



**Parashat Yitro:
The Finances of *Kibbud av Vaem*
By: Amichai Levy**

In this week's parasha, Bnei Yisrael receive the Ten Commandments at Har Sinai. The fifth of the Ten Commandments, the commandment of *kibbud av vaem*, demands: "Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee." In Hilchot Mamrim, the book of Mishneh Torah that deals with various modes of rebellious behavior and the laws that govern the child-parent relationship, HaRambam explains this obligation:

What is *kavod*? Feeding, dressing, and covering [one's parents] **from their money**. And if one's parents have no money, whereas the child has money, the child is forced to support his father and mother according to his abilities. Also, to take them out, bring them in, and serve them in all the ways that aids serve Rabbis and stand before them in the way that one would stand before his Rabbi (6:3).

According to HaRambam, the commandment to honor one's parents is fulfilled by servicing one's parents like a loyal student services his Rabbi. HaRambam applies this commandment in two distinct cases: Firstly, if a parent is capable of supporting his or herself financially, the child is not required to spend money to fulfill the commandment of *kibbud av vaem*. Secondly, if a parent is unable to support his or herself, the child is obligated and even coerced by *Bet Din* [a court of law] to support his or her parents financially. What is the nature of a child's obligation to support his or her parents who are unable to support themselves?

In Hilchot Matanot Aniyim, the laws related to the giving of charity, HaRambam teaches that the giving of charity can be coerced by *Bet Din*:

A person who doesn't want to give charity or who gives less than he or she is capable of giving, should be forced by *Bet Din* and lashed lashes of rebelliousness, until he or she gives what they [*Bet Din*] assess should be given. Similarly, they [*Bet Din*] can go down into his or her property and take from it the amount that he or she is obligated to give... (7:10).

Since HaRambam permits *Bet Din* to coerce individuals into giving charity, we can further inquire into the nature of the child's obligation to support parents who cannot support themselves. Either this obligation of the child is subsumed under the general obligation incumbent on every Jew to give charity, or it is an obligation specific to *kibbud av vaem*. An additional ambiguity, parallel to the first one, arises in this context: either *Bet Din*'s coercion of support is an example of the coerced charity that HaRambam talks about in Hilchot Matanaot Aniyim, or it is a unique type of coercion geared toward the fulfillment of the *kibbud av vaem* commandment. HaRambam does not address these ambiguities explicitly, however, his position on the matter can be deduced from some other sources. A passage in Hilchot Matanot Aniyim indirectly address this issue: "...and similarly, a child who supports his father

and mother fulfills the commandment of giving charity” (10:16). This latter source implies that money expended by a child on behalf of his needy parents is primarily a fulfillment of the commandment to give charity and not of *kibbud av vaem*¹.

HaRambam's underlying assumption, that a child is not obligated to spend of his own money to fulfill the commandment of *kibbud av vaem*, is based on a Gemara in the first chapter of Tractate Kiddushin which states:

The following question was raised: Who is [financially] responsible for the fulfillment of the commandment [of *kibbud av vaem*]? Rabbi Yehuda said the son, Rav Natan the son of Oshia said the father. **The Rabbis held...like the position that the responsibility is on the father** (31b).

The Babylonian Talmud's presentation of this law unambiguously sides with the opinion of Rav Natan over the opinion of Rabbi Yehuda, that the son is not obligated to give of his own money to fulfill the commandment of *kibbud av vaem*. This presentation of the Babylonian Talmud contrasts with the presentation of a similar law codified in the Jerusalem Talmud:

Rabbi Shimon ben Yochai taught: Great is *kibbud av vaem*, that the Holy one blessed be He prefers it to His own kavod...one is only obligated [in the positive commandments] if he has money to perform them; if he does not, he is exempt. However, when it comes to honoring one's parents, whether or not one has money he or she is obligated to fulfill the commandment...even if the child has to beg for money [because of it] (Kiddushin 1:7).

Unlike the Babylonian Talmud, the Jerusalem Talmud implies that *kibbud av vaem* is primarily fulfilled with the money of the child and any money given by a child to his parents in their service is a fulfillment of *kibbud av vaem*. Many Rishonim, (the Ritva on the Gemara Kiddushin, Sefer Mitzvot Ketanot mitzvah fifty, Sefer Hachinuch mitzvah thirty-three and others) reconcile these two seemingly contradictory passages. Most Rishonim assume that the passage in the Babylonian Talmud is dealing with a different case than that of the Jerusalem Talmud, therefore, the two rulings are in fact one. To reconcile the two passages one needs to assume that the passage in the Jerusalem Talmud teaches the principle that *kibbud av vaem* is primarily fulfilled with the money of the child, whereas the passage in the Babylonian Talmud teaches a specific exception to this rule: the case where the parents are financially self sufficient.

