

Mourning Abusive Parents

By: JOEL B. WOLOWELSKY

The new family dynamics that have arisen within the general community are now found throughout the Jewish community. While the traditional nuclear family made up of a supportive mother, father, and their biological children remains the halakhic paradigm, the fact is that healthy “blended” and adoptive families are becoming more and more common, as are—to our embarrassment and regret—dysfunctional nuclear families. The interpersonal relationships within these families are usually negotiated in a non-halakhic context, and the “traditional” nature of a nuclear family is lost to some extent or another in the day-to-day activities of a blended family. However, the halakhic obligation imposed on family members when a person in one of these families dies may add to the emotional pressures on the bereaved.

Of course, the dynamic involved in mourning loving adoptive or step-parents is in many ways the opposite of that involved in mourning abusive parents. The former speaks to a desire to mourn someone for whom one has great affection despite possible technical arguments that there is no obligation to mourn. The latter involves feelings of repugnance and contempt incompatible with the *kevod hamet* expressed in normal mourning regimens to which one seems obligated. We consider here the question of a victim mourning a deceased parent who was his or her abuser.¹

Rambam (*Mishneh Torah, Hilkehot Avel* 1:9-11) lists three categories of evil people who are not to be mourned after their death. The first is that of those executed by the Beit Din in the time of the Sanhedrin;

¹ We have elsewhere discussed “Honoring and Mourning Adoptive and Step Parents,” *Le’ela*, June 2001, no. 51, available at <www.lookstein.org/articles/mourning_adoptive.htm>.

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the second is that of “*Ha-porshim mi-darkhei zibur*, those who deviated from the practices of the community”—a category to which we shall return shortly; and the third is that of those who have committed suicide. Yet although all of these are not to be mourned, there are differences between the groups. The first are not mourned publicly, but the relatives are to grieve in their hearts. In the case of the second, “their siblings and relatives are to put on white garments, wrap themselves in white garments, eat drink and rejoice, because the enemies of the Lord have perished. Concerning them Scripture says, ‘Do not I hate them, O Lord, who hate You?’ (Psalms 139:21).” Love of God is to trump love of relatives.

With regard to suicides, funeral rites are not performed, and they are neither mourned nor eulogized. But the relatives stand in line to be formally comforted, *Birkat Avelim* is said for them, and “all that is intended as an honor for the living is done.” Suicide must be deliberate and unpressured from within to forfeit being mourned. When an individual is driven to suicide, or there is doubt as to whether death was actually due to suicide, the deceased is mourned normally. As a practical matter, we use any legitimate argument that we can—his having great fear or pain, or his being mentally unbalanced—to declare the death not a suicide.

Rambam defines “*Ha-porshim mi-darkhei zibur*, those who deviated from the practices of the community,” as those who cast off the yoke of the commandments and do not join their fellow Jews in performing mitzvot, observing the holidays, attending synagogues and houses of study, and who do as they please as the other nations do; he includes as well heretics, apostates and informers. The *Shulhan Arukh* (*Yoreh De’ab* 340:5) adds that we do mourn those who occasionally sin *le-tei’avon*—that is, satisfying their personal desires—but not those who sin *le-bakh’is*—that is, making a principled statement of defiance of God’s authority. The Rema quotes Mordecai that one who *regularly* sins is not mourned. Shevet Yehuda explains that Mordecai feels that as a general principle doing something wrong *le-tei’avon* regularly moves it into the category of *le-bakh’is*; nevertheless, each case must be evaluated on its own merits.

As a practical matter, nowadays even people who regularly desecrate Shabbat publicly are generally mourned. The halakhic logic is that given the poor state of Jewish knowledge and observance across the spectrum of the Jewish community, one simply cannot read principled statements of rejection of the community’s practices into even

consistent non-halakhic behavior. The average person may even concede the inappropriateness of a particular action without dreaming that they had crossed the line into being enemies of God. Unless they convert to another religion, they remain part of the Jewish community, meriting being mourned despite their deficiencies.

In this light, evaluating the status of an abusive parent becomes at times difficult. The parameters of “abuse” are rather wide, ranging from, say, harsh and insensitive words to cruel and repeated vicious sexual assaults. One need not justify in the least ruthless and hurtful abusive language to say that a misguided parent could mistakenly think it to be within communal norms, distorting “Spare the rod and spoil the child.” On the other hand, there are abusive actions—let us say repeated rape, for example—that are so outrageous that no reasonable person could possibly think are within acceptable behavior. Clearly some actions could be done only by those beyond the pale.

