

Honoring Abusive Parents

By: MARK DRATCH

“Honor your father and your mother” (Exodus 20:12) and “Every man: Your mother and father shall you revere” (Leviticus 19:3) form the bedrock of children’s responsibility to their parents.¹ Parents are due this respect for a number of reasons: their contributions to the creation of their children,² as an expression of filial gratitude,³ and because it is a primary step in the development of respect for authority and in the governance and stability of society.⁴

What are the obligations of a child toward a parent?

Our Rabbis taught: What is reverence and what is honor? Reverence means that the child must neither stand nor sit in the parent’s place, may not contradict a parent’s words, nor do anything that harms a parent’s interests. Honor means that a child must give a parent food, drink, and clothing, and provide transport.⁵

¹ For a comprehensive discussion of this relationship, see Gerald Blidstein, *Honor Thy Father and Mother: Filial Responsibility in Jewish Law and Ethics* (New York: Ktav, 1975).

² *Kiddushin* 30b,

Our Rabbis taught: There are three partners in man, the Holy One, blessed be He, the father, and the mother. When a man honors his father and his mother, the Holy One, blessed be He, says: “I ascribe [merit] to them as though I had dwelt among them and they had honored Me.”

See also Ramban to Exodus 20:12.

³ *Sefer ha-Hinukh*, mitzvah 33.

⁴ Rambam’s *Commentary to the Mishnah*, *Pe’ah* 1:1.

⁵ *Kiddushin* 31b.

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Obviously, obligations towards parents are not limited to these. This brief list serves as a prototype for behaviors and attitudes that are far more encompassing, comprehensive and demanding. Reverence demands that children do nothing that demeans or denigrates the dignity of their parents. Honor demands that parents be treated as people of importance and significance.

Of course, these duties are not just behavioral. They are meant to be internalized and to influence attitudes as much as actions. And it is the attitude with which children discharge their filial duties that is, in many ways, more important than the act itself. It is not just *what* children do but *how* they do it. The Talmud states, “One may give a parent pheasants as food, yet this may drive the child from the world; whereas another may make a parent grind in a mill and this brings the child to the World to Come!”⁶ Rashi explains that through compassionate and tender speech, children show that although they have no way of providing for their parents other than by having their parents work hard in the mill, they nevertheless do so with great love and compassion.⁷

R. Tarfon’s service to his mother shows the extent to which a child must go in order to satisfy this duty.

R. Tarfon had a mother for whom, whenever she wished to mount into bed, he would bend down to let her [step on him and enable her to] ascend (and when she wished to descend, she stepped down upon him). He went and boasted thereof in the school. Said they to him, ‘You have not yet reached half the honor [due]: has she yet to throw a purse into the sea without your responding to it by shaming her?’ When R. Joseph heard

⁶ *Kiddushin* 30b-31a.

⁷ *Rashi, Kiddushin* 31a, s.v. *u-mevi’o la-olam ha-ba*:

A man once fed his father on pheasants [which were very expensive]. On his father's asking him how he could afford them, he answered: “Old man! What business is it of yours; grind (i.e., chew) and eat!” He showed that [honoring his father] was a difficult burden for him. It once happened that a man was engaged in grinding in a mill, when his elderly father was summoned for royal service. Said his son to him, “Do you grind for me, and I will go in your stead, the royal service being very hard.”

his mother's footsteps he would say: 'I will arise before the approaching *Shekhinah*.'⁸

Our Sages understood that respect for parents is the most difficult of all commandments.⁹ The Talmud records, "When children anger their father and mother, the Holy One, blessed be He, says, 'I did right in not dwelling among them, for had I dwelt among them, they would have angered Me'."¹⁰

Because of and despite the all-encompassing claims of filial loyalty, parents are warned not to be overly exacting with their children and are instructed to use only the most appropriate means to discipline and educate them. Mothers and fathers have the right—and if appropriate for proper parenting, the obligation—to forgo the honor that is due to them and must be tolerant and accepting of their children's feelings, needs, and limitations.¹¹ Discretion is the key to properly raising, disciplining and educating children. Rambam writes:

Even though [children] are commanded [to be exceedingly devoted and dutiful to their parents], parents should not place too burdensome a yoke upon them or be too exacting with them in matters pertaining to their honor for fear that they may cause them to sin [by dishonoring them]. They should forgive their children and close their eyes, for parents have the discretion to forgo the honor due to them. Parents who strike their grown child are excommunicated because they violate the biblical prohibition, "You shall not place a stumbling block before the blind." (Leviticus 19:14)¹²

⁸ *Kiddushin* 31a.

