



Alzheimer's Disease and Yom Kippur

Moshe spoke these words to all of Israel. He said to them, "I am a hundred and twenty years old today; I can no longer go out and come in"... (Devarim 31:1-2)

Although this Pasuk implies that Moshe was physically weak at the end of his life, this wasn't in fact the case, as is evident from the Pasuk in *Vezos haBracha* that attests (*Devarim 34:7*) that when Moshe Rabbenu died at the age of 120 years, "*his eye[sight] had not dimmed and his vigor had not diminished.*"¹ Nowadays, although average life expectancy has risen drastically and many live well into their nineties, they are often afflicted by illness, deterioration in their cognitive functioning, and the onset of dementia or Alzheimer's disease.

The early stages of Alzheimer's disease are characterized by memory loss, diminished spatial orientation, and impaired ability to think clearly and draw conclusions. At a later stage, motor skills are also affected and many patients require around-the-clock nursing care.

The Poskim discuss a wide range of questions² regarding Alzheimer's patients, including whether the patient is considered a *Shoteh*, particularly in the early stages of the disease. These are weighty questions that are beyond the scope of this essay. We will focus on those patients who would definitely be considered *Shotim* and the approach that their caregivers should take with regard to their patient's fulfillment of Mitzvos.

There are three main questions to consider:

1. Does a *Shoteh* have any obligation to fulfill Mitzvos?
2. Must his caregivers prevent him from sinning if he is inclined to do so?
3. May his caregivers provide him with forbidden items?

An actual *Shoteh* has no obligation to fulfill Mitzvos. He may eat and drink on Yom Kippur, and others are not obliged to prevent him from doing so. Nevertheless,

¹ See *Rashi s.v. Lo Uchal Od laTzeis v'laVo (ibid.31:2)*

² For example, the Poskim discuss the extent of the obligation to treat and save the life of Alzheimer patients or others whose intellect is compromised. Rav Moshe Feinstein *zt"l* (*Igros Moshe, C.M. 2:74*) writes explicitly, that aside from certain exceptional circumstances, it is clear that one is obligated to treat even those who are in a vegetative state or *Shotim* and not distinguish between people based on their cognitive state or intellect.



HaGaon Rav Asher Weiss Shlit"a (*Minchas Asher* 2:48) maintains that although Beis Din cannot punish a *Shoteh* for any of his misdemeanors or sins, in Heaven, where all matters are known, a *Shoteh* will be judged in accordance with the extent of his intellect. Therefore, if he is capable of understanding some of the Mitzvos, he is expected to fulfill them and we may not tell him otherwise. If he will observe the fast of Yom Kippur if instructed to do so, we must instruct him to fast.

However, as stated, if a *Shoteh* begins eating or drinking on Yom Kippur we have no obligation to stop him, for ultimately his actions stem from his inability to remember or recognize that eating and drinking are forbidden. Therefore, one needn't prevent an Alzheimer's patient from eating on Yom Kippur as he only does so because he does not appreciate what day it is.

The question of whether caregivers may actively provide forbidden items (such as food on Yom Kippur) to *Shotim* is a more complex issue. In the advanced stage of Alzheimer's disease, when the patient needs to be fed by others, would his caregivers be permitted to feed him on Yom Kippur since he would not actually be endangered by fasting?

In general, it is forbidden to feed a person forbidden food. This prohibition is known as *Sefiya*. *Chaza"l* explain that the Pasuk which forbids ingesting *Sheratzim* ("creeping animals", including insects and bugs) – "*Lo Sochlum*" ("do not eat them"), can also be read "*Lo Sa'achilum*" ("do not feed them [to others]"), thus prohibiting adults from feeding *Sheratzim* (or other forbidden foods) to children (*Yevamos* 114a). Whether the prohibition of *Sefiya* is a *mi'd'Oraysa* or *mi'd'Rabbanan* is a matter of discussion, but all the *Rishonim* agree that it applies to all of the *Issurim* in the Torah³.

Most Poskim agree that the prohibition of *Sefiya* is not limited to placing forbidden food into a child's mouth, but applies equally to instructing or commanding him to eat it. However, some contend that this is only an *Issur d'Rabbanan* (even if actively feeding him is an *Issur d'Oraisa*).⁴

Aside from the *Issur* of *Sefiya* to a child, the *Rishonim* and *Acharonim* also discuss whether there is an *Issur* of *Sefiya* to a *Shoteh*. The *Rashba* (*Gittin* 55a) holds that *Sefiya* does apply to a *Shoteh* as does *Rabbenu Yerucham* (18:3, cited by the *Beis Yosef*

³ As stated by *Rashi* (*Yoma* 78b s.v. *Inshi*), the *Ramban* (*Vayikra* 21:1), *Rashba*, *Ritva*, *Ran* (*Shabbos* 153b) *et al.* See also *Kovetz Hearos* 75.

