

THE HALAKHIC STATUS OF HIRHUR ASSUR

IN PSYCHOTHERAPY

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I.

The realm of thought and fantasy is an active aspect of human psychology and is rightly considered as deserving of therapeutic attention as what is generally considered human behavior. The Zohar testifies, in a sense, to what psychoanalysis calls the dynamic nature of the unconscious, "All things follow thought and fantasy" — **Kol millin de-aalma azle batar mahshavah ve-hirhurah**¹. However, a considerable ethical and clinical conflict would seem to exist between the demand of many forms of psychotherapy that patient fantasies and verbalizations be expressed freely and without censorship versus the carefully safeguarded halakhic domain of purity and sanctity in thought and speech.

Traditionally, psychoanalysis has been considered the prime example of therapeutic technique whose success depends upon commitment to the "fundamental rule" of free association. A central tenet of the psychoanalytic process is that action and fantasy must be converted, uncensored, into verbal form. It is in this fashion that unconscious material, considered a vital focus for psychotherapy, becomes conscious and amenable to modification. Equally, many behavioral techniques require the expression of fantasy material for use in certain anxiety-reducing programs (e.g., reciprocal inhibition, thought-stopping). Almost all psychotherapies accept the notion — contributed by learning theorists—that 'ventilation' of anxiety-producing thought and speech content within an accepting, non-judgmental environment such as exists between therapist and patient serves to extinguish anxiety while reinforcing positive emotional approaches to the same material.²

1 זהר בראשית ס' קנה, ובאופן דומה: "אחר כוונת הלב הן הן הדברים", מגילה כ, א.

L. Wolberg, *The Techniques of Psychotherapy* (New York: 1967), vol. 1, p. 50;

J. Watkins, "Psychotherapeutic Methods," p. 1143-1147, in B. Wolman (ed.)

Handbook of Clinical Psychology (New York: 1965).

While there is no doubt that therapists do accept certain social or clinical values on what types of thoughts, fantasies, etc. can be generally considered 'normal' or 'abnormal', there is equal commitment to the idea that the so-called dirtiness, licentiousness, primitiveness, etc. or symbolic significance of thought or deed is conferred upon it—"lent to it," as Freud put it—rather than inherent to same. This is one aspect of the methodological relativism of psychology. Accordingly, energy expended on the upkeep of barriers around 'taboo' fantasies or in the disposition toward rigid cultural norms governing the manner verbal expression and thought is often construed as a defense mechanism. In fact, a religious patient's claim to be unable or not allowed to discuss certain topics or think certain thoughts may be a powerful resistance through which to prevent uncomfortable yet critical therapeutic progress.

To be sure, there is little credence in the view that all psychoanalysts or psychotherapy, in general, seek to totally eradicate the concept of guilt or anxiety or that it eschews the idea that some acts and thoughts are simply unethical and perverted while others are not. On the other hand, psychotherapists do not accept as their role to be moral arbiters for their patients inasmuch as the limited focus of psychotherapy is the removal of **disproportionate** guilt and anxiety, inappropriate levels of affect, rooted in past or present, which hamper individuals' ability to function, or obsessive scrupulosity—as distinguished from authentic religious **dikduk**—with regard to thought and speech.³ As K. Menninger noted, an individual upon the completion of psychotherapy may even have the same guilt and anxiety, but is considered healthy precisely because he or she has learned how to deal appropriately with such feelings and to calibrate their relative worth in the given circumstances wherein such feelings arise⁴.

3. הארכתני בזה במאמרי "Clinical Aspects of Religion as Neurosis," *American Journal of Psychoanalysis*, 1976, 36 (4), p. 361-365. See also J. Mermelstein, "Piety, Psychopathology, and Parenting," *Intercom*, 1979, 17(2) and as it originally appeared in *Jewish Observer*, 1978.

Menninger, K. and Holzman, P. *The Theory of Psychoanalytic Technique* (New York: 1973), p. 174.

