



# טעמו וראו

A taste of the  
Rebbe's teachings

## Parshat Bo

### Why Do Rabbis Make Rules?

Throughout Jewish history, the rabbis have enacted takanot, or Rabbinic ordinances, to safeguard Jewish observance. Shabbat begins at sundown? The sages extend it by eighteen minutes. The evening Shema must be recited by sunrise? The rabbis said midnight.

Where did they learn this behavior? Why are the Torah's commands not enough?

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# Part 1 - What is a Takana?

## Source 1

Talmud, Tractate Berachot 1a



When do we recite the evening Shema? ...Our sages say, until midnight. Rabban Gamliel says, until dawn.

Rabban Gamliel's sons once returned from a celebration, and they told him, "We haven't yet recited the Shema." He said to them, "If dawn has not yet arrived, you are still obligated to recite it... Why did the sages say 'until midnight'? To distance a person from transgression."

## Source 2

Rabbeinu Bachaye,\* Deuteronomy 4:2



Torah states, "Do not add to that which I command you, nor subtract from it." This warns us not to be overly smart and say, "I will add to G-d's commandment," thinking that we thereby serve G-d. We were told, "Do not add," because the Torah is perfect and does not need additions or subtractions. By increasing, you are actually diminishing. Our sages cite examples: adding a fifth scroll to the four in Tefillin or adding a fifth species to the four species of Sukkot or adding a fourth blessing to the three priestly blessings.

However, Rabbinic ordinances are not considered additions because their sole

תלמוד בבלי, ברכות א'.

מאימתי קורין את שמע בערבין...  
חקמים אומרים: עד חצות. רבן  
גמליאל אומר עד שיעלה עמוד  
השחר.

מעשה ובאו בניו מבית המשתה,  
אמרו לו: לא קרינו את שמע,  
אמר להם: אם לא עלה עמוד  
השחר תיבין אתם לקרות... אם  
כן, למה אמרו חכמים "עד חצות"  
כדי להרחיק אדם מן העבירה:

רבינו בחיי, דברים ד' ב'

לא תוסיפו על הדבר אשר אנכי  
מצוה אתכם ולא תגרעו ממנו. יזהיר  
שלא יתחכם האדם על המצות לומר  
אוסף על מה שצוה השם יתברך,  
ויחשוב כי התוספת הזו תהיה עבודה  
לשם יתברך, לכך אמר לא תוסיפו,  
כי התורה שלמה אינה צריכה  
תוספת ומגרעת, וכל המוסיף בה  
גורע. ורז"ל דרשו בתוספת זה, כגון  
ארבע טוטפות שבתפילין שיאמר  
אוסף עליהן אחד ויהיו חמש, ארבע  
מינין שבלולב, שיוסיף עליהם ויהיו  
חמשה, וכן בברכת כהנים שהן שלשה  
ויוסיף ויהיו ארבע.

אבל מה שתקנו רז"ל והגדרים  
והסייגים שלהם אין זה נקרא תוספת,

\*Rabbi Bachya ben Asher of Saragossa, Spain, commonly known as Rabbeinu Bachaye, was a fourteenth century orator and commentator on the Torah.

purpose is to protect Torah law, comparable to a fence surrounding a vineyard. For example, the sages instructed that a nazirite detour around a vineyard rather than walk through and struggle with his temptation. In fact, violating Rabbinic ordinances is a transgression of Torah's commandment of "do not veer from the words of the sages." Additionally, the Torah says, "Safeguard my commandments." Our sages explained this to mean, "set up additional safeguards for G-d's commandments."

כי לא באו אלא לשמור את  
העיקר, כמו שעושים לכרם  
גדר סביב כדי שישתמר הכרם,  
וכענין שאמר לך לך אמרין  
נזירא, סחור סחור, לכרמא  
לא תקרב, אדרבה העובר על  
גדריהם ותקנותיהם עובר על  
לאו דלא תסור מן הדבר, וכן  
צותה התורה ושמרתם את  
משמרת, ואמרו רז"ל עשו  
משמרת למשמרת.

# Part 2 - Is It a Rabbinic Invention?

## Source 3

Sdei Chemed,\* klalim Aleph, rule 121



There are no biblical safeguards, for Torah does not create prohibitions “lest you transgress a Mitzvah.” Whenever a law is described as a safeguard, it is a Rabbinic enactment. This is the opinion of Rashbatz.\*\* However, his opinion isn’t universally accepted; many fine Torah scholars write that Torah may, indeed, create prohibitions for just this reason.

שדי חמד, כללים מערכת אל"ף, כלל קכא

איסורי תורה משום גזירה ליכא, דאין התורה אוסרת משום שמא. וכל מקום שנאמר הטעם משום שמא, הוא משום גזרה דרבנן. כן כתב הרשב"ץ... אמנם לפי הנראה אין זו מוסכמת, ונמצא גם כן שלמים וכן רבים, שסוברים דיתכן דאסרה תורה משום סייג וגזרה.

## The Rebbe, Part 1

### Does Torah Establish Safeguards?



Halachic authorities in recent generations discuss whether ‘safeguards’ are only enacted by the sages, or whether some of the actual prohibitions in Torah can be defined as ‘safeguards’ as well.

At first glance, the very concept of ‘safeguards’ seems to be formulated by the sages. Although a given action is permitted in Torah law, they forbid the action to safeguard you from—G-d forbid—transgressing an actual Torah law, as our sages state in Ethics of Our Fathers, “Establish a boundary around the Torah.” [We also know that these safeguards were primarily enacted in the Second Temple Era, due to weakened Jewish observance]. But the actual commandments in Torah belong to a different category. They are the self-standing prohibitions; Torah does not create prohibitions to protect you from different ones.

