

**SUMMARY (by Mitchell Rose of Cleveland Ohio) OF A  
TREATISE THAT IS ENTITLED "BAL TOSIF" AND IS CHAPTER 15 (spanning pages 120-138)  
OF THE "OTZAR IYUNIM" APPENDIX SECTION OF THE MESIVTA TALMUD ROSH HASHANA**

**OVERVIEW – WHAT THIS IS A SUMMARY OF**

The MESIVTA TALMUD includes a tom entitled ROSH HASHANA, which includes Meseches RoshHashanah and appendices.

One of the appendices is a section entitled "OTZAR IYUNIM" that contains many chapters (called "ma'arachot"), with each chapter comprising a treatise on a respective Talmudic concept.

Chapter 15 ("Ma'aracha 15") of the OTZAR IYUNIM appendix section is entitled "BAL TOSIF" and spans pages 120-138 and contains a treatise regarding the Jewish prohibition of bal tosfif.

The following is a summary, by Mitchell Rose of Cleveland Ohio, of that Chapter 15 of the OTZAR IYUNIM appendix section. Each paragraph of the following summary by Mitchell Rose summarizes a corresponding paragraph of the OTZAR IYUNIM's Chapter 15. The beginning of each paragraph of the following summary cites, in parentheses, the page number & paragraph number of the corresponding paragraph in OTZAR IYUNIM that is being summarized.

**ABBREVIATIONS USED IN THIS SUMMARY**

B"D = בית דין

baltosif = בל תוסיף

baltigra = בל תגרע

Gd = God

arbaminim = ארבע מינים = set of lulav, esrog, hadasim & aravos

Baraita = ברייתא

whipping = מכות

bumino = במינו

divrai hamaschil = דברי המתחיל

Raavad = ראב"ד

OrSameach = אור שמח

(p.120)

The prohibition of baltosif is based on the following 2 pasukim in Torah:

(Devarim 4:2) **לא תוסיפו על** **הדבר אשר אנכי מצוה אתכם** **ולא תגרעו ממנו**

"You(plural) must not add onto the thing I command you(plural) and must not detract from it, to keep the mitzvos of Gd that I command you(plural)"

Rashi, citing Sifri, provides examples of this prohibition as: donning 5 parshas in tefillin, 5 minim in lulav, 5 tzitziot

(Devarim 13:1) **את כל הדבר אשר אנכי מצוה אתכם** **אתו תשמרו לעשות** **ולא תגרעו ממנו** **ולא תוסיפו עליו**

"The entire thing I command you(plural), you(plural) must take care to do it, you(singular) must not add onto it and must not detract from it."

Rashi there explains like 5 paras in tefillin, 5 minim in lulav, 5 tzitziot

(Identical phrases in the 2 pasukim above are connected by lines, to help the reader perceive similarities between the pasukim.)

Baraita 28b states that the source of a rule, that a kohen who duchens should not add a bracha of his own, is from (Devarim 4:2) **לא תוסיפו על הדבר**

MesechesRoshHashana 28b & MesechesEruvin 96a state "according to you, one who sleeps in a sukkah on the 8<sup>th</sup> day should be whipped", which implies that baltosif is punishable by whipping.

MesechesZvachim 80a presents an argument between RabbiYehoshua & RabbiEliezer regarding a mixture comprising matan-echad blood mixed with matan-arba blood:

- RabbiYehoshua asserts that the mixture should be applied only 1 time for 2 reasons:

(1) baltigra does not apply to a mixture

- (2) baltigra is less severe than baltosif because it entails no action (maaseh buyadecha);  
- RabbiEliezer asserts the mixture should be applied 4 times because baltosif does not apply to a mixture

MesechesSukkah 36b brings an argument between RabbiMeir & RabbiYehuda regarding what material can be used to bind a lulav (i.e., for making the eged that binds the arbaminim together):

- RabbiYehuda says only bumino (i.e., one of the 4 minim)
- RabbiMeir says even with string as exemplified by Jerusalemites that would bind a lulav with gold bands
- Others qualified that Jerusalemites would bind it with BOTH a band of gold & a band (eged) bumino;
- Gemara there explains that RabbiYehuda's reasoning is that the eged (band) is part of the mitzvat lulav so that a non-bumino eged would constitute a 5<sup>th</sup> min;
- Tosfot (ibid 31b; divrai hamaschil "ho'il") explains that even RabbiMeir agrees that a 5<sup>th</sup> min in a lulav is prohibited but believes that prohibition is only for the lulav's derech gedilato components (and an eged is not one of those components)

## SECTION 1. GEDER HAISUR

Rambam (Mamrim perek2 halacha9) says B"D does not transgress baltosif when adding a permanent siyag (exemplified as prohibiting fowl with milk) because B"D identifies it as a siyag to avoid an isur-Torah and not as part of the isur-Torah itself. Ramban (Devarim 4:2) agrees with Rambam.

Raavad makes 2 statements:

- (statement 1) he (Raavad) disagrees with Rambam's statement;
- (statement 2) states the same thing as the Rambam.

KesefMishna notes that Raavad's 2nd statement contradicts his 1<sup>st</sup> statement.

Radvaz says Raavad's 2<sup>nd</sup> statement does NOT contradict his 1<sup>st</sup> statement, but instead means that that B"D does NOT transgress baltosif by adding a siyag, as long as the intention is a siyag to avoid transgressing the isur torah, even if B"D portrays the siyag as part of the isur torah itself.

(p.121 1<sup>st</sup> para)

Several acharonim (ToratNeviim, OrSameach, EvenHa'ezel) provide proof for Radvaz's interpretation of Raavad's statement (i.e., that B"D does NOT transgress baltosif by adding a siyag to an isur-Torah, even if B"D portrays the siyag as part of the isur-Torah itself). The proof is that Talmud sometimes states that an isur is "asmachta" (e.g., MesechesYevomos24a & MesechesKidushin78a regarding prohibiting a chalutzah to a kohen), which means it is NOT isur-Torah despite the Talmud not explicitly warning that it is NOT isur-Torah, which is the situation that Rambam states WOULD transgress baltosif, so the Rambam's teaching must be wrong since the Talmud would never transgress baltosif.

OrSameach argues with these several acharonim's proof, by noting that an isur "divrai sofrim" derived by 13 midos (which is an isur that is appended by B"D to an isur-Torah) is, in only some ways, considered an isur-Torah. And OrSameach deduces from this (in a way I do not understand) that Rambam means that B"D decreeing a siyag does not transgress baltosif even if the warning is NOT added, as long as B"D did not state that the siyag IS an isur-Torah.

(p.121 2<sup>nd</sup> para)

AviEzri disagrees with OrSameach's assertion that Rambam believes B"D transgresses baltosif by decreeing a siyag only if B"D EXPRESSLY STATES the siyag is an isur-Torah. AviEzri instead holds that Rambam believes B"D transgresses baltosif by decreeing a siyag only if B"D BELIEVES the siyag is an isur-Torah.

Rambam's assertion (above) uses the example of B"D decreeing a lav (prohibition against doing something) of fowl-with-milk to exemplify how B"D avoided baltosif (when decreeing this lav) by not stating this lav is isur-torah. This indicates that Rambam believes baltosif applies to lavs (i.e., not just to asais (requirements to do)) and can apply to what B"D (i.e., not just a yachid – individual) does.

(p.121 3<sup>rd</sup> para)

However, Raavad argues with Rambam's assertion that baltosif applies to lavs too. Raavad instead deduces, from the fact that all examples of baltosif in Talmud are asais, that baltosif must apply ONLY to asais.

SeferHachinuch agrees with Raavad's assertion that baltosif applies ONLY to an asai.

But Ramban agrees with Rambam by stating B"D transgresses baltosif with B"D fails to warn.

(p.121 4<sup>th</sup> para)

AviEzri also believes that Raavad argues with Rambam regarding WHO transgresses baltosif, in that Rambam believes even BD DECREERING an added rule can transgress baltosif, whereas Raavad deduces, from the fact that all examples of baltosif in Talmud are transgressed by the INDIVIDUAL (yachid) PERFORMING, that baltosif cannot be

transgressed by a BD DECREEING an added rule but instead can be transgressed only by a YACHID PERFORMING that added rule.

(p.121 5<sup>th</sup> para)

Griz disagrees with AviEzri (above) and believes Raavad agrees with Rambam regarding WHO can transgress baltosif. Griz deduces this from the Raavad stating baltosif even applies to takana Idoros, that Raavad must agree with Rambam that even BD DECREEING an added rule can transgress baltosif (since takana Idoros requires a BD decree). Griz says that (according to his interpretation) the fact that both Rambam & Raavad agree that baltosif applies to both (1) DC decreeing and (2) yachid performing explains why Torah stated the baltosif isur twice – according to GRA once in singular (lo tasaif) for yachid performing and one in plural (lo tosifu) for BD decreeing, although admittedly this is contradicted by RoshHashana 28b citing lo tosifu as prohibiting a yachid performing a 5<sup>th</sup> thing to tefillin, tzitzis and lulav.

(p.121 6<sup>th</sup> – 8<sup>th</sup> paras)

PriMegadim disagrees w/Griz, and believes the argument between Rambam & Raavad is that Raavad believes each BD decree that is appended to a Torah-command stands on its own and, by definition of a Torah command, cannot be considered part of the Torah command and therefore cannot transgress baltosif by simply INVENTING a new law, and the only one that can add to the Torah-command is the person performing it, (although this interpretation of Raavad is contradicted by Raavad stating that baltosif even applies to an takana ledoros). And Rambam disagrees with Raavad and believes baltosif can be transgressed even by a BD adding a command, as well as a yachid performing an addition (as Rambam gives as examples: birkas kohanim, lulav, matanos dam al mizbeach).