Halakhah, however, is not formally a relativistic system. That is, Halakhah is a unified theory that ascribes intrinsic qualities to acts, speech, and thought. When circumstances necessitate a change in the halakhic position, Halakhah is not simply waived, but rather a new halakhic status must be afforded the circumstance necessitating the change. Thus, for an elementary example, though Halakhah forbids the consumption of non-kosher food, there arise medical emergencies requiring that such foods be consumed. Halakhah does not simply waive the prohibition against non-kosher food, but instead makes the consumption of food obligatory from the standpoint of the halakhic requirement to preserve life. Thus, a continuous balance is preserved between the intrinsic status of phenomena and modifications in the contexts wherein such phenomena occur.

The following review of halakhic literature will make clear the degree to which Halakhah requires purity of thought. Specific examples of how such carefully delineated halakhic requirements may conflict with psychotherapeutic tasks will be offered. Simply waiving these halakhic standards in the interests of mental health is not an intelligent halakhic response to the serious difficulties which exist, as we shall see. Rather, an alternative halakhic model, consistent with prior halakhic models⁵, must be considered which would transform the status of the therapeutic circumstance wherein occurs otherwise forbidden thought.

II.

We begin with biblical imperatives which explicitly or implicitly govern the sanctity of thought. At least five passages are utilized to determine the parameters of the prohibition against **hirhur davar ha-assur**, thought or fantasies over forbidden acts, in general, and **hirhur arayut**, thought or fantasies of sexual content, in specific. "Do not come close to uncover [their] nakedness" (**lo tikrevu**)⁶. "Do not follow after your hearts and after your eyes" (**lo taturu**)⁷.

5. **Judaism and Psychology: Halakhic Perspectives** (New York: 1979), chap. 2, בספרי, in press.

6. ויקרא יח : ו.

7. במדבר טו : לט.

“Sanctified you shall be” (**kedoshim ti’heyu**)⁸. “And you shall be perfect... before the Lord” (**ve-heyitem neki'im**)⁹. “And guard yourself from all evil things” (**ve-nishmarta mi-kol davar ra**)¹⁰. The passages **ve-heyitem neki'im** and **kedoshim ti’heyu** have been utilized extensively by Mussar authors to emphasize the degree of holiness necessary in thought and speech. **Kedoshim ti’heyu** substantiates a particularly powerful ethos, for the Talmud considers that all of man's behavior must be modeled after God: “As He is holy, so must you be holy; as He is merciful, so must you be merciful¹¹...”

However, the specific halakhic discussion of **hirhur aveirah** is based on the other three passages which, in turn, are the foundation for all subsequent Mussar writings.

The clause **lo taturu** is divided by the Talmud into two derivations, recorded by numerous halakhic codifiers¹².

“‘After your eyes,’ this refers to **hirhur aveirah**; ‘To which you turn,’ this refers to **hirhur avodah zarah** [idol worship].” Thought preoccupied with idolatrous intent—which Halakhah assumes will eventuate in actual idol worship—is enumerated as one of the 365 negative biblical precepts¹³.

More prevalent are the halakhic discussions of **hirhur assur**, which includes, according to some, **hirhur arayut**. Based on **ve-nishmarta**, R. Pinhas b. Ya'ir says, “Do not think illicit thoughts in the day and come to nocturnal emission of seed¹⁴.” Here, opinion divides whether this exegesis from **ve-nishmarta** is a **drashah gemurah**, or merely an **asmakhtah**, a hint to the impropriety of such thought but not carrying full biblical status, yet serving as a basis for a strong rabbinic prohibition¹⁵. According to Rambam, though

8. ויקרא יא: מד—מה; כ: ז, כו; במדבר טו: מ.

9 במדבר לב: כב.

10 דברים כג: י.

11 שבת קלג; רמב"ם, דעות א: ו.

12 ברכות יב: על שופטים יד: ג.

13 ספר המצות ל"ח מד, ל"ח שנג; סמ"ג ל"ח טו; סמ"ק ס"ל; ספר החינוך סי' שפז.

