

PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING PROJECT

# **Hilchos Shabbos Volume V**

## **Shiur 15**

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## Questions on Shiurim

### Question

On Shabbat, our cat knocked a perforated potted plant with a plate underneath it off its stand. The plant landed on the ceramic tile floor in tact, but upside down, with the perforated side facing the ceiling. What, if anything, could have been done with the pot/plant?

### Answer

There are two problems here. The first is that the plant absorbs through its top part and by turning it straight or moving it you will be disrupting that absorption.

The second problem is that the *halacha* considers pot plants *muktze*. Although there is a big debate as to which *muktze* category it falls into, nevertheless it is *muktze*. See the *SS"K* 26:2 and the footnote.

### Question

May a child carry sweets for himself to shul on Shabbos if he does not traverse a *reshus harabim d'oraisso*?

### Answer

A child is transgressing an *issur d'rabanan* for his own sake. Therefore, if the child is still of an age that he does not understand at all what he is being told one need not prevent him. If he is of education age and will understand that because it is Shabbos one should not carry outside, then a parent, on account of *דינו*, should educate him that it is *assur*. Rather place some sweets in shul before Shabbos and explain that because it is Shabbos the sweets are already in shul.

### Question

Why is it not *makeh b'patish* to unstick pages? Even if the wax was accidental, you are still "fixing" the *sefer*.

### Answer

When the pages have been separated before, the *sefer* is considered complete and ready for use. If subsequently it became stuck with wax then one is merely removing a disturbance. You would not say that removing a wrapper (that entirely surrounds a book) is called repairing or *metaken manna* just because it enables you to read the book.



## Laws Pertaining To Children on Shabbos

*Siman 343:1*  
*Part II*

### Education – חינוך

This section deals with

- Who is obligated to educate the child?
- From what age does education begin?

#### **Rambam**

The *Rambam* in *Hilchos* פי"ז הכ"ח says

*Even though Beis Din need not prevent a child from violating (an issur) the father has a mitzvah to reprimand his child and restrain him in order to educate him in the ways of holiness and abstention.*

We see that the *Rambam* holds that only the father is instructed to educate the child and prevent him from doing *issurim*.

#### **Tosefos**

On the other hand we mentioned above the opinion of *Tosefos* in *Shabbos* 121a 'שמע מינא' who learns that when a child reaches the age of education he must be restrained. The *Bais Yosef* learns that the *Tosefos* does not differentiate between the father of the child and other adults even though the preventative measures are based on חינוך – education.

Picking leaves

For example, you see a child happily picking leaves off a tree on Shabbos. According to the *Rambam* you may mind your own business and not involve yourself. According to the *Tosefos*, if he is of education age you must reprimand him (nicely) and explain that on Shabbos it is a forbidden act.

### Chayei Adam

The *Chayei Adam* כלל ס"ו ב' ה' says the following:

- The father (and some say the mother) must educate their child. This includes educating children to perform positive *mitzvos* – מצוות עשה, each *mitzvah* at the correct time according to the child's comprehension and ability to perform the *mitzvah*.
- Both the father and the mother are obligated to teach their children to refrain from violating offences – מצוות לא תעשה both *d'oraisso* and *d'rabanan*. The children's age in this category is younger than the age of מצוות עשה and therefore when the child understands not do something when told not to do it and he understands why he is not to do it, he must be educated in that vein.
- Some authorities learn (*Tosefos*) that although education for מצוות עשה is the father's responsibility, preventing the child from violating *issurim* when the child is of education age is everyone's responsibility.
- Some authorities learn that when the father does not prevent his child from violating an *issur d'oraisso* then *Beis Din* must reprimand the father but if the child violates an *issur d'rabanan* *Beis Din* need not reprimand the father.
- It is correct for everyone to prevent and reprimand children (including hitting) with regards to conduct between fellowman, for example stealing and causing damage.

### Shulchan Aruch HaRav

The *Shulchan Aruch HaRav* 343:2-4 says similar points as follows:

- The father (not the mother) must prevent his child from violating biblical and rabbinical offenses from the age when he understands that it is Shabbos. If he does not understand the reason for his abstention he need not be reprimanded.

**Agree**

The *Shulchan Aruch HaRav* and the *Chayei Adam* agree that the age is younger than the age of education for מצוות עשה. When he does not understand at all why he is prevented from doing a certain *issur* he need not be prevented.

**Do not agree**

They disagree as to whether the mother is obligated to educate.

The *Shulchan Aruch HaRav* did not mention that others may be *chayav* to educate as well.

**Mishna Berura**

The *M" B* 3 cites opinions that hold that education is the mother's responsibility as well.

The age of הינוך is the same as the above *poskim*.

The *M" B* 2 agrees that *Beis Din* must reprimand the father when he fails in preventing his child from violating an *issur d'oraisso*.

