

Law or Therapy?

by: Rabbi Jeremy Rosen

There is a myth that on the Day of Atonement most Jews turn up at synagogue. I have serious doubts about this "statistic". Even if it is true, attendance is around the synagogue rather than in it and is a social identification rather than a spiritual one. In order to explain why I think this is let me digress.

I have a valued friend in Israel, Yair Ronen, who lectures at Ben Gurion University on children's rights. He trained as a lawyer and educational counselor and then moved into the social arena. His particular area of interest is how the law very often fails children. Yair is a totally devoted idealist, deeply committed to caring for children on both sides of the conflict, and a man I deeply admire. Recently he sent me two articles he has written about how Israel (and indeed most countries) fails to deal adequately with children from disadvantaged homes and the problems that arise from not taking past victimization of young offenders into consideration. A person's identity is complex and "The Law" is a limited tool that often, and perhaps inevitably, is poorly equipped to deal with children whose lives have been affected by both internal and external crises and upheavals.

Indeed, this week in Britain a report has come out showing how scandalous are the conditions of children sent into "care" (a misnomer if ever there was one). Half of them end up in prison, almost half are sexually abused, and only 6% will achieve minimum educational standards. This is shocking. Even more shocking is the fact that this scandal has all but been ignored and nothing will be done to ameliorate it.

Yair writes, "One must concede that feelings can be irrational. On the other hand, rationality can degenerate into rationalization justifying dehumanization of 'the Other', which in the case of child law is 'the Other' or 'the Other's child': the child offender, the illegal immigrant's child, or the enemy's child. Legal intervention can be traumatic to the child but the traumatizing, painful aspect of judicial decision making is often denied, ignored or underplayed." He makes reference to the notorious Bulger case in 1993 where politicians and the press intervened to ensure that the two boys who murdered the two-year-old were demonized. No attention at all was given to their disastrous backgrounds and traumas. Of course, this does not mean they should not have been punished. But punishment without therapeutic intervention is an example of society's limitations and refusal to come to terms with the underlying issues.

Yair emphasizes the importance of memory and the need to recognize and validate it. If a child's memory of abuse is dealt with through a healing process such as psychotherapy, his or her anger can be channeled creatively into a fight for social change and justice. Otherwise it festers into criminality or into submissive adaptation, even resignation to an oppressive and often unjust social order.

In Israeli law the obligation to report any case of parental abuse to the police is quite complicated and circumscribed and staff members are reluctant to report for fear of being victimized themselves. The crucial point of the articles is that where a society does not try to validate the cause of pain in a child, then that child is more likely to turn its anger against those he comes into contact with, whether at school, in the army, or later on in life. Important as law is in creating a climate of protection, the law is limited in that it is only rarely therapeutic. The need for therapy is not, as some see it, a way of being nice to criminals. It is rather a way of trying to channel the pain of those who actually have been abused and turn their capacities to more productive and positive directions. If one wishes to create a fair and just society, this surely must be a priority.

Thinking of the work that Yair puts into trying to change attitudes in Israeli society, I am struck by the contrast between Jewish life in Britain and Jewish life in Israel. In Britain, and in the European in general, Jews are part of a minority and usually feel little obligation to try to change society. They are concerned with their own minority problems—anti-Semitism, victimization and survival in a host society that they are part and yet not part of—whereas in Israel one is working to change a total society.

Israel is an incredibly complex society. No other can compare in the way it has tried to integrate such a high proportion of different cultures and backgrounds within such a small place and in such a short span of time, admittedly not always successfully. We in the Diaspora are so weighed down, even crippled by the constant criticism and condemnation of Israel as a Nazi State that we are in danger of forgetting what an amazing society it is. Israel contains a great deal of idealism and spirituality that coexists with its gross materialism, corruption, crime and abuse. Yet in Jewish terms it is so creative, so dynamic, that it puts our petty Diaspora communities to shame. It is no wonder that such a high proportion of our most talented end up going to Israel.

There's a lot wrong with Israel, but it offers a challenge of trying to create a just society that is more readily achievable (and of course I do not claim that its anywhere near it yet either internally or externally) and one in which we have a very vested interest.

Now I come back to my starting point. To most uneducated, apathetic or alienated Jews, Judaism appears as a formidable legal system that all but excludes them. The emphasis is on legal and conformist structures rather than spiritual or shall we say therapeutic ones. I'm not saying that that is the reality. There is plenty of profound spirituality within the complexities of Orthodoxy and amazing human concern and care throughout the Jewish world. But the impression created by rabbinic decisions and the publicity they accumulate is that we are more interested in excluding than in including and welcoming. If that is the impression we are giving, then we are failing, and creating more alienation, and thereby more antagonists, than is healthy either for us or for them.

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