

HALACHICALLY SPEAKING

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{ TOPIC }

Hitting a Child



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► Halachically Speaking is a monthly publication compiled by Rabbi Moishe Dovid Lebovits, a former *chaver kollel* of *Yeshiva Torah Vodaath* and a *musmach* of *Harav Yisroel Belsky Shlita*. Rabbi Lebovits currently works as the Rabbinical Administrator for the KOF-K Kosher Supervision.

► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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Hitting a Child

Many of us have heard stories from our grandfathers about being hit by a *rebbe* in *cheder*. This is very rare today. In addition, the entire attitude toward a parent hitting a child for educational purposes has changed. What is the correct halachic attitude toward this sensitive topic?

Sources in Chazal

Chazal discuss hitting a child at length.

The *pasuk* in *Mishlei*¹ says, *Foolishness is bound in the heart of a youth; the rod of discipline will distance it from him.*

In addition, the *pasuk* in *Mishlei*² says, *Do not hold discipline from the youth; if you strike him with the rod, he will not die.*

In yet another place, *Mishlei*³ advises, *The rod and rebuke provide wisdom, but a self-indulgent youth brings shame to his mother.*

The *Yalkut Shimoni*⁴ says that when a child is young a *rebbe* hits him, but when he is older words do the job.

The *Gemara*⁵ says that until a boy is twelve years old, one should deal with him with nice words if he is not learning.⁶

1 22:15.

2 23:13.

3 29:15.

4 *Chukas Remez* 763.

5 *Maseches Kesubos* 50a.

6 *Ibid.*, *Rashi* "m'galgeil."

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אמת של הלכה בלבד... (ברכות ה.)

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After that age, he should make him miserable. Rashi⁷ says that this is done by hitting him with a strap and giving him less bread.

Clearly, *Chazal* were advocates of hitting a child.⁸

This is brought down in halachah as well regarding a father hitting his child until a certain age, as well as a *rebbe* hitting a student.

Hitting in History

The *Midrash Rabbah*⁹ says that Avraham did not hit Yishmael, and that is why he did not turn out well. Avraham changed his method with Yitzchak. Yitzchak loved Eisav¹⁰ and did not hit him, and Eisav ended up wanting to kill Yaakov.¹¹ Yitzchak would discipline Yaakov by hitting, and Yaakov became one of our *Avos*.

How to Hit

The Gemara¹² says that when hitting a child for disciplinary purposes, one should hit him only with a shoelace,¹³ in a way in which he will not be injured. If he still does not study, let him remain in the company of his friends (and he will eventually pay attention). Some suggest hitting

7 Ibid., "yored."

8 This would apply to a girl as well (*Chinuch Yisrael* 2:6, page 435).

9 *Shemos* 1:1.

10 *Bereishis* 25:28.

11 Ibid. 27:41.

12 *Maseches Bava Basra* 21a.

13 *Rambam, Hilchos Talmud Torah* 2:2. The *Maharsha, Maseches Bava Basra* ibid. says the reason for using the shoelace is because the damage done will be minimal and it takes time for one to take the shoelace out of the shoe. Until this is done the anger will become less and less toward what the child did that he deserved to be hit. *Chazal* are saying: let the *rebbe* etc. demonstrate that this is something that he does not like to do (Harav Yisroel Belsky *zt"l*).

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with a hand since the hitter also feels pain while hitting, and will refrain from hitting too hard.¹⁴

This is brought in halachah in discussing a *rebbe* hitting a student.¹⁵ Even in this situation one must be careful, since this is not recommended in all cases.¹⁶

It is forbidden for the *rebbe* or a parent to hit a student with a stick.¹⁷

In any case, hitting out of anger is forbidden.¹⁸ If one hits his child more than required his sin is too great to bear.¹⁹ One who hits his child should do so with the proper mindset.²⁰

It is also forbidden for a *rebbe* to hit without a good

14 *Shvilei Hachinuch* 4, page 178.