The *M" B* 7 explains the *Rama* who brings *Tosefos'* opinion that everyone must reprimand children that have reached the age of הינוך. He concludes with the חיי אדם that with regards to *issurei d'oraisso* one must be stringent and reprimand children even other than one's own from doing an *issur d'oraisso*.

Lashon Hara

The *M" B* 2 says that it is obvious that if one hears one's children speaking *lashon hara* or other forbidden manners of speech they must be severely reprimanded. If they are not taught to abstain from such behavior when they are young it will be impossible for them to abstain when they are older.

**Eating before Kiddush**

It is common practice to feed children before Kiddush on Shabbos day or sometimes permitting them to drink or eat before Kiddush on Friday night. Do the obligations of הינוך not apply?

**Shulchan Aruch HaRav**

The *Shulchan Aruch HaRav* 343:7 says that הינוך applies to prohibitions the child will have to abstain from as an adult, but it does not apply to things that he knows will not be applicable to him as an adult because now it is done for his own well-being. For example, a child knows that he is permitted to eat before Kiddush because as a child, his body cannot withstand abstention from food and drink for long periods. This will not apply to him as an adult because then his body will be able to withstand stress.

(This only applies to *issurei d'rabanan* but we are not permitted to hand a child *issurei d'oraissa* unless his life is in danger – פיקוח נפש).

This does not mean that one must or need not educate a child to wait for Kiddush; it means that since a child cannot wait for his father to come home from shul and only then eat, he may eat even before Kiddush and he need not make his own Kiddush. If the child can easily wait, the *mitzvah* of education applies here as well.

Fasting The same applies to fasting on fast days where a child need not abstain from food at all. There are certain ages where *הינך* does apply to fasts, see inside the *seforim*.

I think that the *Shulchan Aruch HaRav* is only referring to *issurim* that are based on a time factor such as eating before Kiddush or eating on fast days, but regular *issurei d'rabanan* such as eating food cooked by a gentile or extinguishing a fire, one may not instruct a child unless it is done for the sake of the child (and there is no other option) and a gentile is not present in which case he would feed the child or hand him the *issur*, as the *Shulchan Aruch HaRav* explicitly says in 343:6.

### Kiddush in shul

The *Shulchan Aruch HaRav* 6 says that even according to the opinions who permit handing a child an *issur d'rabanan* when it is for the child's sake, it is *ossur* to hand him an *issur* when it is for our sake. Nevertheless, when we require the child to do an *issur* for us, for example, to drink the wine in shul on Friday night,<sup>1</sup> it is permitted when it is not done so on a regular basis. (He explains that it is not a regular occurrence because sometimes there are guests in *shul* who will be hearing the Kiddush thereby negating the need for children to drink the wine). This *halacha* is based on the *M"A* in *siman* 269:1.

The distinction between whether it is done on a regular basis is made because there is fear that the child will continue doing the *issur* as an adult, but when it is not a regular occurrence, like drinking the wine at a *B'ris* on a fast day or on Shabbos, there is no fear that he will do so as an adult. See also the *Chayei Adam* 66:10.

This is very practical *halacha* and *be"H* we will deal with it later on.

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<sup>1</sup> He is drinking it for our sake because the child is not thirsty and he is being educated by his father to wait for Kiddush at home, *Shulchan Aruch HaRav*.

## SUMMARY

Before one asks a child to do an *issur* on Shabbos certain factors must be taken into account. Is it an *issur d'oraisso* or a *d'rabanan*; for the sake of the child; is the child doing it for the sake of an adult; is there an element of חינוך involved?

We will attempt to present several practical cases that involve children on Shabbos. Seeing that it is a difficult subject, it is advisable to receive specific halachic guidance for every case.

### Turning off lights

#### Question

Is one permitted to ask a child to switch lights off on Shabbos?

#### Analysis

Turning off lights on Shabbos involves according to the *Chazon Ish* an *issur d'oraisso* of *Soter* because one is disrupting an electrical current,<sup>2</sup> and an *issur d'rabanan* of putting out a metal fire.<sup>3</sup>

#### Answer

Accordingly, when the reason for wanting to turn off lights is to conserve electricity, if a parent is present, he must prevent the child on the account of חינוך and not permit his child to violate an *issur d'oraisso*.

A person other than the child's parent may not ask him to turn out the light because he would be instructing him to do an *issur*. Placing a small child's hand over a light switch should be a problem of ספיגה – handing him an *issur* even though he has no comprehension of an *issur*. If the child knowingly is doing it for the sake of an adult, the adult should prevent the child even if the child was not told to do it because the child is doing it to please the adult.

