

## ***Halachic Decisions Are Determined by How the Question Is Presented: Cross-Gender Therapy***

By: SEYMOUR HOFFMAN\*

A few years ago, the *chareidi* director of a mental health clinic under ultra-Orthodox auspices in Bnei Brak believed that there was a lack of consensus on whether cross-gender therapy was permissible. He believed that *poskim* had not formally addressed the halachic appropriateness of it, and therefore directed the following question to Rabbi Yitzchak Zilberstein:

### **The Question Posed by Dr. Michael Bunzel to Rav Yitzchak Zilberstein**

Question:

As part of the treatment given in a mental health clinic, some cases require a deeper and longer relationship with the patient than in standard cases. For example, anxiety or light depression can be treated without going into deep marital and emotional issues. But the treatment of personality problems and crises of life occasionally requires a deep relationship between therapist and patient. In our clinic, we are in need of guidelines whether to prefer treatment by a therapist of the same sex or whether to direct patients solely on the basis of professional classification.

As the director of the clinic, am I obligated to enforce segregation between the two sexes despite the severe objection of the staff members who are not “disciples of the Yeshivah world?”

Dr. Michael Bunzel

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\* The author thanks Dr. Chana Bar-Joseph, senior clinical psychologist who established the psychology department at Mayanei Hayeshua Medical Center and served for over a dozen years as chief psychologist for her relevant and insightful comments and support.

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Seymour Hoffman is a senior clinical psychologist who for over a “*yovel*” worked in various mental health facilities in the United States and Israel. He recently published *Essays on the Interface of Psychology, Psychotherapy and Judaism* and *Eclectic Psychotherapy: Issues and Case Presentations* (Golden Sky, 2021).

### **Rav Yitzchak Zilberstein's Response**

After a lengthy halachic analysis, Rabbi Zilberstein concluded that the administrator of the mental health service is obligated to ensure the separation between the male doctor and female patient and the female doctor and the male patient. If this is not possible, one should consult the rabbi of the hospital regarding each case.

Dr. Bunzel summarizes:

The result of my inquiry is a *psak* written by R. Yitzchak Zilberstein, *sblit"a*, who answers questions internationally on issues of medical and psychological import. Signed onto his *psak* are the *Gedolei HaDor* of our generation, in addition to leaders from different sectors.

Current signatures include:

HaRav HaGaon Chaim Kanievsky, *sblit"a*, HaRav HaGaon Shmuel HaLevi Vozner, *sblit"a*, HaRav HaGaon Aharon Leib Shteinman, *sblit"a*, HaRav HaGaon Nissim Karelitz, *sblit"a*, HaRav HaGaon Shimon Ba'adani, *sblit"a*, HaRav HaGaon Shmuel Auerbach, *sblit"a*, HaRav HaGaon Shmuel Kamenetsky, *sblit"a*, HaRav HaGaon Gershon Edelstein, *sblit"a*, HaRav HaGaon Yehuda Silman, *sblit"a*, HaRav HaGaon Mordechai Gross, *sblit"a*.

More signatures are still arriving from Israel and abroad. I also encourage others to sign on other rabbanim whose opinion is respected in your local community. Attached you will see the *psak* which everyone can read for themselves, which effectively says that psychological treatment should be rendered by therapists of the same gender. Exceptions need to be clarified on a case-by-case basis with a competent rav and expert mental health practitioner who can justify exceptional cases.

As far as I know, this is the first time (perhaps since the *get* of Klives 250 years ago) that so many *gedolim* have joined together in a basic position of psychology and psychiatry. We should all be positively overwhelmed with the message implicit in the great number of signatories. Mental health care has become accepted and even encouraged in the religious community; indeed, it is a fact of life. The purpose of the *psak* is to delineate the parameters under which therapy will be consistent with the spirit and letter of halachah. This *psak* is a guide to which setting should be used in the case of Torah observant individuals.

### **Reactions to the *Teshuvah* by a Prominent Senior Clinical Psychologist**

Below are the comments and views of a prominent senior clinical psychologist staff member with over 30 years' experience to what was written above. I am convinced that had she raised the issue with Rabbi Zilberstein, the rabbi's response would have been different as she would have mentioned the many salient and relevant points (recorded below) that the *chareidi* psychiatrist did not mention, intentionally or not, in his question.

I would like to make some clarifications regarding the manner in which psychology is practiced nowadays, which will undoubtedly have a strong impact on the halachic question regarding cross-gender therapy.

