

# HALOCHOSCOPE <sup>TOI</sup>

What should one do if his demented mother calls on Shabbos, especially if he has left his answering machine on? Should he always switch off the answering machine, to save the parent from talking into it, to evade the issue of the parent thinking he is being disrespectful and rebuking him and to save himself the aggravation and disturbance of his Shabbos calm?

The issues:

(A) Use of the telephone and answering machine on Shabbos

(B) *Kibud Av Va'eim*, honoring parents when a parent is demented; when honoring the parent involves violating another Mitzvah; how to deal with a parent violating a Mitzvah; is a demented person in this category?

(A) *Telephones on Shabbos*

Use of a telephone on Shabbos involves three issues, dialing, talking, and hanging up. Turning on an electric current directly is forbidden on Shabbos at least Rabbinically, and often involves Scriptural Melacha as well. Depending on the systems used at the exchanges, dialing a telephone number might light up an electric light bulb or a series of lights or a screen, which involves the Scriptural Melacha of *Hav'arah*, burning. [According to many Poskim, unlike incandescent light, fluorescent light, including that in a cathode ray tube, is not considered fire for purposes of the Melacha of *Hav'arah*.] Talking on the phone involves no actual *Hav'arah* but uses electricity, which is forbidden at least Rabbinically. The speech is changed into digital messages electronically, which means that by talking one activates the use of electricity. By picking up the receiver to answer the call one often extinguishes the lights at the exchange. This involves the Melacha of *Kibuy*, extinguishing. It is not done with intent to produce charcoal, so it is not a Scriptural, but a Rabbinical prohibition. The first person replacing his handset often causes another light to turn on at the exchange, which extinguishes when the second person hangs up. All told, one short phone call could involve hundreds of violations of Shabbos in a very short time. (Technological advances save time!) [See *Halochoscope* Vol. I: 4, 8, 11, 36, (refs.). E.g. *Be'er Moshe* V:159, *Kuntres Electric* 4:5 49-50. *Shmiras Shabbos Kehilchasa* 19: notes 64, 123.]

Another issue arises here. The sound of the ringer raises the issue of *Hashma'as Kol*, making the sounds of a Melacha. This is forbidden when it will lead people to think that a Melacha is being done or when it is intrusive and disturbs the peace of Shabbos. The caller might not be Jewish, but the sound is heard in the Jewish home. However, the home-owner is not liable. This was not planned, and gentiles or wrong numbers could be the cause. One is not expected to turn off his phone. A message on a machine presents a more serious problem because it causes noise. If the volume on the machine is turned down or off, this is not an issue. The only possible wrong-doing is setting the answering machine up before Shabbos to accept the incoming calls. If an incoming call on Shabbos is only a remote possibility, this is no different than setting a burglar alarm. If it is normal for people to call at any time, it is not such a disturbance, nor is it a sign that there is Melacha being done in the home. However, Shabbos will be more peaceful if the volume is turned down, and even more so if the ringer on the telephone is turned off.

In our case, unfortunately, the calls are predictable. In light of the multitude of Melachos involved, it would be better not to give the caller the opportunity to speak. Less Melachos would result if she would hang up. In fact, all the Melachos involved in dialing have already been done. What remains to be discussed is whether the caller is indeed considered one violating a Melacha, and whether the son may act in this way. [See Shabbos 18a commentaries Poskim. Shulchan Aruch Orach Chaim 252:5 Rema, commentaries. Igros Moshe O.C. IV:70:6.]

### (B) *Kibud Av Va'eim*

The Mitzvos to respect a parent are spelled out by the Torah in two forms. The form commonly quoted is *Kibud*, honoring a parent. The other is *Mora*. Most translate this as revering the parent, or holding him or her in awe. The Talmud implies that it is to be taken literally, to mean "fearing."

One commentary uses the terminology and grammar of the Hebrew to explain the strange type of fear meant here. Some Mitzvos are accompanied by the words *Veyaraysa Mei'elokecha*, you shall fear your G-d. There is a separate Mitzvah, *Es Hashem Elokecha Tira*, you shall fear Hashem your G-d. The difference between these is the term to which the word for fear is meant to apply. In the first case the word used is *Mei'elokecha*, meaning from, or of ... This implies a fear of punishment, consequence, or simply the watchful eye, while doing something. This could also apply to fear of a human. In the latter case the word used is *Es*, a word to make the object into an indirect object. This denotes *Yiras Haromemus*, fear of the great-

ness of the Being. This could not apply to a human, only to Hashem. Fear of the greatness of a human detracts from fear of the sheer greatness of Hashem. One could only fear the greatness of a human if Hashem Himself instructed us to apply some of His fear to a human. This He does, in the Torah, by juxtaposing His Name to the Mitzvah of *Mora Av*, and by teaching us through the oral Torah about *Mora Talmid Chacham*. Accordingly, this is the fear we must have for a parent, on a par with *Yiras Hashem*.

