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Violation of Shabbat by Small Children

Question: Sometimes I see people encouraging their toddlers, when a need arises, to do things on Shabbat that would constitute chilul Shabbat for an adult. Is this permitted?

Answer: There are more permutations and approaches than we can discuss in this forum, but let us consider the basic opinions and guidelines.

Every mitzva has a stage at which a child is considered *higi'a l'chinuch*, one who has reached the point at which it is practical to educate him, and his father is then obligated to see to it.¹ Regarding negative commandments, a father should try to prevent

his child from doing prohibited acts even at a relatively young age.² However, a toddler lacks the pertinent understanding, and a father can allow a toddler to act as he wishes.³

Even when one need not stop a child from doing a prohibited act,⁴ it is forbidden (according to most opinions, by the Torah⁵) for anyone to feed him non-kosher food or encourage him to do a prohibited act.⁶ It is, however, permitted to put the child in a situation in which he may, of his own accord and interest, decide to do something forbidden, although perhaps only if it is forbidden on the Rabbinic level.⁷ For example, the *gemara*⁸ tells of one who lost keys to a *beit midrash* in the public domain. R. Pedat told him to take children to play where the keys were lost, with the hope they would find the keys, play with them, and bring them back.⁹ In contrast, the *mishna*¹⁰ requires one who sees a child extinguishing a fire to tell him to stop. The *gemara*¹¹ explains that this refers to a case in which the child was acting on his

¹. *Shulchan Aruch, Orach Chayim* 343:1.

². *Mishna Berura* 343:3.

³. See *ibid.*

⁴. For example, if the child is too young to be taught or if the adult in question is not the child's father.

⁵. See *Beit Yosef, Orach Chayim* 343.

⁶. *Mishna Berura* 343:4.

⁷. See *gemara* *op. cit.*; Rambam, *Shabbat* 24:11.

⁸. *Yevamot* 113b-114a.

⁹. See *Chut Shani, Shabbat*, vol. IV 95:3, who presents an apparent contradiction between this *gemara* and *Shabbat* 90a, which implies that one may not give a child something forbidden to eat even when there is only a chance that he will eat it. He says that it is permissible to bring a child to a place where he might perform a prohibition with an object that is there, but it is forbidden to give him the object.

¹⁰. *Shabbat* 121a.

¹¹. *Ad loc.*

father's behalf. The Mishna Berura¹² says that in such a situation, even a child who is not *higi'a l'chinuch* should be stopped.

There are some major pertinent *machlokot*. The Rashba¹³ and the Ran¹⁴ say that one may prompt a child to do something that is forbidden only Rabbinically. However, both refer to cases in which the child acts for his own purposes. The Rashba,¹⁵ for example, claims that the case described in the mishna about a child who was stopped from extinguishing a fire involved a Rabbinic violation, and yet the child was stopped because he was acting for the needs of someone else.

In contrast, the *Shulchan Aruch*¹⁶ is presumed to forbid prompting a child to violate even a Rabbinic prohibition, including when it is for his own purposes. However, many *poskim* justify relying on the view of the Rashba and Ran, at least in a case of the child's significant need.¹⁷ Rav Ovadia Yosef¹⁸ rules that in a matter in which there are legitimate opinions permitting an action for an adult and it is at worst a Rabbinic prohibition,

all would allow one to prompt a child to perform the action for himself.

Another disputed circumstance is one in which adults need the child to violate a Rabbinic law in order to enable the adults to fulfill a mitzva. There is a rule that one can ask a non-Jew to do something that is Rabbinically forbidden for Jews in order to allow a Jew to fulfill a mitzva or when there is a great need.¹⁹ The Taz²⁰ says that the same applies to asking a child to violate a Rabbinic prohibition under those circumstances. A famous example is the ruling of R. Akiva Eiger,²¹ who allows a child to carry a *chumash* to shul to read from, in a place where there is no *eiruv*, when it is an adult who has a real need to also use it there. *Yalkut Yosef*²² writes that one does not have to protest against those who rely on this opinion if a non-Jew is not available. A child may even act on behalf of an adult if the latter refrains from some matter just as a personal stringency.²³

Apparently, there are those who make use of their children on Shabbat more freely than others. As long as

¹². 334:64.

¹³. *Yevamot* 114a.

¹⁴. *Yoma* 1a of the Rif's pages.

¹⁵. *Shabbat* 121a.

¹⁶. *Orach Chayim* 343:1

¹⁷. *Shulchan Aruch HaRav*, *Orach Chayim* 343:6. See also *Shemirat Shabbat K'Hilchata* (ed. I) 32:39.

¹⁸. *Yabia Omer* I, *Yoreh Deah* 4.

¹⁹. *Shulchan Aruch*, *Orach Chayim* 307:5.

²⁰. *Orach Chayim* 346:6, based on the Mordechai.

²¹. *Ibid.*; see *Bi'ur Halacha* to 343:1.

²². *Dinei Chinuch Katan* p. 228.

²³. *Yalkut Yosef* op. cit.

they do so in a careful way, ensuring especially that the action does not involve any Torah violations, they have legitimate halachic opinions upon which to rely.