(p.121 9<sup>th</sup> para)

Rambam believes that baltosif applies not only if BD decrees an extra detail to an existing mitzvah (which Rambam surely holds), but also if BD decrees an entirely new mitzvah (such as an entirely new holiday) which we do not know if Rambam also holds. Rambam deduces this from Megilah 14a stating that the rabbis adding the new holiday of Purim would have transgressed baltosif if the rabbis had not found a smach from the Bible for it, and Talmud Yerushalmi Megilah perek1 halacha7 citing the pasuk (Vayikra 27:34) "aileh hamitzvos asher tziva YY es Moshe" as teaching that baltosif applies to ANYTHING beyond what Gd told Moshe.

TAKANAT NER CHANUKAH

(p.122, 1<sup>st</sup> full para)

Why did decree to wash hands and eruv (MesechesEruvin 21b) not transgress baltosif? Because the fact that the rabbis called it a siyag EXPLICITLY INDICATES it is NOT from Torah.

Why did decree to add holiday of Purim not transgress baltosif? Because the decree to add holiday of Purim is from the prophets (nevi'im) and NOT from rabbis.

(p.122 2<sup>nd</sup> full para)

Why did decree to light Chanukah lights not transgress baltosif? Rambam can answer because the rabbis did NOT EXPLICITLY claim it is from Torah. But what can be the answer for Rambam who, avoid baltosif requires EXPRESSLY CLAIMING it is NOT from Torah? Maharsha (expounding in Rashi in Megilah 14a divrai hamaschil chuz) explains that the rabbis must have found a smach.

(p.122 3<sup>rd</sup> full para)

SeferHachinuch (mitzvah 454) states **explicitly** that baltosif is punished by malkos.

Talmud (MesechesEruvin 96a & MesechesRoshHashana 28b) indicates **implicitly** that baltosif is punished by malkos, by Talmud stating (in a hava'amina) that one sleeping in a sukkah on the 8<sup>th</sup> day would get malkos.

Kashia: Then why did Rambam (HilchosSanhedrin 89) NOT mention baltosif in his list of laws that are punishable by malkos?

MinchasChinuch (ibid os 8) defends Rambam's not listing malkos for baltosif by answering that Talmud's mentioning malkos for sleeping in sukkah on the 8<sup>th</sup> day is NOT malkos **baltosif** but instead malkos **mardus**. But PriMegadim says MinchasChinuch's answer is dochak. And PreMegadim's answer contradicts SeferHachinuch (above) that baltosif is punished by malkos.

(p.122 4<sup>th</sup> full para)

KtavVehakaba and ShemenRokeach defend Rambam's not listing malkos for baltosif by answering that baltosif is punished by malkos (as Talmud implies) but malkos would never be applied in practice because it is lav shebichlalos

(p.122 5<sup>th</sup> full para)

Baltosif would be Lav Shebiklalos if it is an adjustment to each other mitzvah. And would NOT be Lav Shebiklalos if it is NOT adjust each other mitzvah but is instead a standalone mitzvah that does NOT adjust each other mitzvah.

(p.122 6<sup>th</sup> full para)

Maharik (shoresh 139) answers this (whether baltosif is lav shebiklalos) by citing Rabbi Yehoshua (Eruvin 100a) holding Baltosif prevents the cohen from doing matan arba with a mixture of matan arba blood and matan achat blood since (according to Tosfos) ain asai docheh lo taasai bamikdash (which is a law mentioned in Eruvin 97b), which indicates baltosif is a standalone mitzvah.

(p.122 7<sup>th</sup> full para)

But KehilatYakov (Eruvin siman 20) disagrees and asserts that ain asai docheh lotaasai bamikdash applies only to a uniquely-mikdash lotaasai, and the only way baltosif can be considered a uniquely-mikdash lotaasai is if it is NOT its own mitzvah but instead part of the uniquely-mikdash rule of matan achat. Which would render baltosif lavshebiklalos.

## **SECTION 2. WHETHER BALTOSIF NEEDS KAVANAH TO HOSIF (p.122)**

(p.122 8<sup>th</sup> -9<sup>th</sup> full paras)

In MesechesRoshHashana 28b, Abayai asserts mitzvos tzrichos kavanah (mitzvos need intention), and Rava asserts not. The Talmud (there) asserts that everyone holds sleeping in a sukkah on the 8<sup>th</sup> day, without intention for a mitzvah is NOT transgressing baltosif. The Talmud also asserts that a cohen who already duchened and adds another blessing IS transgressing baltosif. Rava reconciles the sukkah law and the duchening law by theorizing that although PERFORMING a mitzvah does NOT require intention, transgressing baltosif requires either (criterion1) intention to mosif if the zman shaychus hamitzvah has passed or (criterion 2) zman shaychus hamitzvah if there is no intention. Accordingly, one sleeping in a sukkah on the 8<sup>th</sup> day does NOT transgress baltosif because neither criterion occurs. And a cohen who has duchened DOES transgress baltosif, even without intention to mosif, since zman shaychus duchening is all day (e.g., if the cohen finds another minyan to duchen in). And similarly a cohen who sprinkles a mixture of bloods (of 1 matan and 4 matans) DOES transgress baltosif according to Rabbi Yehosh, even without intention to mosif, since zman shaychus sprinkling is all day.

(p.122 10<sup>th</sup> -11<sup>th</sup> full paras)

Talmud Eruvin 95b-96a brings an argument between TanaKama and RabanGamliel regarding whether, assuming Shabas is zman tefillin, someone who wears 2 pairs of tefillin without intention to mosif transgresses baltosif. According to the Talmud's 1<sup>st</sup> explanation one tana holds mitzvos DO need intention to fulfill and therefore baltosif DOES need intention to mosif, and the other tana holds mitzvos do NOT need intention to fulfill and therefore baltosif does NOT need intention to mosif. According to the Talmud's 2<sup>nd</sup> explanation, both tanaim agree that mitzvos do NOT need intention to fulfill, but argue whether baltosif does or does NOT need intention to mosif.

(p.123 1<sup>st</sup> – 7<sup>th</sup> full paras)

Tur (OrachChaim siman 651) & Bach (there) & MagenAvraham (there sifkatan 27) hold that baltosif DOES need mitzvah-intent, since halachah follows both (1) Abayai that mitzvos tzrichos kavanah (per siman 60 sif 4) and (2) the Talmud's 1<sup>st</sup> explanation that whether baltosif needs mitzvah-intent matches whether fulfilling mitzvos needs mitzvah-intent. However, Tur (there, according to BikuraiYosef) and SfasEmes (Sukkah 36b) disagree and hold baltosif does NOT need mitzvah-intent out of safaik whether Rava is correct that ain mitzvos tzrichos kavanah. According to the above, baltosif is at least as likely (and possibly more likely) to require kavanah than fulfilling mitzvos.

Bach holds and Rash (according to AiliahRaba) holds that even if mitzvos DON'T need kavanah, baltosif would NOT require kavanah bizmano. i.e., that baltosif is LESS likely to require kavanah than fulfilling mitzvos.

PriMegadim(in EshelAvraham os27) asserts that ShulchanAruch(siman 14) holds that baltosif without kavanah is at least transgressed from Rabbanan even if not from Torah.

In the situation of a person wearing 2 pairs of tefillin – one of Rashi and one of Rabainu Tam – and assumes that only one of them is kosher so that he won't transgress baltosif:

- Most machmir posek is AiliahRaba who holds that if mitzvos lav tzrichos kavanah, then the wearer DOES transgress baltosif even if only one tefillin is really kosher.
- Least machmir is Bach who holds he does NOT transgress baltosif even if both are kosher, since the wearer assumes only one is kosher.
- Middle machmir are ShulchanAruch & MagainAvraham & Gra hold the wearer transgresses baltosif only if both are really kosher (but not if only one is kosher) – and derive this from Eruvin saying one transgresses if Shabas is zman tefillin.
- Tur (according to Taz siman32 sifkan2) holds that the wearer does NOT transgress baltosif for a different reason than the other poskim – because baltosif doraisa only applies to tefillin having 5 compartments which would NOT require

kavanah to transgress and that wearing 2 pairs of tefillin is instead baltosif derabanan which WOULD require kavanah to transgress

(p. 123, 8<sup>th</sup> -9<sup>th</sup> full paras)

Rambam (Tefillah perek14 halacha12) states a kohen who adds a 4<sup>th</sup> bracha to duchening transgresses baltosif. MinchasChinuch (mitzvah 454 os6) states that this rule by Rambam must only apply if the kohen had kavanah for the 4<sup>th</sup> bracha to be part of the mitzvah, since Rambam holds mitzvos tzrichos kavanah.

(p. 123, 9<sup>th</sup> full para & footnotes 33-34 & p.124 1<sup>st</sup> par.) A makil set of poskim hold a makil view that Rava's rule of AIN mitzvos tzrichos kavanah applies only if the mitzvah doer does NOT have any explicit intention TO fulfill or NOT to fulfill a mitzvah, so that one can avoid fulfilling a mitzvah by explicitly intending NOT to fulfill the mitzvah. Whereas a machmir set of poskim hold a machmir view that Rava's rule of AIN mitzvos tzrichos kavanah applies even if the mitzvah doer has explicit intention for the added component NOT to be part of the mitzvah. This machmir view is supported by the following: Talmud Eruvin (95b) stating that according to a combination of (1) ain mitzvos tzrichos kavanah and (2) Shabas is zman tefillin, one wearing 2 tefillin pairs on Shabos would transgress baltosif, and if the makil view would be correct then the Talmud should have instead qualified its statement by stating one wearing 2 tefillin pairs on Shabbos could easily avoid transgressing baltosif by simply EXPRESSLY intending for the 2<sup>nd</sup> tefillin pair to NOT be part of the mitzvah.