⁹ *Midrash Tanhuma, Ekev*, 2. It is often identified as the *mitzvah hamurah* (the difficult obligation) of *Avot* 2:1.

¹⁰ *Kiddushin* 31a.

¹¹ *Kiddushin* 32a.

¹² *Hilkhot Mamrim* 6:8-9 quoted in *Shulhan Arukh, Yoreh De'ah* 240:19. Rambam's source is *Mo'ed Katan* 17a,

It was one of the maidservants in Rabbi [Yehudah ha-Nasi]'s house that had noticed a man beating his grown-up son and said, Let that fellow be under a *shammeta* because he sinned against the words [of Holy Writ]: "You shall not place a stumbling block before the

While some authorities fix the age of maturity in this case at age twenty-two or twenty-four,¹³ others maintain that the age is subjective, determined by the status of each child and the norms of any particular community.¹⁴ Thus, the limits on parents' means of discipline and their interactions with their offspring apply to any child who might be adversely affected by, and react violently to, their initiative, regardless of age.¹⁵

A significant challenge to parent-child relationships comes, of course, when the deference and respect due to parents conflict with a child's other obligations or with his personal values or agendas. Children face different dilemmas at different ages. The issues faced by young children, teenagers and adult children differ from each other. How should children navigate these tensions?

When faced with the conflict of honoring one's parents and fulfilling a divine commandment, God's laws have priority. This ruling is derived from the juxtaposition of two obligations in a single verse: "Each person shall revere their mother and their father, and keep my Sabbaths; I am the Lord your God." (Leviticus 19:3) As the Talmud notes, "it is the duty of all of you to honor Me."¹⁶ Practical applications of the disregard of honor owed to parents are found throughout rabbinic literature when parents have opposed their children in such matters as moving to Israel,¹⁷ learning Torah¹⁸ and getting married.¹⁹ In each of these cases, the child's fulfillment of the *mitzvah* overrides any duty to a parent. Because this exemption of the honor and reverence obligations can be easily misapplied and abused, children must exercise extreme care when disobeying their parents' wishes in order to ensure that their intentions are

blind." For it is taught: "Thou shalt not place a stumbling block before the blind." That text applies to one who beats his adult child.

¹³ *Yoreh De'ah* 240:20.

¹⁴ Maharshah cited in *Pithei Teshuvah* to *Yoreh De'ah* 240:20.

¹⁵ *Hiddushei ha-Ritva* to *Mo'ed Katan* 17a.

¹⁶ *Bava Metzi'a* 32a; *Yevamot* 6a; *Yoreh De'ah* 240:15.

¹⁷ *She'eilot u-Teshuvot Mabit*, I, no. 139.

¹⁸ *Terumat ha-Deshen*, no. 40; *Pithei Teshuvah*, *Yoreh De'ah* 240:22.

¹⁹ *Yoreh De'ah* 240:25.

purely *le-shem shamayim* (for the sake of Heaven) and are not tarnished by issues of ego, personal gain, or self interest.²⁰

Honoring Abusive Parents

Must a child honor an abusive parent? Opposing positions that require either unqualified or qualified duties of respect are advocated by *Shulhan Arukh* and Rema respectively. The former maintains that “even if one’s parent is an evil-doer and a violator of the law, one must honor and show reverence for that parent.”²¹ Rema disagrees stating, “And some say that one is not obliged to honor one’s wicked parent unless that parent has repented.”

