

JEWISH ETHICS AND FAMILY RESPONSIBILITY FOR THE ELDERLY

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The responsibility of offspring to their parents, which is expressed in honoring them, supporting them financially when they require it and the children have the means to supply it, and being physically present when such presence is necessary to sustain the emotional health of parents, is a basic tenet of Jewish ethics. When aged parents require a level of care that their children cannot themselves provide, seeking admission to a good long-term care facility may fulfill the imperative of the Fifth Commandment, "Honor your father and your mother."

This article examines the basis in Jewish law and ethics for the assumption of responsibility by adult offspring for the well-being of their aged parents, the nature of this responsibility, and the lengths to which it should extend. It also presents situations in which the assumption of such responsibility clashes with other values and in which the negative relationship between aged parents and their mature offspring makes this assumption of responsibility difficult to achieve.

From the Fifth Commandment (Exodus 20:12) is derived one form of responsibility that offspring have for their parents: "Honor your father and your mother." The grammatical root of the Hebrew verb for honor, "kaved," connotes weightiness. Thus, the Fifth Commandment demands that one's parents be endowed with weight or worth.

How are we to express by our actions the sense of worth that we feel for our parents? The Baraita in tractate Kiddushin 31b of the Babylonian Talmud, in defining how a son is to show honor (kavod) to a parent, states, "Honor means that he must give him food and drink, clothe and cover him, and lead him in and out." The phrase

"lead him in and out" is defined as receiving the parent joyfully when he visits the son's home and accompanying the parent when he leaves until he is out of sight. Honor for a parent is expressed therefore by giving him direct personal service.

The duty of honoring one's parents falls on daughters, as well as on sons. Thus we learn in tractate Kiddushin 30b, "Every duty relative to the father that is given to the son to perform on behalf of his father falls equally upon men and women." It is recognized however that "a man has the means to carry out his duty whereas a woman does not have the means to do so because she is subject to the authority of another (i.e., husband)." However, "If she be divorced, both of them (i.e., son and daughter) are equally obligated."

Although it might seem obvious that the verse in Kiddushin that imposes upon the son the responsibility of giving services to his parents imposes upon him simultaneously the responsibility of *financing* these services, there is an apparent difference of opinion between the Jerusalem Talmud and the Babylonian Talmud with regard to the latter responsibility. The Jerusalem Talmud states that honoring father and mother includes financial responsibility on the part of the son, whereas the Babylonian Talmud states that it does not.

Some commentators feel that the two Talmuds are not in fact in disagreement

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because their conclusions relate to two different sets of circumstances. They hold that the Babylonian Talmud discusses a situation in which either the father is prosperous or the son is poor. Consequently, the obligation of the son's supporting his parents does not even come into question. The Jerusalem Talmud, in contrast, discusses a situation in which the son is prosperous and the father is poor; hence the commandment of honoring one's father and mother demands that the son support his parents financially. This understanding of the two Talmuds, however, leaves unresolved the stand of the Babylonian Talmud concerning the responsibility to be assumed by a prosperous son whose father is poor.

Faced with this dilemma, Rabbi Achei, author of *Sefer She'iltot* who lived in the eighth century in Babylon and Israel, ruled that a son was indeed obligated to give financial assistance to his parents if they were poor. However, this obligation was rooted not in honor but rather in *tzedakah*. The right of parents to charity dispensed by their offspring took precedence over the right of others to that charity.

From a practical point of view, Rabbi Achei's decision ensured the financial support of needy parents by their offspring since medieval Jewish communities were granted the autonomy of governance that permitted them to enforce the giving of charity. However, they would not have been able to enforce financial support on the basis of the requirements of the Fifth Commandment alone.

Concerning the extent to which a son was obligated to go in financing his parents' needs, Rabbi Moses Sofer, also known as Chatam Sofer (1762–1839) and who lived in Hungary, ruled that, although the extent of giving charity is ordinarily limited to one-tenth (tithe) of one's assets, in the instance of charity given to parents "as long as he (the son) possessed enough for his own sustenance, he must give the rest to his parents" (*Responsa Chatam Sofer, Yoreh De'ah* 251:3).

Another responsibility that offspring have for parents involves not the giving of

concrete services but of relating to them with an attitude of respect and reverence. Concrete services may or may not be accompanied by such an attitude. The Hebrew word for reverence is "mora."

The obligation to show reverence for parents is derived from a passage in Leviticus 19:3 that states, "You shall each revere his mother and father." Examples of reverence are given in the tractate *Kiddushin* 31b as follows: "Reverence means that he (the son) must neither stand nor sit in his (father's) place, nor contradict his words, nor tip the scale against him" by taking sides with his antagonist with whom he has a dispute. The principle inherent in these examples is that everything must be done to sustain in the parent a sense of self-worth.