15 *Shulchan Aruch, Y.D.* 245:10. The *Shevet Mussar* 17:9 says it is a bad custom of those who tell the *rebbe* not to hit in front of the child. Since the child hears that the *rebbe* does not have permission to hit, the child will add to the offense since he knows he will not be hit. Some mention that another person who is not one's *rebbe* can hit a child for *chinuch* reasons (*Salmas Chaim* 352; see *Sefer Chassidim* 49; *Pele Yoetz, Chinuch* page 176, new print; *Chinuch Yisrael* 2:6, page 430). Others argue with this (*Shevet Hakehasi* 3:319).

16 *Teshuvos V'hanhagos* 3:280; *Vayitzbor Yosef* 4:115. Refer to *Chasam Sofer, Drashos* (Bereishis page 246); *Asei Lecha Rav* 1:76, 5:28; *Igros Moshe, Y.D.* 3:76; *Mesoros Moshe* 2, pages 384-385. The *Mishnah Berurah* 343:9 brings that a child should be hit if he steals something or causes damage to others. The stealing aspect is brought in *Shulchan Aruch, C.M.* 349:5. Some suggest to hit if the child uses foul language (*Shvilei Hachinuch* 4, page 180). The *Rema, Y.D.* 233:1 says about hitting a child as not to make him accustomed to make *nedarim*. The Chafetz Chaim *zt"l* is reported to have hit his son on occasion (*Shoalim V'dorshim* 4, page 464).

17 *Igros Moshe, Y.D.* 4:30:4.

18 *Erech Apayim* 1:15; *Sefer Hazikaron L'Ba'al Hamichtav M'Eliyahu* 1, page 95; *Teshuvos V'hanhagos* 2:463; *Chinuch Yisrael* 2:6, page 436; *Chazon Ish, Emunah U'bitachon* 4:16; *V'aleihu Lo Yibol* 2, pages 47-48. See *Mishneh Halachos* 15:66. Sometimes one who hits with anger will tend to hit more and beyond the requirement for *chinuch*, and this is forbidden (*Kuntres Sichas Hayeladim* page 13). The *Sefer Chassidim* (306) says one should make sure not to allow his child to learn by someone who has anger.

If one transgresses an *issur* by making one angry, see *Ohr Yitzchak, Y.D.* 2:35.

19 *Sefer Chassidim* 155 (end).

20 *Otzer Plios Hatorah, Shemos* page 92.

איננו רוצים להעניש את הילד שלנו... (ברכות טז)

reason.²¹ If a *rebbe* hits more than he should, he should be replaced.²²

If one hits too often then the hitting is not as effective.²³ One should not hit a child in areas where the child will be injured.²⁴

Until What Age

The Gemara²⁵ mentions that one should not hit his older son. If he does, he should be put in *cherem*, since the son will hit back, and the parent will transgress putting a stumbling block before the blind.²⁶

This is mentioned in *Shulchan Aruch* as well.²⁷ The Rema²⁸ places the age at twenty-two or twenty-four years.²⁹ It is prohibited even at a younger age, but there is no *cherem* for it.³⁰ Once he marries, the restriction begins even at a younger age, as he is considered an adult in the eyes of people.³¹

Too Young

If a child is too young to understand why he is hit, then

21 *Teshuvos V'hanhagos* ibid.

22 *Shulchan Aruch Harav* 1:13.

23 *Derech Sichah* 1, page 72; *Orchos Yosher* 10. See *Rav Akiva Eiger*, *Y.D.* 240:20.

24 *Sha'arei Teshuvah* 4:13.

25 *Maseches Moed Kattan* 17a.

26 *Vayikra* 19:14.

27 *Y.D.* 240:20. See *Shulchan Aruch Harav*, *Hilchos Talmud Torah* 1:6; *Kibbud Av V'eim* (Yosef) 12:9.

28 *Ibid.*

29 *Shach* 21.

