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Judaism's Code of Silence

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Judaism possesses a concept that bears striking functional similarities to the Italian Mafia's omertà, the well-known code of silence that forbids informing on fellow members. Omertà is a code of silence and refusal to cooperate with legal authorities that forms a central pillar of southern Italian organized crime, enforced by intimidation, fear, and dishonor.

While omertà protects criminal enterprises, the Jewish concept of [*mesirah*](#) (Hebrew for “handing over”) arose from a different historical necessity: protecting Jewish minorities from gentile authorities. Mesirah prohibits Jews from reporting fellow Jews to non-Jewish authorities, creating a parallel system of internal loyalty and silence that has operated within Jewish communities for millennia.

According to traditional Jewish law, mesirah is the forbidden action of one Jew reporting the conduct of another Jew to non-rabbinic authorities in circumstances prohibited by Jewish law. This prohibition extends to both turning over a person and their property. The prohibition covers both the person and the property, a point the [*Shulchan Aruch*](#) makes in Choshen Mishpat 388 when it forbids handing over a fellow Jew “be it his person or his money.” A Jew who violates it is a moser, an informer, and the historical consequences were severe. Medieval Jewish tribunals in Spain sometimes [*branded*](#) informers or, for repeat offenders, put them to death, and in 19th century Russia a moser was occasionally found drowned in a river.

The prohibition of mesirah runs deep in Jewish law, set down in the Babylonian Talmud and sharpened by medieval codifiers. The Talmud gives it a stark illustration in [*Bava Kamma 117a*](#). A man came before the Babylonian sage Rav and announced that he meant to show another Jew's straw to the gentile authorities, who would seize it. Rav forbade him twice. The man answered that he would show it regardless, and Rav Kahana, seated before Rav, broke the informer's neck on the spot. Rav justified the act by citing Isaiah, reasoning that once a Jew's

property falls into hostile hands the owner's life is at risk. Then he told Kahana to flee to the land of Israel, since the Persian rulers who once tolerated such acts had given way to authorities "particular about bloodshed" who would try him for murder.

The medieval codifiers turned that severity into settled law. Writing in the 12th century, Maimonides fixed the rules of the *moser* in his *Mishneh Torah*, in the section *Chovel uMazzik*, the laws of one who injures a person or property. He separated the Jew who voluntarily hands a colleague's property to a "strong, lawless person" from one who does so under compulsion, and he held that an informer forfeits his share in the world to come. On the informer himself he was blunt. "It is permissible to kill a *moser* in any country, even in the present age, when the court no longer metes out capital punishment," Maimonides [wrote](#) in *Chovel uMazzik* chapter 8. "It is permitted to kill him before he informs." The *Shulchan Aruch*, the authoritative sixteenth century code, carried the prohibition forward, [forbidding](#) a Jew to hand another to a gentile "even if the Jew is a *rasha* (wicked person) and *baal aveirot* (habitual sinner) and even if the Jew is harassing him," at *Choshen Mishpat* 388.

The severity reaches past physical punishment. As Rabbi Hershel Schachter [explains](#), a *moser* is treated as a gentile for certain ritual purposes even when he is otherwise devout, because "he demonstrates his rejection of the unity of all of Klal Yisroel [the collective of Israel]" by the act of informing. In practice this bars him from writing a Torah scroll or performing ritual slaughter, functions reserved for Jews in good standing, a disqualification the codes trace to *Yoreh Deah* 281 and the Rama.

Both systems prescribe the ultimate penalty, death, for those who break the code of silence. In Jewish law, the principle of *din moser* allows for the execution of persistent informers. How far that severity once ran shows in an account preserved by Rabbi Reuven Margalioth in his Talmud commentary *Margalioth HaYam*, a story his father told him from the family's Polish hometown. A brazen local informer walked into the synagogue on the eve of Yom Kippur and stood wrapped in his prayer shawl near the rabbi. A few men seized him, gagged him with his own shawl, carried him to the river beside the synagogue, and [drowned him](#). When the authorities investigated the death, not one worshipper said a word. Similarly, in Mafia culture, breaking *omertà* is considered the ultimate betrayal, punishable by death. The enforcement mechanisms in both systems rely on community complicity and a shared understanding that silence is essential for survival.

The most fraught modern application arrives in cases of child sexual abuse inside insular Orthodox communities, where *mesirah* has at times been turned against the wrong party. In the 2012 prosecution of Nechemya Weberman, a Satmar counselor convicted of abusing a girl over three years and sentenced to 103 years in prison, the [victim](#) who testified was branded a *moser* by some in the community, and four men were arrested for trying to intimidate her into dropping the case. It was the mirror image of the doctrine's stated logic, protecting the predator rather than the pursued.

To understand how the community reached this point, it helps to know where it came from. Satmar is an ultra-Orthodox Hasidic movement that grew up around Rabbi Yoel Teitelbaum, who settled in the Hungarian city of Szatmar, now Satu Mare in Romania, in 1905 and built his

court there over the decades that followed. Teitelbaum survived the Holocaust, spent roughly a year in Mandate Palestine, and reached New York in 1946, where he [rebuilt](#) the community in the Williamsburg section of Brooklyn. The movement is defined by a fierce anti-Zionism that rejects the modern State of Israel as a sinful human seizure of a redemption meant to await the Messiah. Today the Williamsburg and Kiryas Joel communities together form the largest Hasidic group in the world.

Within this closed community, at least one man refused to look away. Rabbi Nuchem Rosenberg became the most visible figure confronting the silence around abuse in his community. He ran a telephone hotline for victims in Hasidic Williamsburg and sat through the Weberman trial in open support of the accuser. The reprisal was swift. The day after the December 2012 conviction, a man named Meilech Schnitzler, the son of an accused abuser Rosenberg had named, ran at him outside a fish market and threw a cup of bleach in his face. Rosenberg was burned around the eyes and escaped blinding only because a bystander doused his face with water. Schnitzler pleaded guilty to a felony and [received](#) five years of probation and no prison time. Prodded by the judge to apologize in court in 2014, he asked Rosenberg for forgiveness, and Rosenberg refused it. “You didn’t harm me. You harmed all the children I represent,” he said.

Due to the changing demographics of American Jewry, similar cases of mesirah are likely to multiply. Driven almost entirely by a fertility gap that Pew measured at [3.3 children](#) per Orthodox adult against 1.4 for non-Orthodox Jews, with Orthodox Jews starting families five years earlier (first birth at 23.6 versus 28.6) and running a median age of just 35 against 53 for Reform and 62 for Conservative Jews, American Jewry is set to tilt sharply Orthodox. Yale demographer Edieal Pinker projects the Orthodox share [rising](#) from 12 percent to 29 percent by 2063 while the Reform and Conservative denominations slide from 50 percent to 39 percent and lose nearly half their members aged 30 to 69.

As Orthodox Judaism becomes the dominant expression of American Jewish life over the coming decades, the mesirah prohibition will not fade into history. It will expand, carried by a young, insular, and rapidly multiplying population that views the secular state as an alien and often hostile power. Western societies assume a baseline of civic loyalty that the practice of mesirah explicitly denies. There is no halfway accommodation between a legal system that demands every citizen be a witness and a religious code that brands every witness a traitor. One of them must give way. History suggests it will not be the code hardened by two thousand years of exile.

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