⁴ See *Yabia Omer* 2, O.C. 13:2 who cites the various opinions in this regard.



Y.D. 157:3). This is also the conclusion of the *Shulchan Aruch* (O.C. 267) who discusses whether a person who is traveling on Erev Shabbos and will not reach the city in time for Shabbos should place his purse of coins on his donkey or hand it to a non-Jew, child or *Shoteh*. The *Shulchan Aruch* rules that if it is a question of an *Issur d'Oraisa*, he may not hand the purse to a child or *Shoteh* because of the *Issur* of *Sefiya*. (See *Se'if 6 ibid.* and *Mishna Berura ad. loc.*) This matter is also discussed extensively by the commentators on the *Shulchan Aruch* in *Orach Chaim* 343 – see the *Pri Megadim ad. loc.*⁵

However, others contend that there is no *Issur d'Oraisa* of *Sefiya* to a *Shoteh*. The *Shivas Tzion*⁶ (4) explained that *Sefiya* only applies to a child, as he will ultimately become obligated in Mitzvos when he reaches adulthood. Therefore, one should not cause him to violate prohibitions even while he is a minor and not yet obligated. A *Shoteh*, by contrast, is unlikely to be suddenly cured and obligated in Mitzvos. Therefore, Mitzvos are of no relevance to him and there is no *Issur Sefiya*. Moreover, according to the *Chasam Sofer* (O.C. 83 & *Yevamos* 114a), the reason for the *Issur* of *Sefiya* is to avoid a child becoming accustomed to transgressing *Issurim*. This is not a concern regarding a *Shoteh* who will likely never be required to avoid *Issurim*.

Regarding fasting on Yom Kippur, the same distinction can be drawn between a child and a *Shoteh*. In fact, according to some Poskim, there is no *Issur* of *Sefiya* to a child on Yom Kippur at all because he has absolutely no obligation to fast.⁷ It is only regarding *Issurim* such as *Neveila* (meat of an animal that has not been ritually slaughtered) which will never be considered a “permitted item” that the *Issur* of *Sefiya* applies.

The *Shu"t Zichron Yosef*⁸(6) suggests two reasons why there is no *Issur* of *Sefiya* to a child on Yom Kippur. Firstly, food on Yom Kippur is not an inherently forbidden object – it is only forbidden because of the restrictions of the day. Since those restrictions do not apply to a child who has no obligation to fast, there cannot be an *Issur* of *Sefiya*. Secondly, it may be dangerous for a child to fast and it is self-evident that there cannot be an *Issur* of *Sefiya* in a case of *Pikuach Nefesh*.

⁵ See also the *Minchas Chinuch* in *Mitzvos* 5:4, 9:4, 11:18, 17:14 & 20.

⁶ R' Shmuel Landau (1750-1834), the son of the *Noda b'Yehuda*

⁷ See *Yoma* 82a and *Gemara ibid.*, *Rashi ad. loc.* and *Shulchan Aruch* O.C. 616. See also *Mishna Berura* (*ibid.* 5) in the name of the *Magen Avraham* regarding a child who has reached the age of *Chinuch*.

⁸ R' Yosef b. Menachem Steinhart (1720?-1776), Bavaria



The question of *Sefiya* to a *Shoteh* on Yom Kippur will depend on these two approaches. If there is no *Issur* of *Sefiya* when the person in question has no obligation to fast, the same will be true of a *Shoteh*. But if it is a question of *Pikuach Nefesh* then perhaps there would be an *Issur* of *Sefiya* to a *Shoteh* who, unlike a child, is not always endangered by fasting.⁹

The *Chelkas Yoav* (1, O.C. 1) adds an additional reason why the *Issur* of *Sefiya* to children does not apply on Yom Kippur. Since the Torah says that the reason for afflicting oneself on Yom Kippur is for atonement, and children are exempt from Mitzvos due to their immature intellect and therefore have no need for atonement, there cannot be an *Issur* of *Sefiya*. The same would apply to a *Shoteh*.

