

THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS

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In the previous shiur we wrote that parents of a child of *chinuch* age should educate their child to hear Kiddush and havdalah.

What if havdalah is late at night?

One must not forget that a child is only a child and their education for *mitzvos* must be suited to their capabilities and limitations. In many northern European countries, during the winter months, it becomes dark very late and as a result *havdalah* is recited late at night. Obviously we do not expect and demand that children remain awake late at night in order to hear *havdalah*, nor should we wake them for that purpose.¹ At their young age, when they are normally asleep they may be excluded from *mitzvos* at this stage of their development. We would not be wrong in saying that children only need to be educated during the hours when they are awake. If a certain *mitzvah* only occurs when they are sleeping they are not ready to be educated for that *mitzvah*.² Children of an older age such as 11 or 12, who are often awake when the occasion demands, must be awake for *kiddush* and *havdalah* as well, as the importance of the *mitzvah* is a part of *chinuch*. There are however other opinions regarding this matter and one is advised to seek guidance from one's rav. Please see footnote.³

¹ Heard in the name of Rav Shlomo Zalman Auerbach *ztz"l*.

² Even though the *M"b* in *hilchos k'rias sh'ma siman 70:6* writes that a child of the age of *chinuch* must be taught to read the *sh'ma on time*, it does not necessarily mean that he should be woken in order to say the *sh'ma*, it could mean that if he is awake he must say the *sh'ma*.

³ I received the following, thank you: when my daughter was about 7-8, she would sometimes fall asleep before Shabbos and sleep through the night. I wanted to have her say the Friday night *kiddush* in the

Must the child then hear havdalah on Sunday morning?

I assume you mean that since the *halacha* says that when one did not or could not recite *havdalah* after Shabbos one must recite it on Sunday morning as compensation.⁴ In this case, since a child is exempt from the actual *mitzvah*, which is on *motzei Shabbos*, he is possibly exempt from the compensation on Sunday morning.⁵ The opinions of this *halacha* vary as well.

Are children permitted to eat before *Kiddush*?

This *halacha* is discussed by the *poskim* in reference to the practice of reciting the *kiddush* in shul on Friday night.⁶ Adults may not drink the wine because they do not intend eating after the *kiddush* and it is akin to eating before *kiddush*, but the accepted practice is to give the wine to children. The question is whether it should be prohibited because they are not eating either.⁷ The *Magen Avraham* offers several answers to this question. One of the answers is that since food and drink are necessary for a child's growth and welfare, *Chazal* did not implement any *g'zeiros* that could inhibit growth. A child may therefore eat and drink before *kiddush* even though an adult is prohibited from doing so.

morning but my *chaverim* disagreed. I had an opportunity to ask R Dovid Feinstein and he agreed with them. He said that he himself, at that age in Russia (where *shkia* is even later than in ny), routinely slept through *kiddush* and *havdala* and "gornisht geshat mir" (nothing happened to me). If she wanted to make the long *kiddush*, I need not stop her, but I should not encourage her.

⁴ See *simon 299:6*.

⁵ ש"ו"ת קניין תורה ה"ה ס"י כ"ה.

⁶ *Simon 269:1*.

⁷ The *M"A 269:1* poses this question.

All the more reason for them eating before *kiddush* on Shabbos morning and not waiting for the father to return from shul. The *Magen Avraham* adds another point and says that children must not be made to fast and go hungry.

Why then must I prevent him from eating non-kosher food? Is it not a matter of growth etc.?

The *Magen Avraham* himself answers this saying that we make a distinction between prohibited food and food at a prohibited time. In addition, non-kosher food is not part of a child's growth and is contrary to his welfare unlike kosher food which is necessary for his welfare and as such was not limited to a time factor. He proves this from the fact that young children are not 'taught' to fast even for a short time on Yom Kippur.⁸

Using and instructing gentiles on Shabbos

May one hire a gentile worker on Shabbos?

The *Torah* prohibits us from doing 39 *melachos* on *Shabbos*, which include many *issurim* that are called *toldos* or offspring. The *toldos* are also prohibited from the *Torah*. *Chazal* added many prohibitions that are intended to prevent one from violating an *issur d'oraissa*. They are called a *sh'vut* or *issurei d'rabanan*.

Another category of prohibitions is called *דברי קבלה* – *דברי קבלה* – Words of the Prophets. From the *posuk* in Yeshaya "ממצוא חפצך ודבר דבר" we learn that one may not speak on *Shabbos* in a weekday manner, nor may one conduct business transactions on *Shabbos*. This *halacha* includes many subsections and we will be "H" deal with them in the future.

Hiring a worker on *Shabbos* falls under the section of conducting business transactions on *Shabbos*⁹ and accordingly one may not hire even gentile workers on *Shabbos*.¹⁰ One may not even instruct a gentile to hire workers for after *Shabbos* because once again one is conducting business.

⁸ As written in *simon* 616:2 – *Hilchos Yom Kippur*.

⁹ *M"b* *simon* 307:7.

¹⁰ *Mechaber* *simon* 307:2

What if I make an arrangement with the person to come only after Shabbos?

The actual hiring is prohibited and it is irrelevant when you want the person to work for you. So much so that the *Shulchan Aruch* teaches us¹¹ that one may not say to one's friend (Jew or gentile) "be prepared tonight" if it is understood that you would like to see that person after *Shabbos* in order to hire him. The fact that you are instructing the person to come and see you after *Shabbos* is equivalent to speaking about business matters.

Therefore one may not say to a taxi driver on *Shabbos* "please be prepared after *Shabbos*" because one is hiring him for after *Shabbos*. However, one may say to him "do you think that you can come after *Shabbos*" or "I would be happy to see you after *Shabbos*", because in both cases one is not hiring the taxi driver, rather one is *hinting* that one would like to hire him after *Shabbos*.¹² Talking about such affairs on *Shabbos* is prohibited.

Orchos Chaim LaRosh

– ודוּי עַל עֲנוּתִיךְ עָרֵב וּבְקָר אֶל יְהָסֵר – do not skip confessing night and morning.

One of the merits of constant confession is that one keeps track of one's actions and is not overburdened. If misdeeds pile up and cause one despair saying "I have too many, I can't manage to do the right thing", one has given in and lost hope. Constantly inspecting one's thoughts and actions keeps them in check and can be corrected and make one realize that one can climb and be an *oved Hashem*.

Please help publish the *Shabbos Weekly* and send donations to:
"Shabbos weekly"
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¹¹ *simon* 307:7.

¹² See the *SS"K* 29:52.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p'sak*.