



Staying Clean: Bathing Elderly Parents

The greatest challenge of tending to an elderly parent who can no longer live independently can be managing the activities of daily living (ADLs). Bathing is particularly difficult due to the nature of the task as well as the danger of slipping or falling. Families will often employ a caregiver to tend to the parent's needs, however, this is not always feasible due to either financial constraints or the parent's desire to be tended to by their children. This raises an important Halachic issue.

The Gemara states (*Pesachim* 51a):

A person may bathe with anyone except his father. R' Yehuda permits [a person to bathe] with his father due to his father's honor (Rashi: For he tends to his needs in the bathhouse). It was taught: A Talmid should not bathe with his Rebbi unless his Rebbi needs his assistance.

Rashi explains that this *Issur* is due to a concern of forbidden thoughts: "Upon seeing his [father's private parts] he is reminded that he came from there – he thus allows his heart to think inappropriate thoughts". However, the *Meiri* offers a different reason: Bathing with one's father may lead to disrespecting him. He adds: "Nevertheless, if his father requires his assistance, it is permissible."

Presumably, in this situation where his father requires his assistance, there is no concern that he will come to disrespect him. On the contrary, he is involved in the *Mitzva* of *Kibud Av*. According to *Rashi*, it would seem that there would be no difference whether the father requires his assistance or not as the concern of *Hirhur* is present in both cases.

The Gemara seems to refer to a straightforward case in which the father does not require his son's assistance. Though R' Yehuda argues with the *Tana Kama* and permits the son to bathe with his father *since the father feels honored by his son's assistance*, that does not indicate that we are discussing a case when his assistance is necessary.

However, *Maseches Semachos* (12:12) records R' Yehuda's words differently: "R' Yehuda says **if his father was elderly or sick** he may enter and bathe him – for this is his honor". According to this formulation, the *Tana Kama* would forbid a son to bathe with his father even when his father is elderly or sick. Moreover, R' Yehuda permits him to do so **only** in such a case; if he does not require his son's assistance, it would be forbidden.

In light of the above, the *Minchas Yitzchak*¹ (4:62) explains that the *Tana Kama* and R' Yehuda argue over the fundamental basis of the *Issur*. According to the *Tana Kama*, the *Issur* is due to *Hirhur*; thus a son may not bathe with his father even if he requires his assistance. According to R' Yehuda, the *Issur* is due to the concern that the son would come to disrespect his father, thus, if the father requires his son's assistance, it is permissible.

This may also explain why *Rashi* refrains from explaining the *Tana Kama's* view like the *Meiri* (even though *Rashi* does explain the *Issur* of bathing with a Rebbi as due to the Rebbi's honor). If the *Meiri* was correct, why would the *Tana Kama* not permit it in a case when the father requires assistance?

At any rate, R' Moshe Feinstein (*Igros Moshe Y.D.* 2:147) explains that the concern of *Hirhur* is minor. For if the concern were great, R' Yehuda would not have permitted a son to bathe with his father merely on account of his father's honor. After all, the Mitzva of *Kibud Av* would not override the *Issur* of *Hirhur*, which is derived from the Posuk of "v'Nishmarta miKol Davar Ra" (*Devarim* 23:10) and may lead to violation of the stringent *Issur* of *Hotza'as Zera l'Vatala*. The *Machlokes* between R' Yehuda and the *Tana Kama* is whether *Kibud Av* overrides the concern of *Hirhur*.

The *Rif* and *Rosh* rule that a person may not bathe with his father. They do not distinguish between the various scenarios discussed above. The *Rambam* concurs (*Issurei Bi'ah* 21:15): "One may not enter a bathhouse with his father, sister's husband, or Talmid. But if he requires his Talmid's assistance it is permissible." He implies that the *Heter* of assistance only applies to a Rebbi but not to a father.

The *Tur* and *Shulchan Aruch* do not codify this Halacha. However, the *Rema* rules (*Even haEzer* 23:6): "The Gemara further forbids bathing with one's father, brother, mother's husband, and sister's husband. Nowadays the custom is to be lenient since people cover their private parts in the bathhouse. There is thus no concern of *Hirhur* (*Aguda*)."

