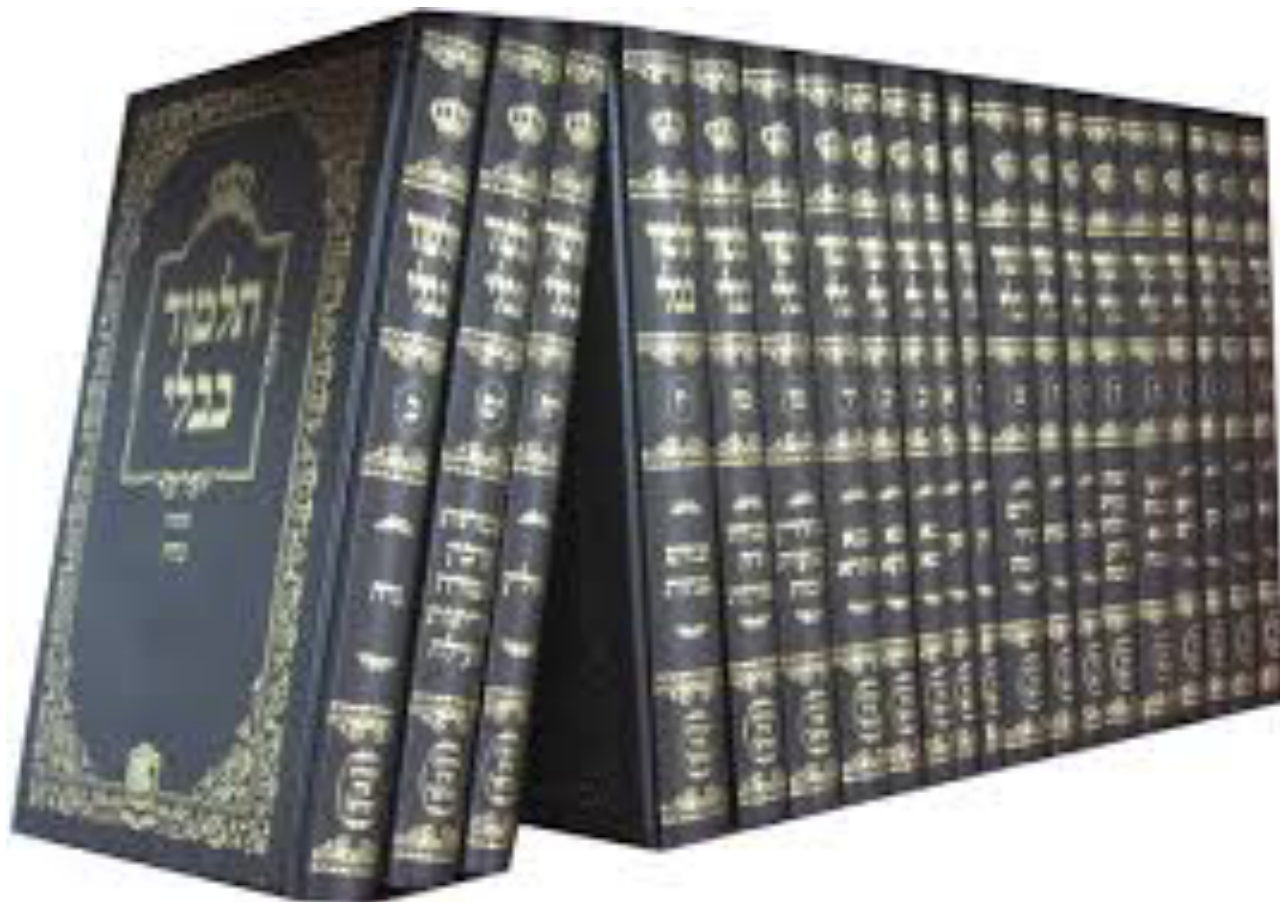


Mental Health In Halacha

presented by
Rabbi Yossi Michalowicz



Parshas Mishpatim

- **Shmos 21, 18-19:** When men quarrel and one strikes the other with stone or fist, and he does not die but has to take to his bed—if he then gets up and walks outdoors upon his staff, the assailant shall go unpunished, except that he must pay for his idleness and his cure.
- There are five categories of fines that the courts can impose depending on the case: damages, pain, medical expenses, lost wages and embarrassment. (In Hebrew, these are nezek, tzaar, ripui, sheves and boshes, respectively.)
- **POINT:** The Torah recognizes pain & embarrassment as realities in Halacha.

