

### Commission Agent

*Excerpted and adapted from a shiur by Rav Moshe Zev Granek*

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[https://baishavaad.org/wp-content/uploads/2022/07/BAM82\\_007\\_Balak\\_Bla-me\\_Bilam-Balaks\\_Responsiblity\\_for\\_Bilams\\_Actions.mp3](https://baishavaad.org/wp-content/uploads/2022/07/BAM82_007_Balak_Bla-me_Bilam-Balaks_Responsiblity_for_Bilams_Actions.mp3)

*He sent messengers to Bil'am son of Be'or, to Pesor... "A people has come out of Egypt...so now, please go and curse this people for me, for they are too powerful for me..."*

Bemidbar 22:5-6

The Midrash (cited by Tosafos, Bava Kama 38b) derives from this *pasuk* that although B'nei Yisrael were initially forbidden to fight against Mo'av (see Devarim 2:9), they were allowed to do so after Mo'av struck first by hiring Bil'am to curse them. Though Bil'am was not a Mo'avi, his attack is attributed to Mo'av because its king sent him.

The Maharit questions the Midrash in light of the Gemara (Kidushin 43b) that says *ein shaliach lidvar aveirah* (there is no agency for sin). According to that principle, Bil'am wasn't Mo'av's agent, and the sin of cursing the Jews was committed by Bil'am alone and not by Mo'av.

The Parashas Drachim answers that *ein shaliach lidvar aveirah* may not apply if the *shaliach* isn't a Jew.

The Machanei Efraim answers that it doesn't apply if the *shaliach* is paid (as Bil'am was), because an employee's act is attributable to his employer (see Bava Metzia 10a).

The Sma (C.M. 182) and R' Akiva Eiger write that the reason that *ein shaliach lidvar aveirah* is because the *meshaleiach* doesn't believe that the *shaliach* will follow through and commit a sin, so he lacks real intent in appointing him as his agent. (So for example, if the *shaliach* is a habitual transgressor, the *shlichus* is effective.) Based on this, perhaps we can offer another answer to the Maharit's question: Because Balak believed that Bil'am would *want* to curse the Jews, the *shlichus* worked.

[1] The principle underlying each of these answers is disputed.