

לוקוטי ופסקי הלכות "חוקי חיים"

ותלמוד
התקף תמיד
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שכונת מנחת יצחק פתח"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

Please do not
read during
davening or
Krias HaTorah

Children and Mitzvos – 1

Ki Seitzei 5786

387

Chinuch of Children for Mitzvos

The Breeding Ground for Future Generations

1. The most basic foundation of Klal Yisroel's existence throughout all generations, and particularly in our challenging generation, rests on the kedusha of the Jewish home and the enormous responsibility parents bear in the chinuch of their offspring. The mitzva of chinuch is not simply a defined halachic obligation; it serves as the spiritual fortification ensuring the continuity of the chain of generations in the path of our holy Torah and mitzvos.
2. Chinuch of children includes chinuch in Torah values and pure hashkafos faithful to our holy Torah. It also includes specific, practical, and fundamental halachos pertaining to every Jewish home at every moment, ranging from the dining table and how to act on Shabbos and Yom Tov to the details of day-to-day conduct.
3. With an understanding of the great necessity to present the clear, practical halacha, we are introducing a series of issues on the halachos pertaining to chinuch of children, their fulfillment of mitzvos, preventing them from issurim, and how they relate to the practical halacha with the reality of our times, e.g., preventing melacha on Shabbos, how long to wait between fleishigs and milchigs, giving a non-Jew's milk to a baby, feeding a child on Yom Kippur, eating before davening, etc. etc. We will start with some principles about this mitzva.
4. May it be Hashem's will that our words be accepted, and that in the zechus of raising the issue and keeping the halachos pertaining to children, we should see children and grandchildren involved in Torah and mitzvos with kedusha, tahara, desire, passion, enthusiasm, and joy.

Who Is Obligated?

5. The fulfillment of Torah and mitzvos was given to people with awareness and the capacity to have obligations. We find multiple sources and reasons for this in the words of the poskim.
6. "איש." Some cite as a source the many instances of the word "איש" regarding the fulfillment of mitzvos, the issurim of the Torah, and punishments. Chazal interpret the word "איש" to exclude children (גמ' סנהדרין דף ס"ח ע"ב, ב"ב דף קנ"ה ע"ב). Some cite this as the source that children are patur from punishments and mitzvos (תוס' סנהדרין דף נ"ד ע"ב, רע"ב אבות ה' כ"א).
7. **Logical reason.** Some say it stands to reason logically. The Torah is a commandment to take on responsibility and mitzvos, and one cannot give commands to someone without a developed awareness or an independent mind capable of understanding the significance of his actions. A child's intellect is not complete or mature enough to take on the Torah's commands (not complete or mature enough to take on the Torah's commands (נבוכים ח"ג פ"ז, ובפיה"מ, ריטב"א מגילה דף י"ט ע"ב ד"ה חוץ רמב"ם מורה) (תוס' סנהדרין דף נ"ד ע"ב, רע"ב אבות ה' כ"א).
8. **Halacha l'Moshe miSinai.** It is clear to all that a day-old infant cannot fulfill mitzvos. Thus, there must be some age at which a person enters the world of obligations. Just as the Torah established measurements for everything, e.g., a k'zayis, k'beitza, amah, etc., the Torah also established a "measurement" for the age of obligation in mitzvos. It is a halacha l'Moshe miSinai that the age of thirteen for a boy and twelve for a girl along with two adult hairs are the requirements to become a gadol and have a d'Oraisa obligation in mitzvos (שו"ת הרא"ש כלל (ט"ז סי' א', מהרי"ל סי' נ"א).

The Chiyuv and Mitzva of Chinuch

9. **D'rabanan.** Although children do not have a d'Oraisa obligation in mitzvos, it is clear from the Gemara and poskim that there is a mitzva of chinuch. In other words, children must be trained to perform mitzvos according to their level of understanding. The mitzva to train children in mitzvos is d'rabanan (רש"י ונוס' ד"ה איהו, רש"י סוכה דף מ"ב ע"א ד"ה חייב בלולב), and Chazal associated it with various pesukim in the Torah (ח"א כלל ס"ו ס"ב).
 10. "ולמדתם אותם." Some say Chazal derived the mitzva of chinuch from the pasuk (דברים י"א, י"ט), (דברים י"א, י"ט).
 11. **Avraham Avinu.** Similarly, some understand Chazal derived it from the pasuk (בראשית י"ח, י"ט) about Avraham Avinu: "כי ידעתיו" (משך חכמה שם) "למען אשר יצוה את בניו ואת ביתו אחרייו ושמו דרך ה'".
 12. "חנוך לנער." Another pasuk cited as a source for the chiyuv of chinuch is (גמ' סוכה דף מ"ב ע"א, (מ"ב ע"א) "חנוך לנער על פי דרכו" (משלי כ"ו, ו').