30 *Birchei Yosef*, *Y.D.* 240:15; *Chai Adam* 67:21; *Pischei Teshuvah*, *Y.D.* 240:17; *Aruch Hashulchan*, *Y.D.* 240:42. Refer to *Rivevos Ephraim* 7:256 who mentions thirteen years old. See *Chinuch Yisrael* 2:6, pages 437-439.

31 *Pischei Teshuvah* ibid.; *Aruch Hashulchan* ibid. Refer to *Vayevarech Dovid*, *Kibbud Av V'eim* 226.

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one should not hit the child.³² This cannot be considered *chinuch*, since there is no point in striking him.³³ Some place this at below the age of five.³⁴

When to Hit

A *rebbe* can hit a student when needed if he is disturbing the class, and a parent may hit his son if he is lacking in *middos*, and occasionally for a smaller infraction.³⁵ In addition, the *rebbe* may only hit if he is positive that the child is guilty of the offense.³⁶

Three Weeks

During the Three Weeks,³⁷ a *rebbe* should be careful not to hit his students,³⁸ and a parent should not hit a child³⁹ with a strap.⁴⁰ Even a light hit is prohibited.⁴¹ Some say that the restriction is only if the child is hit in a dangerous place.⁴² The time frame is from the beginning of the fourth hour until the end of the ninth hour of the day (in the summer it is approximately from 11:00 am until 2:00 pm), while others say it is a whole day.⁴³

32 *Sefer Chassidim* 919.

33 *Mesoros Moshe* 1, page 532. Harav Moshe Feinstein zt"l called such a person "meshuga" (ibid).

34 *Kibbud Av V'eim (Yosef)* 12:10.

35 *Igros Moshe, Y.D.* 4:30:4.

36 *Ibid.* 2:103.

37 Refer to *Biur Halachah* 551, "tzorech"; *Kaf Hachaim* 225.

38 *Beis Yosef* 551; *Shulchan Aruch* 18; *Shulchan Shlomo* 18; *Chayei Adam* 133:8.

39 *Levush* 551:18; *Kitzur Shulchan Aruch* 122:2; *Kaf Hachaim* 230; *Orchos Rabbeinu* 2, page 129, 14; *She'eilas Rav* 1, page 371, 24-25, 9 (even with a hand, and for *chinuch* purposes).

40 *Levush* 551:18; *Taz* 18; *Be'er Heitiv* 41; *Eishel Avraham, Butchatch* 18; *Shulchan Shlomo* 18; *Chayei Adam* 133:8; *Mekor Chaim* 18; *Mishnah Berurah* 103; *Aruch Hashulchan* 39.

41 *Pri Megadim, M.Z.* 551:18; *Kaf Hachaim* 232.

42 *Eishel Avraham, Butchatch* 551:18.

43 *Chayei Adam* 133:8.

איז עיל להקצי"ה בעולמו אלא י
אמות של הלכה בלבד... (ברכות ה)

Today It Is Different

Clearly, a child may be hit by a parent or *rebbe* to guide him in the correct path.⁴⁴ However, this is not recommended at all today as discussed below.⁴⁵

Many say that today's children are different than those from previous years,⁴⁶ and even a young child might hit a parent back if he is hit.⁴⁷ In addition, evidence shows that today, hitting a child because he is misbehaving has negative effects on the child and is not the ideal method of *chinuch* at all.⁴⁸

Harav Wolbe *zt"l*, who was a master in *chinuch*, mentions that one should not hit his children as a form of *chinuch*.⁴⁹ If one hits a child today he runs the risk of losing the relationship with the child.⁵⁰ Obviously, hitting might be

44 There is a lot of research in the non-Jewish world which discusses that hitting or spanking is not the ideal method of punishment today and has ill effects on the children who are hit.

