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The Origin of the *Chinuch Set* Rabbi Mordechai Fleisher

What is the origin of the chinuch set?

Are there other options for children besides a chinuch set?

The obligation of *chinuch*, to train one's children¹ in mitzvah performance, applies to mitzvos year-round. However, the mitzvah of *Dalet Minim* (the Four Species) taken and waved on Sukkos presents unique complications. This article will discuss the issues and solutions.

The basic obligation: The Gemara (Sukkah 42a) states that a boy who is old enough to wave the *Dalet Minim* must do so. Rashi (ad loc. s.v. *chayav*) explains that this is due to the Rabbinic obligation of *chinuch*². Generally, a child around the age of five or six is mature enough to perform this mitzvah (Mishna Berura 657:1), though some children may reach this level of ability at a younger or older age, and so the practical obligation can vary from child to child (see *ibid.*). It is not sufficient for the child to simply take the *Dalet Minim*; he must also wave them properly, as indicated by Gemara which states that a child who "knows how to wave [the *Dalet Minim*]." This is codified in Shulchan Aruch (Orach Chaim 657), which rules: "A child who knows how to wave a *lulav* - his father must acquire a *lulav* for him in order to train him in mitzvos." The Mishna Berura adds (*ibid.*:4) that some rule that it is preferable that the child have his own *dalet minim* so that he can wave them during the recitation of *Hallel* (see Bi'ur Halacha ad loc. s.v. *aviv* who says this is not an obligation but a *middah tova* [a good thing to do]). However, the Mishna Berura cites the Maharshal as saying that if a person cannot afford to buy a separate set, he may give his own set to his son to fulfill the obligation.

Because women are exempt from the mitzvah of *Dalet Minim* (though the custom is that women fulfill the mitzvah), there is no *chinuch* obligation for a girl under the age of *bas mitzvah* to take and wave the *Dalet Minim*. Nonetheless, if she does so, she recites a *bracha*, since she is fulfilling a mitzvah³, and is no different than an adult woman who is fulfilling a mitzvah despite not being commanded.

The problem: Based on the above discussion, it would seem that a father may simply give his *Dalet Minim* to his minor son to take and wave, and thus fulfill the obligation of *chinuch* (though, as noted, it is preferable that he have his own set to use during *Hallel*). However, the matter is more complex.

The Ritva (Sukkah 2b s.v. *amar Rav Yehuda*) proves from the Gemara (ad loc.) that a mitzvah done for *chinuch* must be performed in a fully kosher fashion, with all the details that a *gadol* (adult) would need to observe. The Ritva concludes, "I needed to write this because there are those who err in this matter." According to the Ritva, one must ensure that his son fulfills the mitzvah of *Dalet Minim* with a fully kosher set.

This presents a serious problem, because the Gemara (Sukkah 27b) rules that for the first day of Sukkos, one must own his *Dalet Minim*; the mitzvah is not fulfilled with a borrowed set. This is codified in the Shulchan Aruch (*ibid.* 649:2). According to the Ritva, it would seem that a *katan* must own his set of *Dalet Minim*, as well. This problem could seemingly be solved by a father simply transferring ownership of his *Dalet Minim* to the *katan* (minor). The Shulchan Aruch (*ibid.* 668:6) states, however, that one should not do so before fulfilling his own mitzvah of taking and

¹ This applies to the father and, according to the accepted halacha, the mother, as well (see Mishna Berura 343:2).

² The basic obligation of *chinuch* is Rabbinic, though there is a Torah prohibition against causing any child of any age to commit a sin, such as not feeding a child of non-kosher food (see Yevamos 114a). A full discussion is beyond the scope of this article.

³ See footnote 11 for possible limitations.

waving the *Dalet Minim*, since a minor has the ability to acquire items, but lacks the ability to transfer that ownership to others. Thus, if a person were to transfer ownership of his *Dalet Minim* to a *katan*, the *katan* would be unable to return them, the adult would no longer be the owner of his *Dalet Minim*, and he would be unable to use his own *Dalet Minim* on the first day of Sukkos!

