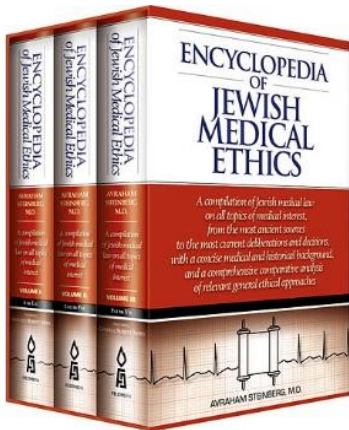
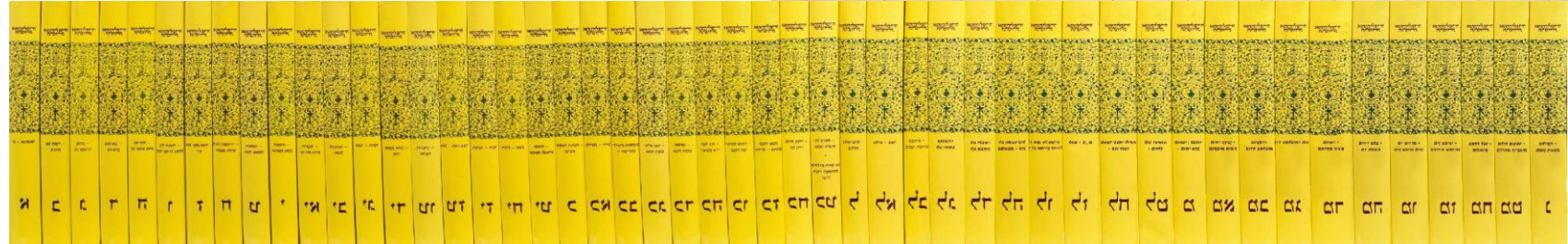
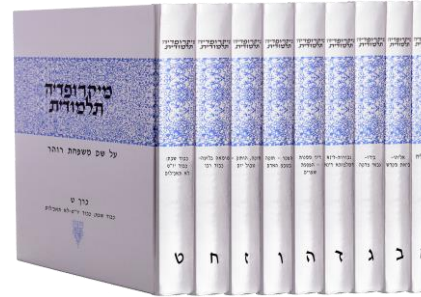


MENTAL HEALTH & HALAHCHIC OBSERVANCE

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MENTAL DISORDERS - DEFINITIONS

Diagnoses

- **Organic syndromes**
- **Neuroses; Psychoses; Psychopathies; Obsessions**
- **Personality disorders**
- **Psycho-somatic disorders**
- **Addictions**

Etiologies

- **Brain disorders**
- **Brain traumas**
- **Genetic disorders**
- **Environmental causes**

MENTAL DISORDERS - TERMINOLOGY

- **Psychiatric disorders – שוטה**
- **Mental retardation - פתִי**

Mental disorders – medicine and halakhah

Medicine

- Etiology-related and symptomatology-related definitions

Halakhah

- Functional halakhah-legal-related definitions
- Symptoms of halakhic importance may be the result of various etiology-related diagnoses

שוטה TYPES OF

- **שוטה לכל דבר ועניין, ולכל המצוות והחיובים שבתורה;**
- **שוטה לדבר אחד, שדינו כשוטה לאותו דבר, וכל המצוות הקשורות באותו עניין אינן חלות עליו, אבל לשאר דברים איננו נחשב כשוטה;**
- **עתים חלים ועתים שוטה, שדינו לעניינים שונים משתנה בהתאם למצבו**

שוטה – HALACHIC DIAGNOSIS

איזהו שוטה גמור האמור בכל מקום: היוצא יחידי בלילה, והלך בבית הקברות, והמקרע את כסותו, והמאבד כל מה שנותנים לו [חגיגה ג ב].

היוצא יחידי בלילה: crossing streets; wandering without purpose; loses address

הלך בבית הקברות: withdraws from society; depressed; stops eating

המקרע את כסותו: does not wash; does not shave; acts violently

מאבד כל מה שנותנים לו – forgetful; misplaces

HALAKHIC DIAGNOSIS OF שוטה

A complete שוטה:

- Enough one of the 4 signs
- However, only if done as part of non-competency; not if can be reasonable justified
- Some poskim rule that only these signs define a שוטה; others view them only as examples, but other abnormal behaviors can be signs of שוטה
- שוטה that is well controlled by medications – is not regarded שוטה

שוטה – HALACHIC DIAGNOSIS

ולא שוטה שהוא מהלך ערום ומשבר כלים וזורק אבנים בלבד, אלא כל מי שנטרפה דעתו ונמצאת דעתו משובשת תמיד בדבר מן הדברים, אף על פי שהוא מדבר ושואל כענין בשאר דברים, הרי זה פסול, ובכלל שוטים יחשב ... ודבר זה לפי מה שיראה הדיין, שאי אפשר לכוין הדעת בכתב [רמב"ם עדות ט ט-י].