Psychotherapy has been an orderly profession for many years, and is therefore rich in professional approach, internal (strict) laws, and well-defined tools with which to pass the profession on to its students. It is important to note that one of its central tools, aside from the various schools of thought—whether classic or modern—is the special relationship that is created between the therapist and the patient. This relationship, which is occasionally a healing tool in itself, combines with varying methods of psychological therapy, and enables changes which are crucial for the patient. This is true regarding all types of relationships between therapists and patients, of different sexes and of different ages, according to the therapeutic requirements. It is true that sometimes the age or sex of the therapist does not matter, but this can be determined only with professional tools. Unfortunately, the caring, supportive and understanding relationship is comparable to a sharp knife. Just as a knife in the hand of a surgeon can bring about much good, and even save lives (as in suicidal or anorexic cases), it can also cause damage by developing into an unhealthy relationship. The danger should not be overlooked because it is also the source of opportunity. The relationship between a female therapist and a male patient (or that of a converse situation) is powerful and hence also very dangerous. This has been known to the professionals for about a century. They have therefore developed many tools and regulations to protect this relationship and limit it to the therapeutic goals. A psychologist studies the profession for 7 long years, during which he is taught the great responsibilities of a therapist, he meets impressive professional therapists (of both sexes) who have succeeded in treating their patients properly, and he learns about his teachers' experiences with relationship problems and how they solved their own problems. Even after these long years, the student can practice psychotherapy only under

supervision for 4 additional years, during which he learns to recognize his feelings toward his patients, to control them, and to utilize the relationship with his patient properly and constructively. He must learn and put to practice strict laws of professional ethics.

It is suggested that when a therapist seeks rabbinic advice regarding cross-gender therapy, he should make the rabbi aware of the many restrictions that are built into the infrastructure of the present-day psychological profession in the attempt to minimize the danger of immoral consequences.

### **A Similar Question Posed by the Author (Seymour Hoffman) to Rav Naphtali Bar-Ilan**

Rabbi Naphtali Bar-Ilan, communal rabbi in Rehovot, Israel, was presented with the following question by this author:

Question:

I work as a psychotherapist in a *chareidi* mental health facility where men and women are provided with psychological treatment. Is it permissible for therapists to treat patients of the opposite sex?


After a lengthy halachic analysis, Rabbi Bar Ilan concluded:

The central question is whether we should entirely forbid men to treat women (as a preventative “fence” to the Torah laws, **סייג** (לתורה), or should the matter be left to the discretion and the *yiras Shamayim* of each individual therapist. Similarly, one could deliberate whether a specific therapeutic method should be entirely precluded. I maintain that the matter should be left to the discretion of the psychologists, and each one will decide according to the methods of treatment that he has to offer, and according to his own *yiras Shamayim*, whom he will treat and in which manner. This also reflects the view of our Sages (*Kiddushin* 82a) who do not entirely forbid professional occupations that involve close contact with women.<sup>1</sup>

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<sup>1</sup> Rabbi Shlomi Eldar, rabbi of Ohel Shai Synagogue in Rehovot, commented on Rav Naphtali Bar-Ilan’s *psak*. We paraphrase. “*Mori VeRabi HaRav* Nachum Eliezer Rabinovitch, זצ”ל explained regarding the rule of separation between men and women, that the rationale for public physical separations is limited based on what Rambam says at the end of *Hikhot Isurei Bi’a*: ‘ואין אתה מוצא קהל בכל זמן וזמן’ שאין בהן פרוצין בעריות ובביאות אסורות’ שאין מהשבת עריות, as Rambam continues there, ‘מתגברת אלא בלב פנוי מן החכמה.’”

Rabbi Bar Ilan, author of *Government and State in Israel According to the Torah*, (4 volumes, second edition) authored numerous articles on psychotherapy and halachah and is familiar with the above comments from a senior clinical psychologist. I asked him recently if I erred in publicizing his response since Rabbi Zilberstein is the halachic authority of Mayanei Hayeshua Medical Center. He stated that Rabbi Zilberstein is the *posek* of Mayanei Hayeshua and the administration of the hospital must adhere to his rulings and that he only expressed his views on this basic question presented to him.

This author worked in the above mental health facility for over a decade supervising male and female clinical psychology interns, *chareidi* and *dati-leumi*, in the treatment of male and female patients.<sup>2</sup> 

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<sup>2</sup> Recommended reading: Andrew (Nachum) Klafter, M.D., “Psychotherapy Treatment with Patients of the Opposite Sex, Halakhic Considerations.” Available at [https://www.academia.edu/11018700/Klafter\\_Nachum\\_Andrew\\_Psychotherapy\\_Treatment\\_with\\_Patients\\_of\\_Opposite\\_Sex\\_Halakhic\\_Considerations](https://www.academia.edu/11018700/Klafter_Nachum_Andrew_Psychotherapy_Treatment_with_Patients_of_Opposite_Sex_Halakhic_Considerations).