

CORPORAL PUNISHMENT: HAVE THE TIMES CHANGED?

Some people have questioned the contemporary positive and more gentle approach in *chinuch* advocated by most *gedolim* and *mechanchim* from the *gemara* in *Kesuvos* 50a which recommends using a harsh approach when learning with children over the age of 12, including corporal punishment and withholding food (see *Rashi*). In response, I would like to bring up the following issues:

The intentions behind the discipline

Perhaps in earlier times parents (and teachers) were more likely to discipline out of a feeling of responsibility toward the child and less out of anger and feelings of ownership. This would make a tremendous difference in regard to the impact on the child.

Rabbi Yitzchok Kirzner (*Making Sense of Suffering*, ArtScroll 2002, p. 64, fn) cites the Rambam, (*Shanhedrin* 16:9) that the official of the *beis din* who administers *malkos* is required to be weak and wise. We understand why he needs to be weak (out of compassion for the recipient of the lashes) but what kind of wisdom is necessary for this job? Rav Kirzner answers that wisdom is required to understand that Torah's attitude toward punishment (e.g., that it isn't revenge; rather it's for the benefit of the transgressor). "Apparently that difference in attitude is conveyed in the lashes themselves - a certain energy flows from the whip to the recipient's back. He can discern the difference between lashes of love and correction and those of destruction and rejection."

In the *sefer Binas Hamiddos: Pirkei Hadracha* (Yerushlayim, 5767, pp. 82-83) Rav Moshe Shapiro relates that Rebbitzin Dessler told him that her father, Rav N. Z. of Kelem, hit her twice and she feels that she gained a great deal from it. She also emphasizes that she had full confidence that he was hitting her only for her benefit and not out of anger [how many people today would say this about their parents?]. Yet when asked if he recommends for other parents to follow this example, Rav Shapiro says that today hitting is not the proper approach. Only truly great people were able to allow themselves this type of discipline.

(It is worth noting that there has never been a *halachic* opinion permitting hitting a child in anger, so in real current life the issue of the permissibility of corporal punishment is usually not relevant. In *Even Sheleima*, the Vilna Gaon, explaining the *posuk*, "*Chosech shivto sonei beno [Mishlei 13:24]*" states that a parent who strikes his child must do so with no trace of anger!).

The changing times

Many *gedolim* have commented on the changing times (or the individual natures of different children) requiring a change in approach - from one of the *Rishonim* (*Ritva*,

Moed Koton 17a) discussing until what age one can hit a child, through the *Pardes Yosef* (approximately 80 years ago) on the *posuk*, "*kol machala asher samti beMitzrayim*" (*Beshalach*, perek 15) until current and recent gedolim such as Rav Wolbe who has made many strong statements against the use of corporal punishment (e.g., in his *sefer Planting and Building in Chinuch*).

Rav Chaim M'Volozhin is quoted (*Chinuch Malchusi*, R' Mordechai Huminer, Bnei Brak, 5764, p. 127) as saying that people (not just children) are no longer able to hear harsh words and therefore anyone who is not capable of rebuking someone softly and without anger is *potur* from the obligation of *tochucha*.

The *Pardes Yosef* (cited above) compares the changes in the emotional vulnerabilities of people to the changes in the physical makeup of people where medicines that helped people in earlier times are harmful to contemporary patients. Likewise, in the emotional sense, says the *Pardes Yosef*, people in the past were able to tolerate and benefit from harsh rebuke but people of the later generations are unable to. Rav Pam in the *Atara LeMelech* (p. 175) compares the people of earlier generations to metal vessels. If a metal vessel gets dirty, you pour boiling water on it (analogous to harsh rebuke) and it comes out shining clean. Today, we are more similar to earthenware vessels – if you pour boiling water on it, you'll end up with a muddy puddle!

While Rav Dessler condones hitting as an educational tool (*Michtav MeEliyahu*, Vol. 3. p. 360), perhaps he would see things differently today. This assumption is indeed made in the *sefer Oz Nedabru Anshei Chinuch* by Rabbi Zvi Chanoch Rappaport (Yerushalayim, 5764, p. 11).

