



Volume 5. Issue 4

Ba'al Tosif

The concept of *Ba'al Tosif* appears in *Devarim* (13:1) where the *Torah* states:

את כל-הדבר, אשר אנכי מצוה אתכם--אתו תשמרו, לעשות: לא-תסף עלי, ולא תגרע ממנו.

All these law that I am commanding you to guard and do, you shall not add to them nor shall you diminish from them.

There is a dispute as to the precise understanding of this verse. The *Gemara* deals with the problem of sitting in the *Sukkah* on the day after *Sukkot*. The person sitting may be doing it only for their enjoyment, but it appears like he is adding details to the existing *Mitzvah*, and as such one should not sit in the *Sukkah* in Israel the day after *Sukkah*.

This approach is the one that appears in *Rashi's* commentary on the above verse:

You shall not add: five compartments in *tefillin*, five species in the *lulav*, four blessings in the priestly blessings.

Rashi's understanding of the verse is consistent with the above view of adding details to *Mitzvot* that were not outlined in the *Torah*. The three examples given are not examples of things that would be normally done by someone casually. Sitting in the *Sukkah* may be natural on a warm autumn day, but taking the *lulav* is not natural, and no one would take a *lulav* if not for *Sukkot*, hence adding details to that *Mitzvah* clearly fall under the category of *Ba'al Tosif*.

Sforno commenting on the same verse seems to imply that the problem of adding is directly connected to adding an entire *Mitzvah* that did not exist previously. This does not seem to be the simple understanding of the later sources.

The *Mishnah* in *Zevachim* (8:11) discusses the concept in further detail and seems to fall on the side of *Rashi* in this dispute.

The whole chapter deals with different parts of different sacrifices that were accidentally mixed and how we respond to it. The *Mishnah* in question deals with blood that should be sprinkled four times around the *mizbeach* getting mixed with blood that should only be sprinkled once. There is no doubt that the blood can be sprinkled and does not have to be disposed of, since both blood samples should be thrown on the same place, however how many times should it be sprinkled? Once or four?¹

¹ Editor's note: "Blood that should be sprinkled four times", should not be understood as referring to the blood of a *chatat* offering that is quite literally place on the four corners on the top half of the *mizbeach* but rather referring to those sacrifices that require two sprinkling which are placed on

Rabbi Yehoshua says that there should only be one sprinkling. *Rabbi Eliezer* responds that there should be four sprinklings since with only one sprinkling we would be diminishing the four sprinklings and the three extras are ignored. *Rabbi Yehoshua* counters this argument by saying that *Rabbi Eliezer's* suggestion entails adding to the *Mitzvah*.

The argument then continues that the laws of *Baal Tosif* are only applicable when there is no doubt and the blood is not mixed, however now that the blood has been mixed and one of the concepts (adding or diminishing) has to take precedence and the *Mitzvah* of *Baal Tosif* is waived. The only question that remains is should we work to a minimum or a maximum, that is should we get all four sprinklings in despite the fact that there is some blood that requires only one, or should we do only one sprinkling and not perform the three excess sprinklings for the sacrifice that requires four?

Rav Yehoshua then continues his argument:

כשנתת--עברת על "בל תוסף", ועשית מעשה בידך; וכשלא נתת--עברת על "בל תגרע", ולא עשית בידך.

When you transgressed adding to a *Mitzvah* you did so actively (by doing the extra sprinklings), whereas when you transgressed diminishing a *Mitzvah* you did so, but without doing an action (since all that was done was not sprinkling blood).

It is this argument that finally determines the *Halacha*, and we only throw the blood on the *mizbeach* once.

There are however two significant lessons that can be derived from this dispute. The first is the concept of *Ba'al Tosif* is only applicable in a situation where the case is clear cut and no other possibility legitimately presents itself. These are the cases that *Rashi* presented in his commentary, however he deliberately avoided using the case of *Succa*, since as we have described above, there is a possible alternative explanation.

The second principle derived from the *Mishnah* is one that appears numerous times throughout halacha, which is that when in doubt it is best to not do anything rather than do something that may be questionable.

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the corners of the *mizbeach* making them really four – for example an *olah* or *asham* offering. This is because such blood is placed on the lower part of the *mizbeach* like those *korbanot* that require one sprinkling.

Revision Questions

זבחים ז' ד' – ח' י"א

- Explain the ensuing debate regarding an *olat ha'of* that was performed exactly like a *chatat ha'of* and for the purpose of a *chatat ha'of*? (ז' ד')
- Complete the following rule and give examples for each side of the rule: (ז' ה')
 _____ כל שהיה - אינה מטמאה
 _____ לא היה - מטמאה
- Explain the ensuing debate regarding an bird offering that had *melika* performed, yet the bird was found to be a *treifah*? (Include all opinions) (ז' ו')
- What is the law regarding a mixture of: (ח' א')
 - *Korbanot* and *chata'ot metot*?
 - *Korbanot* and animals that are forbidden to be used as *korbanot*?
 - *Korbanot* and regular animals? (ח' א')
 - Like *korbanot*?
 - Different *korbanot*?
 - *Korbanot* and *Ma'aser behema*? (ח' ב')
 - Meat (to be consumed) from *kodshei kodshim* and *kodshei kalim*? (ח' ג')
- Explain the debate regarding a mixture of a *shlamim* and *asham* offerings. (ח' ג')
- Explain the debate regarding a mixture of the sacrificial parts for *chatat* and *asham* offerings. (ח' ד')
- What are the two opinions regarding a mixture of the sacrificial parts including parts from animal that had blemish? (ח' ה')
- What is the law regarding a mixture of blood to be sprinkled on the *mizbeach* and: (ח' ו')
 - Water?
 - Wine?
 - Other animal blood? (ח' ו')
 - Blood from a *pasul korban*?
 - *Dam ha'tamtzit*? (Explain what this is.) (ח' ז')
 - Blood from *korban* that had a blemish? (ח' ח')
- What are the two opinions regarding a mixture of:
 - Cups of blood? (ח' ט')
 - Blood to be sprinkled on the top half of the *mizbeach* with blood to be sprinkled on the bottom half? (ח' ט')
 - Blood that requires one sprinkling with blood that requires "four"? (Explain the ensuing debate.) (ח' י')
- What is the law regarding a mixture of blood that was to be sprinkled on the outer alter with blood to be sprinkled on the inner alter? (ח' י"א)
- Regarding the previous question, what is the law if the *kohen* went ahead a sprinkled the blood first inside then outside? (ח' י"א)
- There is a debate regarding the previous question; regarding which sacrifice does everyone agree? (ח' י"א)

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Sunday -Thursday
Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat
10 minutes before mincha
Mizrachi Shul

Audio Shiurim on-line!

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
25 th May כ' אייר	26 th May כ"א אייר	27 th May כ"ב אייר	28 th May כ"ג אייר	29 th May כ"ד אייר	30 th May כ"ה אייר	31 st May כ"ו אייר
Zevachim 8:12-9:1	Zevachim 9:2-3	Zevachim 9:4-5	Zevachim 9:6-7	Zevachim 10:1-2	Zevachim 10:3-4	Zevachim 10:5-6

