

May a Katan Sell Daled Minim?

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Question: It is common for young boys to sell *daled minim*. What are the halachos regarding buying *daled minim* from a *katan*?

Answer: The *takanah* of *pe'utos* allows boys under the age of bar mitzvah to be involved in commerce. The issue here is that this *takanah* of Chazal is a *din d'rabanan* and the rule that one must own his *daled minim* is a *din d'ohraysa*. The big question is if a *kinyan d'rabanan* is sufficient for a *d'ohraysa*. Many Poskim, including the Aruch Hashulchan, say that it is, which would mean that one may purchase *daled minim* from a *katan*. The Biur Halacha, however, says that one should avoid buying *daled minim* from a *katan*. In the rare case that the child was actually selling his own merchandise, and he does not have any specific guardian, that would seemingly be the *halacha l'maisoh*. If the child has parents or a guardian, he would also need their consent to sell his merchandise. But even if they do consent, according to the Biur Halacha it would be preferable not to buy from him.

It is more common, however, for a child to be selling *daled minim* on behalf of someone else, acting as a *shliach* to oversee someone else's sales. The problem with this is that a *katan* cannot be a *shliach*. If he is really involved in setting the price and giving it over to the buyers, he is essentially working as an agent of the owner – but since a child cannot be an agent, it's hard to say that the *kinyan* is valid on a *d'ohraysa* level. This could be a real problem.

The Nesivos Hamishpot says, however, that an agent sometimes is not really a *shliach* at all. If the price is already predetermined by the owner of the merchandise, and the child is only informing people of the price and taking money, he is more akin to a vending machine. The Nesivos calls this a "*maisoh kof*", as he is doing a job that technically even a monkey could do. Although the Ketzos Hachoshen questions some aspects of the Nesivos's ruling, he presumably agrees that if the actual seller takes care of everything and the agent has no say in the matter, then he is not a real *shaliach*.

Therefore, in such a case it would not be a problem at all to purchase *daled minim* from a *katan*.