14 עבודה זרה כ: ; כתובות מו.

15 כאסמכתא: מאירי בחולין לז; כדרשה גמורה: תוס' ד"ה שלו בע"ז כ: ; רמב"ן ור"ן

על חולין לז; סמ"ג ל"ח קכו, סמ"ק סי' כד, ר' יונה באורחות חיים ח"ב, ד' קיג.

the specific passage of **ve-nishmarta** alone serves only as an **asmakhta** for this prohibition, **hirhur assur** is still considered fully biblical—based on **lo taturu**¹⁶. In Rambam's view, it is forbidden to experience **hirhur assur** and even to do anything which will bring about **hirhur assur**.¹⁷

Hirhur over forbidden acts is considered as requiring a guilt offering: "If we stayed away from the commission of the forbidden act, we did not stay away from **hirhur**¹⁸." In additional rulings of the category of **s'yag** or 'protective fence' around the basic prohibition, the rabbis prohibited staring at animals copulating, at women washing clothes, and any activity felt to dispose toward **hirhur assur**.

With specific regard to **hirhur arayut**, one is dealing with the additional stringency of the biblical interdict against incestuous relationships. Different than all other commandments (except murder and idolatry), one must allow oneself to be killed rather than violate the prohibitions of **arayut**. And Rambam and many other authorities rule that meditation or thought about such forbidden relations represent **abizrayhu de-arayut** (appurtenances of the prohibition) and are also biblically forbidden¹⁹. Even conversing in a sexually evocative context with a woman from behind a curtain—in the well-known case of **Sanhedrin 75a**—is specifically enumerated as one such forbidden **abizrah**; a law which Rambam adds is in force "**le-dorot**," forever²⁰. We shall return to this very problematic ruling shortly.

There are opinions that women are not subsumed under the prohibition of **hirhur** inasmuch as its basis is to prevent the occurrence of nocturnal emissions.²¹ Others, however, do include women under

16 יד: הלכות איסורי ביאה כא: ב (על גדה יג); פירוש המשניות: סנהדרין נד; טור ש"ע אה"ע כג: ב.

17 הנ"ל וגם יד: איסורי ביאה כא: ג, כא: יט, ועיין צפנת פענח ח"א: צ, שהרהור אסור מטעם גרמא.

18 שבת סד, כלה רבתי א, על במדבר לא: מט—ג.

19 יד: הלכות יסודי תורה ה: ו, ט; איסורי ביאה כא: א; ר"ן על פסחים כה; רמ"א על ש"ע יו"ד קנו: א.

20 סנהדרין עה, יד: הלכות יסודי תורה ה: ו, ט.

21 ועיין פנים יפות על דברים כב: ה; ברכי יוסף: שו"ע יו"ד שלה: ה.

this law by referenc to another distinct biblical prohibition: **lo tilbash**. R. Moshe Feinstein, for another example, notes that while the prohibition for women cannot be derived from **ve-nishmarta** (with its specific goal), it is to be derived from the biblical **lo taturu**.²²

In a related, pratical discussion of this halakhic category, the tal-
mudic sages debate whether the **sotah**, a married woman suspected
of adultery and brought before **bet din** for trial by ordeal through
the "bitter waters,"²³ should be entirely undressed in the presence
of the young priests officiating as per the biblical command. The
majority opinion is that since the emotional context of this ordeal
is one of repugnance and sadness, there is no tangible fear of **hirhur
assur** on the part of the priests.²⁴ Yet, in the case of taking a female
criminal to be stoned, where there is a **mishnaic** requirement to
undress the victim (so as to speed up the process of death), the
same sages rule that she should not be undressed entirely as she
has suffered sufficient disgrace. R. Judah, however, rules to the
contrary in both instances. By the case of **sotah**, the woman should
not be undressed because despite the melancholy climate, she may
be found innocent and, at that moment, the young priests might
become infatuated with a then lawfully married woman. On the
other hand, a female criminal bound for inescapable doom may be
completely undressed as this context will not elicit harmful fan-
tasies in the onlooker's mind.²⁵ The law follows the majority opinion
in both cases.²⁶ However, a general principle is retained from R.
Judah's argument: Where there is a tangible risk of **hirhur**, one
may even waive a biblical mandate (in this case, the requirement
that the **sotah** be undressed prior to her ordeal).²⁷