(p.124 2<sup>nd</sup> & 3<sup>rd</sup> para)

Some acharonim (ChazonIsh, KobetzShiurim, ChidushaiRShlomo) that (1) those who hold kiyum-mitzva tzarich kavanah for must also hold bal-tosif tzarich kavanah, whereas (2) those who hold kiyum mitzvah PARTIAL AIN tzarich kavanah in that intentionless DOES fulfill mitzvah while express-intention-NOT does NOT fulfill, would still hold that by bal-tosif both intentionless and intention-NOT both transgress bal-tosif

(p.124 4<sup>th</sup> para)

Rambam holds kiyum-mitzva tzarich kavanah, which causes a kashia why the Gemara felt compelled to determine that R Yehoshua must hold bal-tosif requires either (1) kavanah or (2) bizmano (i.e., bal-tosif does NOT require kavanah if it is bizmano)

(p.124 5<sup>th</sup> para)

Ramban holds that even those, like Rambam, who hold kiyum mitzva tzarich kavanah hold that only for chulin, and that for kadshim (as in Temple procedures) AIN kiyum mitzva tzarich kavanah. And this resolves the kashia against RAMBAM in the previous para. And Ramban then holds that those who hold AIN kiyum mitzva tzarich kavanah must also hold AIN baltosif tzarich kavanah.

(p.124 6<sup>th</sup> para)

Ritva explains that

- R Eliezer's rationale for allowing matan arba is that one cannot transgress baltosif by pouring matan achad blood (whether mixed with matan arba or separate from matan arba blood) if there is no intention or goal for the matan achad blood to be poured out along with the matan arba blood. Which is why one who performs a mitzvah out of safaik is NOT transgressing baltosif.

- and R Yehoshua agrees with R Yehoshua's rationale, and nevertheless prohibit pouring the blood mixture only due to maris ayin since it only shaiv v'al ta'aseh

(p.124 7<sup>th</sup> para)

MinchasChinuch explains that according to those who hold mitva tzricha kavanah: baltosif (i.e., the prohibition for performing a made-up mitzvah) can never be maizid and whipped for (which is what Rambam apparently taught), since one having kavanah to do an authentic mitzvah means his kavanah was NOT to do a made-up mitzvah. And the only way way baltosif can be implemented is if a person performed a made-up mitzvah while mistakenly thinking it was authentic (which Otzarlunim calls "moot'eh").

(p.125 1<sup>st</sup> full para)

ChazonIsh disagrees with MinchasChinuch (who holds only a moot'eh can transgress baltosif) and holds that according to those who hold mitva tzricha kavanah:

- kiyum mitzvah requires BOTH (1) intention to do the physical action (like lifting a lulav) and (2) intention for that action to fulfill a mitzvah (i.e., for the lifting of the lulav to fulfill a mitzvah)

- whereas baltosif requires ONLY intention to do the physical action and does NOT need intention for that action to fulfill a mitzvah.

(p.125 2<sup>nd</sup> para)

The ChazonIsh's stance in above para (that baltosif requires ONLY intention to do the physical action) supports the kashia of Tosfos, Rashba & Ritva why blowing tekios derabanan after the tekios de'oraisa is not baltosif since merely intention to blow non-de'oraisa tekios (even without intention for mitzvah) should qualify for baltosif.

(p.125 3<sup>rd</sup> full para)

This para explains that:

- Tosfos, Rashba, Ritva (mentioned in the previous para)

hold that intention to fulfill even a rabbinical mitzvah would be sufficient to transgress baltosif; and the reason blowing tekios derabanan is NOT baltosif is ONLY since zman mitzvah has passed once the tekios de'oraisa are completed.

- However, RabbiAkivaEger notes that a Tosfos in a different place holds that

- zman tekia continues even AFTER the tekios de'oraisa are completed

- but one blowing shofar AFTER the tekios de'oraisa are completed nevertheless does NOT transgress baltosif because

intention to fulfill a rabbinical mitzvah of tekios derabanan PREVENTS baltosif since such intention means there is no intention to fulfill a Torah mitzvah.

(p.125 4<sup>th</sup> & 5<sup>th</sup> paras)

IgrosMoshe holds whether bizmano or shelo bizmano, an intention to perform another different mitzvah, such as a rabbinical mitzvah, prevents baltosif. And this is why:

- tekios derabanan DON'T transgress baltosif since the intention is for another mitzvah (in this case tekios derabanan)

- eating matzah on Shabos falling on erev Pesach (when matzah is the only lechem mishneh allowed) does NOT transgress baltosif since the intention is for the mitzvah of lechem mitshneh

- whereas sleeping in a sukkah on the 8<sup>th</sup> day out of safek DOES transgress baltosif, since then the intention is for shivas sukkah.

(p.125 6<sup>th</sup> & 7<sup>th</sup> para)

Rashi, Tosfos, Ritva say simply that doing a mitzvah mesafek is NOT baltosif. The Mordecai agrees that doing a mitzvah deoraisa misafek is NOT baltosif, but doing a mitzvah derabanan misafek IS baltosif as indicated by Meseches Megilah explaining that reading Megilah a 2<sup>nd</sup> day misfaika deyoma would transgress baltosif

- doing

(p.125 last 2 paras & p.126 1<sup>st</sup> para)

Rashi holds that

- safek chiyuv mitzvah does not help or hurt baltosif transgression

- such that after zmano: the argument of whether baltosif needs intention is unaffected by safek,

- and such that bizmano: all poskim hold baltosif DOESN'T require kavanah irrespective of safek or not.

In contrast, Me'iri holds baltosif cannot occur in a safek situation at all. Tosfos (RoshHashana 28b) derives this from the fact that Meseches RoshHashana 28b says that one who holds after-zmano ain tzarich kavanah for baltosif to occur would hold sleeping in sukkah on 8<sup>th</sup> day mesafek in chutz la'aretz transgresses baltosif.

Ritva holds that in case of safek chiyuv mitzvah, kavanah to do the mitzvah is NOT considered kavanah for baltosif

(p.126 2<sup>nd</sup> para)

MesechesSukkah 47a states we "sit" (i.e., eat) in the sukkah on 8<sup>th</sup> day but without bracha. RASH says the reason for not making the bracha is that the 8<sup>th</sup> day is safek-Sukkot safek-ShminAtzeres and rishonim argue whether we also sleep in the sukkah on the 8<sup>th</sup>. BesYosef holds we DO sleep in sukkah on the 8<sup>th</sup> day. In contrast, RAVIA says that on the 8<sup>th</sup> day, we DO eat but do NOT sleep in sukkah, and that is because eating in the sukkah on 8<sup>th</sup> day does NOT appear to transgress baltosif because the absence of bracha on eating in sukkah on 8<sup>th</sup> day differentiates (makes a heker) from the previous Sukkot days that we DID make bracha on eating, whereas sleeping in the sukkah on the 8<sup>th</sup> day WOULD appear to transgress baltosif because it lacks a heker (since there is no bracha for sleeping in sukkah on the prior days). MishnahBrurah asserts that RAVIA holds baltosif is not transgressed in situation of safek, so that RAVIA's holding of NOT sleeping in the sukkah on 8<sup>th</sup> day is NOT because it actually IS baltosif but that it LOOKS LIKE baltosif.

(p.126 footnote 61) MagenAvraham holds making bracha on sukkah on the 8<sup>th</sup> day WOULD transgress baltosif.

(p.126 3<sup>rd</sup> para)

ChayaiAdam says that it is not baltosif to (1) eat matzah on 8<sup>th</sup> day misafek and (2) sleep in sukkah on 8<sup>th</sup> day misafek and (3) wear 2 tefillin (Rashi/RabainuTam) misafek. This conforms with Me'iri (above) who holds doing a mitzvah

misafek cannot be baltosif. In case of wearing 2 tefillin, ShulchanAruch disagrees and says avoiding baltosif requires making an express tenai, which agrees with RASHI (above) who holds baltosif does not require intention bizmano .

(p.126 4<sup>th</sup> para)

PischaiTeshuvah cites ChamudaiDaniel saying if a doorpost already has a safek-kosher mezuzah then affixing a 2<sup>nd</sup> mezuzah on it misafek transgresses baltosif. This agrees with RASHI (above) who holds baltosif does not require intention bizmano.

### **SECTION 3. IS TAKANAS CHACHAMIM BALTOSIF**

(p.126 5<sup>th</sup> para)

Tosfos has a criterion for avoiding baltosif in that doing the SAME mitzvah more than once CANNOT be baltosif. Which is why you do NOT transgress baltosif by (1) blowing a 2<sup>nd</sup> set of tekios (i.e., shofros me'umad) or (2) duchening more than once or (3) eating more than 1 kazayis matzah at the Pesach Seder or (4) grabbing more-than-enough hadasim or aravosim (in the lulav) or (5) making the eged of the lulav from one of the lulav's arba minim. Accordingly, flicking matan-echad blood 4 times would transgress baltosif only if it was slicked at the same spot of the altar.

(p.126 6<sup>th</sup> para)

Tosfos poses the following kashia against Tosfos' criterion (that doing a mitzvah twice CANNOT be baltosif): Then why are both (1) the case of adding more-than-4 chutim in tzitzis baltosif and (2) the case of adding more-than-4 parshios in tefillin baltosif? TosfosHarash answers because we have a kabbalah for those 2 cases NOT to exceed 4 chutim or 4 parshios.

(p.127 1<sup>st</sup> para)

RASHBA disagrees with Tosfos' criterion (that going a mitzvah twice CANNOT baltosif), and believes, instead in a different criterion: that doing a **takanas chachamim** cannot be baltosif since the mitzvah of Devarim17:1 "al pi hatorah asher yoroocha" which is a command TO perform rabbinical decrees. Which is why it is NOT baltosif to sleep in sukkah on 8<sup>th</sup> day in chutz la'arezt **even though sleeping in sukkah on 8<sup>th</sup> day in chutz la'arezt is NOT misafek since now-a-days we in chutz-la'arezt ARE beki'im be'ibur hachodesh (!!!!)**.