If the light is disturbing the child from sleeping and he is about to turn it off on his own accord, a person other than the parent need not prevent him. There might be room to say that the parent need not prevent him either (even on account of חינוך)

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<sup>2</sup> This in itself is a very problematic area. Although many *poskim* did not agree with the *Chazon Ish* as far as *Boneh* and *Soter* are concerned when closing and opening an electric circuit, it is common knowledge today that the *poskim* rule accordingly unless certain extenuating circumstances are involved.

<sup>3</sup> The filament inside an electric bulb when turned on is considered a גחלת של מתכת (a metal coal). Turning on such a light is 'making a fire – הבערה, and turning it off is only extinguishing *mid'rabanan*. This is because we learned that only the extinguishing of a fire to make coals is *osur mid'oraisso*, which is not applicable to a metal block.

because for a child we might rely on the *poskim* who say that it is only an *issur d'rabanan* and thus it might even be *muter* to tell a child to do so when it involves his well-being.

As we can see, many factors must be taken into account and it is not at all simple.

### The Light in the Refrigerator Was Left On

#### Question

One forgot to unscrew the light bulb in the refrigerator before Shabbos; may one ask a child to open the refrigerator door?

#### Analysis

Rav Shlomo Zalman was at a quandary as how to define the turning on of the light bulb that goes on when opening the refrigerator door. On the one hand one could define it as a *p'sik reisha* because it is an indirect action. On the other hand one could say that since it is rigged to work in that fashion, by opening the door, it is a direct action and not a *p'sik reisha*. The Rav leaned more to the latter; see the end of footnote 45 in the *SS"K* chapter 10 and chapter 31 footnote 1.

**Removing the plug** – might involve *Soter* when stopping the motor because one is disrupting a current. A plug rarely removed from the socket might also involve *Soter*. The plug is *muktze*, which is a *d'rabanan*.

#### Answer

1) If a gentile is present and he does not know that there is a light in the refrigerator, he should be told to open the refrigerator. If he knows that there is a light, although in the *SS"K* 31:1 he finds a way to instruct a gentile to open the refrigerator, in the *תקונים ומילואים* Rav Shlomo Zalman retracted this *heter*, see inside.

2) When the motor is idle and the plug is regularly removed from the socket during the week <sup>4</sup> one may ask a child to remove it. See the *SS"K* 10:14 and footnote 38. Taking food out of the refrigerator on Shabbos for the meals is a *mitzvah* and since it only involves an *issur d'rabanan* and it only happens occasionally, it is *muter*.

3) An adult may remove the plug using his wrists (when the motor is idle) thereby avoiding the problem of *muktze*. (According to the *Chazon Ish* one may not move *muktze* with one's body).

Closing the door of refrigerator or reinserting the plug is a problem, see the *SS"K* *ibid*.

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<sup>4</sup> *SS"K* 10:14 and footnote 39. However the *Binyan Shabbos* page 29 argues and says that a plug is a *ke'li* and never becomes part of the building thereby avoiding the issue of *Soter*.



### Charts

See the charts that are attached to the last shiur in order to gain a better synopsis of the *halacha*.

### Review Questions

1. In whose hands did *Chazal* place a child's education as far as negative commandments are concerned?
2. Is the child's mother also obligated to educate her child?
3. In which case must the *Beis Din* interfere even though the child has a father?
4. Is the public at large responsible for children's education?
5. Is a child permitted to eat before Kiddush and why?
6. May a child drink the Kiddush wine on Friday night in shul? Is it the same as eating before Kiddush?
7. Are there any limitations to a child drinking the Kiddush wine on Friday night?

## Review Answers

1. According to the *Rambam* the child's education is on the father's shoulders. According to the *Tosefos* if the child has reached education age it is on the shoulders of everyone to prevent him from doing an *issur*.
2. We find that it is a *machlokes* amongst the *poskim*.
3. If a child is violating an *issur d'oraisso* and the father is doing nothing about it, *Beis Din* reprimands the father that he should educate his child. If the child is violating an *issur d'rabanam* *Beis Din* need not reprimand the father.
4. According to the *Rambam* only the father is responsible for a child's education and according to *Tosefos* all adults are responsible. The *M"B* argues that with regards to *d'oraisso* all adults must take responsibility.
5. A child may eat before Kiddush because 'education' does not apply to areas which will not be applicable to the child when he becomes an adult. Since a child needs to eat regularly, *Chazal* did not institute *issurim* that are of time nature such as eating before Kiddush. (This has a lot to do with waiting to eat milky products after eating meat).
6. A child may drink the Kiddush wine on Friday night even though he is not drinking it for his own well-being. It is not the same as eating and drinking before Kiddush when done for his well-being. This is because *Chazal* did not institute *chinuch* when the child's welfare is at stake and not when adults need a child to do an *issur*.
7. According to the *Shulchan Aruch HaRav* a child may only partake of the Kiddush wine occasionally because it is for the sake of a *mitzvah*.