

## Eligibility to be a Shaliach

**Ref: Sefer Kinyan, Hilchot Shluchin Veshutafin, Chapters 1–2**


*Shluchim* (agents) have the power to carry out the instructions of the principal.

The instruction of the principal alone is sufficient to allow the agent to buy or sell movable or landed property (i.e. no *kinyan* or witnesses needed). If the agent, in any way, detracted from his instruction, even the slightest amount, this nullifies the transactions.

There is a difference between damaging the principals property through the actions of the *shaliach*, and having prevented the principal from making a profit. Where the *shaliach* through his actions caused a loss to the principal, the *shaliach* has to bear the loss. When a loss occurs through the lack of action of the *shaliach*, he is not responsible.

If disagreements result, and a definite claim can be made (against say the *shaliach*), then an oath has to be taken (*shvuat hesset* or scriptural oath depending on circumstances).


If definite claim cannot be made (e.g. *shaliach* has died) no oaths can be made.

 **Reminder:**  
Pack on Oaths



	Eligibility
Gentile	×
Woman	✓
Married woman	✓
Servant	✓
Maidservant	✓
Deaf mute (deficient intellect)	×
Handicapped (deficient intellect)	×
Minor (deficient intellect)	×
Broker (regarded as an agent)	✓

A *shaliach* is responsible for loss unless it is circumstances beyond his control. In this case he has to take the oaths of *shomrim* i.e.

 **Reminder:**  
Pack on Oaths



(specifically Oaths of *Shomrim*. Ref: *Sefer Mishpatim. Hilchot Sheeilah Upikadon* Chapter 6)

If the loss can be substantiated through witnesses, he cannot take the oath and will be liable unless he brings witnesses.