(p.127 2<sup>nd</sup> & 3<sup>rd</sup> paras)

- Tosfos' criterion is that: doing the SAME mitzvah more than once CANNOT be baltosif.
- RASHBA's criterion is that: doing a takanas chachamim CANNOT be baltosif
- RASHBA disagrees with Tosfos' teaching.
- Some acharonim believe that since Tosfos did not mention RASHBA's criterion, Tosfos must disagree with RASHA's criterion.
- Whereas MinchasChinuch holds that Tosfos agrees with RASHBA's teaching, but did not mention RASHA's teaching because it would not answer the kashia about why eating a 2<sup>nd</sup> kazais matzah or shaking lulav a 2<sup>nd</sup> time are not baltosif.
- PnaiYehoshua & HaRashYosef hold Tosfos agree with RASHBA's criterion (that takanas chachamim CANNOT be baltosif) only if that takanas chachamim is not an addendum to an existing Torah mitzvah – which explains why the takanas chachamim of Purim and Chanukah are NOT baltosif (i.e., since instituting Purim and Chanukah did not add to an existing Torah mitzvah).
- RabbiAkivaEger holds Tosfos disagrees with RASHBA's criterion (that takanas chachamim CANNOT be baltosif)

(p.127 4<sup>th</sup> para)

TuraiEven argues that RASHBA's criterion (that doing a takanas chachamim CANNOT be baltosif) cannot be true since chachamim do not have the authority to overrule any Torah prohibition including the Torah prohibition of baltosif. HagaosImraiBaruch answers TuraiEven's argument by stating that RASHBA is NOT saying that baltosif is OVERRULED by chachamim when chachamim make takanos chachamim but instead that baltosif does NOT APPLY to takanos chachamim

### **SECTION 4. DOING A MITZVAH TWICE**

(p.127 5<sup>th</sup> para)

Above we mentioned that Tosfos & Rash assert that baltosif cannot apply under either of the following 2 criteria:  
(Criterion 1) the additional thing is a 2<sup>nd</sup> performance of the **same mitzvah**, which is why it is not baltosif to eat additional kazais matzah or to blow additional tekios

(Criterion 2) the additional thing is bumino added in a single mitzvah-performance, which is why it is not baltosif to include additional hadasim and aravos in a lulav.

(p.127 6<sup>th</sup> para)

But the above 2 criteria do not explain why it is baltosif to add a 5<sup>th</sup> parsha in tefillin or a 5<sup>th</sup> string in tzitzis. TosfosHarash answers that the Torah rules requiring 4 parshas in tefillin and 4 strings in tzitzis differ from other mitzvos in that those rules include a requirement **not to exceed** the required 4.

(p.127 7<sup>th</sup> & 8<sup>th</sup> paras)

MinchasChinuch asks a kashia on the above criteria why it is baltosif to wear 2 pairs of tefillin simultaneously which (MinchasChinuch) believes constitutes a 2 **separate** performances of mitzvas tefillin mitzvah so that it does fit either criteria for avoid baltosif. TosfosHarash answers that wearing 2 pairs of tefillin simultaneously constitutes a **single** performance of mitzvas tefillin, so that it fits Criterion 1.

(p.127 9<sup>th</sup> para)

Rambam asserts holding 2 lulavs is baltosif. But Raavad disagrees, and asserts holding 2 lulavs is NOT baltosif since the added item is bumino, and MesechesSukkah states that according to Rabbi Yehuda who holds the eged is part of mitzvas lulav it IS baltosif if the eged is NOT bumino and is NOT baltosif if the eged IS of the 4 minim.

(p.128 1<sup>st</sup> full para)

But MagidMishnah points flaws in Raavad's assertion, including the fact MesechesEruvin states wearing 2 pairs of tefillin is baltosif even though it IS mino.

(p.128 2<sup>nd</sup> full para)

But AruchLanair explains Raavad's assertion that

- there is no baltosif if the added item is only a single component of a multicomponent mitzvah item (such as the added item being an added bumino eged of a 4-component arbaminim)
- whereas Raavad would agree that the IS baltosif if the added item is an entire mitzvah item (such as shaking a 2<sup>nd</sup> arbaminim)

(p.128 3<sup>rd</sup> full para)

Ritva asserts that Raavad's assertion (of NO baltosif when the added item is bumino) would contradict Rabbi Yehoshua's assertion that flicking 4 times with matan-achad blood is baltosif (since the added item of added flicks of blood is bemin of the 1<sup>st</sup> flick of blood). But achronim point out that Raavad's assertion (of no baltosif when the added item is bumino) would NOT contradict Rabbi Yehoshua's assertion (that flicking 4 times with matan-achad blood is baltosif) since Raavad's assertion (of NO baltosif when the added item is bumino) applies only if the added item is an added bumino component of in a single performance of a mitzvah, whereas in Rabbi Yehoshua's case the added item is NOT 3 additional bumino-bloods in a single performance of flicking-mitzvah but is instead 3 added completely-separate performances of the flicking-mitzvah.

(p.128 4<sup>th</sup> full para)

This line of reasoning (of distinguishing between adding additional bumino components in a single performance of mitzvah and adding additional completely-separate performances of a mitzvah) explains how Tosfos' assertion (p.127 5<sup>th</sup> para) of no baltosif when the additional thing is a 2<sup>nd</sup> performance of the same mitzvah does NOT contradict wearing 2 tefillins being baltosif, since wearing 2 tefillins entails 2 completely-separate performances of the same mitzvah.

(p.128 5<sup>th</sup> full para)

The following paras explain an argument between rishonim of whether there is baltosif if the added item is an additional bumino component of a multicomponent mitzvah (e.g., adding a 2<sup>nd</sup> lulav to a arbaminim).

(p.128 6<sup>th</sup> full para)

There is a 3-way argument between rishonim on whether adding an additional bumino component of a arbaminim is baltosif

- Rambam says that adding, to arba-min, an additional lulav, esrog or arava IS baltosif, but adding an additional hadas is NOT baltosif since that would be for noi (enhancing beauty) and there is no baltosif if the added component is for noi
- Raavad, Tosfos & Rash hold adding an additional min of ANY of the arba-minim is NOT baltosif

(p.128 7<sup>th</sup>-10<sup>th</sup> full paras)

In summary, the above paras mention 3 reasons why adding an extra bumino-item (e.g., an extra arava) to the 4 minim is not baltosif:

Reason 1) it is for noi (beauty; which applies only to aravos & hadasim) and an addition for noi is NOT baltosif

Reason 2) adding an extra arava is NOT considered an extra item of a single mitzvah-performance but instead an additional mitzvah-performance, and an extra mitzvah-performance is NOT baltosif

Reason 3) the number of each min (e.g., 2 for aravos) that the Torah sets is NOT a required number but instead a MINIMUM number

(p.128 11<sup>th</sup> full para)

Adding a hadas-shotah would be for noi and therefore permitted according to Reason 1 above, but would be baltosif according to Reasons 2-3 above

(p.128 12<sup>th</sup> para thru p.129 1<sup>st</sup> para)

There is a 3-way argument about the logic for Reason 1 above (which is according to Rambam):

- RabbiAkivaEger explains (based on Ran) that Reason 1 is based on the logic that adding a bumino-item to the arba minim is baltosif only miderabanan, and the rabbis held a leniency for baltosif medrabanan that one's intention for the additional component to the mitzvah-item to be for noi is inherently an intention for the additional component to the mitzvah-item NOT to be leshaim mitzvah.

- KobetzShiurim explains that Reason 1 is based on the logic that an additional component for noi is not considered a component of the mitzvah-item

- Rashba, Ra'ah and Me'iri hold that Reason 1 is not based on any logic, but instead simply an additional component for noi is excluded from baltosif.

(p.129 2<sup>nd</sup> full para)

Rishonim argue whether painting a lulav with green paint for noi is baltosif.

(p.129 3<sup>rd</sup> full para)

MesechesMenachos 40b states (citing Rabbi Zaira) that if a person hangs a 2<sup>nd</sup> set of 4 tsitsis-tassels on the 4 corners of a garment that already had 4 tsitsis-tassels on its 4 corners, then the garment is NOT kosher, but would become kosher if the person later cut off the first set of tsitsis tassels. Rava and Rav Papa there argue about the reason for this, relating to baltosif.

(p.129 4<sup>th</sup>-6<sup>th</sup> full paras)

MesechesChagigah 7a presents an argument between RabbiYochanan and RaishLakish regarding whether one may sacrifice a 2<sup>nd</sup> karban Chagigah on a single day. Tosfos there explains that the argument between RabbiYochanan and RaishLakish relates to their difference of opinion regarding baltosif. Netsiv explains that where the additional item is a 2<sup>nd</sup> mitzvah-performance (which is the case when one sacrifices a 2 karban Chagigahs on one day), then

- Tosfos holds that baltosif CANNOT apply

- Rashi holds that baltosif CAN apply

## **SECTION 5. HOSAFI THAT STANDS ON ITS OWN**

(p.129 7<sup>th</sup>-9<sup>th</sup> paras)

MesechesSanhedrin 88b says that a zakain mamai is chayav misa only if he adds to a mitzvah whose source is from Torah and its explanation is from rabbis. And MesechesSanhedrin says the only mitzvah that fits this description is adding a 5<sup>th</sup> parsha in tefillin. MesechesSanhedrin explains that a 5<sup>th</sup> min in arba minim does NOT fit this description since any 5<sup>th</sup> min would stand on its own aka "hai lechudai vehai lechudai" and "omaid bifnai atzmo" (stands on its own)

In a case of adding a thing that stands on its own (such as adding a 5<sup>th</sup> min to arba minim)

- Tosfos in MeschesSukkah 31b asserts transgresses baltosif **mideoraisa** and does NOT pasul the mitzvah (e.g., pasul the arba minim).

- Tosfos in MeschesSanhedrin 88b asserts transgresses baltosif **only miderabanan** and does NOT pasul the mitzvah (e.g., pasul the arba minim).