Rav Shlomo Wolbe addresses the question if contemporary children are different than the children of previous generations in regard to their reactions to harsh discipline. In a letter of *haskamah* to the *sefer Nefesh Hayeshiva* he praises the author for being sensitive to the emotional vulnerabilities of contemporary children. "Were previous generations [emotionally] healthier?" asks Rav Wolbe. "We don't really know" he answers, but we do know that in our times we have to be very sensitive to these vulnerabilities [*Nefesh Hayeshiva*, Rabbi Yaakov B. Friedman, Yerushalayim, 5757, p. 30].

What has changed?

If we are to assume that the nature of people has changed, so that harsher educational approaches which were effective in the past no longer are, to what do we attribute these changes? One can only speculate. One factor that has struck me as possibly involved in this change is the increased emotional pressures that many children experience today. This may seem like a strange explanation to many, since the accepted wisdom is that today's children are "spoiled" – "they have it too easy." While this is certainly true in regard to creature comforts - which is true of the parents also (as discussed below) – in other important dimensions kids have it tougher than before. Parents may have less time

to devote to their children and the hectic pace of modern life may make it difficult for parents to have the necessary patience when they do spend time with them.¹

But perhaps more than anything else, the major change is that parents no longer accept the fact that the average child is going to be average. Actually, they do accept it, as long as it's not **their** child. If a contemporary parent were to be told at PTA that their child was average they would most likely be devastated. This causes parents to put excessive pressure on their children and makes children feel that they are not accepted for who they are. Perhaps it's the relative affluence that many in our society enjoy today that allows them to focus their attention and their resources to "extracting" the maximum from their children at an ever younger age. Even if they do live up to their parents' expectations and make their parents proud, they may end up with an underdeveloped sense of self, since they are living for their parents.

A patient once challenged my assertion that problems in self-esteem are most often the result of deficiencies in the parent-child relationship. "It can't be" he protested, "I was my parents' favorite child and yet I always had problems with my self esteem, so it must be genetic." I pointed out that the reason he was his parents' favorite was not in response to his needs but rather because he best fulfilled their needs – he was living their lives rather than developing his own. Not only didn't he have positive self-esteem, he didn't even have a developed sense of self!

Does it really make sense to say that children have it too easy when they have too many toys but not enough acceptance or even worse, when they have to always focus on their parents' unmet needs rather than on their own developmental needs?! You don't spoil children just by making their life more comfortable than yours was. Will they really be better off walking miles to school in the sweltering heat (while you drive in your luxury air conditioned sedan)? You "spoil" children when you give them too much of what they don't need (e.g., elaborate toys that none of their friends have and they never expressed a need for) while you don't give them what they desperately do need (time, patience, love, warmth, and acceptance). They then learn to fill the hole in their heart with "glamorous things." They will become addicted to the pleasures that this brings as a substitute for the happiness that they are lacking. In this sense they are indeed spoiled – but certainly not because they had it too good!

¹ ראה ספר לולי תורתך (הרב אשר ברגמן - תשס"ב, עובדות וכו' ממרן הגרא"מ שך) עמ' סה' – סיפר אחד מראשי הישיבות, שפעם נתקל בבחור שסבל בבית הוריו מיהס קפדן ונוקשה. שוחח עם ההורים, וטענו שזו דרך חינוכם... עלה אתם אל מרן זצ"ל. נענה מרן ואמר: "התורה הקדושה הטילה על ההורים תפקיד כפול, של הורים ושל מחנכים... שמאל דוחה וימין מקרבת, שהעיקר הוא הקירוב... כל זה הי' בזמנים עברו, עד לתקנת רבי יהושע בן גמלא. אך מאז, הופרדו התפקידים: האב מינה את המלמד... והוא עצמו נותר ותפקיד אחד בידו. אחד בלבד: להעריך אהבה על בנו!" וכאן פנה מרן אל ההורים, והורה: "בבית תנהגו עמו בשיא האהבה, תבואו לקראתו בכל דבר שניתן. תקנו לו כל צרכיו, תכינו עבורו אוכל כראוי – הישיבה כבר תחנך אותו... הבית חייב להקדין חום – שאם לא כן, עלול הוא להפשו במקומות אחרים".
ובראיון עם הגאון רבי יהודה סילמן בשבועון משפחה ("שבט יהודה" י' בשבט תשס"ח - 01.17.08 - עמ' 25-16) - בדור שעבר אנשים הרגישו שיש מאבק על היידישקייט... גם אדם שעבד 12-14 שעות בפרך ידע שהוא חייב להשקיע בילדים שלו. היום חושבים שהכול הולך אוטומטי.