Shulhan Arukh’s position, requiring respect in all circumstances, is based on the decision of Rambam who rules that a child must unequivocally honor parents even if they are wicked.²² *Bet Yosef* cites the Talmudic discussion in *Yevamot* 22a as the basis of this decision. On the Mishneh’s statement, “One who has a child of any status exempts his wife from the laws of levirate marriage, and it is prohibited for that child to strike or curse the father,” the Talmud explains that this includes a child who is a *mamzer* (illegitimate). Now, since a *mamzer* is the product of a prohibited act that would render the father a *rasha*, the obligation of this child to honor the father indicates that children must honor wicked parents. Another source supporting *Shulhan Arukh*’s position is the Talmud’s ruling that a child may never strike a parent, even to administer court-ordained lashes that are deserved only if he or she is a *rasha*, indicating that even though a parent has been deemed a *rasha* by judicial ruling, a child may still not strike him or her.²³

This position that mandates unconditional honor may be based on the assumption that filial respect is a function of the biological

²⁰ *She’eilot u-Teshuvot Mayim Hayyim*, no. 48. A son who was set on going to Israel to study was forced to abandon his plan when his real intention, i.e., to abandon his widowed mother, was revealed.

²¹ *Yoreh De’ah* 240:18.

²² *Hil. Mamrim* 6:11.

²³ *Sanhedrin* 85a. The sole exception is when the parent is a *meisit u-meidiah*, a person guilty of enticing others to heresy. See *Taz* to *Yoreh De’ah* 240, no. 17.

relationship between parents and children and is independent of the nature and nuances of their personal relationship. Others explain that one must show respect to wicked parents because those parents may, in the future, repent so that the child retroactively violates the honor obligation²⁴ or may then feel distress over the lack of respect previously shown.²⁵

Rema's position, exempting children from honoring wicked parents, is supported by a number of Talmudic passages. In *Sanhedrin* 47a the Talmud reports how King Hezekiah deprived his father, Ahaz,²⁶ of a proper burial and had his corpse dragged on a pallet made of ropes.²⁷ Rashi explains that Hezekiah did not transgress the commandment of honoring his father, as there is no such duty for a parent who is wicked. Hezekiah's purpose was to show that the deceased deserved contempt because of his wickedness in spreading idolatry.²⁸ Elsewhere the Talmud assumes that parents who do not comport themselves according to the standards of decent society ('*oseh ma'aseh amkha*) are not deserving of filial honor.²⁹ Thus, respect and reverence are not automatic; they are earned by merit and only if parents show signs of repentance and have made amends to their children.³⁰ *Arukh ha-Shulhan* codifies Rema's position as authoritative.

Rema's permissive position is not without limitations on filial behavior. He understands the prohibition of striking a wicked parent to distinguish between affirmative acts of honor, which are not

²⁴ Radbaz to *Hil. Mamrim* 6:11.

²⁵ *She'eilot u-Teshuvot Yabi'a Omer*, II, *Yoreh De'ah*, no. 15:9.

²⁶ See II Kings 16.

²⁷ *Sanhedrin* 47a.

²⁸ Rashi, s.v. *al.*,

He was not concerned about his own honor, and he was not concerned for the honor of his father because it is written, 'A prince of your people,' [one pays respect only] when he acts like one of your people.

²⁹ *Sanhedrin* 85a, *Yevamot* 22b, *Bava Kamma* 94b. See *Tosafot*, *Bava Kamma* 94b, s.v., '*i asah teshuvah*.

³⁰ *Beit Yosef*, *Yoreh De'ah* 240, no. 18; *Binyan Tziyyon Hadashot*, no. 112.

required, and deeds that actively cause pain and distress even to wicked parents, which are prohibited.³¹

At first glance, R. Dimi's report that he was once sitting amongst the Roman elite when his mother attacked him, ripping his gold-embroidered silken clothing, hitting him, and spitting on him seems to challenge Rema's position. R. Dimi did not respond to his mother's abusive attack. Does Jewish law require a child to submit to such abusive acts? *Tosafot* put this account into proper perspective, explaining that his mother was *meturefet mi-da'ata*, suffering from some sort of dementia. It was because she was mentally unstable that her son was required to submit to humiliating acts; had her intention been *mei-ro'a ha-lev*,³² intentionally abusive or cruel, there would be no obligation either to submit to her assaults or to show her honor.