דעתו משובשת תמיד בדבר מן הדברים: distorted thought processes;
communication problems

Nowadays, a competent psychiatrist makes the diagnosis, which is acceptable in Rabbinic Courts

THE GET OF CLEVES

- In 1766, a newly married man in Mannheim, Germany, declared a week after the marriage that he is in danger because of a secret issue, and must leave Germany to London. In order not to make his wife עגונה he asked for a speedy get. The couple arrived at a border-town between Dutch and German territories named Cleves. The Rabbi there was Rabbi Yisrael Lipschitz – grandfather of the Tiferet Yisrael. He accepted the secret reason and according to his judgement the husband was mentally competent. Hence, he arranged the get. The Rabbi of Mannheim claimed to know the man as mentally insane, and together with other Rabbis declared the get to be invalid.
- The central issue was whether the husband was of sound mind at the time of the divorce. Many highly reputable rabbis in different countries disagreed on important legal details.
- Two books gave extensive details of the case and the halakhic ramifications: *Ohr HaYashar*, published 1769 by Rabbi Simon of Copenhagen, invalidating the get, and *Ohr Yisrael* published 1770 by Rabbi Lipschitz of Cleves in favor of the validity of the get.
- This case and the halakhic discussions serve as an important source in defining the halakhic issues related to mental disorders

HALAKHIC DIAGNOSIS OF MENTALLY RETARDED

רמב"ם עדות ט י

• הפתאים ביותר שאין מכירין דברים שסותרין זה את זה ולא יבינו עניני הדבר כדרך שמבינין שאר עם הארץ, וכן המבוהלים והנחפזים בדעתם והמשתגעים ביותר הרי אלו בכלל השוטים, ודבר זה לפי (מה) שיראה הדיין שאי אפשר לכוין הדעת בכתב.

DEMENTIA – MEDICAL DEFINITION

- **Dementia is the loss of cognitive functioning—thinking, remembering, and reasoning—and behavioral abilities, to such an extent that it interferes with a person's daily life and activities.**
- **These functions include memory, thought processes, language skills, visual perception, problem solving, self-management, ability to organize information, and ability to focus and pay attention.**
- **Some people with dementia cannot control their emotions, and their personalities may change.**
- **Most common dementia – Alzheimer's. Other common dementias – vascular dementia, dementia with Lewy bodies, Pick's disease.**

DEMENTIA – 7 STAGES

- **Mild (early) Dementia – Stage 4**

Can still function rather independently, and often is still able to drive and maintain a social life.

Symptoms: slight lapses in memory, such as having difficulty in word finding; difficulties with planning, organizing, concentrating on tasks, or accomplishing parts of employment.

This early stage of dementia, on average, lasts between 2 and 4 years.

- **Moderate Dementia – Stages 5-6**

Symptoms: Trouble expressing thoughts, performing daily tasks, and more severe memory issues; forgetting the address; confused as to location; unable to recall personal history. Communication becomes difficult; lose track of thoughts; unable to follow conversations; trouble understanding what others are trying to communicate. Mood and behavior changes, such as aggressiveness, difficulty sleeping, depression, paranoia, repeating actions and / or words, and frustration.

This stage lasts between 2 and 10 years.

- **Severe (late) Dementia = Advanced Dementia – Stage 7**

Symptoms: Significant issues with communication, often using only words or expressions; at the very end, no verbal communication at all. Memory worsens - not be able to remember what they had for lunch, recall who family members are, think they are in a different time period. May no longer be able to walk and will require extensive assistance with daily living activities, such as personal hygiene and eating. At the very end will most likely be bedridden. This stage 1 to 3 years.

שו"ת גמור - SPECIFIC HALACHIC ISSUES

- **Exempt from all mitzot and obligations, even rabbinical, i.e., tefillin, tefilah, minyan, etc. not qualified for minyan**
- **Permission to use any therapy, if available, even forbidden foods, or desecrating the Shabbath, or feeding on Yom Kippur, because regarded as pikuach nefesh**
- **If needed hospitalization – preferable in a kosher facility; if unavailable – permissible non-kosher facility**
- **Imperative to have separate rooms for males and females in facilities**
- **When wife becomes demented – 100 Rabbis can give permission to husband to marry another woman with special arrangements for the care of the demented wife**

שׁוּטָה גְמוּר - SPECIFIC HALACHIC ISSUES

- **The issues of a demented husband and a get – עגונה, ways to solve: גט על תנאי; זכין לאדם ..**
- **Demented parents -**
- **Coercive treatment – to save his life, or to save others from his aggression, i.e., coercive hospitalization**
- **No permission to harvest organs from him**
- **Special provisions for human experimentation**
- **End-of-life issues – when does he become a dying patient? Food and fluids, PEG, CPR ...**