Dating, Self-Disclosure, and Rabbis

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In recent months, I have been involved in two divorce matters in which rabbis played a prominent role. In each case, a party informed me how a lack of disclosure of a personality flaw ultimately led to a failed marriage. Unfortunately, in both cases the party who failed to disclose the relevant information was a rabbi. This article will examine whether non-disclosure is a viable option in dating situations.

The Rambam in *Shemona Perakim* equated "illness of the soul" (that is, mental illness) with physical illness. There have been estimates that 25 percent of Americans have endured some type of mental illness. The spectrum of mental illness can range from chronic illness such as bipolar disorder to mild cases of depression. This article will deal with the issue of disclosure of mental illness or addiction, as the failure to disclose these conditions tends to have the most dramatic impact when they subsequently come to light. However, a failure to disclose any material fact would be subject to the same analysis.

A cursory search of the Internet shows a healthy number of articles on the halakhic question of whether mental illness needs to be disclosed before marriage. A number of these articles seem to hedge on the question of when disclosure is required. Some authors justify non-disclosure by arguing that if it is not likely that the mental illness will recur, there is no reason to disclose such conditions. Other authors opt for the safer conclusion that one is required to discuss such a condition only where so directed by a recognized posek.

I will state my conclusion without equivocation. Marriage is based on trust and respect. It is unfat homable to imagine that a person can contemplate marriage to an individual—and at the same time choose to keep vitally important information from that party. It is instructive to note that Dr. Abraham Twerski, in his book *Getting Up When You're Down*, states in clear language (p. 108) that disclosure of conditions such as depression is obligatory. Dr. Twerski mentions no reference to asking a posek as to whether or not disclosure is required. The need to know such information, and the harm in non-disclosure, seems self-evident to this eminent author and thinker.

What of the argument that if the depression is not likely to recur, disclosure has no value? As stated above, trust underlies the marital foundation. (The Maharal emphasizes this ethical point in his work *Netivot Olam*). Relevant past history needs to be shared and explained. Why should one act as "judge

and jury" in deciding that past history, arguably material and relevant, need not be shared? Practically speaking, what happens if the suppressed information later comes to light from another source? Or, what if the "cured" condition reasserts itself? How do we deal with the disappointment and suspicion that might naturally arise? A party who is suddenly presented with such news might rightly wonder what other information has been withheld. A failure to disclose relevant information robs a party of their right to choose their mate freely and fully.

How does one determine what information is to be deemed relevant, and in need of disclosure? I propose a simple test. What would a person reasonably want to know about the background of a prospective spouse? It is appropriate to wait for the right moment to disclose such information. But although timing of such disclosure is discretionary, the need for such disclosure should not be subject to debate.

Full disclosure not only helps the other party, it helps the disclosing party as well. Keeping personal matters secret and subject to implicit denial is a high-risk decision. One who opts for silence on such a matter might find they are living with the fear and uncertainty of what will happen if disclosure ever occurs in an unanticipated manner. In light of the above, it seems fair to state that the advantages of non-disclosure are negligible in contrast to the considerations that militate in favor of open and candid discussion.

The previous discussion relates to the party who must decide about disclosure. I would like to relate my remaining comments to the rabbi who is consulted about the question of disclosure. In Issue 2 of *Conversations*, I wrote an article ("Mediation, Marriage, Divorce, *Agunah*") in which I attempted to show how the role of a rabbi in a divorce scenario must go beyond simply pointing out where a "kosher" *get* may be obtained. The rabbi must engender communication and care while attempting to ensure that Torah values govern all proceedings.

A rabbi who is asked about disclosure of relevant medical/psychological information must do more than decide what must be disclosed. An illustration of what may be required of the rabbi is found in an anecdote related about the Brisker Rav, Rav Chaim Soloveitchik. Rav Soloveitchik, described often as a paragon of *hessed,* was asked by a congregant whether it might be permissible to use milk for the mitzvah of *arbah kosot* (drinking four cups [of wine] at the Passover seder). Rav Soloveitchik answered in the negative and then proceeded to give the man a generous donation. The Rebbitzen asked why this gift was made, when in fact it had not been solicited. Rav Chaim explained that a Jew who is prepared to drink milk in lieu of wine is clearly destitute. Rav Chaim reasoned that a man who had no money for wine likely lacked all means of providing for a proper Passover celebration. A generous donation was provided so that this man could properly enjoy the holiday with his family.

