

Is a Shlichus Valid if the Shliach Does Not Follow The Instructions He Was Given?

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**Question:**

Yechezkel wanted to go to Eretz Yisroel for Sukkos and he asked his friend, Mordechai, to find him an apartment. He told him that he will pay \$7,000 for a good apartment. Mordechai finds a perfect apartment for \$9,000 and rents it for him. When he informs Yechezkel about this, Yechezkel says that this isn't what he asked for and he doesn't agree to rent that apartment. Was what Mordechai did a valid *shlichus*?

**Answer:**

The Gemara says a concept that one can tell a *shliach* that he only appointed him as his agent for his benefit and not for his detriment. If the *shliach* did not carry out the instructions correctly, the *meshalayach* can say that he never made him his *shliach* for what he did and he is not obligated to fulfill the deal.

The Gemara further states that this is true even if the *shliach* did not explicitly disobey what he was told to do. For example, even if Yechezkel never told Mordechai that he needs an apartment with a Sukkah porch, it should be understood that he will need one if he is coming to Eretz Yisroel for Sukkos; therefore, if Mordechai rents an apartment for him without a Sukkah porch, he can say that this isn't what he wanted and he does not agree to that apartment.