R. David Cohen suggests yet another reason for exempting an abused child from the obligation of honor. Asserting that there are limits to how much a person is allowed to spend in order to fulfill a positive commandment—no more than one-fifth of one's monetary assets³³—he argues that emotional distress and psychological consequences are excessive personal costs that free one from an obligation. He maintains that *Halakhah* does not re-victimize abused children by forcing them to honor their abusers; that would be a price much too high to pay.³⁴

Furthermore, the Talmud concludes that while a child must expend time and effort in order to honor a parent, the child does not have to spend any personal resources; the obligation is fulfilled *mi-shel av*, with parental assets.³⁵ While many acts of honor make demands on a child's time, emotions, and energies, the emotional and psychological burdens imposed on an abused child in order to hon-

³¹ See *Bi'ur ha-Gra*, no. 29 and *Penei Yehoshua* to *Bava Kamma* 94b, s.v., *u-mipnei kevod avihem*. Nevertheless, see Maharam Shik on *Taryag Mitzvot*, no. 33 and 412, who argues that a child must honor a parent in order not to cause the parent distress.

³² See *Yam shel Shelomo* to *Kiddushin*, ch. 1., no. 64.

³³ *Ketubot* 50a.

³⁴ Benzion Sorotzkin, "Honoring Parents Who Are Abusive," at <www.drсорotzkin.com/honoring_abusive_parents>.

³⁵ *Kiddushin* 32; *Yoreh De'ah* 240:5.

or an abusive parent far surpass any appropriate *mi-shel ben* filial (responsibility). In addition, children are not obligated to honor parents when the expressions of that honor support sinful acts.³⁶ Acts of abuse are sinful and children are not required to submit to them.

Abuse

Those who violate any Torah prohibition that qualifies them for lashes are in the category of *rasha*, and thus a parent who abuses a child is considered a *rasha*.³⁷ In addition, there are those authorities who consider parents who violate rabbinic law to be excluded from the category of those who deserve honor as well.³⁸ Rabbi Shlomo Kluger disqualified parents who in their ongoing states of drunkenness violate assorted positive commandments.³⁹

The sexual violation of one's children is a severe violation of biblical and rabbinic law. The act of intercourse is a forbidden incestuous act and the perpetrator is considered a *rodef* (a pursuer) who must be stopped by any means possible. However, genital penetration is not the sole measure of sexual violation. Sexualized contact of any kind between ineligible partners, and that certainly includes parents and their children, is forbidden and is subject to punishment according to Jewish law.⁴⁰

The physical abuse of children is prohibited. In general, all physical attacks on others are prohibited, even those that do not cause bruising or break bones.⁴¹ If a perpetrator does cause harm, he must pay compensation to his victim in five areas: damage, pain,

³⁶ *Tosafot ha-Rosh, Kiddushin* 32a, s.v. *Rav Yebudah amar mi-shel ben*; *Teshuvot Avnei Nezer, Yoreh De'ah* no. 461:2.

³⁷ In general, see *Encyclopedia Talmudit*, XXVI, *Kibbud Av va'Em*, col. 371.

³⁸ *Minhat Hinukh, mitzvah* 260, par. 11.

³⁹ *Teshuvot Ha-Elef Lekha Shelomo, Yoreh De'ah*, no. 250.

⁴⁰ *Shulhan Arukh, Even ha-Ezer* 20:1.

