

Kinyanim of a Minor

Rav Eliezer Cohen

Question: A child finds some money laying around at home and takes it to the grocery store, where he happily purchases a lot of candy. Of course, the parents are upset and demand a refund. Do they have a valid complaint against the store owner?

Answer: We can begin this discussion by speaking of a case of a husband and wife. According to halacha, in most instances, the husband is considered the owner of all the money in the home. This leads us to ask how a wife is able to buy anything in a store.

The Nesivos Hamishpat writes that Chazal decreed that since it is understood that a husband agrees to allow his wife to purchase items in a store, the storekeeper can assume that everything is above board and all such sales have validity.

The Mishpatei Hatorah applies the same concept to a case of a child making purchases in a store. Since it is understood that children of a certain age often go shopping for themselves or their family, the shopkeeper is allowed to sell to them. The parents cannot come to the store later with complaints and claim that they didn't give the child permission to use their money and therefore deserve a refund. This would depend on the age of the child, and whether it's common in that place for a child of that age to shop himself. (For example, in Eretz Yisroel kids start shopping themselves at a much younger age.)