HaRambam, who maintains that *kibbud av vaem* is primarily performed with the money of the parent, is forced to assume that the two Gemaras quoted above are in opposition and mutually exclusive to one another. Once HaRambam assumes that the two Gemaras contradict, he codifies the law like the Babylonian Talmud against the ruling of the Jerusalem Talmud.

Various *nafka minot* (practical differences) emerge from these two understandings of the *kibbud av vaem* commandment. Firstly, if the child wants to perform *kibbud av vaem* from his own money and not with the money of his financially sufficient parents, is there any advantage in doing so? According to most Rishonim who assume *kibbud av vaem* is primarily to be performed with the money of the child, the performance of *kibbud av vaem* from one's own money is ideal, even if the command could be fulfilled with the money of the parents. According to HaRambam who maintains that the commandment of *kibbud av vaem* is primarily to be done with the money of the parent, in a case where the parents are not in need of any charity, a child would not be fulfilling any commandment in spending

¹ This position of HaRambam finds a more explicit formulation in the Rif on Tractate Kiddushin: "והיכא דרויח הבן והאב לית ליה כייפינן ליה לבן ושקלינן מיניה בתורת צדקה ויהיבנן לאבוח" (דף יג עמוד א)

his own money to perform *kibbud av vaem*. Secondly, to what extent is a child expected to support his parents who are in need? The passage in the Jerusalem Talmud makes clear that a child is expected to support his parents even if doing so will require that the child beg for money because of it. This makes sense according to the opinion that *kibbud av vaem* is fundamentally an act of financial support. HaRambam, on the other hand, specifies that when a *Bet Din* coerces a child to support his parents, they can only take “the amount that he or she is obligated to give.” This “amount of obligation” is the same amount that *Bet Din* can coerce from people who fail to give their rightful share of charity. Hence, according to HaRambam, *Bet Din* does not demand or expect a child to give to his or her parents in a way that will render the child financially dependent.

According to those Rishonim who reconcile between the Babylonian and Jerusalem Talmuds, the commandment of *kibbud av vaem* is similar to the commandment to give charity. According to them, *kibbud av vaem* mandates charity and charitable services towards one's parents. According to HaRambam, the commandments of charity and *kibbud av vaem* are fundamentally distinct. According to HaRambam, charity is the act of giving money, whereas *kibbud av vaem* mandates an abstract attitude of respect and reverence by a child toward his parents. The commandment to give charity is fulfilled through an objective action of transference whereas, the commandment of *kibbud av vaem* isn't characterized by any particular action at all. The obligation of charity is fulfilled through the discrete outcome of an alleviated privation whereas, no objective procedure can capture the constitution of *kibbud av vaem* fulfillment.

The subjective and contextual nature of what constitutes a fulfillment of *kibbud av vaem* is conveyed by a Gemara in Kiddushin: “It is possible to feed one's father pheasant [a delicacy] and be punished for it, and it is possible to cause one's father to work at a mill stone and attain the world to come for it” (31a-b). This Gemara in Kiddushin reflects the inapplicability of universal standards in the child-parent relationship. Whether or not a particular action is a fulfillment of *kibbud av vaem* depends entirely on the context in which the action was performed, how the father perceives the act and whether the act was done out of reverence and concern or contempt and sarcasm.

Furthermore, HaRambam's unique understanding of the *kibbud av vaem* obligation can be used to explain the peculiar means with which Chazal choose to portray this commandment in the Gemara. The Gemara in Kiddushin inquires into the proper way to fulfill *kibbud av vaem* and answers the question in the form of a story. The story is strange and remarkable because the individual exhibiting the ideal performance of *kibbud av vaem* is not a Jew:

Look and see the actions of a particular gentile from Ashkelon by the name of Dama ben Netinah. Once the Rabbis wanted to do business [with Dama ben Netinah] for sixty-thousand [shekalim] of profit and the key was under the pillow of his [sleeping] father and he [Dama ben Netinah] did not disturb him (31b).

If Chazal are trying to teach the specific, objectified behaviors associated with *kibbud av vaem* it would be difficult to understand why they saw fit to do so through the medium of an individual who isn't obligated in the commandment. Certainly those who are obligated to carry out *kibbud av vaem* can better represent the way in which the commandment is best fulfilled. However, if Chazal are trying to convey the attitude and psychological disposition towards one's parents associated with *kibbud av vaem*, perhaps it is more compelling to observe that disposition when it emerges naturally and isn't demanded.