



Parshas Pinchas 5767

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Children and Issurim

May one instruct a child to violate the Shabbos?

The *posuk* says **לא תעשה כל מלאכה אתה ובןך ובתך** (*Sh'mos* 20:10) and *Rashi* explains that this *posuk* teaches that adults must ensure that children (under *bar mitzvah* age) adhere to the laws of Shabbos.

Does this mean that all adults must prevent children other than their own from violating Shabbos?

There is a difference between prevention - *chinuch* (teaching) and handing an *issur* or instructing to perform an *issur*. We will be" H define each category.

Handing a child an *issur d'oraissos*

The *posuk* refers to instructing the performance of an *issur* or handing a child an *issur*. Although the *posuk* says **your** son and daughter, the *halacha* does not make a distinction and it is *osur* for all people to hand an *issur* to a child.

We likewise find in the *Rambam*¹ that one may not give a child a non-kosher item, even if the child has no understanding.² This offence is of biblical nature.³

Consequently, instructing a child to turn on a light, cook food and sort items (*borer*) is *osur mid'oraissos* and is surely not something lightly treated.⁴

Handing a child an *issur d'rabanan*

The *Rambam* writes that one may not hand a child an *issur* even if it is only *osur mid'rabanan*

and one may not "get the child accustomed to" violating Shabbos even with *issurei d'rabanan*. The *Mishna Berura* says⁵ for example that one may not instruct a child to carry a key through a *carmelis*, even though it is only a *reshus harabim d'rabanan*.

On a side issue – handing a child a non-kosher item of rabbinic nature cannot be an *issur d'oraissos* because biblically the item is not *osur*.

Yet the *poskim* discuss the issue of **לפנֵי עֹוֹר**, placing an obstacle before another person, where the *issur* is the obstacle. It is possible that causing someone to violate an *issur d'rabanan* is an *issur d'oraissos* of **לפנֵי עֹוֹר**, because an *issur d'rabanan* is also an obstacle.⁶

A child acting on behalf of an adult

When a child is about to violate an *issur* on behalf of or for an adult, the adult must prevent the child from doing so.

For example, a child sees his father trying to read a *sefer* in the dark and walks towards the light switch to turn it on. The father is obligated *mid'oraissos* to prevent him from turning on the light.⁷

When a child is about to violate an *issur d'oraissos* for an adult other than his parent, that adult is rabbinically obligated to prevent the child from doing so.⁸ We now see that the *posuk* **לא תעשה כל מלאכה אתה ובןך ובתך** also refers to a child acting on behalf of a parent, even though the parent did not assign the child the *issur* or instruct him to violate it.

⁵ *Simon* 343:6.

⁶ It depends on whether **לפנֵי עֹוֹר** is a stand-alone *issur*, in which case it might be an *issur d'oraissos*, or whether it is an intrinsic part of each *issur*, in which case it will only be a *d'rabanan*.

⁷ *Sha'ar Hatsiun* *simon* 344:54.

⁸ *Sha'ar Hatsiun* *ibid*.

¹ *Hilchos Ma'achalos Asuros* 17:27.

² *Shulchan Aruch HaRav* *simon* 343:5, based on the *M"Z*.

³ *Shulchan Aruch HaRav* *ibid*.

⁴ See *Sha'ar Hatsiun* *simon* 344:54.

Preventing a child performing an issur

The *Shulchan Aruch* writes ⁹ that *beis din* (rabbinical court) is not obligated to prevent children from performing an *issur*, even an *issur d'oraissa*. In this case *beis din* refers to every Jewish adult, i.e. if one sees a Jewish child *chas v'shalom* eating a cheeseburger one need not grab it from the child and prevent the consummation thereof.

The *Rama*, however says that there are opinions (*Tosafos*) who rule that adults are obligated to prevent children (that have reached *chinuch* age) from violating an *issur* (even children other than their own).

The *Mishna Berura* cites the *Chayei Adam* as presenting the following compromise: if a child is violating an *issur d'oraissa* all adults must prevent the child from violating an *issur*. If the child is violating an *issur d'rabanan*, only the parent must prevent the violation.

Test yourself:

- You are walking in the street on Shabbos and you see an eight year boy old pulling leaves from a tree. Must you say something?
- You see a gentile handing non-kosher gum to a child, are you permitted to remain silent?
- You see a child carrying a tissue in a *carmelis*, are you supposed to say anything? ¹⁰

Chinuch

The *halacha* differentiates between the age of *chinuch* and basic understanding. *Chinuch* with regards to performing *mitzvos* such as *tzitzis*, *sukkah*, *lulav* etc. is according to each child and his understanding. It is hard to determine the correct age for each *mitzvah* and each parent should evaluate their child's comprehension. ¹¹ The *mitzvah* of *chinuch* is on the father and some say the mother. ¹²

⁹ *Simon* 343.

¹⁰ This case is more complicated, because when a child violates an *issur d'rabanan* for his own benefit the rule changes, as we will *be''H* see.

¹¹ For certain *mitzvos* *Chazal* set the limit, for example *Sukkah* – when a child does not need its mother.

¹² See *M''B* 343:2.

As for *issurim* we mentioned two opinions, one opinion holds that prevention (which derives from *chinuch*) is only on the parents and others hold that everybody is obligated thereto. This age is different than *chinuch* age and when a child understands what forbidden means, he must be prevented from violating an *issur*. For example, a baby/child enjoys turning a light on and off. If when told that it is forbidden he/she ceases, then one must educate not to turn it on. Obviously reasoning in this case is not the issue; it is merely an act of prevention. If the child does not understand even that, prevention is not mandatory.

Vort on the Parsha

The Slonimer Rebbe, the *Nesivos Sholom*, explains that the essence of mourning for the *Beis ha Mikdash* is not to come to terms with its destruction. Am Yisroel must continuously think about the *Beis ha Mikdash* and wish and hope for its reconstruction. The Rebbe from Kobrin would say that the worst is acceptance. To accept and come to terms with the fact that we can live without a *Beis ha Mikdash* is the greatest calamity, because as long as there is hope, it will eventually transpire, but when one gives up hope, all is lost.

Three times a day we pray for the rebuilding of Yerushalayim, which enhances the longing for the *Beis ha Mikdash*. The *Beis Avrohom* (Slonim) would say that longing for something is bigger than the thing itself and through longing for the *Beis ha Mikdash* Hashem will rebuild it.

It is during this three week period where we have the potential to broaden and increase our longing for the *Beis ha Mikdash*. May Hashem rebuild Yerushalayim and the *Beis ha Mikdash bimheira v'yameinu*.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p'sak*.