



# RABBI GIDEON

Machon Puah for Fertility and  
Gynecology in Accordance with Halacha

# WEITZMAN

## Mental Anguish As An Illness

This week we continue the discussion about whether a woman in her 40s is permitted to undergo tubal ligation as a form of birth control. The couple already had a number of children and the woman was in no danger; however, she was very concerned about having a child with chromosomal abnormalities. While there is a very good chance that the child would be healthy, the incidence of genetic abnormalities does increase with maternal age.

Some of the *poskim* whom we asked did not permit tubal ligation since this is possibly a Torah prohibition which

can only be superseded in the case of danger to life. This couple could use other types of contraception that were less halachically problematic.

Other *poskim* were more lenient. Rabbi Dov Lior, the previous Chief Rabbi of Hevron, wrote that, since there are opinions that female castration is a rabbinic prohibition, it can be pushed off in the face of serious stress and discomfort, similar to other cases of rabbinic commandments that are displaced, such as asking a gentile to perform work on Shabbat. While it may be preferable for the woman to use birth control that involved fewer halachic questions, the woman was still permitted to undergo tubal ligation if she was really unable to use anything else. Rabbi Ephraim Greenblatt zt"l wrote that if the doctor recommends that this is the best method for her, then it can be permitted.



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Rabbi Yaakov Ariel, the former Chief Rabbi of Ramat Gan and this year's winner of the Israel Prize, made an interesting distinction between levels of emotional anxiety. While mild pressure is common and can usually be overcome with appropriate counselling, serious stress needs to be treated professionally and medically and can be seen as an illness. In the former case there is no permission for undergoing tubal ligation. In the latter case, if this is the only option, then it can be permitted since this severe mental state is considered dangerously ill and this overrides the prohibition.

This division is extremely important as it takes into account mental anguish as a medical condition that can even be viewed as life threatening. However, it means that each case must be assessed as to how serious the psychological situation is and what are the potential negative and disastrous outcomes. When coming to make serious halachic decisions regarding possible Torah prohibitions, we must take into account the mental state of the person but be careful not to make assumptions about how critical and perilous the specific case may be. ■

*The Puah Institute is based in Jerusalem and helps couples from all over the world who are experiencing fertility problems. Offices in Jerusalem, New York, Los Angeles & Paris. Contact (Isr) 02-651-5050 (US) 718-336-0603 [www.puahonline.org](http://www.puahonline.org)*

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