⁴¹ *Ketubbot* 35a; *Sanhedrin* 85a; *Makkot* 9a; *Hil. Hovel u-Mazik* 4:9; *Hil. Sanhedrin* 16:12; *Hoshen Mishpat* 420:2. If measurable harm is caused, the perpetrator must pay the appropriate amounts of the five payments prescribed by the Torah. If no measurable damage is caused, the court administers lashes to the perpetrator.

medical expenses, lost wages, and shame.⁴² Not only is it forbidden to strike others, it is forbidden even to raise a hand against them in a threatening way. The Talmud derives this from the encounter between Moses and the Hebrew slaves he confronted while first exploring Egypt: “And he said unto the wicked man, ‘Why would you hit your friend?’” (Exodus 2:13). The Talmud explains that it is not written, “Why have you hit,” but rather, “why will you hit,” showing that though he had not yet hit him, the would-be perpetrator is called a *rasha* (wicked).⁴³ Now, while some permit parents to administer corporal punishment in the education and training of their offspring, a subject beyond the limits of this article, all agree that this license is extremely limited and that aggressive, excessive, angry, or arbitrary physical aggression is prohibited.⁴⁴

⁴² *Bava Kamma* 83b.

⁴³ *Sanhedrin* 58b. *Hil. Hovel u-Mazik* 5:2; *Hoshen Mishpat* 420:1. *Haggabot Maimuniyyot* no. 1 cites the opinion of Ra’avan that such a person is also unqualified to serve as a witness.

⁴⁴ *Bava Batra* 21a; *Hil. Talmud Torah* 2:2; *Yoreh De’ah* 245:10; *Ketubbot* 50a; *Shabbat* 119b; *Ta’anit* 24a; *Mo’ed Katan* 17a; *Teshuvot ha-Tashbetz*, I, no. 33, s.v., *nireh li*; *Teshuvot Seridei ‘Esh*, III, no. 95; *Kitzur Shulhan Arukh* 165:7 based on *Semaḥot* 2:4-5; *Teshuvot Iggerot Moshe, Yoreh De’ah*, IV, no. 30; See R. Hayyim David ha-Levi, *Aseh Lekha Rav*, I:76-77, 5:28. Ha-Levi writes, “. . . everything depends upon the educational character of the individual, the place, societal conditions and the like, and the use of physical force for education, even though it is halakhically permitted, may not achieve its purpose.” (I:76); M. Munk, *Sparing the Rod: A Torah Perspective on Reward and Punishment in Education* (Bnei Brak: Mishor, 5749), p. 87; Ronnie Warburg, “Corporal Punishment in School: A Study in the Interaction of Halakha and American Law with Social Morality,” *Tradition* 37:3, 2003, pp. 57–75. Warburg cites a statement of Israel’s Chief Rabbinate regarding parental corporal punishment issued 4 Adar I 5749. It stated,

In the last few years, there have been numerous reported incidents of physical punishment of children and even physical abuse... We shudder that the phenomenon is occurring among our Jewish brethren; that parents and adults will exploit their power and their family position against babies and young children... those parents who encounter difficulties in child-rearing and therefore resort to force and emotional abuse should turn to counseling for proper guidance... in child rearing.

Emotional abuse, *ona'at devarim*, is prohibited by the verse, “You shall not wrong one another; but you shall fear your God; I am the Lord your God” (Lev. 25:17). This includes not only speech, but any activity that maliciously attacks another’s sense of self⁴⁵ or causes emotional or psychological pain.⁴⁶ Essentially, *ona'ab* refers to any form of emotional harm that is brought about by any kind of physical or psychological coercion or oppression.⁴⁷ So damaging is the emotional pain that one person can inflict on another that the Heavens punished the Talmudic sage, R. Rehumi, for causing his wife to cry.⁴⁸ And R. Kahana was punished when he upset R. Yoḥanan when the latter thought that he was laughing at him.⁴⁹

Child neglect, another form of abuse by which parents ignore the basic needs of food, clothing, shelter, and protection of their children, is also prohibited. Parents have an obligation to support their children,⁵⁰ and those that do not are reproached by the Sages as jackals and ravens who do not want or care for them.⁵¹

Mourning and Reciting Kaddish for Abusive Parents

A number of arguments can be made to exempt abused children from mourning their abusers. First, we will consider the periods of *shivah* (seven days), *sheloshim* (thirty days), and the twelve months (for a parent), and then we will consider the recitation of *kaddish*.

