The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Jul 20 2024 ■ י"ד תמוז תשפ"ד
סימן שמ"ג סעיף א'

Overview

Siman 343 Seif 1:

If a minor is eating *neveilos bais din* is not obligated to restrain him but his father is obligated to rebuke him to prevent him (from violating a Biblical prohibition). **Feeding him something prohibited by hand is Rabbinically prohibited. It is also prohibited to accustom him to desecrate Shabbos or Moed, even regarding matters that are only Rabbinically prohibited.** Some maintain that this applies when the child has not reached the age of *chinuch* but if he did reach the age of *chinuch* they are obligated to restrain him. Some maintain that *chinuch* is not relevant to *bais din* and is limited to the father. A child who hits his father or violated another transgression while a minor, although he is not required to repent when he becomes an adult, nevertheless, it is appropriate for him to accept upon himself something as an expression of *teshuvah* and atonement even though he violated the prohibition before he was subject to punishment.

- The same is true regarding other prohibitions as well as *chilul* Shabbos but if he is doing it for the benefit of an adult it is certainly prohibited. (M.B. 1)
- One is obligated to educate them to fulfill *mitzvos* and certainly to restrain them from transgressing prohibitions. Some authorities maintain that even the mother is obligated in the *mitzvah* of *chinuch*. (M.B. 2)
- One must also restrain a child from transgressing a Rabbinic injunction but if a father does not restrain his son from violating a Rabbinic injunction we would not protest but if he does not restrain his son from violating a Biblical prohibition we protest so that the father will restrain him. Gra explains that there are times when a father may encourage his child to violate a Rabbinic injunction, i.e. when he needs it, for example, bathing and anointing on Yom Kippur. One must take the necessary steps to assure that his children do not become accustomed to improper character traits. The age of *chinuch* begins for each child as he reaches the age of understanding and has the capacity to perform the *mitzvah* but regarding prohibitions, as soon as a child understands when told something is prohibited he must be trained regarding that prohibition. Earlier than that a father is not obligated to restrain his son, however, he is not allowed to hand a prohibited item to his child, even if the child has no understanding whatsoever. (M.B. 3)
- This is prohibited for everyone even if the child has no capacity to understand. One may not give a child something prohibited to eat even if the adult intends that the child will play with that item. (M.B. 4)
- If the child requires it, for example, a child who is ill, it is permitted to have a gentile feed the child, even food that is Biblically prohibited. On Pesach we have a gentile transport the child to his home to feed him *chometz* and if the child cannot be transported the gentile may bring it to the Jew's home but the Jew may not touch the food. Additionally, one may not pay him ahead of time since by doing so he acquires the *chometz*. (M.B. 5)
- An example would be asking a child to transport a key through the public domain. (M.B. 6)
- Rema maintains that once the child reaches the age of *chinuch* it is incumbent upon everyone to restrain the child from sinning. Chaye Adam writes that regarding Biblical prohibitions one should be stringent about these matters but regarding Rabbinical matters only the father is obligated. (M.B. 7)
- A child who stole or damaged property should be punished so that he does not become accustomed to such behavior. Bais din should also restrain him from committing other interpersonal offenses but he does not have to repay for property that was stolen unless the stolen item remains intact. However, morally (לפנים משורת הדין) one should pay for damage inflicted on a person or his property. (M.B. 9)

Halacha Highlight

Benefitting from *melacha* performed by a child

Shulchan Aruch Siman 343 Seif 1
וכן אסור להרגילו בחלול שבת
It is also prohibited to accustom him to desecrate Shabbos

Shulchan Aruch rules that although people other than a child's father are not obligated to restrain a child from performing a prohibited act, it is prohibited to give a child prohibited food to eat. Mishnah Berurah (סק"ד) cites three *droshos* which teach that an adult may not give a child prohibited food or even instruct a child to perform an action that it prohibited. For that reason it is prohibited for an adult to hand a child something that is prohibited to eat, even as a toy, out of concern that the child will eat it. Even if a food or an act is only Rabbinically prohibited, it may not be handed to a child. Biur Halacha (ד"ה מדברי סופרים) notes that there is a dispute whether it is permitted to hand a child something that is Rabbinically prohibited if the child needs that item. However, since Shulchan Aruch did not draw any distinctions it would seem that he subscribes to the stringent position. Rema, however, relates that there are authorities who maintain that Shulchan Aruch's guidelines are limited to children who have not reached the age of *chinuch* but any adult must restrain a child who has reached the age of *chinuch* from transgressing a prohibition. Mishnah Berurah (סק"ז) cites Chaye Adam who rules that regarding Biblical prohibitions one should adopt the stringent position.

Shulchan Aruch also rules that one may not accustom a child to desecrate Shabbos even if the prohibition is only Rabbinically prohibited. Therefore, one may not ask a child to bring a set of keys, even if they would only be transported through a *karmelis*. Biur Halacha (סי' שכ"ה סע' י' ד"ה אינו) ruled that if a child performed a *melacha* for himself, it is permitted for an adult to benefit from that *melacha* on Shabbos but if the *melacha* was performed for the benefit of an adult, one may not benefit from that *melacha* until after בכדי שיעשו after Shabbos. Rav Yosef Shalom Elyashiv (מאור השבת ח"א סי' י"ח ס"ק י"ד) ruled that a child's action is always considered inadvertent since he lacks *da'as* and it is permitted to benefit from a *melacha* that he performed. The only exception is if he performed the *melacha* for his father, in which case it is treated as though it was performed intentionally.