



## Nearing The Limits – Bathing Aging Parents

Among the myriad challenges facing children of aging parents is the management of routine activities of daily living. Independent showering and bathing is particularly difficult for the elderly, both due to the complexity of the task and the fear of slipping and injury.

Families often engage a professional caregiver to assist in the daily routine of an elderly parent, including bathing. However, a caregiver of this sort is not always available or viable, either due to financial reasons or the parent's refusal to accept help from an unfamiliar caregiver and insistence that they be assisted by a family member. This raises a significant Halachic issue with regard to bathing.

The *Gemara* in *Pesachim* (51a) rules:

*A person may bathe with anybody except his father. R' Yehuda even permits [bathing] with one's father because of the honor of his father (he will assist him in the bathhouse – Rashi). It was taught: A student should not bathe with his Rabbi. But if his Rabbi needs him it is permissible.*

Why is it forbidden to bathe with one's father? Rashi explains that it may cause him to have prurient thoughts ("*Hirhur*"): "*Once he sees him and he considers that he came from there [his father's reproductive organ] his mind will drift to Hirhur*". However, the *Meiri* writes that it is because it will cause him to "*lose the yoke of fear of his father*".

The *Meiri* adds that, "*regardless, if his father needs him to attend to him, it is permissible*". Simply understood, since his father needs him, it is an act of *Kibud Av* to bathe with him, rather than an act that will cause the son to "*lose the yoke of fear*". However, this reasoning will presumably not be true according to Rashi; even if he intends to help his father, there should still be a concern of *Hirhur*.

Our text of the *Gemara* mentions a son and father bathing together, but it does not qualify that statement. Likewise, R' Yehuda – who permits bathing together – refers to any scenario where the father requires assistance. However, in *Maseches Semachos* (12:12), R' Yehuda is recorded as saying that, "*If his father was **elderly or sick**, the son may go in and bathe him, because that is his honor*". If so, the *Tana Kama* must even forbid it if the father is elderly or sick, and R' Yehuda only permits it in these circumstances.

In light of the above, the *Minchas Yitzchak* (4:62) infers that the *Chachamim* and R' Yehuda argue over the basis of the *Isur* of bathing with one's father. According to the

*Chachamim*, the concern is about *Hirhur*, thus it is forbidden even if the father needs assistance. According to R' Yehuda, the *Isur* is due to "losing the yoke of fearing his father", therefore, it is permissible if he needs assistance.

It is also logical to assume that this is why Rashi declined to explain the *Chachamim's* position like the *Meiri* (though he does invoke a similar concept to explain the *Isur* to bathe with one's Rebbi). If there is a concern that a person's fear of his father will be adversely affected, why would R' Yehuda dismiss this?

Rav Moshe Feinstein *zt"l* (*Igros Moshe, Y.D. 2:147*) argues that there cannot be a genuine concern of *Hirhur* in this case because if there was, R' Yehuda would never permit it in order to assist one's father. The Mitzva to honor one's father by providing assistance would certainly not override the prohibition of *Hirhur* which transgresses a Torah prohibition and can lead to *Hotza'as Zera Levatala*. *Hirhur* must only be a remote concern.

Rav Moshe implies that the basis for leniency according to R' Yehuda is that the Mitzva to honor one's father overrides the distant concern of *Hirhur*, but according to the *Chachamim* it does not.

The *Rif* and *Rosh* rule simply that a person may not bathe with his father, without further qualification. This is also implied by the *Rambam* (*Hilchos Isurei Bi'ah 21:15*):

*A person should not enter a bathhouse with his father, nor with his sister's husband, nor with his student. But if he needs his student it is permissible.*

Since the *Rambam* only offers the qualification of needing assistance with regard to a Rebbi and his *Talmid*, we can infer that this does not apply to a father and son.

The *Tur* and *Shulchan Aruch* omit this Halacha entirely. However, it is codified by the *Rema* (*E.H. 23:6*):

*They also forbade bathing with one's father, brother, stepfather, and one's sister's husband. But today people are accustomed to be lenient in this matter since they cover their private parts in the bathhouse. Therefore, there is no concern of Hirhur (Aguda).*

The *Pischei Teshuva* (*ibid.* 5) notes that, according to the *Rema*, in places where people do not cover their private parts in the bathhouse, the *Isur* remains in place. Many *Poskim* express great surprise that this Halacha is not strictly followed and that people attend the bathhouse with their sons.