Treating the Sick

- “...and he who caused the injury shall provide for his healing”(Shemos 21:19).
- Talmud Berachos 60a:** from here we derive that permission is granted to a doctor to heal.
- Rashi** in Baba Kama (85b)comments, why do we need permission to heal G-d’s affliction? The answer is that we should not say that when G-d afflicts, how dare man intervene and heal. Therefore, it was necessary for the Torah to instruct us to heal.
- Tosfos** comments that we may think that we can only heal injuries caused by man but not from G-d; this is not so.
- Rashba** points out that the repetitive phrase used “heal to heal/verapo yerapei”, teaches us that we may treat injuries caused by man and we may treat illnesses sent by G-d.
- Shulchan Orach:** The Torah has given permission to the doctor to heal. It is a mitzvah to do so and part of pikuach nefesh (saving a life). If a doctor refuses to do so he is guilty of bloodshed.

Mental Illness

- How do we define mental illness?
- What does Halacha permit us to do ?
- Can we desecrate the laws of Shabbos for it?
- Can we eat on Yom Kippur for it ?

Mental Sickness - Shoteh

- **Rambam Hilchot Eidus 9,9:** The shoteh is disqualified by biblical law from serving as a witness because he is not subject to the commandments. Not only a shoteh who walks around naked, who breaks utensils and throws stones [is disqualified], but anyone who is mentally deranged with the result that his mind is constantly confused with regard to some matter, even though he converses and asks questions to the point with respect to other matters, is disqualified [from serving as a witness] and is considered to be among the shotim.
- **POINT:** Any form of conduct which is manifestly irrational, even if limited to one aspect of human behavior, is sufficient to establish that the individual is a shoteh.
- All authorities are, however, in agreement that a person who is ***entirely irrational*** in his conduct is not obligated to fulfill mizvot.

Getting You Get Divorced from Moshiach

- Rabbi Feinstein describes the first divorce proceeding at which he presided while yet a young man serving as rabbi of Luban in Byelorussia.
- The husband insisted that he was the Messiah. In addition, he exhibited rather erratic forms of behavior which he explained by claiming that it was his mission to bring the universe to perfection.
- On occasion he was wont to parade in the nude.
- In all other matters the young man was entirely normal.
- The question, of course, was whether the husband possessed the legal capacity necessary in order to execute a valid get?

- Rabbi Feinstein ruled in the affirmative.
- The principal reason advanced is that a person's conviction that he is the Messiah, although erroneous, is not necessarily irrational.
- The other forms of bizarre conduct manifested by the young man flowed from this belief and hence could readily be assumed to be rational.
- Even the man's nudist practices are explained as being entirely rational.
- The same exaggerated notion of self-worth which causes an individual to believe that he is the Messiah may also lead him to believe that he enjoys the exalted moral status of Adam prior to the sin of the Tree of Knowledge and that he may therefore walk about unclothed.

Desecrating Shabbos

- **Talmud Shabbos 29b:** המכבה את הנר מפני שהוא מתירא מפני גוים ומפני ליסטים מפני רוח רעה One who extinguishes the lamp on Shabbat because he is afraid due to gentiles, from whom he is hiding in his home, and due to thieves, or if one is afraid due to an **evil spirit**, i.e., he is depressed and prefers sitting in the dark, or if he extinguished the flame due to the sick person so that he will sleep, he is exempt.
- **Shulchan Aruch:** It is **permitted** to extinguish a candle to enable a sick person at risk to fall asleep.
- **Rashi:** רוח רעה קוראין לכל (form of depression) הבאה עליו וכשאינו רואה נוח לו It comes to him. He is at ease when he does not see it. (psychosis - living in world to themselves detached from reality)
- **Rambam:** רוח רעה קוראין לכל (form of depression) In arabic it is called “melancholy” (form of depression) מיני החולין הנקרא בערבי מלקוני"א כי יש מין מן החולי הנזכר שיברח החולי ויבדל מן הטבע האנושי הממוצע כאשר יראה האור או כשיתחבר עם בני אדם וישתעשע ותנוח נפשו בחשך ובהתבודדות בעת (neurosis - elation/depression/ bipolar) השתוממות והדבר הזה נמצא הרבה בבעלי המרות
- **POINT:** mental illness is considered a “Choleh Sheyeish Bo SAkana” suffering from life threatening sickness.

