
פרשת בא

פרק יב פסוק ו

וְהָיָה לָכֶם לְמִשְׁמֶרֶת עַד אַרְבַּעָה עָשָׂר יוֹם לְחֻדְשׁ הַזֶּה וְשִׁחֲטוּ אֹתוֹ כָּל קְהַל עֲדַת-יִשְׂרָאֵל בֵּין הָעֲרֻבִים:

רש"י

וְשִׁחֲטוּ אֹתוֹ וְגוֹמֵר. וְכִי כִּלְוֵן שׁוֹחֲטִין? אֵלָּא מִכַּאֵן שִׁשְׁלוּחוֹ שֶׁל אָדָם כְּמוֹתוֹ.

מושג

שְׁלוּחוֹ שֶׁל אָדָם כְּמוֹתוֹ.

Translation: The agent of a person is like (the person) himself.

Explanation: As Hashem was commanding the Jewish people regarding the laws of the Korban Pesach, the Torah alludes to a general law that affects many מצות. The Torah teaches that there are instances when one can send an agent to do the מצוה for him. The example here allows someone else to sacrifice the Pesach for you. However, there are times when agency is either not allowed, such as מצוה שבגופו, or not recommended, such as when we say מצוה בו יותר מבשלוחו. In addition, one may not appoint an agent to commit a sin, nor an agent who is not Jewish.

The fact that the agent must be a Jew – a בן ברית – is because agency can only be realized if both the sender and the agent are somehow bound to each other, thus allowing for the agents actions to be credited to the sender. Therefore, only upon the bringing of the Korban Pesach, which brought each Jew together under the covenant of God, could the laws of agency take effect.

Looking in the Pasuk: The Pasuk commands each Jew to slaughter his own Pesach offering. Considering that the Torah allows for several members of a family or even neighbors to share a single lamb, it was not possible for each Jew to slaughter his own offering. Rather, our Musag teaches, the Torah considers one who slaughters as the agent of others as if each of them had slaughtered the lamb by themselves.

NOTES

Rashi's source is the גמרא in (מא): מסכת קידושין which teaches:

דא"ר יהושע בן קרחה: מנין ששלוחו של אדם כמותו? שנאמר: ושחטו אותו כל קהל עדת ישראל בין הערבים, וכי כל הקהל כולן שוחטין? והלא אינו שוחט אלא אחד! אלא מכאן ששלוחו של אדם כמותו.

Rabbi Yehoshua Ben Korcha said: From where do we know that the agent, of a man is like himself? Because it is written, "And the entire assembly of the congregation shall slaughter it in the evening". Does the entire congregation slaughter? Only one slaughters it! Rather from here we learn that an agent of a man is like himself¹.

The Musag is learned from the fact that the Torah seems to be commanding each Jew to slaughter his own פסח. However, this is impossible, for the Torah explicitly stated at the beginning of the Perek (פסוקים ג-ד) that one lamb is to be divided up by each household and even among neighbors should the household be too small. Therefore, the גמרא understands our Pasuk to be teaching that even though one may be slaughtering for many, since he is their agent, it is considered as if each one slaughtered by themselves.

The above גמרא applies this law to one who wishes to betroth a woman through giving her a sum of money (today the ring serves this purpose). However, he is not able to be present and therefore appoints an agent to give the money. The same would apply to a woman who agrees to the betrothal but cannot be present. She likewise can appoint an agent to receive the money. The moment the money reaches the hands of her agent, she is married. The Talmud allows for such a 'transaction' using the Pasuk by קרבן פסח as the source for the law. The Musag thus teaches that when I appoint an agent to do something for me it is considered as if I did it by myself.

This general rule of שלוחו של אדם כמותו is widely applied to many Halachik situations. For example, I can send someone to bring a sacrifice for me or to light שבת candles for me. However, there are several very important exceptions to this rule:

1. מצוה בו יותר מבשלוחו.

The first exception is mentioned in the above גמרא which teaches: מצוה בו יותר מבשלוחו. Even though technically one may use an agent, there is, at times, a greater Mitzvah to do the act personally. The גמרא gives examples of great Rabbis who would prepare food for שבת even though they had others who could have prepared the food. At times, continues the גמרא, one is actually required to do the act by himself, such as the case of marrying a woman through an agent. Even though according to Halacha such an act might be legally binding, the Rabbis forbade such an arrangement by stating: אסור לאדם שיקדש את האשה עד שיראנה. The reason given by the גמרא is an obvious one; he might find her to have a significant blemish, be repulsed by her, and the Torah commanded, "You shall love your fellow as yourself." Thus, frequently the use of an agent is not recommended and may even be morally wrong.

