

If Someone Asks His Friend to Make a Purchase for Him, Is He Permitted to Back Out After The Purchase is Made?

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Question:

Reuven is taking a trip to Eretz Yisroel. His friend, Shimon, asks him to please purchase some *mezuzos* for him from a *sofer* in Yerushalaim. When Reuven returns to America with the *mezuzos*, Shimon tells him that he changed his mind and bought *mezuzos* from a *sofer* in America instead. Does Shimon have to pay Reuven for the *mezuzos* that he bought on his behalf?

Answer:

Technically speaking, one is not bound to a purchase unless he makes a *kinyan*. In this case, Shimon didn't make a *kinyan*, so it would seem that he has no obligation to pay; however, the halacha is that one can appoint a *shliach* without a *kinyan*. In this story, Shimon clearly made Reuven his *shliach* to buy *mezuzos* for him. Secondly, there is a rule that "*shlucho shel odom k'moso*", so when Reuven bought those *mezuzos* for Shimon it was as if Shimon was buying them. Thus, the *mezuzos* belong to Shimon and he cannot refuse to take them from Reuven.