(p.130 1<sup>st</sup> & 2<sup>nd</sup> paras)

Ritva disagrees with Tosfos (above), and asserts there IS baltosif even when the added item omaid bifnai atzmo, as Ritva proves from Talmud saying a kohen that adds a 4<sup>th</sup> bracha (which Ritva believes omaid bifnai atzmo) in duchening transgresses baltosif. But Ramban (cited by Ritva himself) shlogs up the Ritva's proof, by asserting that a 4<sup>th</sup> bracha in duchening does NOT omaid bifnai atzmo, since the kohen's hands remaining raised combines the 4<sup>th</sup> bracha

with the previous 3 brachas. And Ramban, in the same vein, adds that sleeping in the sukkah (with intention for mitzvas sukkah) on the 8<sup>th</sup> day does NOT omaid bifnai atzmo since it seamlessly follows the previous 7 days. And PriMegadim, in the same vein, adds that 3 added flicks of blood on the altar are NOT omaid bifnai atzmo since they seamlessly follow the previous flick on the altar.

(p.130 3<sup>rd</sup> para)

MinchasChinuch asks a kashia why there is a difference between a kohen adding a 4<sup>th</sup> bracha to duchening IS baltosif whereas a KohenMashuachMilchama adding an added announcement to soldiers leaving for war is NOT baltosif. This kashia is answered by Ramban's assertion that the added 4<sup>th</sup> bracha by a duchening kohen is combined with the previous 3 brachos by the duchening kohen's lifted hands, whereas the added announcement by the KohenMashuachMilchama is NOT combined with the previous announcement since the KohenMashuachMilchama is NOT lifting his hands.

(p.130 4<sup>th</sup> para)

According to Ramban above, sleeping in a sukkah (with intention for mitzvas sukkah) on any day that is NOT consecutive with the 7 days of Sukkos would NOT be baltosif.

(p.130 5<sup>th</sup> para)

Rambam wrote that in arba minim, adding an extra hadas does NOT transgress baltosif because it is for noi, but adding any other bumino component DOES transgress baltosif.

Raavad disagrees with Rambam for 2 reasons: (1) we previously explained that there cannot be baltosif when the adding component is bumino and (2) there cannot be baltosif when the added component omaid bifnai atzm (which is the case with arba minim since lehalachah lulav does NOT need eged so that the 4 minim are separate uncombined components).

(p.130 6<sup>th</sup> para)

MagidMishneh asks kashia on Raavad, based on the rule that wearing 2 sets of tefillin IS baltosif whereas adding a 5<sup>th</sup> parsha to 1 set of tefillin is NOT baltosif, and shaking 2 sets of lulav IS baltosif whereas adding a 5<sup>th</sup> min to arba minim is NOT baltosif (according to halachah that lulav does NOT need eged).

(p.130 7<sup>th</sup> para)

Rashba disagrees with MagidMishneh and asserts that omaid bifnai atzmo does NOT disqualify from baltosif, as evidenced by one wearing 2 tefillins (which Rashba holds IS omaid bifnai atzmo) IS baltosif, and Rashba holds adding a 5<sup>th</sup> min to arba minim (which is omaid bifnai atzmo) is NOT baltosif.

(p.130 8<sup>th</sup> & 9<sup>th</sup> para)

In summary,

(1) MagidMishneh holds that Rambam holds that

- adding a 5<sup>th</sup> min to arba minim is omaid bifnai atzmo and therefore is NOT baltosif
- performing a mitzvah twice is omaid bifnai atzmo, but nevertheless IS baltosif

(2) Rashba holds

- both adding a 5<sup>th</sup> min to arba minim and performing a mitzvah twice are both omaid bifnai atzmo and nevertheless IS baltosif

(3) Raavad holds

- both adding a 5<sup>th</sup> min to arba minim and performing a mitzvah twice are both omaid bifnai atzmo and therefore both NOT baltosif

(p.130 10<sup>th</sup> para)

MagidMishneh's (above) rationale is that performing a mitzvah a 2<sup>nd</sup> time is a separate baltosif-prohibition from adding an added component to a single performance. And that the performing a mitzvah a 2<sup>nd</sup> time is a baltosif-prohibition for which omaid bifnai atzmo does NOT help whereas adding an added component to a single performance is a baltosif-prohibition for which omaid bifnai atzmo DOES help.

(p.131 1<sup>st</sup> full para)

Rashba's (above) rationale is that that performing a mitzvah a 2<sup>nd</sup> time is the same baltosif-prohibition as adding an added component to a single performance, and both baltosif-prohibitions the added component (whether it be an added item or an added performance) to be associated (shayach) to the prior component, and the shayachut is broken if the added component is omaid bifnai atzmo (i.e., non-associated) from the prior component.

(p.131 2<sup>nd</sup> full para)

As mentioned above, Ritva cites Ramban as stating a rule that sleeping in sukkah on an added day is baltosif only of the added day **consecutively follows** Sukkot's 7 days. KovetzShiurim asserts the rationale for this rule is that the added component must be associated with the previous component (ikar mitzvah) in some way such as consecutively following the prior component (ikar mitzvah)

(p.131 3<sup>rd</sup> full para)

This para discusses the rationale of Raavad (above) stating both adding a 5<sup>th</sup> min to arba minim and performing a mitzvah twice are both omaid bifnai atzmo and therefore both NOT baltosif. (which I Mitchell do NOT understand) Raavad also holds that whenever the added component does NOT transgress baltosif the added component must also NOT pasul the mitzvah item. Acharonim note that Raavad is contradicted by a rule that adding an added knot to tsitsis DOES transgress baltosif but does NOT pasul the tsitsis.

(p.131 4<sup>th</sup> full para)

ShulchanAruch states that someone wearing a tefillin of Rashi & another of RabainuTam (in which presumably ONLY ONE of them is kosher) should make a tenai to be yotsai with whichever one is kosher. In response, MagenAvraham asserts wearing **2 kosher** tefillin IS baltosif even with a tenai. Levush and LechemChamudos disagree with MagenAvraham in that they equate wearing an added 2<sup>nd</sup> kosher tefillin with wearing a single tefillin with an added 5<sup>th</sup> non-bumino parsha which is NOT baltosif. Then MagenAvraham responded that wearing an added 2<sup>nd</sup> kosher tefillin is NOT similar to wearing a single tefillin with an added 5<sup>th</sup> non-bumino parsha since the added non-bumino parsha is NOT associated with (by being different than) the prior 4 parshas, whereas the added tefillin IS associated with (by being identical to) the prior tefillin.

(p.131 5<sup>th</sup> para)

Acharonim argue with each other regarding whether or not MagenAvraham would hold that an added BUMINO parsha in tefillin IS baltosif since being BUMINO associates the added parsha with the previous parshas, or perhaps not. Those Acharonim cite, in their argument, Sanhedrin 88b which says that molding a 5<sup>th</sup> chamber (bais) in a previously-kosher tefillin box **both** transgresses baltosif **and** pasuls the tefillin, whereas a tefillin box that was **initially** molded with 5 chambers IS pasul but is NOT baltosif.

(p.131 6<sup>th</sup> full para)

As mentioned above, PreMegadim asserts adding a 5<sup>th</sup> non-bumino parsha in tefillin is omaid bifnai atzmo and therefore is NOT baltosif because the required 4 parshas are mutually me'akaiv (mutually interdependent for kashrus) which renders the 5<sup>th</sup> non-bumino parsha non-associated with the initial 4 parshas. In contrast, Rambam holds that a 5<sup>th</sup> non-bumino component in arba minim IS baltosif despite the 4 minim in arba minim being interdependent for kashrus. Some Acharonim therefore conclude that PreMegadim must argue with Rambam. However, other Acharonim hold that PreMegadim and Rambam would agree with each other, since the 4 parshas in tefillin are by-law permanently secured to each other which renders the 5<sup>th</sup> non-bumino parsha non-associated with them and therefore NOT baltosif, whereas the 4 minim in arba minim are NOT by-law (lehalacha) permanently secured to each other (and can even be waved separately from each other) which renders the 5<sup>th</sup> non-bumino min considered no differently than the prior 4 minim and therefore NOT omaid bifnai atzmo and therefore IS baltosif.

(p.131 7<sup>th</sup> full para)

ShulchanAruch asserts that holding hoshanos aravos together with the arbaminim is NOT baltosif.

Taz gives 2 reasons for this:

- (Taz's Reason 1) (as stated in the previous para)

the 4 minim in arba minim are NOT by-law (lehalacha) permanently secured to each other and can even be waved separately from each other which renders all the minim, including the 5<sup>th</sup> non-bumino min, considered to be omaid bifnai atzmo and therefore NO baltosif.

- (Taz's Reason 2) There is NO baltosif since there is no kavana (intention) to mosif.

(p.132 1<sup>st</sup> para)

MatehYehuda disagrees with Taz's 2 reasons for ShulchanAruch's rule that holding hoshanos aravos together with the arbaminim is NOT baltosif:

- Taz's Reason 1 cannot be the reasoning for ShulchanAruch, since ShulchanAruch acknowledges that adding an extra lulav or esrog IS baltosif

- Taz's Reason 2 cannot be the reasoning for ShulchanAruch, since baltosif does not require kavana bizmano

**SECTION 6. MOSIF GOREYA (The one who transgresses baltosif on an ikar mitzvah pasuls that ikar mitzvah)**

(p.132 2<sup>nd</sup> para)

(As mentioned above) Rambam wrote a rule that adding a bumino component (except for hadas) to arba minim pasuls the arba minim set. Raavad argues, saying that we do not find anywhere that adding to a mitzvah pasuls it. And Rambam's son Avraham stated that Rambam retracted the rule.

(p.132 3<sup>rd</sup> para)

(As mentioned above) Meseches Sanhedrin 88b states

- that zakain mamrai is (1) chayav misa and (2) renders the previously-kosher mitzvah item pasul only on a mitzvah whose ikaro is from Torah and its pairusho is from rabanan,
- and that ONLY scenario of this is a zakain mamrai who adds a 5<sup>th</sup> parsha to tefillin,
- and then asks why not also adding a 5<sup>th</sup> min to arba minim,
- and answers that

(a) if eged IS required, then the arba minim was never previously-kosher (but instead always-pasul) and therefore NO baltosif was done

(b) and if eged is NOT required then the added 5<sup>th</sup> min is omaid bifnai atzmo and there IS baltosif but does not pasul it. This sugya from Meseches Sanhedrin 88b indicates that for a previously-kosher mitzvah item to be pasuled by adding a component, the added component must be associated with the mitzvah item.