Seemingly, so long as one has fulfilled his own mitzvah on the first day, he may then transfer ownership to his son and avoid any issues. However, the Mishna Berura (ad loc.:23) points out that this is true only for those in Eretz Yisrael who keep one day of Yom Tov. For those in the Diaspora, who must keep two days of Yom Tov, the second day is essentially a repeat of the first day⁴, and so the requirement of ownership applies on the second day, as well⁵. Thus, the adult would have a problem on the second day of Sukkos were he to transfer ownership of his *dalet minim* to a *katan* on the first day⁶.

A differing view: There is, however, an opinion among the Rishonim which appears to disagree with the Ritva. The Mordechai (Sukkah 3:759) cites the Ra'avan who says that the "*biki'ay hada'as*" (lit., expert-minded) would return their *dalet minim* to their place and the children would then take them on their own and make a *bracha*. The implication is that no transfer of ownership took place. Indeed, the Mishna Berura (658:28 with Sha'ar Hatziyun 36) says that the Ra'avan seems to allow a minor to fulfill *Dalet Minim* with a borrowed set. The Ohr Zaru'a (2:318) also cites this Ra'avan, indicating that he rules accordingly.

The question now becomes how to understand the *machlokes* between the Ritva and the Ra'avan. The simplest approach would be that the Ra'avan disagrees with the Ritva's entire premise that the *chinuch* obligation requires all the halachic details of the mitzvah to be observed. So long as the basic mitzvah act is done, this suffices.

However, this approach creates a contradiction in the Mishna Berura. The Bi'ur Halacha (authored by the Chofetz Chaim as a companion commentary to his Mishna Berura) rules (Orach Chaim 657 s.v. *kidei*) that it is obvious that a *katan* must have a kosher set of *dalet minim* just like an adult. However, the Mishna Berura (658:28) cites varying opinions as to whether a *katan* may use a borrowed set on the first day of Sukkos, noting that the Ra'avan seems to validate a borrowed set. In the Sha'ar Hatziyun (glosses to the Mishna Berura), the Chofetz Chaim explains that this view is of the opinion that for *chinuch*, only the actual mitzvah need be performed, not the *pratim* (details). The Sha'ar Hatziyun further notes that the Shulchan Aruch itself seems to agree with this approach, since it rules (658:6), "But if the [parent] holds the [*Dalet Minim*] with the child, since it did not leave his possession, it is fine." The Mishna Berura here considers allowing a *katan* to use a borrowed set on the first day a valid approach, and even seems to lean toward ruling that way – even though an adult may not use a borrowed set!

The Sefer Katan Vihilchosav (2:5) resolves the contradiction and explains that there are details of a mitzvah that pertain to the actual mitzvah item itself, and these details must be observed by a *katan* as a *gadol* would. However, peripheral

⁴ See footnote 12 for more on this concept.

⁵ In truth, there is a *machlokes* whether the second day has the same laws as the first day regarding *Dalet Minim*, but one who relies on the lenient opinion and uses such a set may not recite a *bracha*. See Shulchan Aruch *ibid.* 649:5 with Mishna Berura 50.

⁶ If the first day of Sukkos occurs on Shabbos, when the *Dalet Minim* are not taken, even Diaspora Jewry could avoid any issue, as only a single day - the second day - presents a problem.

conditions, such as a borrowed set, are not necessary for *chinuch* purposes. Rabbi Avraham Erlanger (Birchas Avraham Sukkah 2a *Bi'inyan Chinuch Limitzvos* 1:6) offers a similar approach and expands on the distinction. He differentiates between *tna'ai hamitzvah* (lit., conditions of the mitzvah) and *ikar tzuras hamitzvah* (lit., the primary form of the mitzvah). He explains that there are some details of a mitzvah which, if lacking, mean that the actual mitzvah itself is not being performed. An extreme example would be using a lemon instead of an *esrog* – there is no mitzvah performance at all if the *esrog* is not present! While Rabbi Erlanger is inconclusive as to exactly which details of a mitzvah are intrinsic to the essence of the mitzvah and which are peripheral, he concludes that a borrowed set could clearly be categorized as *tna'ai hamitzvah* and thus not vital for *chinuch* fulfillment⁷⁸.

