

THE AGE OF CHIYUV MITZVOS

VAYISHLACH

SHMINI

RE'EH

NASSO

SHIMON / LEVI / YAAKOV / SIMANIM OF KOSHER ANIMALS
HALACHAH L'MOSHE MISINAI / SHIURIM (SIZES)
CAUSATION VS. CORRELATION / MATURITY / AGE OF NON-JEWS'
OBLIGATION IN MITZVOS

לע"נ זאב אר"י ע"ה בן יבלחט"א שניאור זלמן גליק

In the story of Shechem, the passuk¹ says, “וַיִּקְחוּ שְׁנֵי בְנֵי יַעֲקֹב שְׁמֵעוֹן וְלִוִי אֲחֵי דִינָה אִישׁ חֶרֶב” — Shimon and Levi, the sons of Yaakov and the brothers of Dinah, each took their sword. The Midrash² says that they were then thirteen years old.

Rashi in Maseches Nazir³ learns from here that a person is מחויב במצוות (obligated to keep mitzvos) from the age of thirteen. Keeping Torah and mitzvos is connected to adulthood, and we see that they were called men, “איש” at the age of thirteen.

The Bartenura writes that we see another passuk⁴ where the word איש is specifically connected to the chiyuv to keep Torah and mitzvos: “אִישׁ אוֹ אִשָּׁה כִּי יַעֲשׂוּ מִכָּל חֲטָאת הָאָדָם לְמַעַל מֵעַל בֵּה” — “If a man or woman will do one of these aveiros, to rebel against Hashem etc.”

The Rosh,⁵ however, disagrees with Rashi and holds that just as all shiurim and classifications in halachah are a הלכה למשה מסיני – a mesorah from Moshe Rabbeinu, so too the “shiur” of adulthood is not based on a passuk, rather it is a halachah l’mosheh misinai.

The difference between the two opinions is, that according to Rashi, the chiyuv to keep Torah and mitzvos is connected to adulthood, greatness and maturity. (As we see in the pessukim “מִי שָׁמַךְ לְאִישׁ” – “Who has made you a man?” and “וְהִיטָה לְאִישׁ” – “You have become a strong man.” These pessukim show that “איש” shows greatness.) This maturity



1. Bereishis 34, 25

2. Bereishis Rabbah 80, 10

3. 29, b

4. Nasso 5, 6

5. Shaalos Uteshuvos 16

brings to an understanding the greatness of Torah and mitzvos. The Rosh, on the other hand, holds that the fact that from the age of thirteen a man has a chiyuv to keep Torah and mitzvos, is not connected to his developed nature, rather it is halachah.

2 What is the *סְבִירָא*—reasoning—behind the argument; why does each opinion disagree with the other?

This can be understood by first explaining a general principle.⁶ When the Torah gives *סימנים*—signs—for something, for example, a kosher animal, there are two ways to understand their meaning. One way is that these are a *סיבה*—cause, the other is that they are a *סימן*—a sign. In the case of the signs of kosher animals, one way to understand it is that the split hoofs and chewing the cud cause an animal to be kosher. These qualities are something special that make this animal suitable for a Jew to eat.

Alternatively, it could be understood that there are certain animals that are automatically superior, and therefore kosher, but we don't know how to differentiate them from the others. So, the Torah tells us that those animals that chew their cud and have split hoofs, are the kosher ones. The signs do not cause the kashrus, they merely indicate which animals already have the quality of being kosher.

(A support for the second approach is the halachah⁷ that if a kosher animal gives birth to something that doesn't have the signs of a kosher animal, the offspring is still kosher. This supports the understanding



6. *Tzofnas Paane'ach beginning of Hilchos Ma'acholos Assuros*
7. 5b

that the signs are merely indications – a siman – of kashrus. So in a case where we know another way that the animal is kosher (because it was born from a kosher animal) we no longer need the simanim.)

3 In regards to the age of Bar Mitzvah, there are two ways to understand why one becomes mechuyav in mitzvos at age thirteen. One way is that the age of thirteen is a sibah – causes the person to be mechuyav in mitzvos. Another way is that the age of thirteen is a siman – it shows that the person is mature and developed, and the maturity is what causes them to be mechuyav in mitzvos.

The Rosh holds that when someone is thirteen, his age causes him to be obligated in Torah and mitzvos according to halachah. It is a shiur and decree from Hashem that at age 13 one switches to being mechuyav in mitzvos. Rashi, however, who learns that it is from the passuk that calls Shimon and Levi “grown men.” Rashi holds that keeping Torah and mitzvos is connected with the maturity and understanding that comes with adulthood, and the Torah tells us that this maturity is reached at thirteen.

4 The practical difference between the two opinions would be with regards to a when a non-Jew would be obligated to keep sheva mitzvos b’nei Noach. If it is a halachah lemoshe misinai, it only applies to Jews.⁸ Therefore, according to the Rosh, we’d have to separately examine each non-Jew to see when he is mature enough to obligate him in, and hold him liable for breaking the seven mitzvos. According to Rashi,



8. Rambam Hilchos Melachim 9, 10

however, being mechuyav to keep Torah and mitzvos has to do with maturity, and the Torah informs us that this maturity is reached at thirteen, a non-Jew would also be mechuyav to keep the mitzvos that are applicable to him from the age of thirteen and onwards.

(We could however also say that according to how Rashi explains the Torah — as opposed to the above which is an explanation on the Gemara - each person is evaluated according to his faculties. We see this from what the Torah⁹ says about Yaakov and Eisav, "ויגדלו הנערים" — *"The youths grew,"* and Rashi explains that "Until then no one noticed their natures, since they were young and people don't examine the actions of young people." We see that their natures would have been noticed if their actions had been evaluated, even though they were less than thirteen years old, because maturity depends on the person.)

5 A question arises; why would the Torah teach us the foundational chiyuv in Torah and mitzvos, from a seemingly undesirable thing, the wild and irrational slaughter of Shechem?

The answer is that Shimon and Levi weren't acting rashly, rather they were doing what was needed with mesiras nefesh! They needed to rescue Dina from the hands of Shechem, so they weren't deterred by the impossibility of what lay ahead, and did what needed to be done. The Torah teaches us, that even though one only becomes obligated at the age of understanding, we shouldn't think he only needs to do what we understand, and ignore the rest. Rather, we need to fulfill Hashem's ratzon and do all that He asks of us with mesiras nefesh.



9. Bereishis 25, 27

STUDY AID

1. The source that a thirteen year old is mechuyav in Torah and mitzvos is, according to Rashi, from Shimon and Levi, and according to the Rosh, a halachah lemoshe misinai.
2. The reasoning behind it, sibah or siman.
3. Practical difference, with regards to a non-Jew.
4. The lesson for us, to keep Torah and mitzvos with mesiras nefesh.

Source:

על פי ליקוטי שיחות חלק ט"ו פרשת וישלח שיחה ד'