(p.132 4<sup>th</sup> para)

The Raavad (above) cited the above sugya from Meseches Sanhedrin 88b, combined with the halacha that eged is NOT required, as rejecting Rambam's rule that adding a bumino component (except for hadas) to arba minim pasuls the arba minim set. An answer for Rambam is that Rambam holds that shaking an arba minim set that has a 5<sup>th</sup> min is like performing a mitzvah twice and Rambam holds performing a mitzvah twice pasuls the mitzvah performance

(p.132 5<sup>th</sup> para)

According to the opinion that eged IS required, adding a 5<sup>th</sup> min pasuls the set because it changes the configuration (tzura) of the set. However, according to the opinion that eged is NOT required, why would a 5<sup>th</sup> min render the shaking pasul even if the 5<sup>th</sup> min caused baltosif?

(p.132 6<sup>th</sup> para)

OnegYomTov answers that baltosif pasuls a mitzvah due to the concept of mitzvah haba'ah bu'avairah. But Tosfos Sukkah 31b disagrees, by stating that it is possible to transgress baltosif without pasuling the mitzvah, and Hagah in that Tosfos explains that mitzvah haba'ah bu'avairah pasuls the mitzvah ONLY in a case in which the avairah is implemented in both the same performance and the same item as the mitzvah. And that case (of both same performance and same chaifetz) occurs when one shakes an arba minim that has 2 lulavs.

(p.132 7<sup>th</sup> para)

A kashia against OnegYomTov is that Me'iri states that adding a non-bumino component that is NOT associated (such as adding a 5<sup>th</sup> non-bumino component to arba minim according to eged NOT-required) does pasul, which indicates mitzvah haba'ah bu'avairah pasuls DOES pasul despite being NOT-associated.

(p.132 8<sup>th</sup> para)

Therefore ArtzosChaim disagrees with OnegYomTov and asserts that what pasuls the arba minim when a 5<sup>th</sup> non-bumino is added is NOT the concept of mitzvah haba'ah bu'avairah (which is a concept that is NOT applied in case of non-associated) but instead the concept of ee aveed lo mehani (which is a concept that IS applied even in case of non-associated). Maharit asserts that

- ee aveed lo mehani IS applied ONLY if applying ee aveed lo mehani would circumvent the occurrence of baltosif;
- and ee aveed lo mehani is NOT applied if applying ee aveed lo mehani would NOT circumvent the occurrence of baltosif which is why if a person wears 2 tefillins we do NOT assert ee aveed lo mehani since asserting ee aveed lo mehani would NOT save from baltosif.

(p.132 9<sup>th</sup> para)

DivraiChaim states that the concept of kol hamosif goraiya (transgressing baltosif pasuls the mitzvah) is applied ONLY if it is INDEFINITE which of the components is the added component, which explains why adding a non-associated component does NOT pasul despite transgressing baltosif.

(p.132 10<sup>th</sup> para)

Griz argues with DivraiChaim, by stating that the concept of kol hamosif goraiya is not tied to INDEFINITENESS, but instead that simply a non-associated added component does NOT pasul despite transgressing baltosif

(p.132 11<sup>th</sup> para)

Sifri states that Devarim 13:1 לא תוסף עליו

teaches 2 situations

(Situation 1) add blood flicks

(Situation 2) add on tsitsis or lulav

Griz explains Sifri's meaning that

- Situation 1 is where the addition is NOT in goof hamitzvah (like blood-flick added after blood-flick ends and bracha added after duchening ends) and does NOT pasul

- Situation 2 is where the addition IS in goof hamitzvah and DOES pasul.

(p.133 1<sup>st</sup> para)

Rambam states if a 2<sup>nd</sup> set of tsitsis is tied onto corners of clothing that already had a 1<sup>st</sup> set of tsitsis, then

- if the intention was to have both sets then, then neither set is kosher, even if one of the sets is cut off

- if the invention was to BATAIL the 1<sup>st</sup> set, then the 2<sup>nd</sup> set is kosher when the 1<sup>st</sup> set is cut off

(p.133 2<sup>nd</sup> – 9<sup>th</sup> paras)

RavZaira in MesechesMenachos 40b states that if a 2<sup>nd</sup> set of tsitsis is tied onto corners of clothing that already had a 1<sup>st</sup> set of tsitsis, after the 1<sup>st</sup> set is cut off then the 2<sup>nd</sup> set becomes kosher. The sugia then asks a kashia that the 2<sup>nd</sup> set should be pasul based on ta'aseh for min ha'asuy. Rava and RavPapa argue over how to answer the kashia.

**(A) According to Rashi's explanation** of Rava and RavPapa:

(A1) Rava holds that the 2<sup>nd</sup> set is kosher after the 1<sup>st</sup> set is cut off INDEPENDENT OF WHAT THE INTENTION was when tying the 2<sup>nd</sup> set – that is because tying the 2<sup>nd</sup> set is considered a non-action as long as the 1<sup>st</sup> set is hanging, and the action of cutting off the 1<sup>st</sup> set is equivalent to hanging the 2<sup>nd</sup> set so that there is NO ta'aseh for min ha'asuy.

(B2) RavPapa holds the 2<sup>nd</sup> set is kosher after the 1<sup>st</sup> set is cut off **ONLY IF** the intention (when hanging the 2<sup>nd</sup> set) was to MAINTAIN 2 sets

**(B) According to Rambam's explanation** of Rava and RavPapa:

(A1) Rava holds the 2<sup>nd</sup> set is kosher after the 1<sup>st</sup> set is cut off **ONLY IF** the intention (when hanging the 2<sup>nd</sup> set) was to MAINTAIN BOTH sets

(B2) RavPapa holds the 2<sup>nd</sup> set is kosher after the 1<sup>st</sup> set is cut off **ONLY IF** the intention (when hanging the 2<sup>nd</sup> set) was to later CUT OFF the 1<sup>st</sup> set

**(C) According to Raavad's explanation** of Rava and RavPapa:

Rava and RavPapa agree that the 2<sup>nd</sup> set is kosher after the 1<sup>st</sup> set is cut off INDEPENDENT OF WHAT THE INTENTION was when tying the 2<sup>nd</sup> set, but that

(A1) Rava holds the person transgresses baltosif INDEPENDENT OF WHAT THE INTENTION was when tying the 2<sup>nd</sup> set

(B2) RavPapa holds the person transgresses baltosif **ONLY IF** the intention (when hanging the 2<sup>nd</sup> set) was to MAINTAIN 2 sets

(p.133 10<sup>th</sup> – 12<sup>th</sup> paras)

Everyone agrees that the begged is pasul as long as the begged has 8 tsitsis. Acharonim ask a kashia from MesechesSanhedrin 88b, which says that zakain mamrai is chayav misa only if BOTH he added item in isur and that added item pasuled. (I Mitchell don't understand the rest).

(p.134 1<sup>st</sup> para)

ImraiBina explains that the reason 8 tsitsis on a begged are pasul is that wearing the begged would transgress baltosif and is therefore prohibited, and there is a rule that any begged that is not fit for wearing (in this case due to a prohibition) is patur from tsitsis, so that even after removing 4 tsitsis the remaining tsitsis would be pasul due to ta'aseh vlo min ha'asuy.

## **SECTION 7. BOUNDARIES OF BALTOSIF**

(p.134 2<sup>nd</sup> -3<sup>rd</sup> paras)

In MesechesSukkah 36b brings an argument:

- RabbiYehuda holds eged is required, and it needs to be bumino

- RabbiMeir & Chachamim hold eged is NOT required,

- and adding a non-bumino eged IS baltosif if there is NO bumino eged

- but adding a non-bumino eged is NOT baltosif if there IS a bumino eged

- Tosfos explain Chachamim's rationale that baltosif requires nutilah kuderech hamitzvah (i.e., requiring lulav components to be oriented projecting upward) so adding an eged (in which the added eged component is oriented horizontally), even a non-bumino one, cannot be baltosif.

- Ran explains Chachamim's rationale that since eged is NOT required, a non-bumino eged omaid bifnai atzmo and is NOT baltosif.

And there cannot even be baltosif miderababan since baltosif miderababan does NOT apply where the purpose for adding is for noi.

(p.134 4<sup>th</sup> para)

Chidushai RabbiReuvain says that Ran agrees with the rule that baltosif requires nutilah kuderech hamitzvah (i.e., requiring lulav components to be oriented projecting upward) but holds that the eged's horizontal orientation is close enough to vertically upward for baltosif to apply (in disagreement with Tosfos that holds horizontal orientation is NOT considered close enough to vertically upward for baltosif to apply).

(p.134 5<sup>th</sup> para)

Tosfos holds that baltosif can NOT apply where the added mitzvah is done NOT kugidrai hamitzvah. For this reason, ShaltaiGiborim states that women who perform a time-dependent mitzvah (i.e., that they do voluntarily and are NOT required to do) are doing so NOT and therefore do NOT transgress baltosif.

(p.134 6<sup>th</sup> para)

MesechesSukkah 28b states that one may leave the sukkah in sufficiently cold weather. HagaosMaimonios adds that one who does NOT leave the sukkah in sufficiently cold weather does NOT receive reward and is a hedyot. AvnaiNezer explains that such a person (despite being a hedyot) does NOT transgress baltosif since staying in the sukkah in cold weather is NOT kutzuras hamitzvah which precludes baltosif.

(p.134 7<sup>th</sup> para)

In MesechesYuma 10b, RabbiYehuda states that the lishkas palhedrin that the kohen gadol was required to temporarily live in for 7 days before YomKipur does NOT need mezuzah since any place that a person is required to live in is NOT considered a dira for terms of mezuzah. But chachamim required, midurabanan, for the lishkas palhedrin to have a mezuzah. Why is this NOT baltosif? Because adding a mezuzah to the lishkas palhedrin is NOT kutzuras hamitzvah.

