LETTERS TO THE EDITOR

Sir,

Abraham Ephros' essay on Nineveh and Sodom ("Nineveh and Sodom Juxtaposed: Contrasts and Parallels" XXX:4, October-December 2002) was brilliant and insightful. As Jonah sought token justice for the sins committed in Nineveh so Abraham seeks mercy for the token innocents in Sodom. Thank you for the good work you do in advancing Torah.

Israel C. Stein
Deerfield IL

Sir,

In "Ishmael, Son of Abraham" (XXX:4, October-December 2002), Moshe Reiss states that Abraham asked God to protect Ishmael. Abraham's prayer, quoted literally, is: *O that Ishmael might live before Thee*. The words *before Thee* would not have been necessary had Abraham wished to pray for Ishmael's protection (to protect him from what, or from whom? From Isaac?). Rather, this *before Thee* tells us that Abraham wanted Ishmael (whom he loved) to walk in the ways of God, and not go after his natural ("Hamite") traits.

At the end of his article, Reiss states: "As persecutors of the Jews, the Arabs became 'Ishmael' as the Christians became 'Esau' ". This seems to be a somewhat one-sided view. Where does Reiss find persecutions of Jews by Arabs before the outgoing Middle Ages? True, there were occasionally wilfull and cruel rulers e.g. Hakim of Egypt), but they were so toward all their subjects. The Muslims in the Koran claim descendancy from Ishmael. Thus, it is not a later Jewish invention.

Asher Eder
Jerusalem

Sir,

Rabbi Theodore Steinberg in his recent article "From Enemy to Friend" (XXXI:1, January-March, 2003) writes that some laws in *Parshat Mishpatim* would not fit in with our current standards of ethics, and he gives as an example the case of the seducer of the virgin who has to pay a fine to the father. Rabbi Steinberg states that in today's permissive society this law would not be relevant.

I suggest that the law in *Mishpatim* deals with a minor young lady, not a grown up one, whose seduction would not be judged by the passage in question. If so, I believe that even in our permissive society, there are legal and social limits, and one of them would be the seduction of a minor. In fact, even thoroughly consented sexual relations between a minor and an adult are considered as rape, if I am not mistaken. This applies not only to the man, but also to the woman who has relations with a minor male. There was a celebrated case some years ago in the United States in which an adult woman teacher was prosecuted for having relations with her male student who was a minor.

Dr. Joshua Backon has been kind enough to refer me to several sources in Talmud and Codes in this matter. Some interesting results of his and my research may supplement my original comment on Rabbi Steinberg's article.

For example, while halakhah assumes that if the seduction took place in the city, and there were no cries heard from the woman, we may conclude that it was seduction and not rape; if the act took place in the field, we assume it was rape (see Minchat Chinuch 63). This would be a lenient conclusion compared to secular law, which would assume that even seduction is rape, or statutory rape, in the case of a minor girl. While Rabbi Steinberg seems to assume that Torah law is harsher than the extant law in our "permissive society," the fact is that in some respects it is more generous to the offending male. At least if he commits his indiscretion in the city, and there is no cry from his victim, he is not prosecuted for rape.

As for the case of an adult woman who seduces a male minor (9-12), Dr. Backon pointed out to me that if she is married, she is guilty of adultery (see: Niddah 45b; Sanhedrin 54a, 55b; Meharsha on Yevamot 96a; Rashi on Yevamot 51b; Aruch Hashulchan Even Ha'Ezer 20 #7). If she is single, in talmudic law, there would be no penalty for her at all. In secular law, she would be prosecuted for violating the rights of the minor male.

Rambam, Mishne Torah, Hilkhot Issurei Biah, 1:13 "An adult woman who has relations with a male minor, if he was nine years of age or older, she is liable for *karet*, death or lashes and he is acquitted. If he was nine or less, both are acquitted."

We see from this source that only criminal charges are relevant with relation to the minor status of the male. But the adult woman is not charged

with seduction in such a case. Here is a case where our "permissive society" is harsher than Torah and talmudic law.

Jacob Chinitz
Jerusalem