Yet even where the abuser is without doubt an evil person, it is not obvious that he or she is to be recognized as a *poresh mi-darkhei zibur* if the transgression was done privately with few if any knowing about it. It is the *community* above all that does not deal with those who “deviated from the practices of the community,” returning public rejection with public rejection. While every *poresh mi-darkhei zibur* might be considered evil, it may not be the case that every wicked person is considered to be *poresh mi-darkhei zibur* if the wickedness is not well known or not done to publicly reject the community and its values. It may be that the action must not be simply outrageous but rather done deliberately to outrage the community. Perhaps, just as we look for a way to rule that those who took their own lives not be categorized as suicides, we must seriously consider whether the abuser was of sound mind while sinning and whether he or she had since repented.

However, as important as it is to focus on the technical status of the abuser, it is crucial to consider the mind of the mourner. After all, mourning means more than going through some ritualistic motions. It is the mindset that is crucial.

In effect, the Torah has required that inward soulful mourning be expressed through observance of the eleven prohibitions, but the central *keinyum* consists of a psychological state of dejection and sadness. Could one imagine that the obligation to mourn had been fulfilled by a mourner who, though adhering diligently to all the prescribed practices and violating none of the eleven prohibitions,

at the same time brought into his home and enjoyed, during the mourning period, all manner of pleasant diversions?²

Is the victim *unable* or *unwilling* to generate a psychological state of dejection and sadness for the abuser? Is he or she truly convinced that the abuser was evil rather than sick, or are we dealing with an act of revenge and hatred? After all, writes Rabbi Joseph B. Soloveitchik, “The Halakhah holds the view that man’s mastery of his emotional life is unqualified and that he is capable of changing thought patterns, emotional structures, and experiential motifs within an infinitesimal period of time.”³ In general, halakha often requires people to put aside natural inclinations and, for example, not to hate their enemies.

It is interesting to note the response of Rabbi Yitzhak Zilberstein⁴ to a related question concerning a woman undergoing psychotherapy to deal with the trauma of abuse as a child. Such therapy requires speaking of the parent in a disrespectful way while working through the effects of the psychological trauma inflicted in childhood. While there is some dispute on the obligation to honor wicked parents, there is general consensus that one may not humiliate his or her parent. Talking this way about a parent, says Rabbi Zilberstein, would generally be prohibited even if he or she was indeed wicked. However, he continues:

The Torah’s prohibition to humiliate and disrespect one’s father is only when the aim is for the sake of humiliation, but not when it is done for therapeutic purposes, and for the benefit of the daughter, which in the end is for his benefit also, so that he will have a healthy daughter... And the proof that it is permitted to shame and distress the father for desirable benefits is derived from King Hezekiah who dragged his [wicked] father’s bones on a bed of sackcloth (as explained at *Pesachim* 56). Rashi explained there that he dragged his father’s bones for expiation of his sins... that he be censured for his wickedness and his wicked deeds be removed... Therefore, it is permitted to humiliate a father for a benefit and es-

² R. Joseph B. Soloveitchik, “The Essential Nature of Mourning,” in his *Out of the Whirlwind*, eds. David Shatz, Joel B. Wolowelsky and Reuven Ziegler (Toras HoRav Foundation/ Ktav, 2003), pp. 69f.

³ R. Joseph B. Soloveitchik, “*Aninut* and *Avelut*,” in *Out of the Whirlwind*, p. 3.

⁴ R. Yitzhak Zilberstein, “*Pegi’ab be-kevod borim le-zorekḥ Haẓalah ve-Refu’a*,” *Kol Ha-Torah*, Nisan 5763 [2003], p. 173.

pecially when the father destroyed his daughter's world, he is obligated to suffer in order that she be cured.

Rabbi Zilberstein allows the psychotherapy even if the father had repented, because a true penitent would want his daughter to be psychologically healthy, even if it required his humiliation. He concludes:

And after the daughter is cured and her wounds are healed, it is proper to urge her to return to respect her father for she is obligated to him for bringing her into the world. In spite of the damage he inflicted on her, her debt to her father has not expired.

Those who are so bruised by their experience that they simply cannot bring themselves to mourn are exempt by virtue of their own medical/psychological limitations, and we can assume that the abuser, even if he repented, would want his victim to heal whatever the public humiliation of not being mourned. Victims surely have no obligation to endanger their emotional well being by mourning.⁵

Is the victim unable or unwilling to acknowledge that abusive relationships are rarely, if ever, purely evil or abusive? Indeed, it is often the tension between good feelings and violent, vicious actions that characterizes these relationships. It would seem that once the abuser is gone, one might indeed mourn the loss of that which was good in the person. In this context, it is interesting to note that R. Gershon had mourned his son who had converted even though such a person is surely not to be mourned. Mordecai (*Moed Katan*, chapter 3, no. 886) comments that he mourned the fact that his son had not repented. Here too there is much for the victim to mourn, including final closure on the possibility of a normal and loving relationship. Moreover, every death—especially the death of someone to whom we are genetically related—reminds us of our own human mortality, something that surely evokes a psychological state of sadness. As

⁵ Dr. Benzion Sorotzkin <www.drсорotzkin.com/honoring_abusive_parents> quotes the opinion of Rabbi Dovid Cohen: If interacting with an abusive parent makes a person emotionally ill then the child is exempt from this obligation. Since one is not required to spend more than a fifth of his assets for a *mizvat aseh* then certainly one is not required to make himself sick. Obligating abused children to unconditionally honor their abusing parents will almost certainly exacerbate their emotional distress and/or disability and they are therefore not obliged to do this.