⁴⁵ See Rashi to Lev. 25:17.

⁴⁶ See Rashi, *Bava Metzi'a* 59b, s.v. *ḥutz*; Rambam, *Sefer ha-Mitzvot*, no. 251

⁴⁷ *Kol ha-Ramaz to Mishneh, Bava Metzi'a* 58a.

⁴⁸ *Ketubbot* 62b:

R. Rehumi who was studying at the school of Raba at Mahuza used to return home only once a year on the eve of every *Yom Kippur*. On one occasion he was so engrossed in his studying [that he forgot to return home]. His wife was expecting [him every moment, saying,] “He is coming soon. He is coming soon.” As he did not arrive she became so depressed that tears began to flow from her eyes. [R. Rehumi] was [at that moment] sitting on a roof. The roof collapsed under him and he was killed.

⁴⁹ *Bava Kamma* 117a-b.

⁵⁰ *Hil. Isbut* 12:14; *Even Ha-Ezer* 71:1.

⁵¹ *Ketubot* 49b.

There is a religious obligation to mourn for one's seven close relatives: mother, father, sister, brother, son, daughter, and spouse. The obligation is a biblical one only on the first day and only if the death and burial took place on that day. When the burial is delayed—and for the rest of the subsequent week—the obligation to mourn is a rabbinic one.⁵² For certain individuals *shivah* observances are suspended; there are groups of individuals for whom mourning rites are not observed. These include those who commit suicide (although based on our contemporary understanding of the psychological factors contributing to suicide, those who commit suicide today generally receive full burial and mourning rites), those who converted out of the Jewish faith, *mosrim* (those who informed on fellow Jews to hostile non-Jewish authorities), heretics, and those who are *poresh mi-darkei tzibbur* (divorce themselves from basic communal responsibilities and relationships).⁵³ Rema adds to this list those who sin on a continuous and regular basis, even if they do so *le-teyavon*, out of a lack of self-control.⁵⁴ R. Eliezer Waldenberg notes that Rema would also disqualify from this list those who violate a commandment *le-hakhis* (intentionally), even if that violation is not on a regular and continuous basis.⁵⁵

Must an abused child sit *shivah* for an abusive parent? The answer may hinge on the consequences of a question posed in the Talmud about funeral rites: are they for the honor of the deceased or for the honor of the survivors? If they are for the honor of the deceased, and the deceased is undeserving of that honor, the rites are withheld, as in the cases of those undeserving individuals listed above. However, if mourning rituals are for the sake of the living,

⁵² *Hil. Avel* 1:1; Tur, *Yoreh De'ah* 398:1; Rema, *Yoreh De'ah* 399:13 cites Rabbeinu Tam, R'I, and Rosh, maintaining that post-burial mourning is always rabbinic.

⁵³ *Yoreh De'ah* 345.

⁵⁴ Rema to *Yoreh De'ah* 340:5 and Shakh, no. 8; *Hokhmat Adam* 156:3. The *halakbic* status of contemporary nonobservant Jews is the subject of much analysis. According to most authorities, mourning rituals would be observed for them after their deaths. Nevertheless, the arguments supporting this inclusive position (*'ones*, *tinok she-nishbah*, *omer muttar*, *kehillah shoggeget*, etc.) do not apply to perpetrators of abuse.

⁵⁵ *Teshuvot Tzitz Eliezer*, X, no. 41, ch. 1, par. 8 and 9.

the observances may be held despite the status of the deceased. While the consensus is that the funeral rites are for the honor of the deceased,⁵⁶ what is the nature of subsequent mourning observances?

