**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**TOPICS IN HALAKHA**

**On Teaching Torah to Children**

**By Rav Moshe Taragin**

The gemara in *Kiddushin* 29a (based upon the Mekhilta in *parashat Bo*) teaches:

"A father is obligated to do the following for his son: to circumcise him, to redeem him, to teach him Torah, to marry him off and to teach him a profession."

            Further on in the gemara the father's obligation to teach his son Torah is derived from the verse "And you shall teach them (*Ve-limadetem*) to your sons to speak of them" (*Devarim* 11:19).  Meanwhile, the Sifri (34) (*parashat Vaetchanan*) learns the obligation to teach Torah in general (not specifically to one's sons) from a different verse:

"'And you shall teach them to your sons (*Ve-shinantam le-vanekha*)' (*Devarim* 11:19) – these are your students.  We find in all cases students are called sons, as it says: 'You are sons to God your Lord.'  And it also says: 'The sons of the prophets went out.'  Were these indeed sons of the prophets?  Were they not rather students of the prophets?  From here we can learn that students are called sons."

            Apparently, the Sifri does not limit the obligation of teaching Torah to one's sons alone, but instead applies it to "sons" in the broader sense – to all students.  The Rambam also does not distinguish (*Sefer Ha-mitzvot*, Positive Commandment 11) between the obligation to teach sons and the obligation to teach all others, deriving both from the verse which the Sifri cited, "*Ve-shinantam*."

            This opinion seems to be contradicted by the Rambam himself in Mishne Torah (*Hilkhot Talmud Torah* 1:2):

"A minor must be taught Torah by his father.  As it says 'And you shall teach them (*Ve-limadetem*) to your sons to speak of them' ...  Just as one is obligated to teach his son, so too is he obligated to teach his grandson, as it says "And you shall make them known (*Ve-hodatam*) to your sons and your grandsons' (*Devarim* 4:9).  This is not solely restricted to sons and grandsons, it is also incumbent upon each and every learned man of Israel to teach every student as it says: 'And you shall teach them (*Ve-shinantam*) to your sons.'  Our tradition teaches that 'sons' and 'students,' are equivalent, for students are called sons, as it says 'And the sons of the prophets went out.'  If this is so, why is one specifically commanded regarding his son and grandson?  So that he knows to put his son before his grandson, and his grandson before   anyone else's son."

            According to the Rambam, there is indeed a difference between one's son and other students: the mitzva to teach one's son takes precedence over the mitzva to teach anyone else.

            This halakha in isolation is not overly surprising.  It can be easily understood if one knows the famous dictum, "The poor of your own city take precedence [over the poor of any other city]."  The gemara in several places (for example, *Bava* *Metzia* 71) dictates the preferred order of recipients for the mitzvot of charity, redemption of captives, and other similar situations.  According to this, it is possible to explain that there is no essential difference between teaching one's own son and teaching someone else's.  When it is impossible to do both, one's family takes precedence.  It is in this manner that the Chatam Sofer (*Nedarim* 37) explains the words of the Rambam.

            And yet, the very next halakha in the Rambam (1:3) indicates that there is indeed a fundamental difference between the two obligations:

"And one is obligated to hire a tutor for his son to instruct him, but he is not obligated to teach someone else's son unless it does not involve expenditure."

            Two questions arise from this statement: 1) What is the source for this obligation of hiring a tutor?  If one is truly unable to teach his son Torah, is this not a case of "*oness* *rachmana patrei*" (i.e., one who finds himself, against his will, unable to perform a mitzva, is exempt from that mitzva)?  If so, he should not be obligated to hire a tutor.  2)  On the other hand, if this responsibility indeed exists, why is it limited to his son alone?  Should it not apply to all students?

            The Rambam's commentators grapple with the first question and search for a source for the obligation of hiring a tutor.  The *Lechem Mishne* (op cit.) explores the issue of whether it is biblically or rabbinically mandated.  However, claiming that this duty is rabbinic in origin is difficult since there seems to be no Talmudic basis for it.  From where did the Rambam derive it?

            In the absence of a clear-cut source, the Maharik writes that the Rambam "deduced it logically."  The *Lechem Mishne* himself offers as a source the following Talmudic passage from Bava Batra 21a (in his own words):

"Said R. Yehuda in the name of Shmuel, 'That man [Yehoshua ben Gamla] is remembered positively, for before his time, one who had a father would be taught Torah by him, but one who did not [have a father] would not learn Torah.  What is the derivation?  The verse "*Ve-limadetem* *otam*" And you shall teach them can be read as "*Ve-limadetem atem*" And you yourselves shall teach [since the word "*otam*" appears without a *vav*].'"

            The *Lechem Mishneh* explains:

"That is, the father himself must teach him, and if he does not know how to do so, he is not obligated to hire someone for the job."

            The gemara continues:

"It was instituted to settle teachers of children in Jerusalem."