The rise of the *chinuch* set: Regardless, it emerges that there is a *machlokes* among the Acharonim⁹ regarding the validity of a borrowed set for a *katan*. Because of this dispute, a number of contemporary authorities rule that one should, if possible, provide a *katan* with his own set.

Rabbi Moshe Feinstein (Igros Moshe Orach Chaim 3:95) notes that although in Europe, it was the practice that children did not get their own sets, relying on the opinion of the Ra'avan, this was due to a dearth of *Dalet Minim* and widespread poverty; he points out that in many communities, there was a single set for the entire community! Today, however, we are blessed with a large availability of *Dalet Minim* as well as the financial ability to purchase additional sets, and so it is proper for one to provide his son with his own set¹⁰¹.

Rabbi Shmuel Kamenetsky (Kovetz Halachos Sukkos 39:10) rules that *lechatchila* (preferably), a *katan* should own his set, but one may rely on the lenient opinions in extenuating circumstances.

This reality has given rise to what is known as a *chinuch* set. These sets are significantly cheaper than even the lowest grade of regular sets of *dalet minim*. This reality is, at first glance, difficult to understand, since the entire point is that a *katan* should fulfill the mitzvah with a set that is fully kosher. That being the case, how can there be a special grade for minors that seems to be off limits for adults?

The answer can be found in the Bi'ur Halacha in the laws of Chanukah (675:3 s.v. *uldidan*), who says that only what an adult must do according to the letter of the law must be done by a *katan* for the purpose of *chinuch*. However, a *hiddur* (beautification) of a mitzvah, while sometimes obligatory upon an adult, is not required for a *katan*'s mitzvah performance.

This idea can also be expanded to include stringencies usually observed by adults in their mitzvah performance. If a halachic leniency is acceptable according to the letter of the law, while it may not generally be relied upon by the adult populace, it may be relied upon by a *katan*. Of course, determining what is an acceptable

⁷ It would seem that even the Ritva could agree, in theory, to this approach; see Birchas Avraham ibid. who seems to understand this to be the case.

⁸ See Sefer Katan Vihilchosav ibid. for other possible solutions to the contradiction.

⁹ See Sha'ar Hatziyun ibid.:34 for a list of those who are stringent; the Sha'ar Hatziyun (ibid.:35) cites the Bigdei Yesha as the lenient opinion. The Bach (658) and Aruch Hashulchan (658:17) are also lenient and allow a *katan* to use a borrowed set.

¹⁰ It is noteworthy that Rabbi Feinstein understands the Ra'avan's position to be that a *katan* needn't observe details of the mitzvah at all, which is at odds with the aforementioned approach that limits the Ra'avan's ruling.

¹¹ Rabbi Feinstein debates whether, according to the lenient opinion, one may instruct the child to recite the *bracha*, since he is not really fulfilling the mitzvah; see there for full discussion. This question becomes even more of an issue for a girl under bas mitzvah age, who is not really obligated to take *Dalet Minim* for *chinuch* purposes (as discussed earlier). The entire reason to permit the *bracha* recitation with a borrowed set is due to the *chinuch* obligation, which is absent in the case of a girl. See Shiurei Halacha (Rabbi Shmuel Felder) Hilchos Sukkah Viarba'as Minim 5771 ed. pg. 79-80 with fn. 140 for full discussion.

leniency and what is not requires consultation with a qualified halachic authority.

In any event, this would explain the idea of a *chinuch* set, as these sets lack the requisite *hiddur* and customary halachic stringencies generally observed by adults.