Rema records that parents' instructions not to observe *shivah* are not respected. In his gloss on this ruling, Shakh distinguishes between the mourning of *shivah/sheloshim* and the subsequent period completing the twelve months.⁵⁷ Citing the fifteenth-century Rabbi Yaakov Weil,⁵⁸ he maintains that if instructed not to observe the restrictions of the year, a practice observed only by children for their parents, the instructions are followed. This is because the year period is an expression of the filial duty of honor and parents have the right to forgo such honor. However, the *shivah* and *sheloshim* periods are not an expression of honor for the dead—they constitute a separate and independent obligation—and cannot be waived by the deceased. In fact, according to one authority,⁵⁹ one who refuses to mourn is guilty of violating rabbinic law, considered to be a *ra-sha*⁶⁰ and a cruel person who needs to engage in acts of introspection and repentance.⁶¹

A simplistic application of this analysis might suggest that although the year of mourning may be suspended, as abused children have no obligation to honor their abusive parents, the *shivah* and *sheloshim* periods, which are independent rabbinic enactments, still prevail.

Eighteenth-century Rabbi Ya'akov Reischer disagrees with the ruling of Rema. He argues that since there are those for whom families do not mourn—the sinners listed above—mourning rites must be for the honor of the deceased. After all, if it were for the sake of the survivors, why would the status of the deceased have any effect on whether or not survivors are comforted by their communities in the traditional manner? As such, a person may exempt his family from observing the mourning rituals, and abused children who have

⁵⁶ *Hil. Avel* 12:1; *Yoreh De'ah* 344:9-10.

⁵⁷ No. 9.

⁵⁸ See *Teshuvot Mahar"i Weil*, no. 17.

⁵⁹ *Teshuvot Divrei Malki'el*, IV, no. 96.

⁶⁰ Based on *Yevamot* 20a.

⁶¹ *Hil. Avel* 13:12; *Yoreh De'ah* 394:6.

no duty to honor and respect abusive parents may be exempted from any obligations of mourning.⁶² However, because of the weight of authority commanded by Rema, *halakhic* decisors are hesitant to rule in opposition to him and insist that relatives observe *shivah* and *sheloshim* even against the instructions of the deceased.

Nevertheless, an abused child is not obligated to mourn an abusive parent and may not be compelled to observe *shivah*, *sheloshim*, or the twelve-month periods of mourning.

Even accepting the authority of Rema's ruling, because abusive parents are in the category of *rasha* they are not mourned. As most perpetrators are repeat abusers, abusive parents acquire and retain this status of *rasha* by virtue of their ongoing violation of the prohibitions outlined above, and because of the ongoing nature of the abuse they are disqualified from being mourned.⁶³ In those cases in which the abuse was not continual, but the intermittent incidents (or isolated incident) were sufficiently remarkable so as to create ongoing emotional trauma to the child, the parents are still not the subject of mourning if they intentionally abused their children.⁶⁴ In both cases, this ruling applies if the parents died remaining unrepentant.⁶⁵ Ours is not a question of whether or not *mehilah* (instruction not to mourn) is effective; the ruling of Rema is essentially unrelated to our issue.

As to the concerns that refraining from mourning would be an act of cruelty⁶⁶ or psychologically damaging to the surviving child,⁶⁷ they are not persuasive. In fact, it may be cruel for us to impose mourning rituals on these children. After all, being compelled to perform acts that honor an abuser may be abhorrent to the victims

⁶² See *Teshuvot Shevut Ya'akov*, II, no. 102.

⁶³ According to Rema to *Yoreh De'ah* 340:5 and Shakh, no. 8; *Hokhmat Adam* 156:3.

⁶⁴ According to *Teshuvot Tzitz Eliezer*, X, no. 41, ch. 1, par. 8 and 9.

⁶⁵ Repentance requires that sinners compensate and appease their victims; only then is forgiveness granted and the status of *rasha* removed. See my article, "Forgiving the Unforgivable? Jewish Insights into Repentance and Forgiveness," *Journal of Religion & Abuse* 4: 4, 2003, pp. 7–24.

⁶⁶ *Hil. Avel* 13:12.

