



נדרים דף ס"ט

English Halacha Topics

Can a doctor Reveal a Medical Condition?

We learn in these dapim various laws regarding a father's annulment of vows together with his son-in-law. This is one example of the relationship which begins with erusin, betrothal. Let's discuss another facet of the connection between a husband and his father-in-law – shidduchim, the Jewish dating process.

Before a match is proposed, the parents investigate it thoroughly. A complicated question arises when a medical practitioner is aware of some condition of the boy or girl. Is he permitted or even obligated to reveal it to the other side?

The Chofetz Chaim in his sefer (Rechilus 9:1) states explicitly that if you see someone preparing to enter into a partnership of any kind, and you are certain that he will be harmed from it, you are obligated to tell him. This is included in the verse "Do not stand by the blood of your fellow [being shed]." There are a number of conditions which must be fulfilled for this law, primarily that you are totally certain of the negative details, you cannot exaggerate, and you must intend only for his benefit.

It would seem that a doctor who knows of some issue of a prospective mate would fulfill these conditions, and should tell the other side. Indeed Chelkas Yaakov (E.H. 79) rules as such. The case he addresses is of a boy who was ill with a terminal illness such that he would probably die within a year or two. "There is nothing for a prospective wife worse than this, and he transgresses if he doesn't reveal it to them."

In another story, the Tzitz Eliezer was asked about a woman who underwent a surgery which precluded her bearing children. She asked the doctor to not tell her future husband. The Tzitz Eliezer wrote that the doctor is forbidden to obey her; he must inform the boy even without being asked (Vol. 16:4).

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In Chashukei Chemed (Yoma 84) he was asked about a father who made the doctor swear he wouldn't reveal his child's condition. Because of his oath, he cannot tell, but he should annul his oath in order to warn possible shidduchim. If the doctor is not a Jew, one may convince him to reveal even without annulling his oath, since a non-Jew is not bound by the prohibition to keep to his oaths.

However, Rabbi Moshe Sternbuch shlit"za maintains that a doctor is allowed to refrain from saying anything about an illness. As long as he doesn't say an untruth, he may keep his silence. If asked, he may respond along the lines of, "As his doctor, I must maintain his privacy. They hired me and told me their details with the understanding that I wouldn't reveal them" (Teshuvos V'Hanhagos 1:879).

Additionally, in the US a doctor is forbidden by law to reveal any details of a patient without his permission or he could face fines or jail time. Perhaps the prospect of sitting in jail (which may border on pikuach nefesh) may override the mitzvah to help others.

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