

be in those days," and "according to the tenor of the sentence which they shall declare unto thee from that place . . . According to the law which they shall teach thee, and according to the judgment which they shall tell thee shalt thou do; thou shalt not turn aside from the sentence which they shall declare unto thee, neither to the right hand, nor to the left" (Deut. 17:8-11). . . .

Furthermore the Oral Law lays down explicitly that from the moment of the giving of the Written Law . . . it is handed over absolutely to the judgment of the human intelligence of the scholars of the Oral Law . . . The Oral Law is able to circumvent the Written Law . . . In consequence of this provision, Maimonides, following the talmudic sages, ruled that "in an emergency any bet din may cancel even the words of the (written) Torah . . . in order to strengthen religion and to prevent people from transgressing the Torah. . . . if they see a temporary need to set aside a positive precept, or to transgress an injunction in order to bring many back to religion, or in order to save many Israelites from grief in other matters, they may act in accordance with the needs of the time; just as the physician amputates a hand or a leg in order to preserve the life, so the bet din may rule at some particular time that some precept of the Torah may be transgressed temporarily in order that it may be preserved" . . . The Oral Law . . . is well-nigh sovereign in relation to the Written Law . . . The Oral Law was handed over to the sages, by means of whose words it is fixed and evolves from generation to generation. It is this nature and this sovereignty that are the real will of the Written Law, which was given on the basis that it be explained by means of the Oral Law.

Boaz Cohen, in Law and Tradition in Judaism, states:

The Scriptural doctrine that the Mosaic Law was final and complete was understood and underscored by the rabbis referring to the written law preserved in the Pentateuch. They whittled down the original intent of בְּלֹא תוֹסִיף by limiting its prohibition to add to a particular precept of Scripture, e.g., one may not increase the number of fringes, or the species accompanying the Lulab, or put on phylacteries on the Sabbath according to the authority who held שבת לאו זמן תפילין.

On the other hand, the rabbis forestalled any objections that ancient enactments or interpretations were an infringement upon the Biblical precept of בְּלֹא תוֹסִיף by propounding the view that they were part of the oral tradition revealed to Moses on Sinai, and they could point to the Pentateuch itself for allusions to this

תורה שבעל פה. This claim was rejected first by the Sadducees and later by the Karaites.

Historically speaking, this was an immense achievement on the part of the rabbis. First, because it ruled out a narrow interpretation

of בְּלֹא תוֹסִיף which would have interfered with the normal development of Jewish Law, which was certainly not intended by the inspired lawgiver. Second, it vouchsafed enormous prestige and sanction to the unwritten law. (pp. 4-6)