*The Chayei Adam (67:3) states that in order to fulfill the mitzvah of kibud av v'eim in all its dimensions one needs to think of his parents as being special people, even if the rest of the world considers them to be plain and simple people. I heard Rav Matisyahu Salomon shlit" a ask: Is a child required to be delusional in order to fulfill this obligation? He explained that the Chayei Adam doesn't mean that the child has to think that that his parents are objectively special. Rather, **in his eyes** they should be special. It seems to me that this is only likely to happen if the parents first treated their child as a special person, not because he was objectively special, but simply because he was their son. To paraphrase a quote I once saw, "You may be only one person in the world, but you should be the world to your parents." This in itself would make the son feel that his parents are special to him because they are the only ones who see him in this manner.*

The need for alternative strategies

Often teachers and parents resort to hitting because they are lacking the tools to deal with children's misbehavior in any other way. I often speak to parents and teachers who are convinced that without harsh discipline children would be totally out of control. One "exercise" I have used is to ask them to recall the best teacher they ever had. Then I ask them how often did that teacher punish or raise his/her voice etc. This is usually sufficient to establish the fact that it is possible to have an orderly class without harsh discipline.

Rav Noson Chaim Einfeld from the Kollel Chazon Ish writes in his amazing *Kuntros Chanoch Lenaar* (in the *Sefer Minchas Nossan* -Bnei Brak 5767 pp. 262-266, with *haskomos* from Rav Michal Yehuda Lefkowitz etc.) that he had been asked by teachers, in response to the first edition of his *Kuntros*, "so how **do** you react to misbehavior?" In response, he relates the following true incident. An impulsive student got upset at his rebbi and yelled at him in front of the class "*ata meshuga*" (you are crazy). As soon as the words left his mouth the class turned apprehensively silent and the boy turned pale, awaiting the suspension, etc. The rebbi thought for a moment and responded: According to *halacha* a student has to have respect and awe of his rebbi, and if not, as is obviously the case here, the rebbi is not permitted to teach him. Therefore, I will recommend that you should go up to the next higher class. Perhaps there you will be able to respect the rebbi. The boy began to cry and asked forgiveness and pleaded to be able to stay. The rebbi assured him that it wasn't a punishment but a necessary prerequisite to being a student. The boy, at his own initiative, asked his parents to come in to try and persuade the rebbi to let him stay. The rebbi allowed himself to be convinced.

Like they did it in the old country

For those who express an affinity to do things like they always use to do it, I present the following:

About 20 years ago I heard about a Menahel of Chassidic cheder who didn't allow his melamdin to use corporal punishment with their talmidim. A group of parents came to the menahel complaining that he was guilty of changing the

minhag of how it was done in the alte heim (in the old country). “Do you live like parents lived in the old country?” he retorted, “Did your parents have two cars and a home in the country? When you live like they did in the old country then you can demand of your children to be treated like they were in the old country!”

Understand the cause before you discipline

It is important to remember that before one jumps to the conclusion that strict disciplinary measures are necessary, there is a *chinuch* obligation to investigate the possible causes for the misbehavior. In this regard, I would like to relate an amazing story with Rav Shach as related in the *sefer Binas Hamiddos* (Yerushlayim, 5767, Introduction p. 10):

A yeshiva bochur was caught a number of times being mechalel shabbos in the dormitory. The roshei hayeshiva went to Rav Shach to obtain his approval to expel the bochur from the yeshiva. Rav Shach was very weak and frail in his advanced age. “What is the financial situation at home?” “What is the sholom bayis situation by his parents?” he asked. The roshei hayeshiva were surprised by these questions. “How should we know what is happening in his house?” they asked. Rav Shach became visibly agitated and with great difficulty, he pushed himself up on the table to his full height, and with tears streaming down his face, he yelled at them “Rodfim, gei avek phun main shtub!!” [“Pursuers (the halachik term for a person chasing someone for the purpose of killing him),” get out of my house!!]. “I don’t want to speak to you, you don’t know the home situation, you don’t delve into his personal life, and all you know how to do is to throw him into the street!! The staff hurried to investigate and discovered that the family suffered from extreme poverty and the parents had just recently divorced. [It is worth noting that Rav Shach didn’t assume that this behavior was simply due to the bochur’s yetzer horah, the assumption made by many teachers and parents in such circumstances].

