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Digest
Mishna Berura
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סימן תרנ"ח סעיף ו'

Halacha Highlight

Sharing a *lulav* with one's child

Shulchan Aruch Siman 658 Seif 6
מפני שהקטן קונה ואינו מקנה לאחרים מן התורה
Since a minor acquires property but Biblically does not convey ownership to others

Shulchan Aruch writes that on the first day of Yom Tov one should not give his *lulav* to a minor if he has not yet fulfilled the *mitzvah*. The concern is that a minor can acquire property but Biblically, cannot convey ownership to others so when the minor returns the *lulav* to the adult who gave it to him that adult does not reclaim his ownership and he would be borrowing the minor's *lulav* rather than taking his own. He cites some authorities who maintain that once the minor reaches the age of 6 or 7 (מ"ב ס"ק כ"ו) it is permitted since Rabbinically a child that age can convey ownership.

Mishnah Berurah (ס"ק כ"ג וביה"ל סי' תרמ"ט סע' ה' ד"ה פסולי) rules that these same issues apply on the 2nd day of Yom Tov for those who live outside of Eretz Yisroel. This creates an issue for "sharing" one's *lulav* with his son on the 1st day since the father must reclaim ownership of it to fulfill his obligation on the 2nd day. Some authorities write that in this circumstance one may rely on the authorities cited by Mishnah Berurah (ס"ק כ"ח) who maintain that one could lend his *lulav* to his child and will fulfill the *mitzvah* of *chinuch* even though the child isn't fulfilling the *mitzvah* since it is borrowed rather than owned by the child. Many authorities are opposed to adopting this approach since Magen Avrohom contends that the father does not fulfill his obligation of *chinuch* if the child does not own the *lulav*. Chaye Adam (כלל קנ"ב סע' י"א) further questions how the child is permitted to recite the *beracha* on a *lulav* that is not his own. Therefore, many authorities write that the only reliable option is to purchase a *lulav* for one's child. Bikurei Yaakov (ס"ק י"ח) suggests giving one's *lulav* to one's child on the 1st day of Yom Tov and stipulating, "If today is Yom Tov and tomorrow is not, this is a gift to you but if not, it is not a gift." (פסקי תשובות אות י').

Overview

Siman 658 Seif 6:

On the 1st day one should not give his *esrog* to a minor before fulfilling his obligation since a minor can acquire property but Biblically cannot convey property to others so it will turn out that if he returns it to an adult, it is not considered returned. Some maintain that if he reached the age of פעוטות it is permitted. If one holds it with the minor, since the adult did not give it to the child, there is no issue.

- The same is true for those who observe two days of Yom Tov. (M.B. 23)
- This is the age of 6 or 7. (M.B. 26)
- By doing so the minor does not acquire the *esrog* altogether and thus it is permitted even if the child did not reach the age of פעוטות. The same is true if one does not convey ownership to the minor or stipulates that it will belong to the minor until he fulfills the *mitzvah* and then it automatically returns to the adult's possession since it is considered as though it was borrowed. These approaches address the adult's issue of how to subsequently use them to fulfill the *mitzvah* but the minor will not fulfill the *mitzvah* since they do not belong to him and his father did not satisfy his obligation of *chinuch*. Some maintain that the *mitzvah* of *chinuch* is satisfied even when the child takes borrowed ones since he is thereby trained to fulfill *mitzvos*. (M.B. 28)