



Parashat Va'etchanan  
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### **The Torah Prohibitions of *Bal Tosif***

Toward the beginning of Parashat Vaetchanan (4:2), the Torah introduces the famous prohibition known as *bal tosif*, which forbids adding onto the Torah's laws. Moshe warns *Benei Yisrael*, "Do not add onto that which I command you," thus establishing the prohibition against innovating Torah law. Just as Moshe warns in this context against detracting from the Torah ("*bal tigra*"), declaring one or more of its commands void, he also forbids attempts to add onto the Torah by introducing new commands that the Torah itself had not issued.

Maimonides discusses this prohibition twice in his *Mishneh Torah*, and seems to apply it in two very different ways. In *Hilkhot Nesi'* at Kapayim (14:12), amidst his presentation of the laws relevant to *birkat kohanim* (the priestly blessing), Maimonides writes that the *kohanim* may not add their own blessings beyond the three verses designated as the priestly blessing (Bamidbar 6:24-26). Based upon the Gemara's discussion in *Masekhet Rosh Hashanah* (28a), Maimonides writes that blessing *Benei Yisrael* with additional blessings transgresses the Torah prohibition of *bal tosif*. Maimonides cites the aforementioned verse in Parashat Vaetchanan as the Biblical source of this *halakha*.

This application of *bal tosif* is consistent with the comments of the *Sifrei* here in Parashat Vaetchanan (as cited by Rashi), which interpret this prohibition as referring to additions made onto a particular *mitzva*. The *Sifrei* gives the examples of adding a fifth section of text to one's *tefillin* or a fifth species to the four species held on Sukkot. Similarly, the Torah forbids a *kohen* blessing the congregation to add further blessings onto the blessing prescribed by the Torah.

Later in *Mishneh Torah*, however, in *Hilkhot Mamrim* (2:9), Maimonides approaches the concept of *bal tosif* from a much different angle. He raises the question of why the enactments legislated by the Sages to safeguard Torah do not transgress *bal tosif*, insofar as they constitute innovative laws added onto the Torah. In light of Maimonides' comments in *Hilkhot Nesi'* at Kapayim, we might have answered, quite simply, that *bal tosif* refers to additions made onto a specific *mitzva*, such as by adding a fifth species on Sukkot. *Bal tosif* does not mean that the Sages may not legislate laws by which the nation is then bound; it simply means that we do not have the authority to tamper with existing *mitzvot* by changing the way they are performed.

Maimonides, however, offers a different answer. He accepts the premise that the *bal tosif* prohibition includes adding entirely new commandments, and that one who introduces a new *mitzva* transgresses this law. In principle, then, it is possible for the Sages to violate *bal tosif* by instituting their own laws. The only reason why rabbinic enactments do not violate *bal tosif* is because they were instituted as safeguards to Torah law, rather than Torah law itself. The Sages made no attempt to endow their legislation

with the status of Biblical law. Indeed, rabbinic enactments are treated more leniently than Torah law in several respects, most obviously in cases of *safeik* –situations of doubt, when we generally assume the lenient possibility when dealing with rabbinic law, but act stringently when a Torah law is at stake. Since the Sages did not issue their commands as Torah law, but rather clearly designated them as safeguards, they do not constitute additions to the Torah, and thus do not violate *bal tosif*. In theory, however, if the High Court would issue a command and afford it the status of Torah law, then they would, indeed, be in violation of *bal tosif*.

The Ra'avad, in his critique of *Mishneh Torah*, disputes Maimonides' application of *bal tosif* to introducing new *mitzvot*. According to the Ra'avad, *bal tosif* is limited to additions made onto specific commands, such as adding a fifth species on Sukkot or an extra piece of text in the *tefillin*. This prohibition does not apply to the introduction of entirely new *mitzvot*.

A number of writers have suggested that Maimonides derived his view from the two instances where this prohibition appears in the Torah. Later in the Book of Devarim (13:1), Moshe repeats his warning against adding onto the Torah's laws. Several scholars have suggested that Maimonides interpreted the two warnings of *bal tosif* as presenting two different prohibitions: one which forbids introducing new *mitzvot*, and a second which forbids adding onto the requirements of existing *mitzvot*. Indeed, Maimonides cites different verses in the two contexts mentioned above. In Hilkhos Nesi'at Kapayim, Maimonides cites the verse from Parashat Vaetchanan ("*lo tosifu*"), whereas in Hilkhos Mamrim, he cites the later verse, from Parashat Re'ei ("*lo toseif alav*"). It stands to reason that Maimonides cites different verses intentionally. He apparently understood the verse in Parashat Vaetchanan as referring to adding onto the specifications of *mitzvot*, while viewing the verse in Parashat Re'ei as forbidding the introduction of new *mitzvot*.

Interestingly enough, a number of writers (including Rav Yaakov Mecklenberg, in his *Ha-ketav Ve-hakabbala*, and Rav Baruch Epstein, in his *Torah Temima*) cite the Vilna Gaon as proposing this theory, but in the reverse direction. The Gaon reportedly maintained that the verse in Parashat Vaetchanan refers to the introduction of new *mitzvot*, while in Parashat Re'ei the Torah forbids adding details within the performance of individual *mitzvot*.

In any event, Maimonides approached *bal tosif* as a prohibition that warns against any attempt to "perfect" the Torah or mold it to accommodate one's intuitive, preconceived notions of religious observance. Both components of *bal tosif* – the prohibitions against adding new commandments, and against modifying existing commandments – reflect the belief in the Torah's intrinsic perfection and eternal application. Although the Sages are authorized – and required – to introduce safeguards to protect against violations of the Torah, no one is authorized to tamper with the Torah's laws and make any attempt to modify, annul or add even a single *mitzva*.