⁶⁷ See Joel Wolowelsy, "Mourning Abusive Parents," *Hakirah, the Flatbush Journal of Jewish Law and Thought*, vol. 9, Winter 2010, pp. 191–198.

and may create additional feelings of resentment against the perpetrator, the community, and the tradition that places this onus upon them. In addition, listening to tributes for parents that children know are undeserving and unworthy further victimizes those children emotionally. And while it may be helpful and healing for abused children to sort out their experiences, process their issues, and come to terms with their relationships with and understandings of their abusers, it is not psychologically healthful to impose this process in a manner or at a time that is not of the children's own making. Doing so, out of the context of appropriate and supportive therapeutic interventions and at a time when the victims may be emotionally and psychologically vulnerable, may further the negative and harmful feelings of manipulation and control that defined their experiences of abuse and deprive the abused of personal agency and self-determination that are essential parts of the healing process.

Another factor that supports exemption from mourning is that most, if not all, mourning rituals are rabbinic obligations⁶⁸ and, in general, rabbinic rulings are sensitive to their impact—financial and personal—on those who are to observe them, providing exemptions when those obligations exact significantly adverse consequences. The Sages often did not apply their rulings *be-makom tza'ar*, when they caused great pain or distress;⁶⁹ in situations of *hefsed merubah*, significant financial loss; and when *kevod ha-beriyot*, the basic dignity due to all humans, is violated.⁷⁰ And specifically with regard to mourning, the principle is that the law follows the lenient opinion.⁷¹ These factors need to be considered when confronting the imposition of mourning on abused children.

Is mourning for abusive parents obligatory, discretionary, or prohibited? There is no obligation to mourn for an abusive parent. If the mourning is for the sake of the memory and honor of the deceased, then an abusive parent who is classified as a *rasha* should not

⁶⁸ According to Rambam, *Hil. Avel* 1:1, mourning is a biblical obligation only one day if both the death and the burial take place on that day. The obligations for the duration of the week are rabbinic.

⁶⁹ *Ketubbot* 60a.

⁷⁰ *Berakhot* 19b.

⁷¹ *Erwin* 46a; *Mo'ed Katan* 18a, 19b, 20a, 22a, 26b; *Hullin* 50a; *Bekhorot* 49a.

be mourned. And if mourning is for the sake of the living, then it is up to the children to decide, in consultation with their rabbis and mental health professionals, on their psychological readiness and the appropriateness of engaging in traditional mourning practices. If the children decide that they are psychologically strong enough to mourn, and that sitting *shivah* is not perceived by them as a continuation of the burden of abuse they suffered during their parents' lifetimes, they may choose to observe these practices. However, if mourning would place too heavy an emotional burden on them, they should not sit *shivah* or observe other mourning practices. If, at sometime in the future, as part of their ongoing healing process they choose to mourn their abusive parent, they may determine the appropriate and meaningful ways to do so.

The recitation of *Kaddish*, recitation of *Yizkor*, and observance of *Yahrtzeit*, which are understood by many to be demonstrations of filial honor, may also be omitted.⁷² Although children are obligated to honor their parents even after those parents have died,⁷³ this obligation, as we have argued above, does not apply to abusive parents. Even the suggestion that abused children recite *Kaddish* for the full twelve-month period,⁷⁴ a practice that would indicate that the deceased was a *rasha* who is in need of such prayers and the reason children otherwise recite *Kaddish* for only eleven months (so as not to imply that their parent requires such prayers),⁷⁵ does not make the recitation obligatory. The children of one who was a *rasha* because of violations of other religious laws may recite a twelve-month *Kaddish* as a means of redeeming their parent; the additional emotional toll caused by the parent's status on the children may be minimal. However, the emotional, psychological, and spiritual price that abused children may pay by the daily recitation of *Kaddish* or the annual observance of *Yahrtzeit* may be overly demanding and, as a result of what we have argued above, not required. ❧

⁷² *Teshuvot Divrei Malki'el*, IV, no. 96.

⁷³ *Kiddushin* 31b; *Hil. Mamrim* 6:5; *Yoreh De'ah* 240:9.

⁷⁴ Wolowelsky, p. 198. The source for this suggestion is *Pit-Bei Teshuvah to Yoreh De'ah* 376:9. See *Teshuvot Hatam Sofer, Even ha-Ezer*, I, no. 69.

⁷⁵ Rema, *Yoreh De'ah* 376:4.