D'rabanan Mitzvos

13. There is a chiyuv of chinuch even for d'rabanan mitzvos, whether mitzvos based on something in the Torah or mitzvos that are enactments of Chazal not based in the Torah (שו"ע סי' ק"ז סי"א) (ומב"ש שם, וע"פ מ"ב סי' קפ"ד סק"ד). There is also a chiyuv to stop children from doing d'rabanan issurim (מ"ב סי' שמ"ג סק"ג).

Mother's Chiyuv in Her Children's Chinuch

14. **Keeping mitzvos.** Some poskim say a woman is not obligated in her children's chinuch (תוס' יומא דף פ"ה, מג"א סי' שמ"ג סק"א, מחצה"ש שם, (שו"ע הרב סי"ד) [this is understandable according to the reason that chinuch is a halacha l'Moshe miSinai only given to the father (see above, 8)]. Even if a woman is patur, she still fulfills a mitzva in her children's chinuch (מ"ב סי' תר"ז סק"ה, מטה אפרים שם אלף למטה סק"ה).
15. However, most poskim hold a woman is also obligated in her children's chinuch for mitzvos (מ"ב סי' תר"ז סק"ה, סי' (תר"ם סק"ה, חקרי לב סי' ק"ה (א"ר סי' ת"ה אות ד', מ"ב שם סק"ה) ל"ע, (תוס' סנהדרין דף נ"ד ע"ב, רע"ב אבות ה' כ"א).
16. **Yiras Shamayim.** With respect to yiras Shamayim and matters of avodas Hashem and pure hashkafos, all agree the mother is also chayav in her children's chinuch, as the posuk says, "ואל תטוש" (חוט שני ח"ד פצ"ה סק"א) "תורת אמן".

Chinuch of Daughters

17. Just as there is a mitzva of chinuch for sons, there is a chiyuv of chinuch for daughters in their mitzvos (שו"ע פסחים דף פ"ח ע"א, (מח"ש סי' שמ"ג סק"ב, מ"ב שם סק"ב, משך חכמה שם).

Reason for the Mitzva of Chinuch

18. The reason for the mitzva of chinuch is to accustom children to kedusha and grant them habits of kedusha so that when they reach the age of mitzvos, they will be used to it and ready to fulfill them properly according to halacha (רש"י סוכה דף ב' ע"ב ד"ה מדרבנן, חגיגה דף ו' (ר"ע ד"ה קטן, ריטב"א מגילה דף י"ט ע"ב (מאירי חיבור התשובה מאמר א' פ"ג), so there is a chiyuv to train both sons and daughters, each in the mitzvos commanded to them.

נתרם דרג שמת לידת הבת
לידינו הרח"ג ר' חיים משה הכהן שטערן שליט"א
שו"מ בישיבת מיר ירושלים
ברכת מול טוב שלוחה לאביו הרח"ג ר' דוד שליט"א
ולחמיו מורינו הרב שליט"א
הקידוש תתקיים א"ה שבת פ' כי תצא
בביהמ"ד "קהל אברכים" רח' תובל 1 שחרית 9:00

"The Cheder Horoah" | 20 Minchas Yitzchok St. Yerushalayim | paskenshtibel@gmail.com

Opening times: Sun. – Thurs. 5:00pm till 8:00pm | Fri. 10:00am till 11:00am and from 1 hour before candle-lighting

19. There are halachic differences between the mitzva to give a child chinuch in performing mitzvos asei and the halacha that one must stop a child from doing issurim. These halachos depend on multiple factors: **1.** The child's stages of development and understanding of his actions; **2.** How the issur is done: is the child doing it on his own and for himself or are adults actively providing the issur to the child? **3.** The identity of the person: is the chiyuv to stop a child only on the parents or on everyone? Because of this, we will begin by defining some principles on the topic which will serve as a cornerstone for the various halachos we will discuss as we continue this series, focusing on things that apply on a daily basis.

- ### Stopping Him from Doing an Issur

- ## Issur to Actively Feed Forbidden Food

24. Although the chiyuv of children's chinuch in performing mitzvos begins when a child reaches chinuch age [approximately six years old (above, 21)], and the chiyuv to stop a child from doing an issur begins when he understands the significance of someone teaching him it is assur to do something [approximately three years old (above, 23)], there is an issur d'Oraisa to feed or actively give issur to a baby or to have him do a forbidden action, even if he is one day old. This is paskened in Shulchan Aruch (או"ח סי' שצ"ג).

