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Aging and the aged in Jewish law

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GRANDSON AND GRANDFATHER

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GRANDSON AND GRANDFATHER

Solomon B. Freehof

QUESTION: The Talmud mentions the duties of a father to a son (first chapter of *Kiddushin*) and the duties of a son towards a father. The clearest enumeration of these duties are in the Tosefta to the first chapter of *Kiddushin*. The question asked is the following: Do these duties, or similar duties, apply also from the son to the grandfather and from the grandfather to the [grand]son? (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 grandson and grandfather. This indeterminacy is noticeable in the careful phrasing of Isserles in his notes to the *Shulhan Arukh, Yoreh Deah* 240:24. 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 Italy a century before Isserles, namely, Joseph Colon (the Maharik) in his response, *Root* 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 (#118) says that the grandson says *Kaddish* for his grandfather, but, of course, the honor due to his father comes first; and in the responsum Isserles uses the same argument that you used to me when we spoke on this matter, that

since the son takes his father's place, he also therefore must honor his father's father.

All of this indicates that just as a son has duties towards his father, so we may say a grandson has duties to his grandfather. But the real question is: Is this dutifulness reciprocal? In other words, does the grandfather have duties to the grandson as the father has to his son? The general tendency of the law is to answer this question in the affirmative. Joel Sirkes (the Bach) to the *Tur* (same reference) takes the point of view of Isserles, that the duties are reciprocal. His argument is as follows: In Jacob's dream, God Himself says, "I am the God of your father Abraham"? (but Abraham was Jacob's *grandfather*) and Jacob himself, in his last days in Egypt, speaks of God "of my fathers Abraham and Isaac" (Genesis 28: 13 and 48:15). So God Himself and Jacob, too, refer to a grandfather (Abraham) as "father." Then Sirkes says that since the Talmud says that a grandfather must teach his grandson Torah (if the father dies or neglects his duty) it is inconceivable that the duty should not be reciprocal, and that the son is in duty bound to honor the grandfather. What the Bach refers to is the discussion in *Kiddushin* 30a on the verse in Deuteronomy 4:9: "Thou shalt teach them to thy sons and thy grandsons." There the Talmud discusses the grandfather teaching the grandson (in the case of a certain scholar named Zebulon, son of Dan). A further reference with the same tendency is in *Shevut Yaacov* (Jacob Reischer of Metz, 18th century) II, #94.

We may sum up as follows: that as to the relationship between grandson and grandfather, the law is not as sharply defined as in the case of the mutual duties between father and son. But the

tendency of the law is that these mutual duties do indeed carry over the two-generation gap.

NEWER: There is a great deal of overlapping between Jewish tradition as to the duties of children to a parent. The original source of all the legislation on the subject is toward the end of Chapter 1 of Talmud *Kiddushin* (31 a B.), where the mutual duties of parents' obligations to children, and children's obligations to parents are discussed in great detail. These Talmudic discussions were continued through the centuries and are now crystallized in a complete edition in the *Shulhan Arukh*, *Yoreh Deah* 240 and 241, under the heading, "The Laws of Honoring Father and Mother."

These laws deal with the duty of respecting the dignity of the parent, of sustaining him and providing for him, and even of enduring the unreasonableness of a parent. See, for example, 240:8: "How far must the respect for parents go?"

Even if the parent took the son's purse of gold coins and cast it into the sea, the son must not change the parent or lose his temper in his presence, but must accept the Scriptural mandate [of respect] and remain silent." One must not even annoy a parent. The Talmud (*Kid. 31a*) says: "God says if a man vexes his parents, he dies as a result in that hour because He says, 'If I had sons they would be like you.'"

Solomon B. Freehof, (*Contemporary Reform Responsa*, Hebrew Union College Press, Cincinnati, 1974, p. 281).

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All of this indicates that just as a son has duties to his father, so we may say a grandson has duties to his grandfather. The real question is: Is this obligation reciprocal? In other words the grandfather has duties to the grandson as the father to his son? The general tendency of the law is to answer this question in the affirmative. Joel Sirkes (the Bach) to the *Yarhamo* (1763) takes the view of Isserles, that the duty is reciprocal. His argument is as follows: In Jacob's dream, God himself says, "I am the God of your father Abraham." But when was Jacob's grandfather and Jacob himself, in his last days in Egypt, speaks of God "of my fathers Abraham and Isaac" (Gen. 28: 13 and 48: 3). So God Himself and Jacob, too, refer to grandfather (Abraham) as "father." Then Sirkes says that the Talmud says that a grandfather must teach his grandson (even if the father dies or neglects his duty) it is inconceivable that it should not be reciprocal, and that the son is in duty bound to his grandfather. What the Bach refers to is the discussion of *Shulchan Aruch* on the verse in Deuteronomy 4:9: "Thou shalt teach them to thy sons and thy grandsons." There the Talmud discusses the grandfather teaching the grandson in the case of a scholar named Zohar, son of Dan). A further reference to the same tendency is in *Shevet Jacob* (Jacob Reischer of Mezeritz, 17th century) II, 474.

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