\*Sdei Chemed is a pioneering encyclopedic work of Halachic responsa authored by Sephardic nineteenth-century Rabbi Chaim Chizkiyahu Medini.

\*\*Rashbatz is an acronym for Rabbi Shimon ben Tzemach (Duran), a fifteenth century Halachic authority in Algiers.

# Part 3 - A Potential Proof

## Source 4

Exodus 12:15



Eat matzahs for seven days. But on the preceding day, destroy leaven from your homes, because whoever eats leaven from the first day through the seventh will have his soul cut off from Israel.

שמות י"ב, ט"ו

שְׁבַעַת יָמִים מַצּוֹת תֹּאכְלוּ, אַךְ  
בַּיּוֹם הָרִאשׁוֹן תִּשְׁבִּיתוּ שָׂאֵר  
מִבֵּיתְכֶם, כִּי כָל-אֲכַל חֶמֶץ  
וְנִכְרְתָה הַנֶּפֶשׁ הַהוּא מִיִּשְׂרָאֵל,  
מִיּוֹם הָרִאשׁוֹן עַד-יוֹם הַשְּׁבַעִי:

## The Rebbe, Part 2

### The Pre-Passover Extension



Maimonides writes: “Torah commands us to destroy chametz before the time it becomes forbidden to eat, as the verse states: ‘On the first day, destroy leaven from your homes.’ The oral tradition teaches that ‘the first day’ refers to the fourteenth of the month [the day before the onset of Passover.] Proof of the matter is from the verse: ‘Do not slaughter the Passover sacrifice with leaven in your possession,’ and the slaughter of the Pesach offering is on the fourteenth after midday.”

Likewise, in an earlier chapter, Maimonides writes: “It is forbidden to eat chametz on the day of the fourteenth [of Nissan] from noon onward—i.e., from the beginning of the seventh hour of the day. One who eats chametz during this time is liable for lashes according to Torah law, as the verse states: ‘Do not eat any leaven with it’; i.e., together with the Pesach offering. The oral tradition explains that this statement means: Do not eat any chametz after the time of the Passover offering’s slaughter, that being the afternoon—i.e., after midday.”

### This Seems to Be a Safeguard!



This law seems to demonstrate that Torah itself sets up safeguards for its commandments: Here, Torah forbids the consumption of chametz from midday on the fourteenth of Nissan and commands that it be destroyed. The reason is, presumably, to safeguard you from the prohibition of chametz with the onset of Passover at night.

## Source 5

Exodus 34:25

שמות ל"ד, כ"ה



Do not slaughter the Passover sacrifice with leaven in your possession. Do not allow the Passover sacrifice to remain overnight until morning.

לֹא־תִשְׁחַט עַל־חֵמֶץ דָּם־זֶבַח־י, וְלֹא־יָלִין לְבַקָּר זֶבַח חַג הַפֶּסַח:

### The Rebbe, Part 3

## The Self-Standing Prohibition

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However, a closer examination of the text reveals that the chametz prohibition on the fourteenth is not a safeguard for a later prohibition. Rather, it is its own principal commandment: the Passover offering cannot be sacrificed with chametz in your possession, as evident from the verses, “Do not eat any leaven with it,” and “Do not slaughter the Passover sacrifice with leaven in your possession.”

# Part 4 - When Torah Sets Safeguards

## Source 6

Rabbeinu Nissim,\* beginning of Tractate Pesachim

רבינו ניסים, ריש מס' פסחים



This prohibition is more extreme than other commandments because people are not accustomed to abstaining from chametz all year round. Perhaps this is the reason Torah commands us to remove it from our possessions entirely.

היינו טעמא דחשו ביה טפי  
מבשאר איסורין משום  
דחמץ לא בדילי אינשי  
מיניה כולי שתא. ואפשר  
עוד שמפני טעם זה החמירה  
התורה בו לעבור עליו בבל  
יראה ובל ימצא.

## The Rebbe, Part 4

### The Safeguard Against Chametz Consumption



The proof that Torah establishes safeguards is from the commandment that no chametz whatsoever may be seen or found in your possession on Passover.

In no other instance does Torah forbid a person from owning forbidden matter—even if located at the other end of the world.

A Jew is forbidden to derive any benefit from idol worship, and this prohibition applies even to the minutest amount of the forbidden matter. But it is still not as severe as the prohibition to own chametz even for a single moment on Passover.

The reason for Torah's stringency regarding chametz is explained by Rabbeinu Nissim: "This prohibition is more extreme than other commandments, because people are not accustomed to abstaining from chametz all year round...Torah commands us to remove it from our possessions entirely." Meaning: Idol worship is not something we are accustomed to; quite to the contrary. Therefore, there is no reason to radically prohibit it. But since we are accustomed to eating chametz all year round, a more significant prohibition is necessary to ensure that we don't accidentally consume it. Therefore, Torah forbids even its possession.

\*Fourteenth-century Rabbi Nissim of Girona, Catalonia, commonly known by his acronym, "the Ran," wrote a commentary on the Talmud which is widely studied to this day.

Clearly, Torah does create safeguards. The prohibition to own chametz on Pesach—a clear prohibition in the Torah—is a safeguard against mistakenly eating chametz on Passover, G-d forbid, because we are so accustomed to eating it all year round.

## This Is the Source for All Future Rabbinic Ordinances



We can say further: Our sages enacted safeguards only based on the precedent of this one, established by Torah. The Talmud states that all ordinances of our sages must resemble Torah law; likewise, the very *basis* for *all* ordinances of the sages are these very safeguards, created by the Torah.

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