Spare the rod, spoil the child

The proponents of corporal punishment cite the *posuk* of *chosech shifto soneh b’no* (*Mishlei* 13:24) as clear evidence that the Torah mandates corporal punishment. However, Rav Wolpe clarifies this point and emphasizes that “*sheivet*” doesn’t only mean a “rod” but could also mean a stern look or even a “rod of pleasantness.”²

² ראה עלי שור, ה"א עמ' רסא'

**The following is an exchange of letters published
in the February 2008 Jewish Observer.**

To The Editor:

In your Dec. 2007 issue, in Readers' Forum, you published a letter from Benzion Sorotzkin, Psy.D.

Being involved in *chinuch* myself, I can identify with much of what was written there.

It may sound like a mere detail, and it may only be a matter of style and expression, but one phrase troubled me and you may wish to clarify this for your readers.

In parenthesis we read: "A Rav told me that Rabbi Wolbe zt"l told him that the *Mishnah* stating that it is better to be the tail of a lion than a head of a fox (Avos, 4:15) no longer applies (my own italics) because it would break the spirit of most people."

Neither the author nor the authorities quoted could have intended to claim that the timeless words of the *Mishna* can actually become obsolete. However, clarification of this delicate point would be greatly appreciated. We all know that there are people out there who would not hesitate to render certain statements of *Chazal* as outdated and once this is done, every *Chazal* becomes vulnerable to casual dismissal.

My point is not to become involved in any debate concerning *chinuch* at this time, but rather to appeal for extra caution in the choice of language on an issue that is very sensitive and precious to all of us.

P. J.
Monsey, NY

[My response]
To the Editor:

I appreciate Rabbi J.'s comments as it gives me the opportunity to clarify what I wrote. Although I quoted Rav Wolbe's comment as it was told to me, he certainly didn't mean that the *Mishna's* statement is no longer true. Indeed it is still true that it would be better for a person to be among those greater than himself so that he could learn from them. However, due to their weakened emotional state (part of the *yeridas hadoros*) many of today's students are unable to take advantage of this advice because it may cause more harm than good. This could be compared to someone who would benefit from surgery, but because of his weak heart he can't risk it.

There is indeed reason to fear that acknowledging these changes may encourage those so inclined to "render certain statements of *Chazal* as outdated." At the same time - and this is a point that is frequently overlooked by well-meaning people - not acknowledging these changes and using educational methods that are no longer effective poses an equal, or perhaps even greater, danger. It is for this reason that only our *gedolim* can decide when or if established educational practices should be adjusted because of changing

circumstances (e.g., see *Michtav MeEliyahu*, Vol. 3 pp. 362-364). This is the only necessary or possible protection from “casual dismissal” of *divrei chazal*.

While the words of the *Mishna* are certainly timeless, the idea that educational methods that worked in the past may no longer be as effectual has been stated by many *gedolim*. For example the *Pardes Yosef* (*Beshalach*, 15:26) compares the changes in the emotional vulnerabilities of people to the changes in the physical makeup of people. Just as medicines that helped people in earlier times are harmful to contemporary patients [including those mentioned in the *Gemora*], likewise, in the emotional realm, harsh rebuke was effective in the past but today it can often be counterproductive.

פרדס יוסף (בשלה טו:כו) - ...רופאי זמנינו אינו משתמשים בהרבה רפואות כמקודם כמו הקזת הדם אף שהוא טוב מכל מקום אדם נחלש ביותר... וכן ברפואות הנפש אין אנו יכולים להשתמש בהכאה, נזיפה הקהה את שיניו וכדומה, כי במקום רפואה יחלשו עוד יותר גוף היהודית... ואם הראשונים לא נכוו ברותחין, עתה סכנה בפושרים...

Rav Pam also discusses how the type of *mussar* that is most helpful in promoting *teshuva* has changed because of the *yeridas hadoros*. He compares the contemporary *Yid*'s reaction to harsh criticism to an earthenware vessel that will melt if you pour boiling water over it in order to cleanse it.

