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CHILDREN'S SUPPORT OF PARENTS

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## CHILDREN'S SUPPORT OF PARENTS

Walter Jacob

QUESTION: Can the community force children to support their parents? Can the community refuse to support them on the basis of the children's obligation? (Rabbi R. Kahn, Houston, TX)

ANSWER: The basis for the support of parents by their children is the fifth commandment: "Honor your father and your mother..." (Exod. 20: 12). This has been taken as one of the main sources for most aspects of the child-parent relationship. The question of financial support of parents by their children led to a division of opinion between the scholars of Babylonian and Palestinian *Talmud*. The authorities of the Palestinian *Talmud* felt that children had to support their parents and, of course, were also obligated to honor them through their personal service and devotion. This could be compelled by the community (*J. Kid.* 71b). The Babylonian authorities, in one long discussion, felt that although honor and devotion was due to the parents from their children, financial support was debatable. Arguments were presented on both sides, but ultimately the decision freed a son from any obligation to support his parents (*Kid.* 30a). Emphasis was placed upon personal service rather than on financial obligation. That service was to be rendered by a son, even if it led to a considerable financial loss. Such service could be forced by the community. Other discussions indicate that sons were forced to support their parents financially (*Hul.* 110b; *Ket.* 49b, 50a). There are also numerous stories in the *Midrash* which emphasize this. This was the position ultimately taken by tradition.

The debate among the later authorities does not deal with the need to support parents, which is taken for granted, but whether this could be compelled. The answer in most instances turned out to be positive, as this is a charitable duty and the

community may compel charitable contributions. On the other hand, scholars felt uneasy about compelling devotion and respect.

Rabbi Meir of Rothenburg indicated that charity must begin with close relatives; parents are first, then brothers and sisters; other relatives follow, and the total stranger comes last (*Responsa*, Vol. II, p. 118f; *Seder Elijahu*, Chap. 27, p. 135). It was normal in medieval Europe to support family members from the tithe allocated to the poor (Meir of Rothenburg, *Responsa* #75, p. 10b, ed. Bloch; Isaac of Vienna, *Or Zurua, Tzedakah*, Sec. 26). The community could go to considerable length to force a son in this direction. Solomon ben Aderet, for example, suggested that the synagogue be closed to a son and he be publicly shamed until he supported his father, yet he should not be placed under a ban (*Responsa*, Vol. 4, #56). In this case there was some doubt about the economic deprivation of the father. Somewhat similarly, David ben Zimiri felt that children could be compelled to support their parents in a manner appropriate to the financial status of the children (*Responsa*, Vol. 2, p. 664). A decision akin to this was rendered much later by Moses Sofer (*Hatam Sofer, Yoreh Deah* 229). It further indicated that anything which the son possessed must be placed at the disposal of the parents.

There are, of course, many other responses which deal with specialized problems in which there is controversy between parents and children over other matters which cloud the nature of these obligations. We may, therefore, conclude that the community may go to considerable length to force children to support their parents. The traditional authorities, naturally, mentioned only the responsibility of sons; we would broaden that to include all children. If the community does not succeed in obtaining such

GRANDSON AND GRANDFATHER  
WALTER JACOB

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support as the enforcing powers of the modern community are limited, then the community itself is obligated to support the parents.

The clearest enumeration of these duties is in the first chapter of *Kiddushin*. The question asked is not "Do these duties, or similar duties, apply when one is the grandfather and from the grandfather to the grandson?" asked by D. B., Pittsburgh, Pennsylvania.

ANSWER: It is not definitely fixed in the law that the respective duties of father to son and son to father apply also between grand-son and grandfather. This indeterminacy is an example of the careless handling of Isserles in his notes to the *Shulchan Aruch*, *Yoreh Deah* 36:24. He says: "Some say that the duties do not apply from grandson to grandfather but I do not agree with this opinion, except insofar as it is a man's duty to honor his father more than his grandfather."

The "some say" refers to a great scholar who lived in early 17th century before Isserles, namely, Joseph Colon (the Maharik) in his response, *Resot* 30:2. The Maharik says that there is no such duty as honor due from the grandson to the grandfather; in fact, since a grandson may testify in court in a case involving his grandfather (which he may not do in a case involving his father), that proves that they are substantially not really kin, at least insofar as the duty to do honor is involved. As for the fact (he continues) that the grandson may say *Kaddish* for his grandfather, that proves very little since a man may say *Kaddish* for anyone who is dead. But Isserles in his own response (91 18) says that the grandson says

Walter Jacob, *Contemporary American Reform Responsa*, #26, (Central Conference Of American Rabbis, New York, 1987).

community may demand a considerable contribution. It is the duty of the community to support the children and the parents who are in need of support.

Rabbi Meir of Rothenburg indicated that charity should be given with close relatives, parents are first, then brothers and other relatives follow, and the total stranger comes last (Vol. II, p. 148; *Seder Shema*, Chap. 27, p. 136). It was in medieval Europe to support family members from wealth and to care for the poor (Meir of Rothenburg, *Responsa* 715, p. 148; *Shukh*: Isaac of Vienna, Or Zava, *Tzedakah*, Sec. 10). The community could go to considerable length to force a son in a certain direction. Sepher ben Adret, for example, suggested that a synagogue be closed to a son and he be publicly shamed if he did not support his father, yet he should not be placed under a ban (Responsa, Vol. 4, 256). In this case there was some doubt as to the economic deprivation of the father. Somewhat similarly, ben Zimra felt that children could be compelled to support their parents in a manner appropriate to the financial needs of the children (Responsa, Vol. 2, p. 564). A decision akin to that rendered much later by Moses Sofer (*Hatan Sofer*, Part I, 229). It further indicated that anything which the son gets must be placed at the disposal of the parents.

There are, of course, many other responses which deal with socialized problems in which there is controversy between parents and children over other matters which cloud the nature of these obligations. We may, therefore, conclude that the case may go to considerable length to force children to support their parents. The traditional authorities, naturally, mentioned the responsibility of the community to support the children. If the community does not succeed in its efforts