

HALOCHOSCOPE ^{TOI} PE

A special child is enrolled in a program with gentile children. The group will be going on a field trip, and will be eating at a pizza shop. May the parents of the Jewish child provide him with a piece of kosher pizza to take along, and allow him to eat it with all the other children at the pizza shop?

The issues:

- (A) *Maris Ayin*, the appearance of doing something forbidden
- (B) Entrusting the food in the hands of the gentiles
- (C) The responsibility of the parents on the possibility that the child will actually eat the non-kosher food

(A) *Maris Ayin*

Apart from the usual possibility of non-kosher ingredients, pizza of a gentile is assumed to be unfit for consumption by a Jew. Cheese manufactured by, and owned by a gentile is Rabbinically forbidden. In addition, it is common for pizza to have a mixture of meat (not kosher) and dairy ingredients. It is also cooked by a gentile. The crust is baked by the gentile as well. In all, the likelihood is that the gentile's pizza is forbidden for five reasons. For this reason, giving the appearance of eating such pizza involves *Maris Ayin* on all of these prohibitions.

There are two issues of *Maris Ayin*. First, one is concerned about arousing suspicion. Assuming others will know that the food is forbidden, they will not learn from the actions of the person suspected of consuming it that it is permissible. However, the fact that one is suspected is also wrong. The Torah demands that one should remain "innocent in the eyes of Hashem and Israel." The Talmud records instances of people reacting in the most terrible ways when they discover that they have been suspected of transgressions that they did not violate. In addition, *Chashad*, suspicion, can cause a *Chilul Hashem*, desecration of the Hashem's Name, when others suspect people of violating His Mitzvos. Therefore, *Maris Ayin* is strictly forbidden. Sometimes, the Rabbis instituted a special prohibition due to the logical implications of the action leading to *Chashad*. In such cases, though the action itself does not directly appear wrong, it could be confused with a totally different activity that is forbidden. If the true action is *Maida Yedia*, well known, and no-one should suspect the person of violating a

Mitzvah, there is no Maris Ayin. This can be extended to a situation where the action is so obviously forbidden that anybody seeing a learned person doing the look-alike will automatically assume that he is not doing the real thing.

The second type of Maris Ayin is *Shema Yilmedu*, people could learn the wrong idea from one's actions. They might not be able to distinguish between this activity and the truly forbidden activity. They might think that one is doing the forbidden activity, and conclude that it is not really forbidden. The Poskim maintain that if there are others doing the forbidden activity already, the person doing the permissible look-alike activity need not refrain. Those who will learn to do the wrong thing have other role models. However, one must always be concerned that while certain people do not serve as real role models, others do. Thus, if a large number of non-observant Jews violate a Mitzvah, others will not learn from them that it is permissible. They will (correctly) assume that it is forbidden but that the non-observant Jews do not care about it. If the onlooker feels a conscience about doing something wrong, he will not do the activity. If, however, he sees an observant Jew do what he thinks is the same activity, he will wrongly conclude that it is permissible. Accordingly, one may not universally apply this dispensation.

In our case, the issue is taken a step further. The child is actually given kosher pizza, but will eat it with all the other children in or near the gentile pizza store. Onlookers might recognize the child of an observant Jew and think that he is eating gentile pizza. They could think that while it is forbidden to adults, maybe there is nothing so bad about children eating it. Or that maybe there are circumstances when it is permitted to such children. They might know that the parent would not violate it himself, but will suspect that the parent does not realize the prohibition. Or that the parent was not aware of what his child was being fed. Or that the parent was not careful enough in instructing those running the program about his child's diet. [See e.g. Chulin 41b Avoda Zara 21a, Shulchan Aruch Orach Chaim 243, Yoreh Deah 87:4, commentaries, etc. Igros Moshe O.C. IV:82.]

(B) Entrusting the food in the hands of a gentile

Assuming that the kosher pizza looks different from the gentile pizza, there are other issues to consider. First, one is entrusting the kosher food in the care of a gentile. Relying on a gentile in matters that affect kosher food has some very complex guidelines. He is not well versed in Kashrus matters. It is not a matter of his personal religious principle. He can not be relied on to take it as seriously as a Jew would. He would not be admissible as a formal witness, most situations. He might violate instructions with no evil intent. While a particular gentile might be totally

trustworthy in mundane matters, in Halachic situations the technical rules must be followed. Supervision or spot-checking would not be possible in our case.