There is ample rabbinic reinforcement of the need for pro-
tecting the realm of thought. **Hirhur** is considered one of the

22 "לא יהיה כלי גבר על אשה, ולא ילבש גבר שמלת אשה..." שו"ת אגרת משה: אה"ע
ס' סט, וגם עיין חינוך ס' קכ"ה, שפ"ז.

33 מים המרים.

24 משנה סוטה ז: א; סוטה ה. ועיין סנהדרין מה.

25 סנהדרין מד:—מה.

26 יד: הלכות סנהדרין טו: א, הלכות סוטה ג: יא, תוס' ד"ה ואם היי, סוטה ח: הג"ל.

experiences from which no individual is spared (certainly a psychological truth, given the Zohar's understanding of *hirhur*),²⁸ and, with excessive preoccupation, prevents repentance.²⁹ "All who stimulate themselves to evil thought do not enter the Divine presence."³⁰ "The beginning of sin is the murmuring of the heart" (*hirhur ha-lev*).³¹ "The thought of sin is worse than the actual sin."³² In one tradition, Ezekiel is praised as one who never experienced illicit *hirhur*.³³ In testament to the ways man can actively or passively participate in the world of experience, the Talmud notes that one is not suspected of iniquity unless one actually commits a sin, or commits it partly, or thought of committing it, or saw others commit the sin while he experienced pleasure in that.³⁴ The Talmud forbids sexual relations with one's wife while thinking at the same time of another woman.³⁵ Finally, in explaining the gravity of *hirhur asur*, Rambam writes that to engage in sinful thought is to sin with the "noblest portion of the self" (...*be-mivhar she'be-midotav*).³⁶

It is clear at this point to what degree Halakhah monitors wanton fantasy, sexually indulgent rumination, and even thoughts related to other forbidden acts. The clinician, however, works with the objective of having the patient grow out of infantile and primitive stages of regressed or arrested development by re-experiencing the turmoil of the past in the emotionally corrective atmosphere of the present therapeutic situation. Frequently, a

28 בבא בתרא קסד:.

29 יד: הלכות תשובה ד: ב, הלכות איסורי ביאה כב: יח—כ.

30 נדה יג: (על בראשית לח: ז).

31 תד"א זוטא ו'.

32 יומא כט. במורה, נראה מדברי הרמב"ם שהענין הוא שהעונש קשה כיוון שזה רק על הרהור ולא על מעשה. עיין גם בפירוש רבינו בחיי, פרשת נצבים («ראשיכם ושבטיכם»...). בדרך כלל, הרהור רע מצטרף למעשה בהרהור ע"ז ובהרהור עריות (עיין ראש, ר"ה יז:). ר' חיים מדיני מסביר במכתב לחזקיהו, ד' ס:—סא, שהרהורי עריות וע"ז נחשבות לעולם «כמחשבות שעושים פירות».

33 חולין לז: על יחזקאל ד: יד.

34 מועד קטן יח: ובדומה לזה, «אין המחשבה הולכת אלא אחר העובר», זבחים מו: ; «אחר כוונת הלב הן הן הדברים», מגילה כ., ועיין גם קידושין נט:.

35 גדרים כ: פסחים קיב.

36 מורה ח"ג: ת.

patient's fantasy material is a critical tool for a full understanding of his or her psychological conflicts. The fantasy world of children is an area rich in significance for therapeutic focus. The treatment of homosexuality, for another example, is most successfully undertaken when there is evidence of heterosexual fantasy and desire in the otherwise homosexual personality. Even behavioral approaches need to deal with such material in the effort to extinguish the learned anxieties which occur together with heterosexual fantasies in the homosexual or, in other cases, to build up a viable heterosexual response to emotionally-stimulating fantasy material. The discussion of incestuous wishes or the abreacting of past traumata having distinctly erotic themes is often part of psychotherapy in the treatment of, among others, homosexuals, incestuous families, and even child-abusing parents. Indeed, the therapeutic axiom here is almost the complement of the rabbinic one: "There is no sin without **hirhur**"—read: there is no behavior without its psychic, affective counterpart.