Proclaiming Fast Days

- **Talmud Ta'anis 22b:** For the following calamities they sound the alarm even on Shabbat: For a city that is surrounded by gentile troops, for a place in danger of being flooded by a river that has swelled its banks, or for a ship tossed about at sea. The Sages taught: In the case of a city that is surrounded by gentile troops or a river that has swelled beyond its banks, and this also applies to both a ship tossed about at sea and an individual who is being pursued by gentiles, or by thieves, or by an **evil spirit**, which may lead him to harm himself, they sound the alarm even on Shabbat.
- **Rashi:** שנכנס בו רוח שידה ורץ והולך ושמא יטבע בנהר או יפול וימות The evil spirit enters his body and causes him to run about out of control, which could lead to his falling from a height and killing himself or into water and draining.
- **Meiri:** one who suffers from hallucinations from which he flees madly.

Eating on Yom Kippur

- **Shulchan Aruch:** The following sick people are prohibited in fasting....one with an evil spirit....

Calming Down Someone

Shulchan Aruch: A woman in childbirth on *Shabbos* is considered as a sick person in mortal danger. The *Shabbos* should be desecrated for her sake [to provide] for everything that she needs. A midwife may be called for her from one place to another,¹ she may be assisted with the birth, and at night, a lamp may be lit for her sake. [This applies] even if [the woman] is blind, and the women who are involved with [delivering] her [baby] do not need a light and can perform all the required tasks without a lamp. Nevertheless, [a lamp may be] kindled for her sake. [The rationale is that] even though [the woman is blind, and thus] does not see, ***she will be calmer*** when she knows that a lamp has been lit. She will say to herself, “If I need anything, my friends will see and provide it for me.” When, by contrast, [the woman] knows that a lamp [has] not [been lit], there is reason for concern that [her life] will be endangered because of her fear that maybe [the women] will not [see what she needs, and thus will not be able to] effectively provide for her needs.

POINT: Someone who needs to be calm is part of Pekuach Nefesh.

Breaking a Vow

- **Responsa of Rashba 281:** May a person who vowed not to gamble, and has subsequently become terribly depressed, break his vow and gamble?
- It is permitted.

Early Poskim

- **Magen Avraham:** מי שהיה חסר דעה ונתרפא מיום אל יום מותר בבשר ויין כל ימי השבוע ולא יתענה בט"ב (מהרי"ל): Someone not of sound mind , snd is better on a day-to-day basis should not fast on Tisha B'av.
- **Sh"ut Pri Ha'Aretz (Turkey):** It is permitted to feed chickens without proper ritual slaughter in order to cure a person from mental illness.

Birth Control

Rabbi Moshe Feinstein (20th century USA), Igrot Moshe Even haEzer 1:65 (1961): Regarding a woman who became insane after the birth of her two children, such that the doctors forbid further pregnancy. May she use contraception?

Certainly, his honour is correct; insanity is dangerous not only for herself, but also for her small children. Even one whose insanity does not currently incline toward harm could still change, wanting to harm herself or her children, Gd forbid, and one cannot stand guard for this. Therefore, one should permit her...

Anorexia - Yom Kippur

Question:

A woman with a history of anorexia says that fasting on Yom Kippur can bring on a set of consecutive days of fasting that is very detrimental to her health. What should she do for fast days?

Answer:

She needs to be professionally assessed by her doctor and then in consultation with a Rav determine if fasting poses a risk of relapse as you describe. If there is a fair chance it could cause something similar to the above it would classify as pikuach nefesh and she would be permitted to eat.

Dayan Osher Zelig Weiss (1953-) is the current Rosh Kollel of Machon Minchas Osher L'Torah V'Horaah. He grew up in a Klausenberger family in Borough Park, Brooklyn.

He is the author of the *Minchas Osher*, an Av Beis Din, Rosh Kollel, posek, and is well known in Haredi circles for having traveled to the United States with Rabbi Aharon Leib Shteinman and Rabbi Yaakov Aryeh Alter, the Gerrer Rebbe. He frequently gives classes at American yeshivos in Israel.

Obsessive Compulsive Disorder (OCD)



Reading the Shema

A 17-year-old yeshiva bachur worries that he cannot concentrate fully during Kriyas Shema. He repeats each word over and over in order to make sure that he pronounced it correctly. And despite his constant review of the words, he fears that he didn't daven with the proper kavanna. He spends 50 minutes a day saying Shema and, he views the mitzva as a burden he cannot manage



www.shutterstock.com · 1461609308

Religious Thoughts

A 22-year-old kalla from a prestigious Jewish family is tortured by thoughts of religious doubt that pervade her mind during the day. She meditates about the thoughts constantly, repeating to herself over and over that she is a Baalas Emunah, and spends hours during the day trying to prove her religious commitment.



