

## *Asking a Child to do a Melachah on Shabbat*

By: ARI Z. ZIVOTOFSKY

When one finds oneself in a pinch on Shabbat, availing oneself of the services of a minor to do a *melachah*, a prohibited Shabbat action, often could seemingly solve the problem. It appears to be widely believed that this is acceptable and that one may hint to or even directly ask a young child to perform a prohibited act on Shabbat, such as turning a light on or off. Furthermore, this is not a new idea but seems to have been in circulation for generations. As will be seen, this is a complex issue with many nuances, but in general children should not be used to do, and certainly not asked to do, what is prohibited for an adult to do. Herein, we will try to clarify that some of the factors involved in having a child do a prohibited action include the specific circumstances, the age of the child, and for whom the action is being done.<sup>1</sup>

### **Talmudic Sources:**

In several places the Talmud discusses children engaging in prohibited actions on Shabbat in order to help adults.

The Mishnah (*Shabbat* 16:6 [121a]) teaches that if a fire breaks out in a Jewish home on Shabbat [and there is no danger to life] and a non-Jew comes to extinguish it, he may not be told explicitly to put the fire out because that violates the rabbinic prohibition of “*amirah l’akum*,” but on the other hand he need not be prevented from doing so on his own. However, if a Jewish child wants to put it out, he must be prevented from doing so “because his resting [on the Shabbat] is their [i.e., his father’s]

---

<sup>1</sup> It is important to note that this discussion is not concerning life-threatening matters. When life is in danger, Shabbat must be violated if that is the best option to save the life and there is no need to search for a non-Jew or a child but rather a knowledgeable, adult Jew should take the lead in violating Shabbat in order to save the life (*Shulchan Aruch*, OC 328:12).

---

Rabbi Ari Zivotofsky is a professor of neuroscience at Bar Ilan University and has a master’s degree in Jewish history. He writes widely on Jewish traditions and communities. Many of his articles can be found at <<http://halachicadventures.com>> and <<https://www.ou.org/torah/machshava-series/tzarich-iyun/#?>>.

responsibility.” In explaining the rationale of the ruling regarding a minor, the Gemara explains that the child acts as he does in order to please his father, and thus he must be prevented from violating the Shabbat in this circumstance when he appreciates that it directly benefits his father.

The Talmud (*Yevamot* 113b) relates an incident in which Rav Yitzchak bar Bisna lost keys to the *beit midrash* in a public place on Shabbat. He approached Rabbi Pedat for advice, who suggested to him to bring some young boys and girls to play in that area and if they “happen” to find the keys they will bring them to the owners. In this scenario, the children were not being instructed to violate the biblical prohibition of carrying on Shabbat, but on the other hand Rabbi Pedat did not see a need to prevent them from carrying. As Chatam Sofer (*Shu”t OC* 83) explains, the kids would be carrying the keys on their own initiative and for their own benefit and not, as far as they were concerned, for the benefit of any adult. The Talmud spends the next page and a half bringing proofs and counterproofs to Rabbi Pedat’s position, ultimately without definitively resolving the issue. Many of those proofs shed further light on this issue and are scrutinized by the later authorities as they formulate their positions.

The commentators were divided on when a person must stop a child from violating a prohibition and thus in what circumstances Rabbi Pedat’s suggestion was permissible. *Tosafot* (*Shabbat* 121a s.v. *shema*) suggest that the kids involved were below the age of *chinuch*. As will be seen, the Rema (*OC* 343:1) adopted this position. Others suggest that even if they were above *chinuch* it would be permitted because *chinuch* applies to positive commandments, not negative. Thus, children have to be trained to perform mitzvot, but don’t have to be stopped from violating prohibitions (*Tosafot Yesbanim, Yoma* 82a, s.v. *ben shemoneh*, quoting Rav Eliezer of Metz in *Sefer Yereim*). A third opinion sees the obligation as being wholly on the father, such that others need not prevent someone else’s child from violating a prohibition (*Tosafot Yesbanim, Yoma* 82a, s.v. *ben shemoneh*; Rambam, *Hilchot Ma’achalos Asuros* 17:28). This is the position that the *Shulchan Aruch* (*OC* 343:1) follows.

The Mishnah (*Shabbat* 24:1 [153a]) discusses what a person should do with his money if he is traveling on Erev Shabbat and the sun begins to set before he arrives in town. The preferable option is to give it to a non-Jew who is accompanying him. If there is no non-Jew present, then he may place it on his donkey. The Gemara (*Shabbat* 153a–b) introduces additional variables such as what to do if some combination of donkey, deaf person, *shoteh* (mentally incompetent person), and child (the last three are Jewish) are present. The final question is what to do if only a deaf individual and a minor are available, and the Gemara presents both sides, i.e.,