

## CENTER FOR MODERN TORAH LEADERSHIP

*Center for Modern Torah Leadership*



חרות ואחריות

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"Taking Responsibility for Torah"

### NOT ADDING OR SUBTRACTING, JUST DOING MY OWN THING?

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The Torah commands twice (Devarim 4:2 and 13:1) against adding to the matters which G-d commands, or subtracting from them. Nevertheless, the experience of observant Judaism is shaped by and saturated with rabbinic decrees and customs that are not found in the Torah. How can we reconcile our reality with our texts?

Rashi cites Chazal's solution to explain both verses, without accounting for the redundancy. These commands relate to the forms of mitzvot. If the Torah commands one to pick up FOUR species on Sukkot, one must not pick up three or five.

Ramban 4:2 feels – “feels” feels like the appropriate word – that this solution is too exclusively formal, and ignores the obvious substance of the command.

*In my opinion:*

*Even if he invents a stand-alone mitzvah  
such as making a holiday in a month that his own heart invented,  
as Yeravam did (I Kings 12:33) –  
he violates this DON'T.*

*So they say (Megillah 14a) regarding reading Megillat Esther on  
Purim:*

*180 prophets arose for Israel  
and they neither subtracted nor added to what is written in the Torah,  
even one letter  
except for the reading of the Megillah...*

Ramban is fully conscious that his prooftext is indirect, and ironic – if there is such a prohibition, how could it have been violated even that once? How do he and the Talmudic rabbis account for the innumerable Rabbinic decrees other than Purim? And doesn't his entire effort risk adding a new mitzvah to the Torah, namely the command not to add mitzvot?

The Vilna Gaon uses the apparent redundancy to support Ramban. Devarim 4:2, he argues, is a commandment not to add or subtract mitzvot. 13:1 is a commandment not to add or subtract within the form of each mitzvah.

Rav Dovid Tzvi Hoffman (kudos to AlHaTorah.org for making his commentary available) builds off the Gaon. The commandment in 4:2 is written in the plural, whereas 13:1 has it in the singular. Perhaps the commandment in 4:2 is addressed to the Sanhedrin, which has the power to change the law. 13:1 is in the singular, meaning that it is addressed to each individual, and relates to the way in which he or she observes the law.

Rabbi Hoffman notes that Rambam likely took this exegetical approach. However, the mitzvah that Rambam derives from 13:1 is more sophisticated than Ramban's.

*Rambam Laws of Rebels 2:9*

*Since beit din can decree to prohibit something permitted,  
and have the prohibition stand for generations,  
and they can also permit Biblical prohibitions temporarily,  
what does the Torah mean when it cautions us “Do not add above it  
and do not subtract from it”?*

*Not to add above the words of Torah and not to subtract from them  
and fix the matter forever*

*in a Torah matter, whether Written Torah or Oral Torah,*

*An illustration –*

*The Torah writes “Do not seethe a kid in its mother's milk”  
They learned on the basis of tradition that this verse bans cooking and  
eating milk with meat,  
whether of domestic or wild animals,  
but that fowlflesh is permitted with milk Biblically,  
If a beit din came and allowed wild animal meat with milk – it would  
be subtracting;*

*But if it said that fowlflesh is permitted Biblically, but that we will  
forbid it,  
and tell the people that it is a decree lest...*

*this is not adding, but rather making a fence around the Torah, and so too all similar cases.*

Rambam thus neatly solves the question of how the Rabbis can legitimately have added so much to the Torah – the prohibition applies only if they add to the Torah, but so long as they acknowledge their own authorship, there is no violation.

Raavad immediately protests that this concedes too much.

*Says Avraham:  
All these are just wind  
as everything that they decreed against and forbade as a fence and guard  
for the Torah –  
is not subject to “Do not add,”  
even if they fix it for generations and make it as-if Biblical and lean it  
on a verse...*

The obvious basis for Raavad’s protest is that we have utterly failed to live up to Rambam’s requirement. Halakhic literature is replete with unresolved disputes as to whether a particular law is Biblical or Rabbinic. Most rishonim therefore adopt some version of Raavad’s contention that the verse “Do not stray from what they tell you right or left” gives the Rabbis an exemption from “Do not add.” The problem is that making this claim seems a violation of “do not subtract,” because according to the Gaon, 4:2 is addressed specifically to the very group that Raavad exempts from it.

Some commentators therefore seek to narrow the scope of the prohibition against adding. Chizkuni to 4:2 offers the most radical approach of this sort that I have seen among the rishonim:

*A response to the Jewish heretics who scoffed at the Talmud, saying  
How could the Sages of Israel have added things in the Talmud that  
aren’t in the Torah?!*  
*It is written Do not add above it and do not subtract from it –  
let the additions be erased from the Book of Life!  
The response to their words is  
that this language only appears in two places in the Torah, and only  
regarding Divinity and Awe,  
meaning:  
you must not add another Awe to your Awe of The Holy Blessed One,  
nor subtract from His Awe,  
but regarding mitzvot generally  
The Holy Blessed One did not forbid us to add for the sake of making  
a protective fence for the Torah...*

According to this approach, it seems that the Rabbis have no special privileges – anyone can add if their purpose is to create a protective fence for the Torah. This approach has the advantage of justifying private customs as well as Rabbinic law. However, it also has a potentially dangerous implication. What, in this view, is the prohibition against subtracting? Rabbis can make fence-decrees that suspend mitzvot, such as the rule against blowing shofar on Shabbat Rosh haShanah – surely that power cannot extend to private individuals.

Netziv, perhaps in response, takes a completely opposite approach. The Torah does not exempt additions and subtractions made with the proper motivation; rather, it specifically bans them.

*Since there are other means of achieving devekut/ cleaving to the Divine  
certainly via sacrifices, which are great preparation for achieving  
knowledge of Divinity...  
therefore it says that it is better to achieve this ‘life’ through statutes and  
laws than through other means.  
About this it says do not add...*

For Netziv, the Torah here is not worrying about additions or subtractions within Halakhah. Rather, it is worrying that some might come to see spiritual experience as the goal, and Halakhah, or more specifically the legal sections of the Torah as understood by Chazal, as but one means among many. Possibly there is a tinge of old-fashioned anti-Chassidic hitnagdut here, but more likely Netziv was addressing tendencies among his own Lithuanian students.

Yet Netziv’s writings show that he did not confine himself to the four ells of Halakhah, but rather was himself open to poetry, for example. What, in his mind, distinguished prohibited additions from his own efforts and experiences? How can we open ourselves to the full potential breadth of human encounter with the Divine, while leaving the experience of Halakhah as central and controlling? This is the eternal underlying challenge of the prohibitions against adding and subtracting, which has been met in many different ways in Jewish history, and perhaps our generation will find its answer yet.

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