Checking Tefillin



A 21-year-old kollel yungerman wonders if his Tefillin are on straight. He puts on the Shel Yad and readjusts it 18 times before attempting to put on the Shel Rosh. He constantly rechecks and re-examines the Shel Rosh to be sure that it is EXACTLY between his eyes, using a ruler to measure the precise space between them and the equidistant placement of his Tefillin between his eyes. The process of putting on Tefillin takes so much of his time that he often misses Tefillah B'Tzibbur due to the pressure of "getting it right."

Diagnosis of OCD

The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM V), published by the American Psychiatric Association (APA)

1 Presence of obsessions, compulsions, or both:

Obsessions are defined by (1) and (2):

1 Recurrent and persistent thoughts, urges, or impulses that are experienced, at some time during the disturbance, as intrusive and unwanted, and that in most individuals cause marked anxiety or distress.

2 The individual attempts to ignore or suppress such thoughts, urges, or images, or to neutralize them with some other thought or action (i.e., by performing a compulsion).

Compulsions are defined by (1) and (2):

- 1 Repetitive behaviors (e.g., hand washing, ordering, checking) or mental acts (e.g., praying, counting, repeating words silently) that the individual feels driven to perform in response to an obsession or according to rules that must be applied rigidly.
- 2 The behaviors or mental acts are aimed at preventing or reducing anxiety or distress, or preventing some dreaded event or situation; however, these behaviors or mental acts are not connected in a realistic way with what they are designed to neutralize or prevent, or are clearly excessive.

- 1 The obsessions or compulsions are time-consuming (e.g., take more than 1 hour per day) or cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- 2 The obsessive-compulsive symptoms are not attributable to the physiological effects of a substance (e.g., a drug of abuse, a medication) or another medical condition.
- 3 The disturbance is not better explained by the symptoms of another mental disorder

The Challenge

The challenge for the Orthodox rabbi or mental health professional in treating or counseling those with OCD is manifold. The halachic system is intensely focused on details and minutiae. There are countless details that must be adhered to when fulfilling mitzvos properly.

Pesach in the Spring:

- **Devarim 16,1:** שְׁמֹר אֶת־חֹדֶשׁ הָאָבִיב וְעָשִׂיתָ פֶּסַח לַיהוָה אֱלֹהֶיךָ כִּי בַחֹדֶשׁ הָאָבִיב הוֹצִיאָךְ יְהוָה אֱלֹהֶיךָ מִמִּצְרַיִם לַיְלָה:
Observe the month of Abib and offer a passover sacrifice to the LORD your God, for it was in the month of Abib, at night, that the LORD your God freed you from Egypt.
- **Sforno:** make sure that the month of Nissan always occurs in the spring, by manipulating the calendar, if necessary and inserting an extra month of Adar. By doing this the solar orbit (year) and the lunar orbits, (12 moons equaling a year) can be brought into line with each other.

- **QUESTION:** Why does the Jewish calendar not simply follow a solar year? If, in any case, we must make sure that Pesach falls in the spring, what is the purpose of consistently following lunar years, if eventually one has to align these with the solar years?
- His answer is most telling: ***so as to complicate life.***
- In order to make sure that the month of Nissan and the festival of Pesach will always fall in the spring, one has to make difficult astronomical calculations. The Torah deliberately complicated the Jewish year by modeling it on a lunar year, so that Nissan would not automatically fall in the spring, so that the Sages would have to make complicated calculations.
- ***These difficulties make us more aware of HaKadosh Baruch Hu and of our role in sanctifying life through the arduous, detailed work of observance.***
- However, this concern for details and a desire to be stringent, to do things in the most l'chatchila way possible which is fulfilling as many opinions as possible, with a sense of hiddur and being lifnim mishuras hadin, can often be easily lost when the individual nosedives into the depths of OCD within the context of observing Halacha and keeping mitzvos.

STEIPLER GAON

- The Steipler Gaon, in line with modern mental health advice, argues that the rabbi should not seek to reassure the OCD congregant, but should urge them to seek help after the point where they have already been issued a psak once.
- “Such thinking is a tactic of the yetzer hara in order to make observance of the mitzvos so burdensome that he will eventually, G-d forbid, shirk the yoke of the Torah.
- He should realize he will not endure this suffering forever because it will eventually pass over time.
- The main point is that he should follow the rulings of rabbinic authorities without analyzing their reasons and without second guessing them.” (Eitzos Vehadrachos Meyosad Al Michtavei Maran Baal Hekehillos Yaakov, p. 55.)