As another application of the problem, casework with the **ba'al teshuvah**, who often attempts to resolve psychological or social (family) conflict through the mechanism of religious intensification or conversion with the effect that preexisting psychic conflicts become inextricably interwoven with the proper function of religious beliefs and behavior,³⁷ is often hampered by the utilization of religious laws as defense tactics. A troubled **ba'al teshuvah** may refuse to relate to erotic fantasies by an appeal to the types of prohibitions discussed herein. Sexual dysfunctions may be difficult to treat in the religious individual who exercises unbending control over affective experiences felt to be sinful, and by resistance to expressive forms of treatment intended to moderate such rigidity toward halakhically acceptable standards. Yet, as long as pathological behavior is considered as unrelated to unconscious impulses and drives—and as long as a patient withholds relevant aspects of his inner world from scrutiny or seeks to keep same in check by obsessional taboos and symptomatic behavior—psychotherapy is prevented access to a critical determinant of psychological imbalance.

The halakhically-minded psychotherapist or counselor must

consider this problem and the need for an alternative halakhic model which offers a unique status to **hirhur** in the treatment context. I have already suggested that the concerned therapist cannot make an appeal to the halakhic "medical model"—that risk to life waives rabbinic and even biblical prohibitions—since (1) most psychotherapeutic circumstances do not involve threat to life, and even more important, (2) even a medical emergency, it would appear, could not waive the biblical injunctions attendant to the realm of **arayut** and **hirhur arayut**.

I will now suggest two relevant factors which support the possibility of an alternative halakhic model for dealing with **hirhur assur** in the psychotherapeutic encounter. I will then offer the model which satisfies the criteria implied by these factors.

First, note the qualification that **abizrayhu de-arayut** are so strictly forbidden only in a sexually provocative context. This is supported by halakhic authorities. Meiri notes that the prohibition against **hirhur arayut** only concern preoccupation with such thoughts.³⁸ Others note that the **issur** centers on **hirhur be-derekh hibah ve-nishuk derekh ta'avah**.³⁹ Further qualification appears in the analysis that **hirhur arayut** is dependent upon the degree to which an individual truly reigns over his impulses.⁴⁰ Of course, all discussants summarize their views with the warning that the type of self-understanding and self-control exhibited by certain rabbis in the Talmud are not common and that it is not for modern man to rule uncautiously on such matters.⁴¹

A related concern to this first factor stressing the context of **hirhur** is Rambam's strict ruling that **yaihareg ve-al ya'avor** applies even to **abizrayhu de-arayut** and, as in the case of **Sanhedrin 75a**, apparently even to rabbinic levels of **issur** (intercourse with an unmarried virgin). To be sure, some maintain that rabbinic levels of **arayut** would not demand **yaihareg ve-al ya'avor**.⁴²

38 לחולין לז: וז"ל, "...מי שהוא רגיל בהרהורים".

39 ים של שלמה: קידושין ב: כה; ר"ן לנדרים כ: ד"ה "וכשלא"; רש"י בחגיגה ה:.

40 ריטב"א שמביא הים של שלמה הנ"ל, ועיין ג"כ בפתחי תשובה: שו"ע אה"ע כא: ג: "שהאיסור הסתכלות... תלוי לפי מה שהאדם מכיר בעצמו עם נפנה יצרו או לא".

41 עיין בפתחי תשובה הנ"ל ובספר החינוך ס' קפה.

42 ש"ך: שו"ע יו"ד קנו: ס' ט.

