

HALOCHOSCOPE ^{TOI} PE

Last week's issue generated much discussion and more questions. For the sake of clarification we shall further discuss it in this issue. The question was about dealing with a demented parent who calls her son on Shabbos expecting a reply. Presumably, the parent is not at the point that she knows it is Shabbos, or that she is doing wrong. There is no imminent danger involved. When she reaches a recorded message she shows her frustration, and the sound can be heard by the son. We ruled that the son should turn off the answering machine to minimise the Chillul Shabbos inasmuch as the parent is considered doing it.

The issues to be clarified are:

A child's obligations to a demented parent

The status of Shoteh, incompetent

The main source for the issue of a senile parent is a passage in the Talmud. Rav Asi, a notable sage, had an aging mother. She asked him to procure jewelry for her and he obliged. She then asked him to find her a husband and he said he would look out for one. She insisted that he be as good looking as him, her son. At this point he left his hometown, which was outside Eretz Yisroel, and travelled to Eretz Yisroel. He found out that she was coming to follow him. He asked his teachers whether he was permitted to leave Eretz Yisroel to go out to meet her. However, before he got a chance to do so, he heard that she had passed away. He regretted not having been able to honor her.

The main question that arises is why did Rav Asi leave when she asked him for a husband like himself? The consensus is that she was asking for something ridiculous that he would not be able to fulfill. Many Poskim also assume that she was senile when she asked for this. Assuming this to be the case, one can also learn from the episode that he was still obliged to honor her in some form, or he would not have gone out to meet her.

Rambam rules that if one's mother or father goes mad he should try to behave towards them according to their wishes until they are healed. If he can not manage because they have become too mad, he should leave them and instruct others to deal with them in a manner that is appropriate for them.

Raavad raises a major question on this ruling. If the son leaves the parent, whom will he instruct to care for him or her? Therefore, the ruling is incorrect, and the son may not leave town.

However, as many commentaries point out, Rambam's ruling that he may leave town is soundly based on the aforementioned Talmudic passage. How could Rav Asi leave town? It is presumed that Rambam bases his whole ruling on the episode of Rav Asi. Thus, it is assumed that the mother was demented and therefore asked for ridiculous requests. First Rav Asi tried satisfying the requests. When it became evident that they were too ridiculous to satisfy, he left town. As some commentaries add, Rav Asi must have left instructions with somebody to care for his mother.

Nonetheless, two issues remain to be clarified. First, what was the point of Rav Asi leaving town, and consequently, what would be the point of a son leaving town when his mother is demented? Second, what does the Raavad do with the Talmudic passage, and how does one explain his question?

To begin with one may ask, what will instructing others help? In which way are they able to accomplish what the son can not? If the son could also perform the activities left to the others to do, why does he not do them himself? Did Rav Asi instruct the others to ~~do~~ the same things his mother asked of him? Can they, perhaps, find a husband better than he can? Or were the instructions to care for her everyday needs, in which case, he could have done the same? One way to reconcile the Raavad is based on some of these questions. The Talmud does not mention that Rav Asi instructed others to care for his mother. If others would be able to care for her, why did Rav Asi not do the same? In fact, Rav Asi would know better than others, since he was her son. The only reason he was allowed to leave her is that there was no way to care for her. If so, what would instructing others help?

How do we reconcile the Rambam's ruling in this light? One approach is that Rambam assumes that the level of madness that Rav Asi's mother had reached was such that she would be curable by being shouted at or even hit. A son has no right to shout at his mother, even if this meant healing her. A son may not perform certain healing procedures on his father if they involve making a wound. This is due to the separate restriction forbidding wounding parents. In the same way, a son may not behave abusively to a parent, even if it is done to heal him or her. While he was available, Rav Asi's mother was not ashamed to ask him for anything. He would not be able to do anything drastic to bring her to her senses. She would not ask such requests of others. If she would they could "knock sense into her." Therefore, he instructed others to care for his mother.