25. The Gemara learns this issur to feed from multiple pesukim in the Torah, e.g., "לֹא תֵאָכְלוּ" in the context of insects (מִיב) and ויקרא י"א, "Do not feed them" to children (לֹא תֵאָכְלוּ). Similarly, the pasuk says, "לֹא תֵאָכְלוּ" (גמ) יבמות דף ק"ד ע"א. Similarly, the pasuk says, "לֹא תֵאָכְלוּ" (ויקרא י"ז, "ד") "תֵאָכְלוּ" and Chazal darshen, "Do not feed it to children." Similarly, the pasuk says "אִמּוֹר וְאָמַרְתָּ" (ויקרא כ"א, א') "אִמּוֹר וְאָמַרְתָּ" to caution gedolim about the children, i.e., not to allow a child Kohen to become tamei meis.

26. **Not to create a habit.** Some say the reason for the issur to actively feed assur food to a child is so that one does not accustom him to doing aveiros, which will lead him to want to do those aveiros even when he grows up (תרומת הדשן כתבים סי"ב).

27. **גזירת הכתוב.** However, others hold it is a decree of the Torah without a known reason (חת"ס א"ח סי' פ"ג, שו"ת אחיעזר סי' פ"א).

28. **Assur.** Some say the issur to feed a child assur food applies even if it is only an issur d'rabanan (רמב"ם פ"ז מאכ"א הכ"ז, תוס' ר"ה דף ל"ג). The Shulchan Aruch seems to hold this way (ס' שמ"ג), as does the Shach (י"ד סי' פ"א סקכ"א).

29. **Mutar.** Others say there is no issur to feed a child something assur d'rabanan if the child needs it, even if the child already reached the age of chinuch (רשב"א בשבת דף קכ"א ד"ה ש"מ, ר"ן יומא). (פ"ח, מג"א סי' ש"מ סק"ה, הגרע"א מזהד"ק סי' ט"ו, שו"ע הגר"ז ש"מ סי' ס"ז).

30. **In practice.** In principle, the poskim are machmir l'chatchila not to give even an issur d'rabanan to a child. However, if there is a great need or if it is for a mitzva purpose (רע"א שם) and for the child's needs, there is room to rely on the meikel opinions (ביאה"ל סי' שמג).

31. **On his own.** If a child eats forbidden food for his own enjoyment or does forbidden melacha on Shabbos for his own purposes, one is not obligated to rebuke and stop him if he does not have the capacity to understand, e.g., he is less than three. Even his father and mother do not need to stop him—even if it is an issur d'Oraisa—as he does not have understanding and he is acting for his own purposes and of his own accord (רמב"ם פ"ז מאכ"א הכ"ח, [שו"ע או"ח ס" שמו"ג ומ"ב ס"ם]).

- ## Over Three, for Himself

- ### For an Adult

37. If a child does assur melacha on Shabbos for the benefit of a gadol, he must be stopped from doing the melacha (שׁוֹרֵעַ אִיּוֹחַ סִי) even if he cannot understand and is less than three, and even if he was not asked to do it. Other people's chiyuv to stop him is a chiyuv d'rabanan, while his parents' chiyuv to stop him from doing melacha is d'Oraisa, as a father is commanded to ensure his children who are ketanim do not do melacha (עֲשֵׂה צֶדֶק שְׂמִיךְ סְכֵנִי. שׁוֹרֵעַ חֶתֶם אִיּוֹחַ סִי פֶּגֶס).

38. **Assur food.** It should be noted that according to some, even when there is no halachic chiyuv to stop a child from eating something assur, it is proper to prevent him from eating assur foods because these foods cause “timtum halev” [a negative spiritual effect] and cause the child to have a bad nature (מרהי"ל (יבמות פ"ד ס"ז, ש"ך י"ד סי' פ"א סקכ"ו). Because people are not so careful about this today, many children abandon the Torah path for a bad path, do not have yiras Shamayim, and do not accept rebuke or mussar (פ"ח סי' פ"א סקכ"ו) (פ"ח סי' פ"א סקכ"ו).

Only Ketanim

39. The mitzvah of chinuch is only for ketanim, who do not have their own obligations. A gadol child, however, has already left his father's domain and has his own chiyuv to keep the mitzvot and issurim. Thus, the father is patur from the chiyuv of chinuch (גמ' (נזיר כט: וברא"ש שם, ב"י וב"ח סוף ס' רצ"ו, מפ"נ או"ח ס' ל"ז א"א סק"ד).

40. All this is only with respect to the chiyuvim of the mitzva of chinuch. However, a father still has a chiyuv to correct his son if he sees his son not acting properly. If a father does not object to his son, the father is punished. He is no worse than any other Jew, and Chazal say (גמ' שבת דף נ"ד ע"ב) that whoever has the ability to object to the members of his household and does not do so is held responsible for their aveiros (מ"ב סי' רכ"ה סק"י). Whoever is not careful with his children and household members and does not caution them and constantly oversee their ways until he knows they are free of any aveiros is a sinner, as the pasuk says, "וּפְקֹדֶת (רמב"ם סוף הל' סוטה, שיע' אבה"ע"ו סי' קע"ח סכ"א) "נוֹךְ וְלֹא תִחְסֹא