As for Rambam's view, two alternative approaches can be suggested. The first is that to judge by the wording of this law in his **Mishneh Torah**, it would appear that Rambam intended it as a **halakhah ve-ein morin kein**:

“He who sets his eyes upon a woman and becomes deathly sick-in-love with her... he should die rather than have intercourse with her even if she be a **penuyah**. And even to talk with her from behind a wall we do not instruct him to, and he should die, and do not rule for him to speak with her from behind the wall.”

A second approach, suggested by the **Even ha-Ezel**,⁴³ is that Rambam is strict here precisely because **this** individual lusted after the woman and now wishes to attempt again to obtain the object of his desire, but, in general, **abizrayhu de-arayut** would not demand **yaihareg ve-al ya'avor**.

Thus, the context of **hirhur assur** is critical to establishing the gravity of its prohibition (**hirhur derekh hibah...**). The extension of this is that individuals will differ with regard to temptation and the degree to which given erotic stimuli will elicit wanton fantasizing. It has been noted that Halakhah is less concerned about **hirhur** in circumstances where respect for authority, for example, would prevent forbidden thought.⁴⁴ Thus, for example, though the rabbis warned against holding the membrum while urinating lest this stimulate **hirhurim**, this concern was theoretically relaxed if one was urinating in the vicinity of a synagogue. In certain contexts, then, one can differentiate the **affective characteristic** of a behavior or thought—e.g., its erotic nature—from its **value characteristic**—e.g., its ‘sinfulness’ or ‘perverseness.’ Illicit motivation would lend

43 אבן האזל על הלכות יסודי תורה ה: ט.

44 ברכות כ.; כתובות יז.; גדה יג. באמת, לא ברור באיזה אופנים רגשות חמורות כמו פחד וגוף, נוגדות הרהורים רעים; עיין תוס' ד"ה נשים בסנהדרין כ.; ובמקום אנינות, עיין תוס' ד"ה כי בקידושין פ.: בנה יג. חד סבר שבמקום פחד, אין חוששין להרהור, "הכי נמי כיון דבעתי לא אתי להרהורי", אבל עיין מה שכתב בתוס' שם, ד"ה אותה. אותו הקולא בענין "אוחז באמה ומשתין" לא נכלל בטור שו"ע או"ח ג' והבית יוסף מוסיף דכיון שאין אנו בקיאים עוד בבעיותותא, צריכים להחמיר. אבל כן נכלל בסמ"ק ס' רצב, ועיין גם במגן אברהם שו"ע או"ח ג: ס' יד, מה שכתב שם. הגם שהריטב"א מביא הדוגמאות של ברכות כ., וכתובות יז. כהלכה.

a negative value of affective responses whether or not these responses were erotic in nature. And the reverse is not necessarily the case either: for there are erotic responses that are not illicit simply because they are erotic, given certain contexts such as described herein.

The second factor suggesting an alternative model is the need for becoming a **gebör** or master over one's impulses. The consensus of talmudic opinion is that such mastery is not gained by repression of these impulses, but rather by rerouting them along acceptable lines.⁴⁵ A confrontation with such impulses, even 'forbidden' ones, becomes part of the process of their productive neutralization. However, this alone would not require that one force such confrontation to the fore. Indeed, Rambam warns against seeking out situations of temptation so that one can willfully succumb and then do **teshuvah**—the logic of **ehlah ve-ahsuv** can actually hamper repentance.⁴⁶ Thus, an additional step is necessary before these two factors—the context of **hirhur** and the need for confrontation with one's **yezer**—can be operationalized. This third step is the proposal of the alternative halakhic model for **hirhur** in the psychotherapeutic context: **therapy-as-viduy**.

Viduy, generally translated as confession, is a major component of repentance (**teshuvah**) and atonement (**kaparah**). Repentance from any sin, whether of interpersonal nature or between God and man, requires full recognition of all aspects of sin. This **viduy** must be both internal and verbal.⁴⁷ Rambam specifies in his general definition of **teshuvah** that the ultimate version of repentance includes a fully particularized and verbalized **viduy** as well as the re-experiencing the original situation of sin—while one is in full possession of equal temptation and willingness (and fantasies) to commit the sin (“...ve-who omed be-ahavato bah u-be-koah gufo...”⁴⁸)—and resisting!

