

SICHA SUMMARY

PROJECT LIKKUTEI SICHOS | 5783 - YEAR OF HAKHEL



Likkutei Sichos, Vol. 17

Kedoshim, Sicha 4

The Law:

When a nine year old boy engages in relations with a shifchah charufah, (a Cannanite maidservant who was freed by one one of her two owners, and was designated to marry a Jewish slave), she is given lashes and he is required to bring a sacrifice.... For a man is not liable to bring a sacrifice until she is liable for lashes, as [implied by] the verse: "There shall be an inquiry [leading to her receiving lashes].... And he shall bring his guilt offering [implying that his offering is contingent on the results of her investigtaion]." (Vayikra 19:20-21) (Issurei Biah, 2:17)

The Question:

The Ra'avad differs with the Rambam's ruling, maintaining that a minor is never required to bring such a sacrifice, for this sacrifice is a punishment and a minor cannot be held responsible for punishable actions.

The Preface to the Explanation:

There is a rabbinic mitzvah for a father to educate his children in the performance of mitzvos, for example to teach his children to recite grace after meals, even though the child is not Biblically obligated to do so. Authorities disagree whether this rabbinic obligation devolves upon the child as well. Some maintain that the obligation is solely the father's, while others maintain that the child also has a rabbinic obligation to do these mitzvos. The practical ramification of this debate would be in a scenario where an adult has not eaten the minimum amount needed to be Biblically obligated in grace after meals, but has eaten enough to be rabbinically obligated. If a child has a rabbinic obligation to say grace after meals, then the adult can discharge his rabbinic obligation by listening to the child's recitation. If the child does not have a rabbinic obligation, then his recitation cannot absolve the adult of his mitzvah.

Rambam rules that a child can recite the grace on behalf of his father. It appears that he maintains that the rabbinic obligation on

the father to educate his child extends to the child himself.

The rationale for this is as follows: Many mitzvos require preparation beforehand to be able to perform the mitzvah. A Lulav has to be cut and bound, a Sukkah must be built, a knife must be prepared for a circumcision. Because it is impossible to do these mitzvos without their preparation, these preparations are endowed with some of the significance of the mitzvah itself. Some authorities even maintain that a blessing is made when making these preparations, and that if the mitzvah overrides Shabbos, so do the preparations.

Similarly, the father cannot fulfill his obligation to educate his child without the child performing the mitzvah. The father's mitzvah is to see to it that his son fulfills the mitzvah. Therefore, the rabbinic obligation extends to the child as well.

Precedent for this is found in the Biblical mitzvah of a father teaching his child Torah. The Tzemach Tzedek writes that in the event that the father does not fulfill this obligation, the child must do so, even in his childhood. In other words, the Biblical obligation of education on the father extends to the child himself, obligating him to study in the absence of his father's providing an education.

The Explanation:

The same applies to the child's sacrifice in the case of the relationship with the partly-freed maidservant. This prohibition is unique in that the Torah makes the punishment for the man contingent on the woman's punishment. Usually, each participant's action is judged separately. In those scenarios, the underage person cannot be held responsible and is not obligated in a sacrifice. But because the man is only obligated in a sacrifice because of the maidservant's punishment of lashes, which in turn is only possible because of the man's actions, it follows that the cause of his punishment is **not his action alone**, but that fact that his action precipitated the woman's lashes. And because the Torah considers a nine-year-old's intimacy sufficient to obligate the woman in lashes, the responsibility extends to him as well, obligating him in a sacrifice.

The Lesson:

Because the concept of education is so powerful that it can extend a Biblical or rabbinic obligation onto a minor, that indicates how important the education of our children must be. Proper education can "transform" a child into a new entity, a young person with shades of adult maturity and responsibility.