(p.134 8<sup>th</sup> para)

In the case of an entryway in which there is a safek on which side a mezuzah should be affixed, is it baltosif to affix 2 mezuzahs on the 2 sides of the entryway?

- MaharamShik says it IS baltosif, since a situation of bizmano, baltosif does NOT require intention to mosif.

- BinyanTzion says it is NOT baltosif, since the mezuzah that is on the wrong side is considered a not kutzuras hamitzvah (as opposed to the case of doubling tsitsis in which both tsitsis sets can be considered kosher tsitsis, and as opposed and doubling tefillin in which both tefillin can be considered kosher tefillin).

(p.134 9<sup>th</sup> para)

Is it baltosif for a safek left-handed person to wrap tefillin on both arms misafek?

- ChesedLa'alafim says it is NOT baltosif for both arms to be wrapped with tefillin, whether simultaneously or one at a time.

- YadEliyahu & RavPu'alim says it IS baltosif for both arms to be wrapped with tefillin if simultaneously, but NOT if one at a time.

- MatasYado says it IS baltosif for both arms to be wrapped with tefillin, whether simultaneously or one at a time, despite the argument that the tefillin that wrapped on the wrong arm should be considered as NOT kutzuras hamitzvah.

(p.134 10<sup>th</sup> para)

In the argument between RabbiYeshushua & RabbiEliezer (in Eruvin 100a, Zevachim 80a and RoshHashana 28b), in which matan ahas is exemplified by dam bechor and matan arba is exemplified by dam chatas - AruchLanair asks the following kashia:

Since the flicking-location for single-flick dam BECHOR is BELOW the flicking-location of multi-flick dam CHATAS, the 3 added flicks of dam BECHOR in the UPPER location should not be considered baltosif since flicking in the UPPER location is NOT kutzuras hamitzvah for dam BECHOR.

(p.135 1<sup>st</sup> full para)

In MesechesEruvin 95a, in a case where many sets of tefillin are left outside in bizayon on Shabbos,

- Chachamim say you may wear 1 tefillin at a time to bring them inside
  - RabanGamliel says you may wear 2 tefillin at a time to bring them inside
- Gemara (as Tosfos explains it) asks a kashia on RabanGamliel,
- if Shabbos IS zman tefillin then only 1 tefillin should be permissible at a time to avoid baltosif
  - if Shabbos is NOT zman tefillin then MANY tefillin should be permissible at a time derech malbush.
- And the Gemara answers that Shabbos is NOT zman tefillin and only up to 2 sets is derech malbush.

(p.135 2<sup>nd</sup> full para)

RabbiChaimShuelevitz asks a kashia on Tosfos, since the Gemara at this point in the sugiah believes there is room on the head for only 1 tefillin, then there should be no baltosif by wearing a 2<sup>nd</sup> tefillin since the 2<sup>nd</sup> tefillin would NOT be kutzuras hamitzvah but would be only malbush.

(p.135 3<sup>rd</sup> full para)

MesechesRoshHashana 28b states a kohen is prohibited from adding an additional bracha to duchening. And Rambam states the prohibition is even against whispering the additional bracha whispering. BiurHalacha asks a kashia, that whispering the additional bracha is NOT kutzuras hamitzvah (since the duchening must be recited bukol ram, i.e., be heard by the congregants) so there should be no baltosif, and similarly that it would not be kutzuras hamitzvah (and therefore no baltosif) if the additional bracha were said when the kohen faces away from the congregation or after descending from the duchen

(p.135 4<sup>th</sup> full para)

EmekBracha answers the BiurHalacha's kashia by saying that the requirement for duchen bukol ram (that those being blessed hear the brachos) is only lechatchila and not budi'eved, as evidenced by the fact that if all the congregants are kohanim, then all the congregants should duchen and those being blessed would be Jews in the fields despite Jews in the fields not hearing the brachos.

(p.135 5<sup>th</sup> full para)

Rambam states that nighttime is NOT zman tsitsis, however wearing tsitsis at night (whether on weekdays or Shabbos) is NOT baltosif. Then why IS it baltosif to shake lulav or sleep in sukkah and eat matzavah after the yomtov is over? OnegYomTov answers that wearing tsitsis at night is NOT kutzuras hamitzvah because daytime is part of (mipratal) mitzvas tsitsis, whereas the 7-day yomtov period is NOT part of (mipratal) lulav, sukkah and matzavah and so someone performing them after the yomtov is over IS performing them kutzuras hamitzvah but mosif on the time period.

## **SECTION 8. PEOPLE WHO ARE NOT OBLIGATED TO DO A MITZVAH**

(p.135 6<sup>th</sup> full para)

In many sugios in Gemara there is an argument whether women may do smicha on a karban despite not being chayav to do so.

- RabbiYosi says women may somaich despite not being obligated
- Chachamim say women may NOT somaich since doing so constitutes doing work with animals-for-sacrifice

(p.135 7<sup>th</sup> full para)

Rashi states that, even where doing work with animals-for-sacrifice is not an issue, women are prohibited from doing time-related mitzvahs because of baltosif. Tosfos argues with Rashi, and states that women are prohibited from doing time-related mitzvos only where there is a special reason associated with it – such as prohibition from wearing tefillin because women might have dirty body, or Aliyah lareged since it appears like bring chulin to the Temple, or shafar because of unnecessary performance of work.

(p.135 8<sup>th</sup> full para)

Rashi in some places indicates it is baltosif mid'oraisa for a woman to perform a time-related mitzvah, and Rashi in other places indicates it is only mid'erabanan due to **appearing** as baltosif.

- Some achronim resolve the contradiction in Rashi by explaining that Rashi initially considered it baltosif med'oraisa and later changed his mind.
- While other achronim explain that in all places Rashi meant to say it is **only mid'erabanan** due to **appearing** as baltosif.

(p.135 9<sup>th</sup> full para)

Other rishonim (Tosfos Rid, SeferHamachria, SeferHa'agur, OrZarua) argue with Rashi and hold that women performing a time-related mitzvah IS baltosif, especially if a woman makes a bracha on the mitzvah which indicates her intention that the performance is a mitzvah.

(p.135 10<sup>th</sup> full para)

Sha'agasArieh argues with those other rishonim (in the above para)  
, and holds that women performing a time-related mitzvah is NOT baltosif, since the case of a woman performing a mitzvah when she is NOT obligated is like the case of a man sleeping in a sukkah on the 8<sup>th</sup> day when HE is NOT obligated and for which the man is NOT whipped. Taz replies to Sha'agasArieh that the 2 cases are NOT the same, since on the 8<sup>th</sup> day of Sukkos the obligation to sleep in the sukkah no longer applies to anyone, whereas when a woman performs a time-related mitzvah the obligation does apply (at least to men).

(p.136 1<sup>st</sup> full para)

But the Taz then retracted his answer (that it is bizmano for a non-chayav person as long as it is still bizmano for others) based on his finding in MesechesRoshHashana 28b that it is NOT bizmano for a kohen that already duchened despite still being bizmano for kohanim that still need to duchen. ChasamSofer states that for this reason – that it is NOT bizmano for women somaichim despite it IS bizmano for men somaichim – that lehalacha women may, and it is NOT baltosif for women to, somaich on a karban

(p.136 2<sup>th</sup> full para)

ChasamSofer further differentiated between

- (1) whether the mosif person was himself personally obligated to do a mitzvah that others are still obligated and
- (2) whether the mosif person was himself never personally obligated to do the mitzvah that others are still obligated

(p.136 3<sup>rd</sup> full para)

OhrSamai'ach stated that

- it IS bizmano for a non-obligated person as long as others are unqualifiedly obligated to do the mitzvah, like tefillin and shofar
- it is NOT bizmano for a non-obligated person as long as others are still obligated, if the mitzvah has qualifications for obligation, such as duchening being a qualified obligation because its obligation is only if a kohen finds a minyan that needs duchening

(p.136 4<sup>th</sup> full para)

The rule explained by OhrSamai'ach explains the aforementioned 2<sup>nd</sup> holding by Rashi that women somaiching is baltosif only mid'erabanan – in that smicha is not bizmano for women since others' obligation to sacrifice is a qualifying-dependent obligation, like duchening is a qualifying-dependent obligation.

(p.136 5<sup>th</sup> full para)

It was mentioned above that according a 1<sup>st</sup> holding of Rashi, women may NOT somaich because it is baltosif mid'oraisa. And Tosfos asked a kashia then why did RabbiYehuda state that Hailani Malka was permitted to sit with her sons in a sukkah if RabbiYehuda himself holds women may not somaich? One answer is that sitting with her sons in the sukkah avoided the problem of appearing as baltosif. Another answer is that since a woman is not obligated to sit in a sukkah, then her sitting in a sukkah is non-bizmano and therefore not baltosif if there is no intention to mosif. Taz pointed out that MesechesEruvin states that rabbis permitted Michal bas Shaul to wear tefillin. There are 3 possible reasons:

- (1) perhaps the rabbis held that women MAY somaich on a karban
  - (2) perhaps tefillin is NOT a time-dependent mitzvah
  - (3) perhaps (according to OhrSamai'ach above) that Michal did NOT have intention for mitzvah and it was considered not bizmano for her
- (I Mitchell Rose do NOT understand this para well)

(p.136 6<sup>th</sup> full para)

Tosfos states that after a man has fulfilled his obligation to blow shofar, mitzvas shofar is no longer bizmano for him, despite the fact that if he later encounters people who need to hear shofar he may blow for them.

