JEWISH LAW LIVE SHLOMO M. BRODY

Celebrating Jewish rituals may be crucial to maintaining their sense of purpose



ONE SHOULD not hand a little child a cheeseburger. (Amirali Mirhashemian/Unsplash)

The holiday season and dementia

he Tishrei holiday period is a meaningful period of spiritual reckoning, religious growth, and joyful celebrations. For people caring for loved ones with dementia, it can also create difficult struggles as our regular schedule changes with extended prayer services, meals, and work limitations. One must balance one's own needs alongside the obligation to provide care for loved ones. The following are some general guidelines to help people succeed in these goals.

As a general rule, Jews are only obligated in *mitzvot* when they are mentally capable of understanding their significance. Toddlers are not required to keep the commandments, for example, but older children are trained to observe the rituals until they mature into a bar or bat mitzvah (which literally means "obligated in the commandments").

In the earliest stages of dementia, people generally remain cognizant of the calendar and the meaning of these special days. As such, they are required to keep the mitzvot. It's also beneficial for them to keep their meaningful lifestyle and maintain their regular habits. As much as possible, they should go to *shul*, hear *shofar* blowing, eat in the *sukkah*, and fast on Yom Kippur (barring other medical considerations).

Should they briefly forget about the holiday, they should be gently reminded about this sanctified time. Celebrating Jewish rituals with their families or friends may be crucial to maintaining their sense of purpose.

When rituals like shofar blowing or waving the Four Species can confuse the person with dementia, or cause harm to their routine and orientation, they then become exempt from these mitzvot. In this respect, dementia becomes complicated because a person's cognitive state can vacillate, especially upon entering midstage dementia. Their behavior may sometimes also become erratic, making it difficult to bring them to synagogue services. Shul communities should do their best to be inclusive and help accommodate people with distinct behavior patterns. Maintaining these rituals may be critical for their well-being and that of their family. That said, there is certainly no obligation to bring people with dementia to synagogue if extreme behavior will embarrass them or their family.

Similarly, if people with dementia have difficulty sitting or eating in a sukkah, they are exempt from this ritual. Their family member may also eat indoors with them during the time of caregiving. In all cases of early or mid-stage dementia, judgment calls should be made in consultation with healthcare providers and a rabbi about what is appropriate or meaningful in their particular state.

Once the condition advances to late-stage dementia, they are no longer able to appreciate the sanctified days on the calendar and are totally exempt from mitzvot observance. This includes rituals like shofar blowing and dwelling in the sukkah, along with the obligation to fast on Yom Kippur. The focus now remains exclusively on maintaining their physical and emotional well-being. Of course, there is no problem with their presence in any ritual settings, but there is also no demand to include them.

<u>ONE POTENTIAL</u> complication is when people with dementia require someone to help them eat, as is often the case. In general, Jews are not supposed to help someone perform a forbidden action. This even includes young children, who are not obligated in the mitzvot. For example, a person should not hand a little child a prohibited cheeseburger to eat, even though that child would not be liable for his or her actions. In fact, as much as possible, we are supposed to take away the forbidden item and prevent children from doing any forbidden actions. (For this reason, one should generally not hint or "nudge" a child to flip a switch on Shabbat). Accordingly, one could assert that one might similarly not be allowed to actively feed children on Yom Kippur. Instead, the food should be left out for them to consume.

This position, however, has not been adopted on Yom Kippur, for a variety of reasons. Firstly, some asserted that there is only a prohibition to feed someone food that is inherently forbidden, like a cheeseburger. Kosher food, which is forbidden for adults on Yom Kippur, may be given to kids as there is nothing inherently wrong with these items. Others add that it is not inevitable for a child to eat a cheeseburger and therefore should be prevented; yet eating at some point on the 25-hour holiday, on the other hand, is expected, and therefore there is no notion to avoid feeding children. Furthermore, the entire purpose of the fast - to achieve atonement for sins - is not relevant for those who aren't held liable for their actions. Finally, on the most basic level, it would be unhealthy for children not to eat, and Judaism always prioritizes preserving life over ritual observance. As such, parents directly feed their young children on Yom Kippur.

By analogy, many decisors like Rabbi Moshe Sternbuch have drawn the same conclusion for people with advanced dementia, since the same rationales can justify directly feeding them. This is especially so, since their communication skills are weak, and we won't fully know the consequences of not feeding them. That said, when a non-Jewish caregiver is available anyway, some decisors prefer that he or she should provide the food on Yom Kippur, since he/she is not obligated to fast. Yet at the base level, any caregiver should do everything necessary on Yom Kippur to ensure the health and nourishment of people with dementia.

Overall, we see how Halacha seeks to keep people with dementia in the world of mitzvot for as long as possible, while always doing everything to protect their physical well-being.

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