45 There are some who still consider hitting a viable method of *chinuch* (*Michtav M'Eliyahu* 3, pages 360-362). This was the opinion of Harav Avigdor Miller *zt"l* as well as discussed in *Q&A: Thursday Nights with Rabbi Avigdor Miller* pages 177-178; Harav Chaim Kanievsky *shlit"u* in certain cases (*Derech Sichah* 1, pages 72-74); *Orchos Yosher* 10; *Sdei Tzofim*, *Maseches Makkos* 8a. A *kuntres* was written in London in 5771 called *Chizuk L'melamdin* pages 11-13, 32-33 which discusses the need to still hit students today, but one must be careful of the law of the land with this. See *Ohr Olam* 10, pages 176-177.

46 Harav Pam *zt"l* would say people in earlier generations were like metal vessels: if a metal vessel gets dirty, you pour boiling water on it and it is cleaned. Today, we are more similar to earthenware vessels and if one pours boiling water on it, you are left with a muddy puddle (*Atarah L'melech* page 175). See *L'chanoch B'simchah* pages 750-751.

47 Refer to *Ritva*, *Maseches Moed Kattan* 17a; *Birchei Yosef* *ibid.*; *Pele Yoetz*, *Chinuch* page 175 (new print); *Kitzur Shulchan Aruch* 143:18; *Chinuch Yisrael* 2:6, page 437; *Pardes Yosef*, *Shemos* 15:26, page 120; *Chut Shani*, *Hilchos Kibbud Av V'eim* pages 306-307.

48 *Techumin* 17, pages 157-159.

49 *Planting and Building* pages 35-36; *Avnei Shlomo*, *Zefer Zikaron* page 60. See *Seridei Eish* 3:95.

50 *Planting and Building* page 36.

כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (גדה עב)

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appropriate in rare circumstances,⁵¹ but hitting should not become part of one's approach to *chinuch*.⁵²

It is said that Harav Elya Lopian *zt"l* regretted hitting his children.⁵³

Harav Shach *zt"l* did not advocate to hit a child today.⁵⁴

Harav Pam *zt"l* is quoted to have mentioned that due to the enhanced sense of personal freedom and individual rights, hitting children is unwise and counterproductive.

Harav Ovadia Yosef *zt"l* discouraged hitting by a parent or *rebbe*,⁵⁵ but a light hit by a father is allowed.⁵⁶ For example, if a child is disturbing in shul, one can hit the child lightly on the wrist.⁵⁷

Harav Yisroel Belsky *zt"l* mentioned⁵¹ that one can hit once in a great while.

A leading well-known rabbi, Rabbi Yaakov Horowitz *shlit"a*, says the following about this: The very foundation of abuse prevention is predicated on the notion that children need to be taught that they have a right to privacy and security, and no one has the right to invade that space. With that in mind, if you hit your own children and allow them to be hit by others, then how can you possibly teach them that they have the sacred right to privacy and security? Isn't it a huge invasion of their space when you hit them? How can you try and protect them from having other people invade their private space if you do so yourself? We should learn

51 Perhaps when a child runs into the street or plays with matches (*Chinuch with Chesed* page 234).

52 *Planting and Building* page 37. Refer to *ibid.* where he says that screaming at a child is worse than a light slap.

53 *Planting and Building* page 35.

54 *Derech Sichah* 1, page 74.

55 *Kibbud Av V'eim* (Yosef) 12, page 557.

56 *Ibid.* 12:10.

57 *Ibid.* 12:12.

איננו להחזיק את הילד בראש או בעליון אלא רק במקרה של הלקאה בלבד... (ברכות טו)



כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

to parent and educate our children without resorting to the hitting that damages their self-esteem and makes them far more vulnerable to other abuses.

Regarding a *rebbe* hitting a child, this is almost unheard of today⁵⁸ since the society does not allow this to take place. Therefore, a *rebbe* should not punish a child by hitting him.⁵⁹

Harav Shlomo Zalman Auerbach *zt"l* mentioned that a *rebbe* may end up in jail for hitting a child in school,⁶⁰ so it is not worth the risk for *chinuch*.⁶¹

It is well known that Harav Ovadia Yosef *zt"l* would slap everyone who came to see him, out of love, and not for disciplinary reasons.

Why Is It Permitted to Hit a Child?

