

TALMUDIC METHODOLOGY
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Shiur #23: Who is Obligated in the Mitzva of *Chinukh*?

Although a *katan* less than 13 years old is exempt from *mitzvot*, the Rabbanan instituted a mitzva to train him in mitzva performance, - the mitzva of *chinukh*. Did the *Chakhamim* obligate the minor **directly**, and the father merely facilitates his son's obligation? Or did the *Chakhamim* impose the mitzva **upon** the **father**, perhaps as a component of the father's own mitzva fulfillment?

Rashi (*Berakhot* 48a) clearly states that the mitzva is imposed upon the parent and not the child, and the Ramban (comments to *Megilla* 4a) also indicates that the mitzva of *chinukh* is mandated to the parent and not the child. In fact, viewing the mitzva as incumbent upon the child is a very provocative concept. Since the mitzva of *chinukh* is clearly Rabbinic in nature, the notion of the Rabbanan introducing a halakhic mandate to a child who is otherwise exempt from the halakhic system is somewhat questionable.

The most obvious *nafka mina* of this question surrounds the *katan's* ability to perform a mitzva on behalf of a *gadol* who is conventionally obligated in that mitzva. If the *katan* **himself** is obligated, he can potentially be *motzi a gadol*. However, if the *katan* is not personally obligated in the mitzva but is rather the **subject** of his father's mitzva, he may not be able to perform a mitzva on behalf of a *gadol*.

This question is debated by Tosafot and the Ramban in *Berakhot*. As noted above, the Ramban claims that the parent is obligated, not the child. Consequently, the child is not considered a *bar chiyuva* – someone who is obligated in the mitzva at some level – and he is therefore incapable of performing the mitzva on behalf of an obligated individual. Tosafot disagree, defining the mitzva as incumbent upon the child himself and therefore permitting the child to perform the mitzva on behalf of another. This is the most common application of the question regarding who is obligated to perform the mitzva of *chinukh*.

A second interesting consequence relates to who is obligated to perform or supervise the *chinukh* of a child. Specifically, are women obligated in the *chinukh* of their children? The simple reading of the *gemara* in *Sukka* (2b) implies that women **are** indeed obligated in *chinukh*. The *gemara* attempts to prove a law about the height of a *sukka* from the *sukka* built by Heleni Ha-Malka (a 1st century Assyrian Queen who along with her husband converted to Judaism along with her husband) for her younger children. The implication of this proof is that Heleni was actively involved in the *chinukh* of her children. Several *Rishonim* – including Rashi (*Chagiga* 2a) and Tosafot (*Yoma* 82a) – claim that a woman **is not**, in fact, obligated to train her child in *chinukh*. Queen Heleni was supervising her children's *chinukh* even though she was not obligated to do so.

Perhaps this question as to who is obligated to dispense *chinukh* depends upon whom the *Chakhamim* obligated as the primary subject of the mitzva. If the *Chakhamim* obligated the child and the parent merely facilitates the child in his obligation, it makes little sense to distinguish between father and mother. The father is not obligated per se, but rather assists his child in the execution of that child's mitzva; in her role as co-parent, a mother should bear equal responsibility. Alternatively, if the *Chakhamim* **directly** obligated a father, perhaps this obligation (like many obligations) was not extended to the mother. It is certainly still **possible** that *chinukh* is a direct obligation on a father and is **equally** imposed upon a mother. However, many *Rishonim* exempt the mother from *chinukh*, and it is highly likely that they viewed the mitzva as a direct responsibility upon the parent.

Can the mitzva of *chinukh* be extended to other supervising parties aside from a parent? Tosafot (*Nazir* 28b) and the Terumat Ha-Deshen (*siman* 98) claim that *Beit Din* is also obligated in the mitzva of *chinukh*. However, Tosafot (ibid.) and the Rema (*Yoreh Deah* 343:1) cite opinions who disagree and limit the mitzva exclusively to a parent. Once again, if the mitzva is primarily incumbent upon the child and the parent is merely assisting the child, it would be logical to extend the role of facilitator to any person or institution authorized to assist in general religious experiences. In fact, some actually consider extending the mitzva to a teacher. Alternatively, if the primary mitzva is mandated to a parent (even if a mother is included), it is unlikely that the mitzva would be imposed upon non-parents.

An additional question surrounds the level of accuracy to which *chinukh* must be performed. Must the halakhically accurate mitzva be performed, or can **any activity** that builds general awareness be classified as *chinukh*? For example, many people purchase non-kosher *etrogim* or even lemons for their children on Sukkot. In this case, the legal mitzva has not been performed, but the child has certainly gained awareness and appreciation for the mitzva. Does this entail a legal *chinukh* fulfillment? The Ritva (*Sukka* 2b) claims that it does not, and he bases his position upon the aforementioned *gemara* in *Sukka* that derives general *sukka* laws from the *sukka* that Helleni Ha-Malka erected for her *chinukh*-aged children. By contrast, Rashi (*Chaggiga* 6a) implies that any awareness-building that will ultimately facilitate FUTURE mitzva performance qualifies as *chinukh*.

If the Rabbanan obligated the **child** in this mitzva, presumably they obligated him to fulfill the classic performance of an accurate *ma'aseh* mitzva. If, by contrast, the Rabbanan did not (or could not) generate a mitzva obligation for a *katan*, perhaps they imposed general educational responsibilities upon the father. Even if every detail is not performed correctly, the educational process that will one day enable accurate performance has been performed.

Finally, the popular *minhag* to recite a *berakha* upon the completion of *chinukh* – when the son becomes a *bar mitzva* – may indicate that the father is the primary subject of the mitzva. The source for the *berakha* is a *midrash* (*Bereishit Rabba* 63) that is cited by the Rema (*Orach Chaim* 225:2). The *berakha* declares that the father is now excused from his child's *onesh* (punishment) since he is no longer obligated in *chinukh*. This implies that during the *chinukh* years, the father received punishments for his child's religious underperformance. If the child is the primary subject of the mitzva and the father merely helps him dispense his obligations, it is unlikely that a father would be punished for his son's underperformance. If, however, the father is the primary subject, perhaps he receives punishment for failure to successfully provide *chinukh*, just as he would receive punishment for failure to properly execute other *mitzvot* that he is obligated to perform.

Of course, the source for this *berakha* is non-halakhic, and the evolution of this *berakha* is *minhag* driven. It may be difficult to derive halakhic information from a practice that is not grounded in the halakhic system.