Rashi, in his commentary on the above-mentioned passage in Leviticus, states that the verb in the phrase, "You shall each revere," appears in the plural rather than the singular form in order to indicate that the obligation to revere one's parents is incumbent on both women and men.

In all the talmudic discussions of what constitutes honor to one's parents, no mention is made of the value to parents of their offspring's physical presence, which can bring much satisfaction when the parent-child relationship is a positive one. Neither do the medieval codes of Jewish law—Maimonides, *Tur*, and *Shulchan Aruch*—discuss the factor of physical presence in relation to the factor of honor. The necessity of such presence is implied, nevertheless, since how else could offspring give direct service to parents.

However, the physical presence of children is described in the midrashic literature. Thus, in *B'raishit Rabbah* 2 (P:369), we read the following concerning God's command to Abraham to leave his father's house and go to the land that God would show him:

Now the Lord said to Abraham: "Get thee out of thy country and from thy kindred and from thy father's house unto the land that I will show thee" (*Genesis* 12:1). What

is written in Scripture just prior to this? "And Terah died in Haran" (Genesis 11:32). Rabbi Isaac said, "Terah actually lived 65 years more after Abraham left." But firstly we infer that the wicked are called dead even when they are alive, for Abraham was apprehensive saying, "When I leave, men will profane the name of God because of me, for they will say, *He left his aged father and went off.*" So God said to Abraham, "I release you from the obligation of honoring your father and your mother but I will release no other from their obligation; furthermore I will inscribe his death (in the Bible) before I inscribe your departure."

Rabbi Solomon Luria, also known as Rashal, who lived in Poland (1510-1573), stated that a son's leaving his father in order to go live elsewhere can be "bitter as death" to the latter (Yam Shel Shlomoh, Kiddushin, 1:72).

Physical presence does not require that parents and offspring live in the same house. Indeed, in most cases, parents may prefer to live separately in their own home. Living in the same geographic area, however, affords opportunities for getting together to enjoy one another's company, to discuss problems as they arise, and to give emotional support. Modern transportation and the telephone, it is true, provide opportunities for social contact that did not exist in the past. They are unable however, to supply the degree of contact that living in the same geographic area makes possible.

Nevertheless, there are conditions under which may be attenuated the responsibility imposed upon offspring for carrying out the functions required by the ethical imperatives discussed above. One such condition occurs in the presence of dementia in the parent. Maimonides states,

If one's father or mother should become mentally disordered, he should try to treat them as their mental state demands, until they are pitied by God. But if he finds he cannot endure the situation because of their extreme madness, let him leave and go away, deputizing others to care for them properly.^{lv}

Maimonides based his decision on the incident in tractate Kiddushin 31b involving Rabbi Assi who lived in Babylonia. "Rabbi Assi had an aged mother. She said to him, 'I want ornaments.' So he made them for her. She then said, 'I want a husband as handsome as you.' Thereupon he left her and went to Palestine."

Faced with the hint of incest in his demented mother's remarks, Rabbi Assi reached the limit of his endurance in caring for her personally. Although the Babylonian Talmud makes no mention of the provisions for his mother's care made by Rabbi Assi before he left her, Maimonides states that it is inconceivable that a person with the high moral stature of Rabbi Assi would have ignored the dictates of the Fifth Commandment that he must, at the very least, make arrangements for meeting his mother's needs through other people. The Talmud probably makes no mention of these arrangements because their having been made was deemed to be self-evident.

Maimonides does not release the son from the responsibility of providing care for his demented parent. Indeed, he must continue to provide it personally if he is able to do so and is released from the duty of caring personally for his parent only if he has reached the limits of his endurance. Even then, his responsibility for caring for his parent does not end. Although he is not required to supply care personally, he must supply it through others.

Neither is the obligation to show reverence for a parent diminished just because the latter is demented. It is pointed out in Kiddushin 30b that "there are three partners in a man—God, his father, and mother." A person owes the gift of life to his parents.

Another condition under which may be attenuated the responsibility of offspring to carrying out the functions discussed above relates to the poor relationship that sometimes exists between parents and children. *Sefer Hassidim*, an ethical work dating from the twelfth century in Germany, states, "It is best that a father and son separate if they quarrel with each other for much pain is caused; and I do not mean

only the pain of the father . . . but even the pain of the son."

Although offspring are permitted to reduce the frequency of their visits with a parent who is abusive of them, the responsibility of providing service to the parent and of showing him reverence is not diminished. The parent is not excused for his poor behavior. His punishment however, the rabbinic sources state, must come from the hands of God, not from the hands of his offspring.