As noted by the *Pischei Teshuva* (*ibid.* 5), there would be no *Heter* in a bathhouse in which people do not cover their private parts.

¹ R' Yitzchok Yaakov Weiss zt"l (1902-1989), *Av Beis Din* of Grosswardein, Romania before World War II, and *Dayan* and *Av Beis Din* of Manchester from 1949-1970. After retiring as head of the Manchester Beis Din, he joined the Edah haChareidis in Yerushalayim and succeeded the Satmar Rov upon his *Petira* in 1979. R' Weiss is known as the *Minchas Yitzchak* after his 10-volumes of *Shu"t Minchas Yitzchak*.

Many Poskim are perplexed as to why people do not observe this Halacha and take their children with them to the Mikva. It is clearly forbidden.²

Returning to the matter at hand, it is important to note that hygiene is crucial for elderly people. There is also a grave concern for pressure sores and infections; inadequate hygiene standards may lead to *Sakana*. It is therefore permissible for a son to bathe his father if there is no alternative.³ However, if possible, a daughter should bathe him since the *Issur* of *Hirhur* is less stringent for a woman. At any rate, his private parts should be covered, both to negate concerns of *Hirhur* and to retain the father's dignity. We learn the importance of *Kibud Av* and preserving a father's dignity in front of his children by covering his body from Noach and his sons (*Bereishis* 9:23).

However, regarding the Halacha when there is no concern for *Sakana* from inadequate hygiene, the matter is less clear. Assisting a *Choleh* in bathing is no simple matter. It demands great concentration and physical effort to ensure that no harm befalls the patient. Would this be a sufficient reason to permit a son to bathe his father?⁴

If it is indeed sufficient, we would need to explain R' Yehuda's description of the father as "elderly or sick" to be a lower level of disability. In other words, R' Yehuda is lenient regarding the concern of *Hirhur* since the father requires minor assistance, as explained by the *Igros Moshe* above. However, in the setting of greater disability, even the *Tana Kama* would agree that there is no concern of *Hirhur*, due to the high level of concentration that is required.

The Gemara (*Shabbos* 33b) famously relates that R' Shimon bar Yochai lived in a cave for many years. As a result, he incurred significant health problems:

His father-in-law, R' Pinchas ben Yair, heard [that R' Shimon had returned] and went to meet him. He took him to the bathhouse and tended to his skin. He saw that his skin was cracked. He cried and his tears fell [on R' Shimon's skin] and caused him pain.

As we saw earlier, there is also an *Issur* to enter a bathhouse with one's father-in-law. How then was R' Pinchas ben Yair allowed to enter with R' Shimon? Perhaps we may answer that it was necessary for R' Shimon's health.

² [Editor's Note: Many *Mikvaos* today have policies forbidding children to enter the *Mikvah* without a parent for safety reasons. Perhaps this concern trumps the *Chashash Hirhur*.]

³ *Hirhur* is not subject to "Yehareg v'Al Ya'avur"; it is thus overridden by *Pikuach Nefesh*. (See *Igros Moshe E.H.* 1:56 for an example.)

⁴ In other words, does the need for intense concentration and attention to the task mitigate the concern for *Hirhur* (as we will discuss below).

However, even if this is correct, we cannot adduce proof from this Gemara. First, the *Issur* rests upon the son-in-law, not the father-in-law, and, in this case, the son-in-law was the one who required care. We will explain this point further, below. Moreover, we are not told that R' Pinchas also bathed, thus it is possible that he was clothed or at least his private parts were covered.

In medical practice, there is a Halachic principle called "*b'Avidtaihu T'ridi*" (involved in one's work). This allows for a man to tend to a female patient since we assume that he is focused on his professional tasks and will not have inappropriate thoughts. It is also not an issue for the patient since *Hirhur* is less stringent for a woman. However, a woman may not tend to a male patient since we are concerned that he will come to *Hirhur* because he is a passive participant and not focused on delivering medical care.