Returning to our discussion of bathing elderly parents, we must first point out that elderly people with limited mobility or who are bedridden are at risk of contracting pressure sores and infections. Therefore, hygiene is a basic necessity, without which they may be endangered. Therefore, a son may certainly bathe his father if there is no

alternative<sup>1</sup>, although it is preferable that a daughter bathe him as *Hirhur* is less stringent for a woman. Regardless, his private areas should be covered, both to avoid the issue of *Hirhur*, in line with the ruling of the Rema above, and to preserve his honor, in the manner of Noach's sons Shem and Yefes, as recorded in *Parshas Noach*.

Let us examine a case of a father who is not at risk of pressure sores and infections but is in danger of slipping and injuring himself if he attempts to bathe or shower alone. His son will be extremely preoccupied with ensuring that his father doesn't hurt himself as helping the elderly in this way is known to be tedious, requires a great deal of concentration, and is physically taxing. Is it permissible in these circumstances?

If the Halacha permits a son to assist with bathing his father in this scenario, we must say that the case that is the subject to the *Machlokes* between R' Yehuda and the *Chachamim*, as recorded in *Maseches Semachos* ("If his father was elderly or sick"), must refer to a father who is not as dependent upon assistance as the father in our question. Thus, although R' Yehuda rules leniently because the father does need assistance (and is not just requesting it because he would appreciate his son's help), and, as Rav Moshe Feinstein explained, one may be lenient with regard to *Hirhur* if there is a real need, the *Chachamim* nevertheless forbid it. However, if the father needs significant assistance and the son needs to employ physical stamina and great concentration to bathe him, even the *Chachamim* would agree that it is permissible.

The Gemara in *Shabbos* (33b) records the famous story about R' Shimon bar Yochai's stay in a cave for many years. This caused him significant harm:

*R' Pinchas ben Yair, father-in-law of R' Shimon bar Yochai, heard that R' Shimon was on his way back home. R' Pinchas went out to meet him and took him to the bathhouse. R' Pinchas was attending to and smoothing R' Shimon's skin. While doing so he saw that his skin had fissures due to the sand [in which he had sat in the cave]. R' Pinchas cried when he saw him in this state and his tears penetrated the cracks in R' Shimon's skin and caused him pain.*

This *Gemara* apparently tells of a visit to the bathhouse by a father-in-law with his son-in-law, which surely ought to have been forbidden, as stated by the Gemara in *Pesachim* above. Perhaps the answer is that when the purpose is to administer medical treatment it is permissible, as the person administering the treatment is preoccupied with his work and not likely to experience *Hirhur*.

However, this *Gemara* cannot serve as a proof to this concept at all. First, the *Isur* in this case would have applied to the son-in-law – R' Shimon – who was the patient in

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<sup>1</sup> *Hirhur* of *Arayos* is not subject to the law of "Yehareg v'Al Ya'avur", and is overridden in cases of *Pikuach Nefesh* (see, for example, *Igros Moshe*, E.H. 1:56).

this case, to whom the leniency of being preoccupied with his work would not be relevant, as explained below. Second, the *Gemara* does not actually state that R' Pinchas was bathing at all – perhaps he was fully dressed or, at least, was partially clothed such that his private areas were covered.

In medical treatment, a male may treat a female because we assume that he is focused on his work and will not experience *Hirhur*. This is called "*b'Avidetaihu Teridi*". This would clearly only apply to the person providing the treatment. The female patient may receive the treatment because women, as stated, do not have such a concern of *Hirhur*. Thus, this leniency does not apply in a reverse scenario as a male patient may experience *Hirhur* when being treated by a female physician or caregiver.<sup>2</sup> Thus, this concept would be inapplicable to the case of R' Shimon being bathed by his father-in-law R' Pinchas ben Yair, as explained above.

Nevertheless, this concept may be of relevance to the question of bathing an elderly parent. If it requires concentration and effort there may well be room to apply the principle of "*b'Avidetaihu Teridi*".