Inasmuch as Rambam also states that repentance is a model for the appropriate response to both the ordinary conception of sin

45 עיין שמונה פרקים, סוף פרק ג' ובפרק ו'.

46 יד: הלכות תשובה ד: ד.

47 יומא פו; בית יוסף: שו"ע או"ח תר"ז: ד.

48 הנ"ל וגם יד: הלכות תשובה ב: א—ג.

as well as to flaws of personality (**de'ot ra'ot**),⁴⁹ it can be hypothesized that the modern tool of psychotherapy can be conceptualized halakhically as following the models **teshuvah** and **viduy**. This is not to say that reciting **al het** suffices where psychotherapy is indicated, but rather that the psychotherapeutic agenda is accepted into the halakhic world via its metapsychological form as **viduy** (a theory I have elaborated upon elsewhere⁵⁰). If so, then the halakhic details of **viduy**, its goals and mechanics, obtain with regard to the psychotherapeutic encounter as well. What was formerly hopelessly to be construed as **hirhur assur** now becomes a halakhic desideratum if it is therapeutically necessary for the successful modification of behavior—if it is something which should rightfully be confronted and dealt with in one's **viduy** project (only for which **viduy** alone would not be sufficient). That is, qua **viduy**, one deals with the affective nature of the thought-act divorced from its negative value, while, reflectively, one is aware that in other contexts the act has negative value.⁵¹

Practically speaking, it becomes halakhically tenable to expect the fully religious patient to nondefensively probe, examine, and experience the realm of **hirhurim**. The value characteristic of **hirhur assur** stands only as temporarily suspended during therapy. Therefore, it becomes the onus of the psychoterapist to ensure that the atmosphere of the therapeutic encounter remains consistent with the halakhic guidelines noted above. Resistance beyond this point needs to be handled like any other resistance in psychotherapy, paying careful attention to the secondary gain such cultural standards can afford the neurotic or otherwise troubled individual. Viewed as such, this aspect of the psychotherapeutic process becomes an intrinsically halakhic one.*

* I have been asked to justify the therapist's involvement in this process, as Halakhah neither accepts the notion of a "confessor" nor would it appear that the therapy-as-viduy model allows the **therapist** to experience verbalizations of forbidden content. This

49 יד : הלכות תשובה ז : ג.

50 עיין לעיל ה.

51 לגבי רפואת מחלת־נופש של homosexuality, עיין בספרי הג"ל בה' 11 .chap.

question is relevant. However, the therapist's role is halakhically prescribed using a model of therapist-as-mokhiah. Rambam's definition is explicit: "One who sees his fellow sin or that he is following an evil path [which surely can include a psychopathological path as an example of *de'ot ra'ot*], it is an obligation to return him to the good and to make him know that he sins **against himself...** as it is said, 'You shall surely rebuke your fellow.' One who so rebukes his fellow, whether on matters between themselves or on matters between him and God, **the matter should be discussed between themselves.**"⁵² Second, the therapist serves in a capacity emphasized by Rambam's didactic interpretation of the imperative to "remember that which God did to Miriam" (which he, at least, considers a biblical commandment): to facilitate a confrontation with the past, with repressed **memories**, despite the fact that it is generally forbidden to remind a convert or **ba'al teshuvah** (which, in a sense, is what the psychiatric patient can be likened to) of their past behaviors.⁵³ Thus, if there is an actual demand to recall 'forbidden material' where personal growth is vital, the therapist can also serve as a catalyst in this process.

52 יד: הלכות דעות ו: ז.

53 עיין ברמב"ן: עשין הנוספין (ז') לספר המצות וגם פירושו על התורה במעשה מרים וב"אל תשכח את אשר ראו עינך בחורב". הערוך השולחן (או"ח ס' ס) פקפק בזה.