The source for this principle is the Halacha of a shepherd who is involved in causing his cattle to mate. Unlike ordinary people who may not watch animals cohabiting lest it induce *Hirhur*, a shepherd may do so since he is involved in his work. Here too, the *Heter* only exists for him because he is involved.

Although we cannot use this principle to explain the Gemara's *Heter* (since R' Shimon was the "patient"), it may still be relevant in our case if we assume that bathing a father who requires assistance is a more involved task than merely assisting an elderly father.

We should also mention a further principle known as "*Bi'asusa*". The Gemara (*Nida* 13a) relates:

R' Yehuda and Shmuel were standing on the roof of the shul "d'Shaf v'Yasiv" in Nehardea. R' Yehuda said to Shmuel, "I must urinate". He replied, "Sharp one, grab hold of your member and urinate outward [away from the shul]". [The Gemara asks:] How could he do this? Is it not taught: R' Eliezer says, anyone who holds his member and urinates is considered as if he brings a flood to the world! [The Gemara answers:] Abaye said: They considered this case like that of a marauding troop [of Nachrim]. For it was taught: Regarding a marauding troop that enters the city: at a time of peace; open barrels [of wine] are Asur, closed barrels are Mutar. At a time of war; both barrels are Mutar since they have no opportunity to use it as a libation. We thus see that since they are afraid, they will not come to use it as a libation. Here too, since one is afraid, he will not come to Hirhur.

But what fear existed in this case? Perhaps he was afraid that it was dark and he would fall off the roof [since Shmuel instructed him to urinate off the edge]. Perhaps he was afraid of his Rabbi [Shmuel]. Perhaps he was afraid of the

Shechina [that resides in the shul]. Perhaps [R' Yehuda is different since] fear of Heaven is upon him, for Shmuel said about him: "This one is not born of a woman".

This Gemara is referenced by the *Tzafnas Pane'ach* (in his comments to the *Rambam* ruling forbidding bathing with one's father) though he does not explain his intent. It seems clear from this Gemara that there is no concern for *Hirhur* when one is in a state of fear. The *Rif* (*Shabbos* 108b) and *Smak* (292) codify this ruling though other *Poskim* do not. The *Beis Yosef* (*O.C.* 3) explains that, in the view of the other *Poskim*, we cannot determine the amount of fear necessary to negate the concern of *Hirhur*. Moreover, the Gemara offered several answers (more than those cited above); we cannot know which of them are *l'Halacha*.

Presumably, bathing a father in need of assistance may often be a situation of *Bi'asusa*. The son is greatly preoccupied with ensuring that his father does not slip or faint and extends every effort to avoid such a danger. According to the *Rif* and *Smak*, it would be permissible. However, the *Beis Yosef* did not rule this way. Nevertheless, this case also carries the *Heter* of *b'Avidtaihu T'ridi*, unlike the Gemara's case in which R' Yehuda was merely urinating. Perhaps, then, the two *Heterim* can be combined.

R' Moshe Feinstein (*Igros Moshe* 2:147) discusses whether a person may wash his father after his death. He concludes that one should not deviate from the custom that forbids it. However, regarding the concern of *Hirhur*, he contends that it may not apply to a *Meis* since the concern of *Hirhur* is always a minor concern (as explained above). This is especially true in this case when the son is preoccupied with the pain of his father's passing.

We see that R' Moshe was not willing to permit the case only due to *b'Avidtaihu T'ridi* (bathing the dead body). He was only inclined to permit it due to the additional argument that *Hirhur* is in any case a minor concern.

Perhaps one could argue that there is likewise no concern for *Hirhur* when a person bathes his father who needs assistance, especially as he is preoccupied with the fear lest his father come to harm.

In conclusion, despite our arguments, we cannot permit a person to bathe his father where there is no concern of danger. However, where concern exists that a lack of hygiene will cause *Sakana*, it is absolutely permissible.