THE NEED FOR BALANCE

- There is the concept of “Ve’hevei medakdek b’mitzvah kalah kevachamurah” (“Be as scrupulous in observing a minor mitzvah as a major one”); all mitzvos should be performed in the best possible manner, which is the concept of hiddur mitzvah (beautifying a mitzvah).
- On the other hand, Chazal tell us about the concept of ein l’davar sof (there would be no end to the matter) if reasonable limits were not imposed.
- It would be beneficial to tell people that their behaviors cannot be construed as reflecting Gods will because of “Lo nitnah Torah l’malachei hashares.” (the Torah was not given to angels)

THE QUESTION TO RAV WEISS

- A talmid chacham who suffers from OCD, who has been instructed by doctors to never repeat words during davening even if he thinks he mispronounced them.
- He asks whether he should listen to them and, assuming he should listen to them, should he take measures to minimize the problems that may result from possible improper recitation of brachos, such as never eating a k'dei svi'a of bread so that he never has a Biblical obligation to bentch.

THE ANSWER

The questioner should listen to the doctors even if it means neglecting positive Mitzvos.

THE PROOFS

- **Rema:** discussion of spending money on mitzvos aseh (OC 656:1- “Mi she’ein lo etrog, o sha’ar mitzvah overet, eino tzarich levazbez aleiha hon rav, uchmo she’ameru. Hamvazbez al yevazbez yoter mechomesh, afillu mitzvah; vedavka mitzvat aseh, aval lo ta’aseh yiten kol mamono kodem sheya’avor.”)
- **Rema** rules that one only needs to spend 1/5th of his money to keep a mitzvas aseh. If it will cost more, one is instructed to not fulfill the mitzva but rather let it go.

DIVORCE AFTER 10 YEARS

Avnei Nezer (EH 1:8) rules that if a man was married and after 10 years couldn't conceive, he wouldn't have to divorce his wife, even if it means not fulfilling the mitzvas asech of priyah v'rivyah.

If a person doesn't need to give up 1/5th of his money to fulfill any mitzvas asech, then certainly one does not need to give up his beloved wife who is worth so much more to him than money.

APPLICATION TO OCD

A person undergoing treatment for OCD can certainly violate any positive mitzva because one's mental health is worth more than 1/5th of his money and doesn't have to be sacrificed for a mitzvas aseh. Therefore, the mitzvas aseh may be violated to save the victim's mental health.

LOST IN THE WILDERNESS

- The gemara, Shabbos 69b, discusses the case of one who is lost in the wilderness and doesn't know what day is Shabbos.
- Rava says, b'chol yom v'yom oseh lo k'dei parnasato, that each day he should just do enough work to eat.
- Tosfos (DH Oseh K'dei Parnasato) says, "Aval lehallech yachol kol mah sheyirtzeh rak bayom shemeshamer de'i lav hachi lo yaggia la'olam layishuv;" we are lenient about the techum Shabbos for him. He may walk as far as he wants (Chachamim exempt him from concern for Techumim), except for the day he observes [to be Shabbos].
- If not, he would never reach civilization! We are willing to let him do this so that he may come to keep Shabbos properly many times in civilization.

APPLICATION TO OCD

- Since their OCD was preventing them from fulfilling mitzvos, we would be willing to temporarily allow them to violate some mitzvos so they could fulfill all of them properly in the future.
- He's saying like the Chasam Sofer, "Mutav sheyechallel torah zeman mah kedai sheyishmor mitzvot harbeh;" Better to desecrate the Torah for a while in order to fulfill many more mitzvos.
- Rav Weiss himself concludes on this point: "Reshit chovato shel ish zeh la'asot et kol hanidrash al menat limtzo mazor umerapei lemachalato, ulesham kach muttar lo af la'avur al mitzvat hattorah."
- This man's primary obligation is to do everything that is necessary for him to cure his illness, and to this end he is allowed even to violate the Torah's mitzvos.

CONCLUSION

- He also cautions against trying to minimize such halachic problems, as the constant search to avoid halachic sfikos and dilemmas will merely feed his obsessiveness, when the whole point of the exercise is to help him learn to live with it.
- The Minchas Asher allows that if the shoel is concerned with occasions that he is being motzei others, he should let another do it instead, such as in asking guests or his wife to make Kiddush, and he shouldn't be embarrassed to ask for help in this way,
- since he would not be ashamed to ask for assistance if he were missing a limb; this form of disability is no different.