The Talmud describes what *Kibud* and *Mora* include. *Kibud* includes feeding and clothing a parent, which means attending to his personal needs. The funding for the food and clothing is debated in the Talmud. We follow the conclusion that the child need not provide the funding, but must carry out the act of feeding and clothing etc. [This is the ruling in cases where the parent has funds of his own. If the parent is poor, the son could, strictly speaking, use his own *Tzedaka* money for it. Family members anyhow take precedence when distributing *Tzedaka* funds. However, the Talmud has a low opinion of one who uses *Tzedaka* money for this, when he could use his own money.]

*Mora* includes not standing in a parent's place, not sitting in his place, not contradicting his words, nor even voicing approval of his father's opinions. This implies that he feels he could have taken the other side, but decided to "help" his father. He may not imply that his father needs his approval or consent. Disobeying one's father's orders is forbidden due to both *Kibud* and *Mora*.

Two basic ideas categorize the difference between *Kibud* and *Mora*. One view is that *Kibud* involves active deeds, while *Mora* involves passively refraining from slighting the parent's honor. The other view is that *Kibud* involves benefitting the parent directly and personally. *Mora* involves a personal obligation on the son to ingrain in himself, and conduct himself with, a sense of fear and reverence to his parent. Rising when a parent approaches is considered *Kibud*. The parent receives no personal benefit from it, but the pleasure could be viewed as a form of benefit. Some consider it a form of *Mora* since it is done to show awe and reverence. This would then be obligatory even if the parent could not see the child rising. There are some ways to reconcile both views, by showing that both highlight different aspects of the basic difference between *Kibud* and *Mora*.

According to many Poskim these Mitzvos apply even if the parent is a brazen violator of the Torah. However, if obeying a parent will entail violating even a Rabbinical restriction he must disobey them. Both the parents and the child are obliged to obey Hashem. One is also obligated to admonish a parent, but in a re-

spectful way. Rather than telling a parent that he has done wrong he should state the prohibition as a fact or a rhetorical question. Even when Kibud or Mora are suspended, *Zilzul*, degrading a parent, is always forbidden. The Talmud cites instances where the parent embarrassed the child publicly, and the child accepts the humiliation. This is the extent of *Morah*. If a parent openly snatches a child's fortune and throws it away, the child must not react. This is the extent of *Kibud*. Passive refrain from *Zilzul* seems to be active fulfillment of the *Mitzvos*. Thus, the Talmud discusses what should be done if parents are demented. If he is able to, he should try to appease them in their present condition. Evidently, both from the child's perspective (*Kibud*) and that of the parent (*Morah*) there is still a *Mitzvah*. If this becomes an unbearable strain, the child should leave town and have his parent cared for by others.

In our case, this does not solve the problem. The telephone brings the parent back to the child, and he must, once again busy himself with the *Mitzvah*. However, the issue is raised, how could the Talmud suggest that the child leave the parent and delegate caring for him to others? Is this not shirking his own *Mitzvah*? One view is that the case involves physical care that is beyond the personal capabilities of the son. However, the original passage is interpreted by some to mean the child was afraid he would not be able to fulfill the *Mitzvah* properly. The parents' demands were unreasonable and it was unrealistic to satisfy them. Accordingly, in our case, this would seem to be the answer. The son need not be concerned that his lack of response to the parent is *Zilzul*. This would be the equivalent of leaving town. There is no more he is able to do in this particular situation. For, while the parent is evidently not in violation, due his mental state (*Shoteh*), the child is physically unable to comply with the parents requests. Compliance by violating a *Mitzvah* was never called for. [See *Kidushin* 31b-32b (*Ri Hazaken*, *Yam Shel Shlomo* 63) *Baba Metzia* 32a *Yevamos* 6a *Poskim*. *Rambam Hil. Mamrim* 6:11 (*Lechem Mishneh*) . *Toras Kohanim*, beginning *Kedoshim*, *Re'em*, *Malbim*. *Tur*, *Shulchan Aruch Yoreh Deah* 240:1-5 9 10 11 14 15-16, *Ar. Hash.* 32 37, commentaries. *HalochoScope* V:44.]

In conclusion, in our case, if the mother calls, one can not answer, and should accept complaints without responding. She is not liable for her *Chilul Shabbos*. It would appear that the best tactic would be to turn off the answering machine.