The *Minchas Yitzchak*⁶² asks why it is permitted to hit a child, since the mitzvah of *chinuch* is rabbinic in nature and hitting someone else is a Torah prohibition.⁶³ The Gemara⁶⁴

58 It was very common in the 1940s and 50s for a *rebbe* to hit a child in yeshiva. Many of them would use rulers and this had a very bad effect on the children. Many of the *rabbeim* were Holocaust survivors and let their frustrations out on the children, but who can judge these people (*Chinuch with Chesed* page 235).

59 This is mentioned in *Sha'arei Halachah U'minrag* 3, page 192; *Chinuch with Chesed* pages 234-235. Harav Elyashiv *zt"l* and Harav Chaim Pinchas Scheinberg *zt"l* were against a *rebbe* hitting a child today (*Pesakim V'teshuvos* 245, footnote 190).

60 One needs to be careful as the number of states that allow spanking in public schools has been [diminishing](#) at a rapid rate, as there were forty-five states in favor of such laws in 1980 and only twenty-two states in 2004. It is interesting to point out that thirty-nine countries have banned corporal punishment of children.

Many times when one hits a child the child thinks that one gets what he wishes by hitting and it causes a child to hit others as well.

Once you begin hitting your children, you think that doing so is normal and you hit him for minimal offenses as well.

61 *V'aleihu Lo Yibol* 2, page 48.

62 3:105. See *Chinuch Yisrael* 2:6, pages 431-432.

63 *Devarim* 25:3. See *Shulchan Aruch, C.M.* 420:1.

64 *Maseches Sanhedrin* 58b.

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says that one is called a wicked person for simply raising his hand before he actually hits anyone.⁶⁵ The Rambam⁶⁶ says one who hits anyone, even a child, transgresses an *issur*. Some suggest that the prohibition only applies when hitting to harm someone, not for *chinuch* reasons.⁶⁷ One must be careful that he hits with good reason, or else it is forbidden.⁶⁸

The *Sefer Chassidim*⁶⁹ permits hitting for *chinuch* reasons, even though it says, *One who hits his friend is a wicked person.*⁷⁰

Law in New York for a Parent

A parent is allowed to hit children in N.Y. However, that does not necessarily mean that the New York Administration of Children's Services will not get involved in cases of legal child discipline. What one family perceives as perfectly normal, another may deem harsh.

These kinds of claims will often arise in child custody battles, where one parent interprets the corporal punishment as discipline, while another deems it abusive.

In the end, it's often social workers who are tapped to make the judgment call. Such a determination, even if it doesn't result in arrest, can have a profound impact on an individual and a family.

Setting aside the various moral arguments for and against spanking, let's focus on the legal aspects.

Corporal punishment for children in New York is legal.

65 *Shemos* 2:13. This is *d'Oraisa* (*Beis Yosef, C.M.* 34). Refer to *Pesikta Zutrisa, Shemos* 2:13; *Seichel Tov* *ibid.*; *Rashi* *ibid.*; *Kli Yakar* *ibid.*; *Torah Temimah, Shemos* 2:38.

66 *Hilchos Chovel U'mazik* 5:1.

67 *Igros Moshe, C.M.* 1:3; *Chut Shani, Shabbos* 4, page 274. See *Ohr Yitzchak, C.M.* 1:14, page 410; *Techumin* 16, pages 163-164.

68 *Igros Moshe, E.H.* 4:68. Refer to *Birur Halachah* 7, page 172.

69 49.

70 *Shemos* 2:13.

איננו להכות את הילד... (ברכות טז)



כל השווה הלכות בכל יום מובטח לו שהוא בן עולם הבא... (תדה עב)

However, parents should be mindful of N.Y. FCT. Law 1012. This law holds that a child (that is, a person under the age of eighteen) could be considered “neglected” when his physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired due to his parent or caregiver “unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereto, including the infliction of excessive corporal punishment.”

This law is painfully broad, and is open to a wide degree of interpretation.