Another approach to explain the Raavad is based on an alternative reading of the Talmud passage. Though the simple meaning seems to be that his mother had become demented, and indeed some commentaries do read it this way, the Talmud never mentions this. Therefore, it must mean that she was just very old. The reason Rav Asi left was as a precaution against violating her instructions. He knew he could not satisfy this request. [We may add, that this would involve further violation of *Mora* on his part. Presumably, according to this opinion, he was still really obligated to fulfill *Kibud*, but felt that it was more important for him to avoid violating *Mora*. He might have realized that it would only become more unavoidable as time went by.] However, if she had gone mad he would still have to feed and clothe her and do all the things that *Kibud* entails. In terms of fear of violating her wishes, he need not be concerned. Since she did not say anything in her right mind he would not be obliged to fulfill them. [This is in direct conflict with the view that since he would never be able to fulfill his demented mother's wishes to fulfill his *Mitzvah* duty, he left.] Thus, he should not leave her, nor should he instruct others to care for her.

On the lines of this opinion, there is another reconciliation of the Rambam's ruling. He is discussing a parent who has reached a stage of dementia that to care for them in a way "appropriate for them" is forbidden to him. He or she would need to be strapped down or forced to do other things, which would be forbidden to the son. In such situations, it is better to leave town and instruct others to care for his parents. According to this view, Rambam does not disagree with Raavad. However, it is noteworthy that the Rambam does not discuss the case that the Raavad permits (i.e. a normal but elderly parent.) Furthermore, he does seem to derive the case he discusses from the Talmudic passage, since he discusses leaving town.

According to all the ways to explain the Talmud passage, when his mother came to follow him, Rav Asi obviously believed that he had an obligation to go out to meet her. Applying all this to our modern society, the issue might be whether the son may move to another town. Or, it might also apply if he lives in town but so far as to be out of reach of the parent. It seems to be the latter, since the problem would be complying with impossible requests. However, with the advent of the telephone, any parent can call any child at any time to make requests. The child can screen his callers, and choose not to answer. However, if Rav Asi was willing to go out to meet his mother if permitted, certainly answering the phone to her would be required. Presumably, Rav Asi was aware that his mother might make an unreasonable request again. He would also be placing himself at the same risk of violating

her further instructions. Yet he went ahead to meet her.

However, since our questioner's mother is demented he should have her cared for by an attendant. Hopefully, the attendant could stop her from using the phone to call him with requests. If she does call, he must answer. He may not answer on Shabbos, and need not fear that violating her wishes will cost him his reward. Since she is requesting of him to violate Shabbos, he may not do so. According to one opinion, he is not required to fulfill her wishes if she is not in her right mind at the time she makes the requests. He would not be in contempt of the Mitzvah of Mora. According to this view, though, he should take care of her personally. [See Kidushin 31b, Poskim Rambam Mamrim 6:10, commentaries. Tur, Bais Yosef, Bach, Sh. Ar. Y.D. 240:10, Taz, Ar. Hash., commentaries. Tzitz Eliezer XII:59.]

A suggestion was made that the son record a respectful message saying it is Shabbos. He should reduce the volume of his answering machine and turn off his ringer. Since no sound will come from the phone or machine, there is no problem of *Hashma'as Kol*. As for the problem of adding to the number of Melachos the mother violates, (calling without recording a message involves less Melachos) presumably, she only calls if she thinks it is not Shabbos. Or, she forgot about Shabbos, due to her dementia. If this is the case, she is certainly a *Shoteh*, incompetent to be liable for Melachos that she does. Accordingly, the son need not really be concerned about her doing Melachos. In the event that she understands the message, hopefully, she will not even record a message. One must indeed be *Mechanech*, train a young child, even though he is not obliged in Mitzvos. However, a child is being trained for adulthood, when he will be able to fulfill the Mitzvah properly. He also has enough wisdom to be trained. A *Shoteh* is less competent. Though feeding a *Shoteh* forbidden foods is forbidden. Likewise, one would not want to intentionally aid him in violating a Mitzvah. If he is violating it anyhow one might not be liable to prevent him further. However, in this case, the solution does not work. When she hears the message, her son is effectively rebuking her and contradicting her wishes at the same time. If she listens and agrees, he will have saved her in a respectful way. If she does not listen, he will just exasperate her more. In such cases it is better to sit idly, known as *Shaiv Ve'al Taaseh*. Therefore, he should stick to the original suggestion.