John Donne said, “Any man’s death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.”⁶

Rabbi Zilberstein’s comment on the obligation of the healed victim also has resonance here. Parents do not have to earn their respect; it is their right simply by virtue of being biological parents. Respect for parents is, in many ways, an exercise in learning to see past imperfections in others and recognize the best in them. Few parents ever come close to doing evil things, but all fail at one time or another, and their children who have constant interaction with them are poised to notice it at unguarded moments.

When a child first catches adults out—when it first walks into his grave little head that adults do not always have divine intelligence, that their judgements are not always wise, their thinking true, their sentences just—his world falls into panic desolation. The gods are fallen and all safety gone. And there is one sure thing about the fall of gods: they do not fall a little; they crash and shatter or sink deeply into green muck. It is a tedious job to build them up again; they never quite shine. And the child’s world is never quite whole again. It is an aching kind of growing.⁷

Insistence on honoring parents prepares children for this confrontation with reality. Tellingly, with regard to *porshim mi-darkhei zibur*, it is “their *siblings* and relatives [who] are to put on white garments, wrap themselves in white garments, eat drink and rejoice, because the enemies of the Lord have perished.” By adding the word “*siblings*,” children may be excluded.

Kibbud horim is tied to our obligation to honor God. In honoring our parents we acknowledge our debt to give thanks for our creation; and as we know God joins with the mother and father in creating a child. Indeed, one might well argue that the whole concept of *kibbud horim* is based on the demand that we learn to look past inevitable human foibles and see the Divine that stands behind all parents.

When one honors or reveres his natural parent, father or mother, he, *ipso facto*, honors or reveres God... What is transient fatherhood and motherhood if not a reflected beam of light coming to us from

⁶ John Donne, “Devotions upon Emergent Occasions” (1623), XVII.

⁷ John Steinbeck, *East of Eden* (Penguin Books, 1980), p. 20.

beyond the frontiers of the cosmos, and what is paternal or maternal concern if not an echo of the great concern of the Almighty?

“Whenever Rav Yosef heard the footsteps of his mother, he would say: ‘Let me rise because the *Shekhinah* is coming’” (*Kiddushin* 31b). Behind every mother, young or old, happy or sad, trails the *Shekhinah*. And behind every father, erect or stooped, in playful or stern mood, walks *Malka Kadisha*, the Holy King. This is not mysticism. It is Halakhah. The awareness of the *Shekhinah* results in the obligation to rise before father and mother.⁸

Thus we honor our parents for their being parents, and not for how well or how poorly they lived up to the requirements of that role. Shunning a public response of anger or observing mourning practices and reciting *kaddish* after an abusive parent has died affirms the importance of parenthood itself, even while quietly rejecting his or her particular parent as a model for how that role should be fulfilled.

There is, however, another reason to consider mourning, one that also applies to relatives who are not parents and who would not fall under the rubric of the requirement of *kibbud horim*. It might be simply healthy for the person to let go of the anger and resentment, no matter how justified, well past the individual’s death. Mourning—our ritual expression of grief—involves turning the individual back from destructive emotions that an encounter with death triggers (which is expressed in *aninut*) and to start reintegrating his or her shattered personality (which is expressed in *avelut*). This would apply even more to an individual whose life has already been fundamentally shattered by betrayal. Opting out of the mourning process would only cement the lifelong feeling of betrayal. Indeed, if victims knew that they were obligated—when the time came—to mourn a relative, no matter what the relationship, no matter how abusive, it might just inspire individuals to seek help in coming to peace with their past.

In addition, forgoing mourning deprives the victim of the healing balm of the comforting community and “all that is intended as an honor for the living.” Nonetheless, even the victim who mourns the deceased abuser has a quiet opportunity to express the feeling that

⁸ R. Joseph B. Soloveitchik, “Torah and *Shekhinah*,” in his *Family Redeemed*, eds. David Shatz and Joel B. Wolowelsky (Toras HoRav Foundation, 2000), p. 168.

the abuser has not “earned it.” For example, one need not exercise the exemption from prayer in effect during the *aninut* period, no false eulogies need be presented, and a quieter understated *shiva* experience may be requested. Generally, saying *kaddish* is halted during the final month because only a *rasha* needs the redeeming quality of *kaddish* for a full year. In this case, accordingly, saying *kaddish* for the full period gives subtle acknowledgment of the evil qualities of the deceased. ❧

This article is part of a larger study, “The Mind of the Mourner: Individual and Community in Jewish Mourning,” to be published later this year by Ktav and the OU Press.