The state’s criminal law, specifically N.Y. Pen. Law 35.10, is a bit narrower in its definition of justification for use of physical force against children. This law states that a parent, guardian, or person entrusted with the care and supervision of a person under the age of twenty-one can use physical force (but not deadly physical force) upon such person when and to the extent that he reasonably believes it necessary to maintain discipline or to promote the welfare of such person.

The key word here is “reasonably,” and that is open to interpretation of the court.

Some states have taken these laws a step further by specifically defining “how hard is too hard.” A bare hand may be considered abusive, but the use of an instrument, such as a belt, may not be, so long as injury does not occur. A child who is bruised or requires medical attention may be considered abused.

However, New York doesn’t offer such specifics.

What is clear is that the standard for proving child abuse stemming from corporal punishment is much higher in criminal cases than in family court. So even if hitting or spanking a child for disciplinary purposes may not land you in jail, it could very well impact your ability to maintain custody of your children. The family court judge may require

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you to attend parenting classes or some type of anger management course – at your own expense, of course.

Spanking in Public Schools

Some states allow for a teacher to spank a student in public school, such as Georgia and North Carolina. But New York and the majority of states do not. In fact, public school teachers in New York may be charged with child abuse or assault and battery for spanking students.

Conclusion

Although many places in *Chazal* talk about hitting a child and many parents have successfully done so through the ages, this is NOT the ideal method of punishment today. If one chooses to do so nonetheless, it should be the last resort and one should make sure not to do so out of anger or frustration. Furthermore, one must limit the frequency of this punishment, as it will lose its effectiveness.⁷¹ The Gemara in *Maseches Gittin*⁷² cautions about bringing fear into the home (and this happens many times when a parent hits a child).

The Rabbanut in Eretz Yisrael went so far as to issue a letter against hitting children in 1989;⁷³ all the more so today.

In regard to a *rebbe* or teacher, it is illegal in many states, and halachah demands that we follow local law in this regard.⁷⁴

71 Refer to *Shoalim V'dorshim* 4:67.

72 6b. Refer to *Chinuch Malchusei* 1, pages 141-153.

73 *Responsa* of the *Harav Haroshi* 5750-5753, page 117.

74 For more on Corporal Punishment in Schools see *Tradition* 37:3, pages 57-75 in depth.

איך ללמוד להלכה בלי להכות את הילד? (פרק 10)

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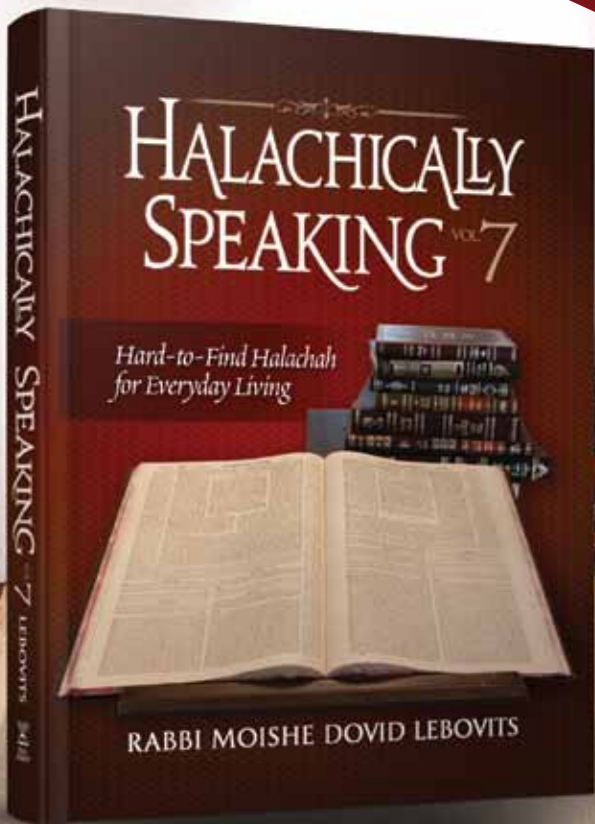
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