2. מצוה שבגופו.

Many מצוה must be fulfilled by the person himself and cannot be fulfilled by an agent. For example, while one may send someone to give צדקה on his behalf, one may not appoint an agent to take a לולב for him, or to put on תפילין for him. Even in the case of the Korban Pesach, while I may send an agent to bring the sacrifice for me, I cannot send an agent to eat the קרבן פסח for me. These מצוה שבגופו are types of מצוה which Hashem wishes the

¹ The גמרא actually brings two other sources from which we learn that one may appoint an agent and it will be considered as if he himself has acted. One is from the giving of a גט, and the other is from separating תרומה. In both these instances the Torah allows one to use an agent. The גמרא discusses why we need three sources for this law.

person to do with his own body and to thus affect his physical self². To illustrate, even if we were to say that sending an agent to act on your behalf is considered as if you yourself did the act, sending an agent to put on תפילין for you would be considered as if you yourself put תפילין on him! Many מצוות עשה fall into this category in which the Torah's intent is for the person to fulfill the Mitzvah with his own body, and not through an agent.

3. אין שליח לדבר עבירה

One may not appoint an agent to do a sin. That is to say that if I ask someone to steal for me, he receives the punishment for the sin and not I. The reason given by the גמרא is דברי הרב ודברי התלמיד דברי מי שומעים? when one is given instructions by the student which contradict those of the master to whom do you listen? Since it is obvious that one would listen to the master and not the student, it is clear that the agent was not acting on the behalf of the one who sent him, but rather doing the act on his own volition.

4. מה אתם בני ברית אף שלוחכם בני ברית

This is not actually an exception to the rule but rather a qualification. The גמרא teaches that the agent must be a Jew. This is learned from the fact that one of the other sources for the laws of agency is the Pasuk which speaks of separating תרומה in which the Pasuk says גם אתם³. The גמרא explains that these words come to teach not only that a person may act as your agent, but also that any person acting as your agent must be like you – גם אתם – meaning that he must be Jewish, a בני ברית.

We might assume that the laws of agency are only possible when there is some kind of shared or collective bond that relates to both the sender and his agent. They both must therefore be בני ברית, both having entered into the same covenant, allowing for a shared destiny and common sense of responsibility. Only when a sense of community exists can the actions of the agent be somehow credited to the sender.

Perhaps because of the above qualification we may understand why the law of agency is first written by the laws of פסח. קרבן פסח. The sense of a shared past, present and future did not exist among the enslaved Jews. Only when the stirrings of freedom began was it possible to begin building the foundations of this community. (This was the בית mentioned so frequently by the laws of קרבן פסח. The בית was to be the foundational unit of the Jewish community much in the same way it is until this day. Indeed we might propose that the פסוק which introduces the גאולה highlights this fact: (ויילך איש מבית לוי (שמות ב:א).) The קרבן פסח was the ברית by which the Jews transformed themselves from individuals enslaved to Pharaoh into a family and an עם, a people and a nation dedicated to serving God⁴. Therefore, it is precisely here that the laws of agency are introduced.

Our Musag thus speaks to a very special bond that joins all Jews for we are all בני ברית. The fact that we share a common heritage and destiny allows for all Jews to become as one כאיש אחד בלב

² The classic differentiation between the two types of מצוות classifies them as being either those that you are commanded to ensure that they are fulfilled or those that you are commanded to fulfill.

³ כן תרימו גם אתם (במדבר יח:כה)

⁴ While there are many transgressions which carry the punishment of כרת, being cut off from the Jewish people, these are restricted to negative commandments. There are only two exceptions to this rule ברית מילה and קרבן פסח, which are positive commandments and yet carry with them a כרת punishment. We may understand that in reality the כרת in these two instances is not a punishment. Rather, both ברית מילה and קרבן פסח are acts by which one joins the covenant, the ברית, between כלל ישראל and Hashem. (We might propose that the ברית מילה is the dedication of one's physical self to this covenant, while the קרבן פסח – the sacrifice of the Egyptian god and complete rejection of idol worship – is the dedication of one's spiritual self.) Failure to join thus naturally results in being cut off – כרת - from this community.

אחד. The fact that שלוחו של אדם כמותו is a natural result of this sense of unity that is unique to the Jewish people.

Questions for Further Thought:

- a. Is Tefilah something that I might send an agent to do for me? What role does the שליח ציבור play?
- b. When one acts as my agent, in effect crediting his act to me, does the agent himself receive any credit for the מצוה?