            This comment of the Lechem Mishneh is somewhat difficult to understand since the gemara does not OBLIGATE a father to hire a tutor either for his son or for anyone else.  It simply describes the evolution and development of the educational system that was in effect at the time.  The court, by legislating the availability of teachers for all children who did not receive a proper education from their fathers, can indeed obligate all citizens to share in the cost of tuition.  This, however, is a function of the court's authority to collect taxes in order to fund community services, and is not related to a father's specific obligation to pay for a tutor for his son.  It is not possible that this passage provides us with a source for the Rambam's assertion that one must bear the cost of education for his son (if he is unable to teach him personally) and not for anyone else's son.

            In order to understand the Rambam's position it is necessary to investigate the nature of the father's obligation to teach his son.  The Ramban, in his glosses to the Sefer Ha-mitzvot of the Rambam (in his list of additional mitzvot that the Rambam omitted, Negative Commandment 2), discusses the prohibition of forgetting the Sinai experience, based on the verse, "And you shall make them known to your sons and your grandsons" (*Devarim* 4:9).  He states that each person is obligated to pass on the tradition to his children, to educate them in Torah and mitzvot, and to describe to them the great day of assembly at Chorev.  He then raises a difficulty with his own interpretation.  The gemara, he points out, derives something different from this verse: the obligation to teach one's grandson Torah (*Kiddushin* 30a), and if this is so, the verse relates to the teaching of Torah, not to the transmission of our heritage or the story of the Sinai experience.  The Ramban solves this problem by positing that "the teaching of the Torah's prescribed beliefs is the equivalent of teaching Torah."  According to the Ramban, in order to convey the Torah's belief system, our tradition, it is imperative also to teach Torah itself.  The Torah is not only a code of law or ethics, it is also "the main principle upon which everything is based" (Rambam, *Hilkhot Keriat Shema* 1).  One who is not acquainted with the content of Torah is deficient in his grasp of tradition.  Such a person, though he may remember Sinai, thus avoiding the pitfall of "Take heed ... lest you forget the things which your eyes have seen" (*Devarim* 4:9), is nevertheless neglecting the rabbinic stricture based on the verse in *Keriat Shema* "'Which I am commanding you today' (*Devarim* 5:6) – and not as if it were an antiquated ordinance" (Sifri).  The necessity of *talmud* Torah is an integral part of the general imperative to transmit the Sinaitic tradition.

            In light of the connection between the teaching of Torah and the passing on of tradition, as explained by the Ramban, it becomes clear that the father's obligation to teach his son Torah is actually a part of a broader responsibility to educate him and instill within him the heritage of our fathers.  It is at this point that the obligation of a father vis-a-vis his son differs from his duty to any other student.  With respect to the formal study of Torah, a man's duty to his son and his duty to all others is equivalent and stems from the same verse "*Ve-shinantam le-vanekha*," these are students who are referred to as sons.  But there is an additional and unique obligation which applies only to his own son: to school him in our tradition and as part of that to teach him Torah which constitutes its foundation.

            According to this formulation, it appears that in the verse from *Devarim* a biblical source for the general obligation of a father to educate his children emerges.  The question of where this obligation stems from is one which occupied many of our Sages.  See Rashi in *Sukka* (2a) who seems to indicate that this obligation is of rabbinical origin.  The Netziv in *Ha-amek Davar* (*Devarim* 11:1) posits that it was legislated by Moshe Rabbeinu.  According to the Turei Even (*Chagiga* 6a) it was an enactment of the prophets.  However, as we have shown, it can be derived from the Torah itself: "And you shall make them known to your sons and your grandsons."

            With this understanding we can now examine several halakhot which relate to a father's obligation to teach his son Torah.  *Kiddushin* 30a teaches: "Until what point must one teach his son Torah ... only Scripture."  This gemara seems to imply something very difficult.  Is it really possible that a father has no obligation to teach his son the Oral Torah!?  In light of what we said above, it is feasible to explain that the standard obligation to teach Torah does include the Oral Torah as well; as our Sages taught: "The covenant that was signed with Israel was based on none other than the Oral Torah."  However, the duty of a father toward his own son is not the formal teaching of Torah per se, rather it is the inculcating of the entity known as "Torah and mitzvot."  For this purpose, one can suffice with the Written Torah and the laws which are contained therein; the breadth and depth of the Oral Torah are not strictly necessary.  As the Me'iri (s.v. *Ein*) puts it:

"The teaching of Torah which a father owes his son is only the Written Torah – until he knows the concept of mitzvot and will fulfill them as he should."

            This indicates that the father's obligation is limited solely to the Written Torah.  Through this means he ensures his son's familiarity with the mitzvot and their observance.  In other words, by teaching Torah, the father fulfills his obligation to educate his son properly.

            Let's look at another source.  The gemara in *Sukka* 42a instructs:

"Once he is able to speak, his father should teach him Torah and *Keriyat Shema*.  What is 'Torah?'  Said R. Hamnuna, 'Torah was commanded to us by Moshe, the heritage of the congregation of Jacob' (*Devarim* 33:4).  What is '*Keriyat Shema*?'  Its first verse."