An individual asking a rabbi about disclosure of a chronic condition is really asking for much more. He or she is asking for support, acceptance, insight, and a dose of *emunah* (faith). The person wants to be reassured that the rabbi will share their burden, while simultaneously offering them hope and solace.

If an individual asks a rabbi whether or not to disclose a chronic condition, a short answer does not suffice. It behooves the rabbi to research the condition, confer with professionals, and help the individual map out his or her future goals and plans. The rabbi needs to look at the person qua person, not simply as the initiator of a halakhic question. The rabbi needs to project the image of a potential advocate and confidant.

One of the touching stories about the great teacher and communal leader, Rav Shlomo Freifeld, described how he "won over" an alienated young man who left his family to live on an Indian

reservation. This young man was brought back to his roots by an accidental discovery. While waiting for Rabbi Freifeld in the yeshiva study, the man chanced upon a number of books that described Indian culture and mores. It was clear why the books were there; Rabbi Freifeld wanted to understand what made this man "tick." Rabbi Freifeld had seen the human being who stood before him and tried to find ways to identify with him. This gesture led the man to a newfound belief and commitment. In like fashion, congregants may come to their rabbis with disclosure questions. They deserve rabbinic attention and empathy.

As a religious figure, the rabbi can offer needed support. A rabbi can guide the individual to increased communal involvement. A rabbi can exhort the individual to be open and proactive about his condition. Finally the rabbi can help the individual map out future goals and ambitions. In one phrase, the rabbi can reassure the individual described herein in the same fashion as was Moshe at the burning bush:"I will be with you."

The concern for the individuals addressed in this article can, and should, manifest itself in ongoing relationships. Long after the question of disclosure has been answered, the rabbi needs to be a presence. The pulpit may be used for discussions on mental and physical disability. Pre-marital counseling for those with physical or psychological challenges should be carefully planned by the rabbi. Articles and shiurim on the issues that arise from meeting special challenges likewise merit serious consideration. The Jewish community has done wonderful things for children with special learning needs. Perhaps the next vista to tackle is the removal of barriers confronting those who face physical or psychological challenges.

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In recent months, we have seen the results of the attenuation of honesty and integrity in the marketplace and society. Our tradition fortunately provides the antidote. We are in the image of God and we are responsible to act God-like. The "seal" of God is truth. A relevant bon mot on this topic was taught by the Maharal. He teaches that the letter with the lowest numerical value is the letter aleph. Yet if we remove that "small" letter from the word *emet* (truth) we form the shorter word of *met* (dead). This thought reminds us of the slippery slope that awaits us if we take liberties with truth and integrity. A slight shift from a commitment to truth can have devastating effects. It is time to place renewed emphasis on moral and ethical behavior. Encouraging fuller disclosure and candor in our interpersonal relationships is a proper place to begin.

Rabbi Yosef Dov Soloveitchik, late mentor to thousands of rabbis, once described the rabbi's primary duty as being an exemplar of *hessed*. Rabbis can do much good by guiding their flock on the need to disclose disabilities and personal limitations in courtship situations. But that will not be sufficient. Rabbis must also guide these individuals through these challenges. Even when such support is not solicited, rabbis need to internalize the lesson of the Brisker Rav and the query about milk at the Seder. There is a need to go beyond the immediate question and discover the person behind the question. Discover what they need and try to help them in seeking solutions and inner strength.

Disclosure of certain conditions is painful and unsettling. There are however no alternatives to openness and candor. Rabbis who are concerned will not stop at offering this exhortation. "I will be with you" is a potent message to convey. We will be judged as a society by the manner in which we succeed in transmitting this message.