One further explanation is offered by the *Chachmas Shlomo* (*Gilyon Shulchan Aruch* 611). The Mitzva of afflicting oneself on Yom Kippur is defined as avoiding eating or drinking that leads to "*Yesuvei Da'ata*" – calmness and composure of mind. The *Chachmas Shlomo* contends that since a child does not have "*Da'as*" (intellect), he cannot have *Yesuvei Da'ata* by definition, therefore, there is no *Issur* to feed him on Yom Kippur. Rav Yitzchak Zilberstein *Shlit"a* notes that the reasoning of the *Chachmas Shlomo* would apply to a *Shoteh* as well.

However, as Rav Zilberstein notes, the explanation of the *Chachmas Shlomo* is difficult to understand. The concept of *Yesuvei Da'ata* surely has nothing to do with intellect, as the Torah certainly did not command a person to be bereft of his intellect on Yom Kippur! Rather, an absence of *Yesuvei Da'ata* refers to the feelings of hunger (that tend to confuse a person) which are also experienced by a child or indeed a *Shoteh*.

Rav Zilberstein concludes that since there are reasons to forbid *Sefiya* to a *Shoteh* on Yom Kippur, a person who is caring for an elderly senile person (who is considered a *Shoteh*) should not actively feed him on Yom Kippur. Instead, he should set the food out before the onset of the fast and allow the patient to take the food and feed himself. If he is unable to do so, a non-Jew should be hired feed him.

Rav Moshe Sternbuch *Shlit"a* (*Teshuvos v'Hanhagos* 4:150) also discusses the question of feeding an Alzheimer's patient on Yom Kippur. He notes that although

⁹ This is the conclusion of the *Sefer Mikraei Kodesh* (*Yamim Noraim, Hearos Harerei Kodesh* 43) who notes that the *Zichron Yosef* did not rule leniently purely based on the first approach but added the argument of *Pikuach Nefesh* as well which does not apply to a *Shoteh*.



there may be an *Issur of Sefiya* to a *Shoteh* in general, an Alzheimer's patient who is not cognizant of Yom Kippur at all and "doesn't know his right from his left" is in a lesser state than the average *Shoteh*. In fact, he is similar to a baby and his acts are akin to "*Misaseik*" (wrought with no intention whatsoever), and eating on Yom Kippur is not even a "*Nidnud Issur*". The *Issur of Sefiya* does not apply to a person in this state, though one should still not feed him forbidden foods such as *Neveila* or blood.¹⁰

Furthermore, a *Shoteh* may not be capable of communicating to us that he is feeling ill. If we do not feed him (or even if we feed him "*Shiurim*"¹¹), he may be endangered and will not inform others that he needs to eat.

Rav Sternbuch concludes that if a decision is taken to feed a *Shoteh* on Yom Kippur, it is better to hire a non-Jew to do so¹². If this isn't feasible, one may be lenient and feed him directly since his condition is unclear and he isn't capable of communicating how he feels. Rav Chaim Brisker permitted a person with a certain respiratory disease whose condition would be improved by eating to eat on Yom Kippur. In this case too, any change in a *Shoteh's* diet may worsen his condition, though a doctor should be consulted in each case, as every case is different.

Elsewhere (*Teshuvos v'Hanhagos* 5:193) Rav Sternbuch adds an additional explanation. He contends that if the person has no enjoyment ("*Hana'as Grono*") from eating, it is not considered *Hana'ah* – and it is as though he is eating in his sleep. There is only an *Issur* of eating on Yom Kippur (or of eating any forbidden foods) where there is *Hana'as Grono* (see *Achiezer* 3:61), therefore, if a person is not cognizant that he is eating, he is not transgressing and it is permitted to feed him. Though one should refrain from feeding him forbidden foods such as blood or *Sheratzim*, as they harm the soul even when ingested accidentally or unintentionally, eating on Yom Kippur in this fashion does not harm the soul. The *Issur of Sefiya* to a *Shoteh* on Yom Kippur only applies to a *Shoteh* who is still somewhat cognizant of his acts and who therefore experiences *Hana'as Grono*.

¹⁰ See *Rema Y.D.* 81:7.

¹¹ I.e. small amounts of food and drink (less than the prohibited *Shiurim*) in intervals that are longer than *K'dei Achilas Pras*. (See *Shulchan Aruch O.C.* 618:7-8.)

¹² Rav Moshe adds that he is not certain that hiring a non-Jew is necessarily effective in avoiding the *Issur of Sefiya*. Perhaps it is still considered *Sefiya* since one instructed the non-Jew to feed the *Shoteh* who cannot feed himself, even though the non-Jew is not considered to be one's *Shliach*.