An additional solution: The Bikkurei Yaakov (658:18) offers an ingenious solution to allow a *katan* to use his father's set without triggering the issue of ownership. The entire problem, as discussed, is for Diaspora Jewry who essentially observe the first day of Sukkos twice. However, the Gemara rules that the two days are observed as an uncertainty, and one of them is not viewed as the first day¹². This allows a person to make certain stipulations based on the fact that one day is Yom Tov and one day is not (see Beitzah 17a regarding making an *eruv tavshilin* on Yom Tov itself with such a stipulation). In our situation, says the Bikkurei Yaakov, one may do as follows: After taking and waving his *Dalet Minim* on the first day, an adult gives the set to a *katan* with intent to transfer ownership but stipulates that if today, the first day of Sukkos, is indeed the first day, then the transfer of ownership takes effect (as tomorrow is not actually the first day and he, the adult, need not own the *Dalet Minim*). If, however, tomorrow is really the first day, and today is *erev* Yom Tov, then no transfer is taking place, as there is really no obligation at all for anyone to take *Dalet Minim*¹³.

This approach, however, would only work if a person has just one minor son who must take *Dalet Minim* for *chinuch* purposes. If one has more than one son, how would the first son transfer ownership to the second son? Rabbi Shmuel Felder (Shiurei Halacha Hilchos Sukkah Viarba'as Minim 5771 ed. pg. 79) resolves this issue, pointing out that the Shulchan Aruch (ibid. 658:6) cites an opinion that a minor who has reached an age known as *pe'utos* (6-7 years old) was Rabbinically granted the ability to transfer ownership to others. While we don't rely on this opinion for adults' ownership (see Bi'ur Halacha ibid. s.v. *lo yitenu*), it does suffice for one *katan* to transfer ownership of his set of *Dalet Minim* to a fellow *katan*, so long as he has reached that age.

Even if one has a *katan* who has reached the age of *chinuch* for *Dalet Minim* but has not reached the age of *pe'utos*, Rabbi Felder (ibid. fn. 139) cites the Nitei Gavriel (Hilchos Chag Hasukkos 47 fn. 12) who proposes that one can give the *Dalet Minim* to all of his minor sons as a partnership. Although one must have exclusive ownership when performing the mitzvah, a complex concept known as *bereira* says that at the time one partner is using the jointly-owned item, he is regarded as the full owner for that time. *Bereira* is relied upon for Rabbinic obligations only (such as the Rabbinic *chinuch* obligation), and so this idea would suffice for multiple minors who jointly own a single set of *Dalet Minim*.

According to this approach, one could also obtain a single *chinuch* set for all his minor sons, instead of purchasing one for each child (though, as noted above, some say it is preferable that a child have his own personal set for use during the recitation of *Hallel*).

In conclusion, it is certainly preferable that one provide his *chinuch*-age son with his own set of *Dalet Minim*. However, if one does not do so, this article has provided a number of approaches that would enable a child to use an adult's *Dalet Minim* in a halachically acceptable fashion.

¹² A bit of background: There was no set calendar in Mishnaic times; the Sanhedrin declared the new month based on witnesses' testimony of the new moon, and messengers raced to spread the news. Far-flung communities in the Diaspora did not get the message whether the previous month had 29 or 30 days in time to ascertain when the new month's holiday occurred, and so the Sages instituted that two days be kept, a policy known as *sifeika diyoma*. Although a set calendar was later created, the enactment of *sifeika diyoma* remained in place. However, each day is essentially being observed due to the uncertainty, and one of them is certainly not the holiday. See Beitzah 4b for full discussion.

¹³ This raises some apparent paradoxes, such as: How can one recite a *bracha* inasmuch as he is viewing this day as possibly *erev* Yom Tov? A full discussion is beyond the scope of this article.

Points to Ponder

Would giving a katan an adult's Dalet Minim as a matana al minas lihachazir, a gift given on condition that it is returned, be acceptable?

Would a bar mitzvah-age boy whose facial hair has not yet developed (and has thus not clearly matured) be able to transfer ownership of his Dalet Minim to someone else?

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