We may also add that there is a related concept known as "*Biasusa*", which may also be a basis for leniency. The *Tzafnas Paneach*, in his comments to the *Rambam's* ruling regarding entering a bathhouse with one's father, mentions the *Gemara* in *Nida* 13a without explaining his intent. This *Gemara* discusses the *Isur* of holding one's penis while urinating due to the concern of arousal and *Hotza'as Zera Levatala*:

*R' Yehuda and Shmuel were standing on the roof of the Shaf v'Yasiv Shul in Naharde'a. R' Yehuda said to Shmuel, "I need to urinate". Shmuel replied, "Sharp one, hold your penis and urinate beyond the building". How could he do so? Surely it is stated in a Braisa, "R' Elazar says: 'Anybody who holds his penis and urinates – it is as though he brings a Mabul to the world!' Abaye answered: "It is like a situation of a 'Boleshes' (marauding army). As it is stated in a Mishna: 'If a Boleshes enters a city: If it is a time of peace – open barrels are forbidden, closed barrels are permissible. At a time of war, both are permissible as they have no time to pour out the wine to worship Avoda Zara.' We see that when they are frightened they will not come to pour the wine for Avoda Zara. Here too, since he is frightened, he will not come to pour the wine for Avoda Zara. Here too, since he is frightened, he will not come to Hirhur." What was R' Yehuda frightened of? Some say it was the fear of the [darkness at] night and the [fear of falling from the] roof (as Shmuel had told him to go to the edge of the roof to urinate). Alternatively, it was the fear of his Rebbi (Shmuel). Alternatively, it was the fear of the Shechina. Alternatively, the fear of his Master was upon him (R' Yehuda had great fear of Heaven thus he would not have Hirhur).*

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<sup>2</sup> This Halacha was originally stated with regard to mating animals. A person may not stare at animal's mating due to the concern of *Hirhur*, but their shepherd may do so because he is focused on his work.

This *Gemara* provides another source of leniency. It would seem that if there is "*Biasusa*" – fright, there is no concern of *Hirhur*. This concept is cited by the *Rif* (*Shabbos* 108b) and *Semak* (292) *l'Halacha*, however, other Poskim omit it. The *Beis Yosef* explains (*O.C.* 3) that the Poskim who omit it hold that we are not capable of gauging the degree of fear that is needed to eliminate concerns of *Hirhur*. Moreover, since the *Gemara* suggests several other answers we cannot be sure which is held of *l'Halacha*.

Washing one's elderly father may sometimes constitute a situation of "*Biasusa*", for example, if there is a real fear that he will fall and injure himself. The son must concentrate intently on the task to be sure that his father will not slip or fall. Presumably, those who hold that there is no concern of *Hirhur* in a situation of *Biasusa* would permit it. However, as stated above, the *Beis Yosef* holds that one may not rely on this *l'Halacha*.

Nevertheless, perhaps we may combine the aforementioned principles. The son is frightened of the consequences of a mistake – *Biasusa*. He is also involved in "*Melacha*" – the task of bathing his father – unlike the case of the *Gemara* regarding urination. Perhaps all would agree that a "*Melacha sheYesh Bah Biasusa*" is a strong basis for leniency.

Rav Moshe Feinstein *zt"l* (*Igros Moshe* 2:147) discusses whether a person may participate in his father's *Tahara* (washing the body and preparing it for burial). He concludes that one should not deviate from the Minhag which does not permit this (see there for his reasoning). Regarding concerns of *Hirhur*, he asserts that since *Hirhur* is not a great concern in any case (as explained above), it is likely no concern at all with regard to a dead body, particularly given that the son will be preoccupied by his grief over his father's death.

On the one hand, Rav Moshe's discussion indicates that even if somebody is occupied with a *Melacha* – in this case washing his father's body – there is still a possibility of *Hirhur*. On the other hand, he ultimately asserts that there is no concern with regard to a dead body, especially given that the son is grieving. If so, a similar argument can be made for washing one's elderly father. Seeing him in such a woeful state is unlikely to be a cause for *Hirhur*, particularly given the fact that he is fearful that his father will slip and hurt himself.

In conclusion, we cannot entirely permit bathing one's father if there is no danger to his life, though we have cited many potential grounds for leniency. However, if there is any concern of pressure sores and infections it is certainly permissible.