

איש זוכה ואין קטן זוכה –

A man acquires but a minor does not acquire

OVERVIEW

The **ויקחו להם** of **פסוק** (who derives it from the **ר' יצחק**) cites the ruling of **גמרא** (איש) that only a mature man can acquire something on behalf of someone else¹; however a minor cannot acquire anything on behalf of someone else. (פסוק) and **לימוד** explains the need for this תוספות.

asks: תוספות

ואם תאמר ולמה לי קרא והא קיימא לן (גיטין דף לט, א) דאין יד² לקטן³ –

And if you will say; and why do we need a פסוק to teach us that a קטן cannot be זוכה (for others); for we have already established that a קטן has no יד?!

answers: תוספות

ויש לומר דלגבי פסח איצטריך דסלקא דעתין הואיל דשייך באכילת פסחים –

And one can say; that concerning the פסח קרבן it is necessary for the פסוק to teach us that זוכה קטן ואין, for we may have thought that since a קטן participates in the eating of the פסח קרבן –

וצריך להמנות עליו⁴ דכתיב (שמות יב⁵) שה לבית אפילו קטן⁶ –

And it is necessary that he be counted in on the קרבן as it is written, ‘a sheep for the household’, including even a קטן, therefore –

אימא אף לאחרים זכה קא משמע לן:

¹ can purchase something (or receive a gift) on behalf of שמעון. When **ראובן** acquires the item (by making a proper קנין), the item belongs to שמעון. However a קטן cannot acquire on behalf of others. This is derived from the פסוק of **ויקחו להם איש שה לבית אבות**, that only an adult man (not a קטן) can acquire a sheep for the פסח קרבן on behalf of his family (בית אבות), etc.

² The term **יד** (a hand) means the capacity to acquire objects for one's self. A קטן lacks that capacity.

³ The **ברייתא** there is discussing a case of a גר who died and left over slaves, גדולים and קטנים; the rule (according to **אבא שאול** [which is the הלכה]) is that the עבדים גדולים acquire themselves and become freed, however concerning the עבדים קטנים whoever is מחזיק בהן is זוכה בהן, since the עבדים קטנים have no יד to acquire themselves. This proves that they cannot be זוכה even for themselves and certainly they cannot be זוכה for others.

⁴ One is not permitted to eat from the פסח קרבן unless he was ‘counted in’ on this קרבן before the שחיטה. The קטנים must also be counted in on the קרבן. This may be done by the owner of the קרבן, if he so chooses, to count in the קטנים. He is זוכה for the קטן a part of this קרבן. Usually one cannot be זוכה for a קטן (since a קטן cannot make a שליח), however this case is the exception. Therefore one could assume that just as one can be זוכה for a קטן by the פסח קרבן, so too the קטן can be זוכה for others concerning a פסח קרבן.

⁵ **ויקחו להם איש שה לבית אבות** reads פסוק ג'.

⁶ **נדרים לו, א** See however **מדאורייתא** (קטן) **שה לבית אבות** here is assuming that תוספות.

I would have said that the קטן **could be זוכה for others** as well; therefore the פסוק **teaches us** that even by a קרבן פסח only זוכה איש but not a קטן.

SUMMARY

It is necessary for the פסוק to teach us that a קטן cannot be זוכה (for others) by a קרבן פסח, since a קרבן פסח is unusual that someone can be זוכה for the קטן.

THINKING IT OVER

argues that the פסוק is unnecessary since we know אין יד לקטן. Perhaps it is from this פסוק that we derive אין יד לקטן?⁷

⁷ See מקנה and בירורי השיטות.