            Tosafot point to an apparent contradiction between the gemara here and the mishna in *Avot* which teaches that when a child is five he should be taught Scripture.  Why is it not when he learns how to speak!?  The solution becomes clear according to the way we have learned the obligation.  The mishna in *Avot* was discussing the general obligation to learn the entire Torah, and to this end it suggested a formalized regimen of gradually escalating levels: Scripture at five years of age, Mishna at ten, Talmud at fifteen.  On the other hand, the gemara in *Sukka* refers not to the mitzva of learning Torah but rather to the larger concept of education.  This meaning fits smoothly into the words of the Tosefta which the gemara cites:

"A minor who is able to shake is obligated in the mitzva of *lulav*, to wrap himself – in the mitzva of *tzitzit*, to guard his *tefillin* – his father should buy him *tefillin*, to speak – his father should teach him Torah and *Keriyat* *Shema*."

            The need to become Jewishly educated, which includes the learning of Torah, begins from the age that he is able to speak.

            Finally, the Rambam, in halakha 3, after ruling that a father must teach his son Torah, continues:

"And thus you find in every case that learning precedes good deeds, because learning leads to good deeds and not vice versa."

            Why would the Rambam choose to insert this tangent discussing the connection between learning and actions specifically at this juncture?  He certainly does not mean to imply that we must learn and teach Torah only because it leads to the performance of good deeds!?  We know that each person is obligated to learn Torah for its own sake to the very best of his ability.  This can be understood as follows: Of course the Rambam agrees that there is an obligation to learn Torah for its own sake, as he goes on to say in halakhot 8-10:

"Every Jewish man is obligated to learn Torah, whether he be poor or rich, healthy or handicapped ... He must set aside time for the study of Torah day and night ... Until when must he learn?  Until the day he dies."

            However, in halakhot 1-3 the Rambam addresses himself solely to the unique obligation of a father to educate his son, of which teaching him Torah is a major part.  This instruction, when situated within the broader framework of education, certainly is something which leads one to the proper course of action.  This is the final aim of child rearing and for this reason the Rambam chooses this point to mention that "Great is learning, because learning leads to good deeds."

            With all this in mind, we can now return to our original point: the obligation of a father to hire a tutor for his son if is unable to teach him himself.  If this were a function of the teaching of Torah in its purest sense then there would indeed be room to exempt such a father according to the usual rule of "*oness*."  However, as we have seen, this obligation refers to the more general category of "education" which includes the sharing of our ancestral heritage, the transmission of the Sinaitic experience, and the inculcation of Torah values and mitzvot.  This task is surely within the power of any Jewish father!  With respect to this overarching imperative the formal teaching of Torah is simply a means to an end.  Since the education of one's children is a duty which rests upon everyone it is logical that even if one is unable to personally perform one specific part of it, the teaching of Torah per se, this obligation is not waived due to "*oness*" and he must find some other way to discharge his responsibility (e.g., by appointing a surrogate, a tutor).  Once the essential obligation is in place, it must be fulfilled in its entirety.

            If indeed it is true that the need to hire a tutor stems from the responsibility of general education and not that of teaching Torah in its narrow sense, there are three ramifications to consider.  First, one does not need to hire a tutor for his neighbor's son since a man only has the obligation to teach him Torah, not to educate him generally.  Hence, if one does not know how to teach, he is exempt.  Second, one does not need to hire a teacher for his son to instruct him in anything other than the Written Torah, since this suffices for the conveying of the concept of mitzvot (according to the Me'iri's interpretation).  See the Rambam's statement in halakha 7: "And he must pay to have him taught, until he reads the entire Written Torah."  Of course a father must teach his son the entire Torah, including the Oral Torah, but this is not part of the mitzva of general education and thus he is not required to hire a teacher for this purpose.  And third, it is now clear why one's own son takes precedence over anyone else's son.  Toward the latter exists only the obligation of *talmud* Torah per se, while toward his own son he bears the responsibility of education.  [We are thus forced to conclude that the preference of his own son over his son's son is due to the normal rules of precedence.  He is indeed responsible for the education of both since the gemara derives both from the same verse: "And you shall make known to your sons and your grandsons – the day that you stood before God your Lord" (*Devarim* 4:9-10).  But when necessary, "the poor of your own city come first," as the Chatam Sofer reminds us regarding this matter (above).]

            Consequently, there should be two separate mitzvot counted in the listing of the 613 mitzvot: the mitzva of educating sons and the mitzva of teaching Torah to students.  Though the Rambam does not separate them, the Behag does indeed list two distinct mitzvot: the teaching of sons and the teaching of students.

**SUMMARY:**

            We have seen that according to the Rambam, there is a specific and unique mitzva to teach Torah to one's son, a mitzva which is distinct from the general obligation to teach Torah to other students.  This mitzva is an integral part of the broader responsibility to educate one's child for it is impossible to successfully transmit our ancestral heritage without knowledge of Torah.  For this reason a father who is unable to teach must hire a tutor for his son and is not exempt due to "*oness*."  This requirement, though, is limited specifically to the Written Torah, for this study will instill the concept of mitzvot and how to fulfill them.

(Translated by Pnina Baumgarten.)