עטרה למלך (עמ' קעה) – התשובה המעולה... היא על דרך "סותר על מנת לבנות"... הנה הדרך הזה היא טוב לדורות הראשונים... אבל לנו חלושי כח מבחינה רוחנית וקלי היאוש, דרך זה רחוק משכר וקרוב להפסד. כמו כלי חרס... כן אנחנו עלולים להתפקע לגמרי ע"י אש הבקורת החריפה. ובמקום שאיפה לתיקון ועלי' תנחל נפשנו עצבון רוח ומרירות היאוש, ואין לנו מפסיד גדול מזה.

A similar comment:

רבי חיים מוולוז'ין (מנחת שמואל אות י"א) – בזמן הזה, קשות אינם נשמעים.

Rav Shach also related how when he first came to Ponovich he would strongly rebuke *talmidim* who were lax in their *davening* attendance. Twenty years later he felt he could no longer use this approach and he switched instead to a softer approach.

אורחות הבית – (עמ' קנו) [הרב שך אמר ש]הנהגה זו, אשר טובה וראויה היתה לשעתה – שוב איננה מתאימה לדורנו... כיום אני נוהג אחרת...

Rav Michal Yehuda Lefkowitz makes a similar point regarding the *gemara* (*Sotah*, 47a) that mandates an educational approach of rejecting with the left hand while bringing the child closer with the right. Rav Michal Yehuda comments that “in our times - because the generation is weak - there is a lack of effectiveness to the ‘rejecting left hand’ and one needs to mainly strengthen the ‘*kiruv* of the right hand’.”

דרכי החיים (ח"ב, עמ' יז) בזמנינו, שהדור חלש, אין כה ל"שמאל דוחה", וצריך לחזק בעיקר את ה"ימין מקרבת".

This, of course, doesn't mean that the concept of the “rejecting left hand” is completely done away with; rather it's that the balance has shifted significantly to the *kiruv* right hand.

There are many other such comments by *gedolim* of recent generations that make it clear that unlike the *halachic* statements of *chazal*, their advice on educational approaches may, at times, need to be adjusted to the changing circumstances of the generations [a compilation of such quotes are available by emailing me at bensort@aol.com or by faxing a request to 718-377-0215]. Again, such decisions can legitimately be made only by the *gedolim* of each generation.

From discussions I've had with some readers of the *JO* I learned that my quote from Rav Michal Yehuda Lefkowitz regarding *kinas sofrim* may have been misunderstood by some. To clarify:

Rav Michal Yehuda obviously didn't mean that he isn't familiar with *seforim* that apply *kinas sofrim* to *talmidim*. There are countless such references. Rather, since the *gemora* itself is only discussing *melamdim* and nowhere does it apply the concept to *talmidim*, he wasn't sure how and why it somehow began to be applied to *talmidim*. (This is perhaps similar to the question of the מהר"ץ חיות on the Rambam quoting *chazal* as saying כל הכועס (שבת קה:) – כאילו עובד ע"ז [with countless subsequent such quotes] when the *gemora* actually limits this concept to כלים בחמתו.)

There is no question that the concept of healthy *kinas sofrim* was already applied to *talmidim* in earlier *seforim* (whatever the source). What Rav Michal Yehuda told me was that, in our times, as a result of the *yeridas hadoros*, we no longer see healthy *kinas sofrim*. He also writes this in his *sefer*.

ספר דרכי החיים (רבי מיכל יהודה ליפקוביץ, ח"א, עמ' שסה) – ...הסיבה לאי הצלחה בלימוד, היא... קנאה באחרים, ואע"פ שאמרו חז"ל "קנאת סופרים תרבה חכמה", אולם בזמננו אין אנו יודעים מהי המידה לכך... ולכן יכול לצאת ממנה דברים גרועים מאד, ויש להיזהר. (עמ' שסו) – עלינו ראשי הישיבות למנוע שלא יהי' תחרות בישיבה, אמנם אמרו חז"ל "קנאת סופרים תרבה חכמה", אך חושבני שבזמננו אין מי שיגיע לדרגה זו של תחרות מועילה.... המתח והתחרות גורמים לכל המצבים הירודים ביותר... (עמ' שסז) – וצריך כל אחד ליתן דעתו על כך להתרחק מהתחרות...

Benzion Sorotzkin