(p.136 7<sup>th</sup> full para)

As explained above, Rashi's deduces, from RabbiYosi's approval for women to somaich, that RabbiYosi there is no baltosif if the mosif is a woman that is patur due to time-dependent obligation. ShaagasAryeh and PnaiYehoshua ask a kashia on Rashi's deduction, since RabbiYosi approves it only if the woman's hands are not pressing on the animal but

are instead raised above the animal. This kashia is answered by OhrSamai'ach (as mentioned above) that Rashi agrees that the issue (with RabbiYosi) is NOT baltosif but instead doing work with kadshim (as Tosfos holds)

(p.136 8<sup>th</sup> full para)

Accordingly, OhrSamai'ach holds that the machlokes (between whom and whom????) is whether a woman who does a time-dependent mitzva:

(option 1) DOES fulfill the mitzvah and therefore does NOT transgress either baltosif or doing work with kadshim (avodah bekodshim)

(option 2) does NOT fulfill the mitzvah and therefore DOES transgress both baltosif and doing work with kadshim (avodah bekodshim)

(p.136 9<sup>th</sup> full para)

Ran apparently holds like option 1 above, that a woman who does a time-dependent mitzva DOES fulfill the mitzvah, as evidenced from MesechesBabaKama 87a that says that one who does a mitzvah earns more reward if he IS obligated than if he is NOT obligated, which implies (in Ran's opinion) that a woman who does a time-dependent mitzvah DOES fulfill a mitzvah and may even make a bracha on it. This opinion of Ran is supported by MesechesSukkah 20b stating that according to the holder that a woman MAY somaich a woman somaiching is performing a mitzvah. Raavad indicates this more explicitly by stating that a woman may somaich even with all her might since doing so fulfills a mitvah.

(p.136 10<sup>th</sup> full para)

ShaagasAryeh & ChasamSofer argue with Raavad (above), and hold that perhaps the reason a woman may somaich is NOT due to the woman fulfilling a mitzvah but instead due to it NOT being, to the woman, zman mitzvah and therefore NOT fulfilling anything and NOT being baltosif due to no intention.

(p.137 1<sup>st</sup> para)

ShaagasAryeh asks the following kashia on Rashi's assertion that the holder that a woman is prohibited from somaiching is due to baltosif: If that is so, then why does MesechesEruvin 96b state that the holder that a woman is prohibited from somaiching would also be prohibited from wearing tefillin on Shabbos even if Shabbos is NOT zman tefillin. This is a kashia on Rashi, if the prohibition for women wearing tefillin is due to baltosif, then women should be permitted to wear tefillin on Shabbos since Shabbos is NOT zman tefillin and baltosif is NOT applicable when NOT bizmano and there is no intention.

(p.137 2<sup>nd</sup> para)

As mentioned above, Tosfos disagrees with Rashi's assertion that a woman doing a time-dependent mitzvah is baltosif.

- Raavad gives a 1<sup>st</sup> explanation for Tosfos's rationale: that the Torah's patur of a woman from performing a time-dependent mitzvah included the fact that she FULFILLS the mitzvah if she does do the mitzvah and also PATURS her from transgressing baltosif, just like the for a blind person who is patur but gets reward for doing performing the mitzvah and does not transgress baltosif.

(p.137 3<sup>rd</sup> para)

- ShaltaiGiborim gives a 2<sup>nd</sup> explanation for Tosfos's rationale: that a woman performing a time-dependent mitzvah is performing the mitzvah in a manner that is NOT the bugidrai hamitzvah (kutzuras hamitzvah) and (as mentioned above) doing there is NOT baltosif if the performance is NOT bugidrai hamitzvah.

(p.137 4<sup>th</sup> para)

- Maharsha & Ra'am gives a 3<sup>rd</sup> explanation for Tosfos's rationale: that baltosif applies to the goof hamitzvah (the specific person the mitzvah is commanded to), and a woman is NOT the goof of a time-dependent mitzvah.

(p.137 5<sup>th</sup> para)

In MesechesShabbos 118b, as explained by Tosfos, RabbiYosi believes it is permitted for a non-kohen to duchen. Acharonim ask a kashia how RabbiYosi could not know that, as explained in MesechesKsubos 24b, the phrasing of the Torah's command regarding duchening prohibits (with a lav haba miklal asai) a non-kohen to duchen. MagenAvraham answers that

- the drash in MesechesKsubos 24b prohibiting non-kohen to duchen is based on the rationale that Torah **commanding kohanim to** duchen implies non-kohanim MAY NOT duchen, which is in line with RabbiYehuda's rationale in Eruvin that the Torah stating MEN MAY somaich implies woman MAY NOT somaich.
- RabbiYosi in MesechesShabbos 118b instead holds the rationale that the Torah **commanding KOHANIM to** duchen implies non-kohanim MAY duchen, which is in line with RabbiYosi's rationale in Eruvin that the Torah **commanding MEN to** somaich implies woman MAY somaich.

(p.137 6<sup>th</sup> para)

Sha'arHamelech, based on 2 grounds (that I Mitchell Rose do not understand), disagrees with MagenAvraham's explanation (above) of RabbiYosiin MesechesShabbos 118b.

## **SECTION 9. MITZVAH KIYUMIT (a mitzvah that is a good deed to do but NOT required to do)**

(p.137 7<sup>th</sup> para)

The following relates to whether there can be baltosif for a mitzvah that is done voluntarily.

(p.137 8<sup>th</sup> para)

An example of such a mitzvah is a kohen that previously duchened for one congregation and is now duchening, a 2<sup>nd</sup> time for a 2<sup>nd</sup> congregation. The 2<sup>nd</sup> duchening is voluntary according to MesechesRoshHashana 28b. MagainGiborim discerns from the wording of MesechesRoshHashana 28b that the kohen, who adds his own bracha when voluntarily duchening the 2<sup>nd</sup> time that day, is transgressing baltaosif.

(p.137 9<sup>th</sup> para)

MesechesEruvin 96a (mentioned above) presents an argument between RabanGamliel and Chachamim on whether it is baltosif to wear 2 pairs of tefillin simultaneously on Shabbos (if Shabbos is NOT zman tefillin) to save them from fire. In answer to a kashia how can wearing 2 tefillin simultaneously be baltosif if tefillin is NOT a mitzvah on Shabbos, ChemedMoshe answers that although tefillin on Shabbos is NOT a required mitzvah it is a voluntary mitzvah. This implies that ChemedMoshe believes that baltosif can apply even for a voluntary mitzvah.

(p.137 10<sup>th</sup> – 11<sup>th</sup> para)

Rama says that it is a voluntary mitzvah to do when is mentioned in MesechesSukkah 41b that Anshai Yerushalaim did -- carrying arba minim (arbaminim) from the time they left their home in the morning to attend shul until they returned home after shul out of chiboov mitzvah. In other words, carrying arba minim after the mitzvah has been performed, out of chiboov mitzvah, is a voluntary mitzvah. Taz states that, since it is a voluntary mitzvah and since it is lav bizmano, it would NOT be baltosif to add to this arba minim if he had no mitzvah-intention. Acharonim are more lenient than Taz, and state that when carrying arba minim post-shaking, there can be no baltosif even with mitzvah-intention despite it being a a voluntary mitzvah to carry arba minim post-shaking. Gra states that after the shaking arba minim, it would not be baltosif to carry them with hoshanos aravos as long as there is no mitzvah-intention.

(p.138 1<sup>st</sup> para)

Rambam wrote that on Sukkot, eating fruit and drinking water IN the sukkah is meshubach, but not required.

MesechesEruvin 96a and MesechesRoshHashana28b states sleeping in the sukkah with intention on the 8<sup>th</sup> day is baltosif.

(p.138 2<sup>nd</sup> para)

Ravayah (cited by Mordecai) that

- **eating** in sukkah on 8<sup>th</sup> day is permitted because the refraining of making a bracha is a heker that there is no mitzvah-intention even outside Israel
- **sleeping** in sukkah on 8<sup>th</sup> day is baltosif because there is NO heker that there is no intention (since even during Sukkos there is no bracha)

(p.138 3<sup>rd</sup> para)

MishnahBrurah siman668 sifkatan6) presents an argument between DerechHachaim and other acharonim:

- DerechHachaim states that since eating fruit on Sukkos has no bracha, eating fruit in sukkah on 8<sup>th</sup> day is baltosif since there is no heker of no intention – This implies that DerechHachaim holds there CAN be baltosif for mosifing something that is NOT tied to a mitzvah
- other acharonim (MachatzisHashekel, ChachmasShlomo, BikuraiYosef) state that eating fruit in sukkah on 8<sup>th</sup> day CANNOT be baltosif since there is mitzvah to eat fruit in sukkah during Sukkos– This implies that those other acharonim holds there CANNOT be baltosif for mosifing something that is NOT tied to a mitzvah

(p.138 4<sup>th</sup> para)

Maharil states that on the 8<sup>th</sup> day outside Israel, we should leave the sukkah soon after eating, to avoid walking in the sukkah which would be baltosif. This implies that Maharil holds that there CAN be baltoif for mosifing something (like walking in a sukkah) that is NOT tied to a mitzvah (since walking in the sukkah is never a mitzvah)

(p.138 5<sup>th</sup> para)

Gra states (but not all agree) that eating matzah on Pesach after the 1<sup>st</sup> day is a non-required mitzvah (good deed but not required). ChayaiAdam states eating matzah on the 8<sup>th</sup> day misafek is NOT baltosif (and states the same rule for sitting in sukkah on 8<sup>th</sup> day), which implies that eating matzah on the 8<sup>th</sup> day NOT misafek IS baltosif – This implies that ChayaiAdam (assuming he agrees with Gra that eating matzah on last days of Pesach is non-obligated mitzvah) that mosifing something related to a non-obligated mitvah CAN be baltosif.

(p.138 6<sup>th</sup> para)

SdaiChemed argues with ChayaiAdam (assuming per Gra) and states that eating matzah on 8<sup>th</sup> day CANNOT be baltosif since eating matzah on prior days of Pesach is a non-obligation.

Maharil states that

- sleeping in sukkah on 8<sup>th</sup> day IS baltosif since sleeping in sukkah IS a mitzvah all previous days of Sukkos
- eating matzah on 5<sup>th</sup> day is NOT baltosif since eating matzah is NOT a mitzvah all previous days of Pesach (which might imply that Maharil disagrees with Gra's assertion that eating matzah on later days of Pesach is a good deed).