

Parsha Ponders

Sukkos | Oct 16, 2024 | 14 Tishrei 5785

Anti-agent activities¹

בסוכות תשבו שבעת ימים...

You shall dwell in *Sukkos* for seven days²

In Jewish law there's the concept of Agency³. Meaning, I can appoint an agent to perform certain acts on my behalf, such as betrothing a wife, ending a marriage, separating tithes, and slaughtering offerings. A question that is asked⁴ is that logic would dictate that agency shouldn't work for the *mitzvah* of *Sukkah*, but why not? Why can't I have someone else dwell in the *Sukkah* on my behalf? Why should it be different than the above *mitzvos*? Similarly, why can't I have someone else wear *Tefillin* for me?

An answer that is proposed is that there's a fundamental difference between *Sukkah* and *Tefillin*, and betrothing a wife or separating tithes. When I sent an agent to betroth someone for me, it's not the agent that is getting married. It is me. Similarly, when I have an agent separate tithes, he's doing so with my produce, not his. As a result, the marriage is effected, and the tithes are separated. The agent merely went through the motions for me. However, dwelling in the *Sukkah* and wearing *Tefillin* are incumbent upon my body. Someone else's body cannot substitute for that. As such, agency wouldn't work^{5,6}.

Perhaps we can take this idea, with regards to *Sukkah* at least, a little deeper. We find a related question about agency when it comes to the daily prayer service. We have an agent, known as the *Shilach Tzibbur*, repeat aloud the *Shemoneh Esrei* prayers we said silently. While his main purpose is to fulfill the obligation of those who cannot pray on their own, in a sense he is also fulfilling our obligation in the Rabbinic enactment. We have an obligation to have a communal recitation of the *Shemoneh Esrei*, and the agent fulfills our obligation for us.

However, there's one part of the public recitation that we don't rely on the *Shilach Tzibbur*. When he recites the thanksgiving prayer, known as *Modim*, we all bow simultaneously. And yet, while he recites the traditional *Modim* prayer, the congregation recites a different expression of thanks known as *Modim D'Rabbanan*. If the *Shilach Tzibbur* is acting as our agent, and we are silent the rest of the recitation, why specifically here do we not rely on him? The answer is similar to above⁷. Expressing thanks is something that a person has to do on their own. It would be incongruous to send an agent to thank someone else on your behalf. As such, we are required to thank Hashem directly, not relying on the agent⁸.

The *Mishnah Berurah*, in the first section on the laws of *Sukkos*, explains to us⁹ the purpose of the *mitzvah* of dwelling in the *Sukkah*. We are to dwell in the *Sukkah* to remember the astounding miracles

¹ Based on an idea shared by a friend, R' Yitzchak Massey

² [Leviticus 23:42](#)

³ [Kiddushin 42a](#)

⁴ [Tosafos Rid to Kiddushin 42b s.v. שאני התם](#)

⁵ Another way to phrase this distinction is that agency works for a *Chalos Din*, affecting status changes (unmarried to married, untithed to tithed, unslaughtered to slaughtered), but not for *mitzvah* actions

⁶ [Tosafos Rid loc. cit.](#) See also [Birkas Shmuel Kiddushin § 20](#) and [Ketzos HaChoshen to Shulchan Aruch Choshen Mishpat 328:1 § 1](#)

⁷ [Abudraham Seder Shacharis shel Chol U'Feirusha](#)

⁸ It would seem the person who is fully reliant on the *Shilach Tzibbur* is silent during *Modim* because they are unable to say the prayer themselves. If they could, then perhaps they should say this part with them according to this approach

⁹ [Mishnah Berurah to Shulchan Aruch Orach Chaim 625:1 § 1](#)

and wonders Hashem performed for us in Egypt. The purpose would seem to be to create feelings of gratitude towards Hashem. This obviously cannot be performed by an agent¹⁰. If we have someone else do the *mitzvah* for us, how could we ever expect that those feelings would be engendered within ourselves¹¹? We therefore must dwell ourselves in the *Sukkah*.

May we properly internalize within ourselves the feelings of gratitude which the *Sukkah* generates!

Chag Sameach!

¹⁰ See Sefer HaChinuch § 606

¹¹ See also https://parshaponders.com/bris-milah/#_ftn16