That honor and reverence are due the abusive parent is demonstrated in the behavior of Dama ben Netinah, a Gentile man who lived in Ashkelon, Israel. In tractate Kuddushin 31a, it is written, "Once he (Dama) was seated among the great men of Rome, dressed in a silken gold garment when his mother came and tore the garment from him, slapped him on the head and spat in his face, but he did not shame her."

What are one's obligations toward one's in-laws? No halachic source defines these obligations. There is a clear indication in the Torah, however, that in-laws should be honored. Thus, the prophet Micah (7:6) speaks of an evil period when "the son dishonors the father, the daughter rises up against the mother, the daughter-in-law against her mother-in-law."

In addition, one may derive from the talmudic expectation of a husband's attitude toward his wife what his attitude toward her parents should be. In tractate Yevamot 62b, it is stated that a man should "love his wife as himself and honor her more than himself." Honoring his wife's parents would be a reflection of the love and honor the husband harbors for his wife. Furthermore, it is stated in tractate Mo'ed Katan 20b that both husband and wife must each mourn the death of the parents of the other. In 26b of the same tractate it is written, "A man rends his garments at the death of his father-in-law or mother-in-law in respect of his wife."

Property rights are yet another factor serving to attenuate the responsibility for

the well-being of parents that is incumbent upon offspring. Thus Maimonides writes in his *Mishnay Torah*, *Ishut* 13:14,

If a man says to his wife, "I don't want your father or mother, brothers or sisters coming to my home," he is listened to and she must go to them . . . They may not come to her unless something untoward such as sickness or childbirth occur. For we do not force a man to admit others to his property. Similarly, if she says, "I don't want your mother or sisters coming into me and I do not wish to live in one court with them because they harm me and pain me," she is listened to. For we do not force someone to allow others to live with him on his property.

MODERN APPLICATIONS OF FAMILY RESPONSIBILITY

Two-thirds of the 387 residents of Maimonides Hospital Geriatric Centre, whose average age is 86 years, are demented. A condition of admission is that they require a type and degree of nursing care that is impossible for them to obtain at home. Offspring with the best intentions are simply incapable of supplying such care. Not only do they lack the knowledge and skills necessary to do so but they also lack the superhuman strength required to deliver it over a 24-hour period every day of the year. Paradoxically, therefore, the imperative of the Fifth Commandment requires them to help their parents secure admission into a good long-term care facility since such a facility is best endowed to give them the services they need, without which they would either suffer greatly or die. The most critical factor in making the decision to seek nursing home care is not the lack of endurance of the offspring of which Maimonides speaks, although that too is an important factor, but rather the professional knowledge and skills the parents must have at their disposal and which the offspring do not possess. Too, the children of many of the residents of Maimonides Hospital Geriatric Centre are themselves in their sixties and seventies. They certainly

lack the endurance to give their parents the heavy physical care they require.

Consider these two case examples that illustrate conditions in which family responsibility may be attenuated.

The daughter of Mrs. J., a resident suffering from advanced Alzheimer's disease at Maimonides Hospital Geriatric Centre in Montreal, visits her mother regularly and helps feed her at lunchtime. Mrs. J. no longer recognizes her daughter. Hence, she is incapable of using the latter's physical presence to maintain a relationship that would satisfy her emotional needs. The daughter honors Mrs. J., nevertheless, by visiting and providing her with feeding service, according to the imperative of honoring one's parents. She upholds the worth of her mother even though the latter has lost the capacity to understand the concept of self-worth.

Recently, a male resident in Maimonides Hospital Geriatric Centre became very agitated when visited by his daughter. At times, in his agitation, he would strike her. When she left he became calm.

Both father and daughter were recent arrivals in Quebec from Morocco. In the Sephardi tradition, the father is held in unusually high esteem. His control over members of his family is much greater than

is ordinarily the case in Ashkenazi families. Hence, the diminution of the father's role occasioned by his poor health and exacerbated by his admission into a long-term care hospital caused him particular mental anguish. His daughter's visits served to remind him more acutely of his reduced status. He responded to this perception with agitation and even violence. The psychiatrist on our staff advised that the daughter reduce the frequency of her visits to her father.

CONCLUSION

The responsibility that offspring bear for honoring and revering their parents, for giving them financial support when they require it and the offspring have the means to supply it, and for making available their physical presence when such presence is necessary to sustain the emotional health of parents is a basic tenet of Jewish ethics. This responsibility may be attenuated under certain circumstances. However, even when the child is not responsible for providing care and support personally, he or she must ensure that it is provided by another means. This is the imperative of the Fifth Commandment, "Honor your father and your mother."