When his reputation is crucial to his livelihood, a gentile is trusted. Thus, if his job involves supervising food or providing personal religious needs he would be relied on. There must, however, be a way to account for his activities, or he would have nothing to fear about his reputation.

Even if it was not known to have been handled by a gentile, meat left unattended is forbidden. An adult may rely on his memory for recognition of the piece or location, but a child may not. There is also the possibility of the gentile exchanging kosher food for non-kosher. (Unless the gentile stands to gain nothing.) To avoid this, seals and markings are made on material transported by a gentile messenger.

In our case, the staff member feels responsible for the child's eating. If the kosher pizza is lost, spoiled or even needs to be reheated (in the non-kosher oven), he would think it his business to do it. If the Jewish child cries because he wants what the others have, the gentile would feel obliged to placate him. A seal would not help, and there is no real way to account for the gentile's actions. In addition, the other children might be provided with an extra surprise, which might then include the Jewish child. Accordingly, there are many complications with the suggestion of sending kosher pizza along. [See Chulin 95a Avoda Zara 39a-b, Poskim. Tur Sh. Ar. Y.D. 63, 118-119, commentaries.]

(C) Parents' responsibility for youngsters' violation of Mitzvos

One might suggest that the child in our case is a minor, who is not obligated in Mitzvos. Though his parents should normally be responsible to prevent him from violating any precepts, maybe their responsibility is reduced in this case. Firstly, they will try to provide him with an alternative, and they are only indirectly responsible if the gentile does not follow their instructions. Secondly, the child is after all somewhat retarded. An adult of this status might also be exempt from Mitzvos. Is there an obligation to prevent such a person from violating anyhow?

A minor can not be Scripturally obligated in Mitzvos. As he grows up he must be trained in observance of the Mitzvos. There is a Scriptural obligation on fathers to teach their children Torah. Children mature enough to understand the meaning of their vows must keep them. There is a Rabbinical obligation to train children, known as Chinuch. Some consider it the parents' obligation, since a child can not be obligated. Even Rabbinical obligations are only binding due to the Scriptural obligation to follow instructions of the Rabbis. Others maintain that a child can indeed be obligated for this purpose. Chinuch applies at the age the child appreci-

ates the particular Mitzvah, or when he can physically perform the act, or both. For negative Mitzvos the age is when the child understands the concept of 'no' or 'don't'. Some Poskim indicate the need to train very young children in holiness. Thus, even before the age of Chinuch they must be acclimatized to performing acts of Mitzvos and refraining from transgressions.

Apart from Chinuch, adults may not feed forbidden food to children. Firstly, the Talmud derives from the verse that forbids unclean foods an indication that the foods will clog the heart. This applies even to very young children. Second, adults must prevent children from violations. The Torah obliges adult *Kohanim* to save young Kohanim from defilement by a corpse. The Talmud also requires one who to stop a child who has reached Chinuch age from eating forbidden food or committing any violation. Some say this only applies to Scriptural violations. Before this age, one may not feed him these foods directly, but need not stop him. However, his parents are obliged to stop him from violating any Mitzvah.

The Poskim discuss three levels of retarded children to be left in the care of gentiles. If the child is so retarded as to be considered *Shoteh*, incompetent and totally exempt of Mitzvos, one may not allow him to be fed forbidden food even indirectly. If he is presently retarded but will improve as a result of the care, he may be fed indirectly, i.e., by being given into the care of the gentiles. He is thus given the chance to keep many more Mitzvos by violating these right now. If he is only mildly retarded, he may not be fed directly, and parents would be required to prevent him from eating the food. In our case, the parents are taking measures to prevent the ingestion of forbidden food, but there is no guarantee. [See Yevamos 114a-b Shabbos 121a, Yuma 39a, Poskim. Tur Sh.Ar. O.C. 343:1, Y.D. 81:7, Rema, commentaries. Sh'ut Chasam Sofer O.C. 83.]

Finally, one must bear in mind, that aside for the heart-clogging aspects, the Maris Ayin and responsibility to prevent him from eating it, the child's impressions are important. Though there might a very limited form of Chinuch on a retarded child, the messages always leave their mark. If the parents seem to lower their standards for the child, it sends a negative message for the future when, hopefully, the child will be able to live a more normal life. Furthermore, other children, such as siblings, could also be negatively impressed by the situation. In conclusion, it is preferable to keep the child home from the trip.