to hear*

Yes, and often, these very unhelpful, unsupportive reactions are more about the recipient of the information than about the person disclosing. No matter what may arise in us when we someone discloses their experience, there are some best practices from the field that may be additionally helpful to allow us to be present and respond sensitively:

What we shouldn't do:

- Get visibly angry
- Try to "rescue"– do everything for them (make appointment, make phone calls)
- Convince them to disclose more information than they want to
- Convince them to disclose to family or to police

What we can't do:

- Promise 100% confidentiality, especially for youth (mandatory reporting)

Facilitator Note: In the event someone suggests "tell them this is a safe space", gently call back to the disclaimer from the beginning of the session: "Generally, we cannot ***promise*** *that our synagogues, organizations or events are inherently "safe space." To do so, is not being truthful, because you can't know that – you never know what folks are coming in with… But, we can strive toward creating* ***safer*** *spaces for our community members and staff".*

ASK:

- If you could propose a do-over for Avshalom and David, how would you instruct them? What would you tell them to do differently?
- Or if someone comes to you to disclose their experience, **how** can you respond in ways that demonstrate caring, sensitivity, support and understanding?
- Let's make a list of good responses (*can be verbal and nonverbal*)
    - *Listen*
    - *Thank them for speaking up*
    - *Make space*
    - *Talk only when necessary*
    - *Reflect emotions back to them*

Fortune says, "The goal is not to rescue, but to assist the victim in *moving through* the crisis to become a survivor."[207] Let's add to your ideas some best practices from the field:

[207] Fortune, M.M. *Sexual Violence: The Unmentionable Sin*. (Cleveland: The Pilgrim Press, 1983).

What we can and must do:

- **Listen - *if this is all you do, it will be enough***
- Be patient – it may take some time for them to find the words, especially if this is their first time disclosing their experience
- Thank them for trusting you and coming forward
- **Ask: "What can I do to be supportive?"**
    - Provide options for support services, like RAINN!
    - Sit with them while they make phone calls
    - Go with them to the hospital, police, to tell their family
        - If applicable, inform them of mandatory reporting

What you can **say** to be supportive:

- **"It's not your fault. / You didn't do anything to deserve this."**
    - Survivors may blame themselves, especially if they know the perpetrator personally. Remind the survivor, maybe even more than once, that they are not to blame.
- **"You are not alone. /I care about you and am here to listen or help in any way."**
    - Let the survivor know that you are there for them and willing to listen to their story if they are comfortable sharing it. Assess if there are people in their life they feel comfortable going to, and remind them that there are service providers who will be able to support them as they heal from the experience.
- **"I'm sorry this happened. / This shouldn't have happened to you."**
    - Acknowledge that the experience has affected their life. Phrases like "This must be really tough for you," and, "I'm so glad you are sharing this with me," help to communicate empathy.

And last but certainly not least… Believe them unconditionally and say so

- **"I believe you. / It took a lot of courage to tell me about this."**
    - It can be extremely difficult for survivors to come forward and share their story. They may feel ashamed, concerned that they won't be believed, or worried they'll be blamed. Leave any "why" questions or investigations to the experts—your job is to support this person. Be careful not to interpret calmness as a sign that the event did not occur—everyone responds to traumatic events differently.

The best thing you can do is believe them. [208] [209]

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[208] King County Sexual Assault Resource Center, "Safety Starts Here, a Resource for Interfaith Communities," https://www.kcsarc.org/sites/default/files/Education%20-%20Interfaith%20-%20SAFETY%20STARTS%20HERE%20for%20website.pdf;"Creating Trauma-Informed Classrooms," https://www.kcsarc.org/sites/default/files/Resources%20-%20Trauma-Informed%20Classrooms%20Poster%20Web.pdf.

[209] Rape, Abuse and Incest National Network, "Tips for Talking to Survivors of Sexual Assault." https://www.rainn.org/articles/tips-talking-survivors-sexual-assault.

Learning Wrap up

The healing process begins immediately, and for many, disclosing to those in their "inner circle," including their clergy and communal professionals, is an essential step in starting on their road to recovery. There will never be a "good time" for someone to disclose an experience of sexual violence. They may come find you in your office, or may choose to tell you in another way, at a time you aren't "ready," if ever there was a time we are ready…

- In an effort to create as safe and comfortable space as possible, where would you start?
    - *Thank them for coming forward, and for trusting you*
    - *Acknowledge…*
        - *how difficult it must be to talk about,*
        - *how brave they are*
        - *how important it is that they are choosing to speak up*
    - *Listen!!*
    - *Reassure that I believe them, and **they are not to blame** for what happened*

Debrief

Check in

- How did the information from this session land?
- What questions do you have?
- What challenges do you anticipate?

Next Steps

- Once someone has disclosed, what next? Provide resources on policies on mandatory reporting, walk through the recommended steps for referrals – physical and emotional health, filing a police report, seeking legal help, etc.[210]

[210] Everyday Feminism. https://everydayfeminism.com/2013/01/how-to-help-sexually-assaulted-friend/.

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