

The Last Eight Pesukim in the Torah

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It would be quite an unusual autobiography that is so comprehensive that it describes the author's own death and burial; by the time the author has been buried, he has probably stopped writing. The Chumash, however, defies this premise: while not an autobiography, it was transcribed by one of its major protagonists, Moshe Rabbenu, who was nonetheless apparently able to record his own passing¹ and then continue writing for seven more *pesukim* (verses).

The Talmud² addresses this anomaly, and records two approaches in response: According to R. Yehudah (or R. Nechemia), these *pesukim* were actually not written by Moshe, but by Yehoshua. However, R. Shimon objects, noting that Moshe is instructed to “take the *sefer haTorah*,”³ and that description would not be used if even one letter were missing. Rather, he asserts, until this point, G-d spoke, and Moshe repeated and wrote; from here until the end, G-d spoke and Moshe wrote the words “*bi-dema*.”

The common translation of *bi-dema* in this usage is that it means “with a tear,” indicating that Moshe was crying, understandably, while receiving and transcribing the prophecy of his impending death. Some *rishonim*⁴ indicate that the tear was actually the writing material, rather than ink; the Maharsha suggests Moshe did not want to use formal ink to write something that had not yet taken place and which could have the appearance of falsehood (*mechzi ki-shikra*).⁵

¹ Devarim 34:5.

² *Bava Batra* 15a, *Menachot* 30a.

³ Devarim 31:26.

⁴ See, for example, Ritva and Rama to *Bava Batra*, and Rashi to *Bava Batra*, .s.v. *ho'il*.

⁵ *Chiddushei Aggadot LaMaharsha, Bava Batra* 15. The Maharsha also understands Moshe's lack of verbal repetition as a function of this issue. This comment has led some to suggest that dishonesty is less of an issue in writing than in speech; however, the Maharsha's intent was presumably to note that while there was never a concern for actual dishonesty, since the words would come true, but since they had not yet come true, they *appeared* false when spoken out loud, a concern that would not apply to written words meant to be read later. See the citation of the Maharsha in R. Shalom Mordechai HaKohen's *Da'at Torah, Orach Chaim* 156; see also *Sefer HaMidot* of R. Nachman of Breslov, *Emet* 5 (compare, however, *Ha'arot* of R. Natan of Breslov). For an innovative interpretation of the Maharsha's comments, see R. Yitzchak Sternhill, *Kokhvei Yitzchak* 3:2:8 and 9. See also R. Meir Dan Plotzki, *Kli Chemdah, Parshat VeZot HaB'rakhah*; R. Chizkiyahu Fish, *Titten Emet L'Yaakov* 8; R. Eliezer Yehudah Waldenberg, *Responsa Tzitz Eliezer* 15:12; R. Shimon Gabel, *Kli Golah* and *Sofrei Shimon* to *Berachot* 43b; and see also R. Yehudah Assad, *Responsa Yehudah Ya'aleh, Yoreh Deah* 316. See as well R. David Avraham Mandelbaum, *Pardes Yosef HaChadash al HaTorah, Devarim*, II, pp. 1381-1382. For an extensive analysis of the Maharsha's

Others,⁶ however, understood the term *dema* differently, as indicating *dimua*, or intermixture. In this view, Moshe wrote the words, which had not yet been actualized, in a jumbled form that would not be intelligible to the reader. Commenting along similar lines, the Gaon of Vilna⁷ maintained that the two views in the Talmud were compatible, in that Moshe did write the words in their initial form, while Yehoshua rearranged the letters into a legible form and thus “wrote” them as well.⁸

The Talmud continues by asserting a halakhic implication of the fact that, whichever opinion is accepted, there is something unique about these eight *pesukim*. As such, they are granted a unique halakhic treatment: “*yachid korei otam*.” The first of many mysteries contained in this brief phrase is a very basic one: what does it mean?

This simple question is not so simply answered. In fact, there are no fewer than six interpretations among the *rishonim*, some of which are reflected in halakhic practice to some degree, some of which have no such practical expression, some of which contradict each other, and all of which must be studied and explicated in order to arrive at a perspective on how Chazal and the *rishonim* related to this mysterious last passage of the Torah.

1. According to the RiMigash, cited in the *Shittah Mekubetzet* to *Bava Batra*, the intent is that these verses must be read together with earlier verses, without breaking before them (*ein mafsikin bahem*).⁹ In this reading, the word “*yachid*” would mean “together” (*yachad*) [with other verses]. The reason for this, says the Ri Migash, is so as not to call attention to Yehoshua’s authorship. While he does not expand on this, presumably the intent is that since the status of these *pesukim* is essentially, for practical purposes, the same as the rest of the Torah, it is unhelpful to confuse the populace by highlighting the irrelevant difference in their transcriptive history.

2. The *Shittah Mekubetzet*, before citing that view of the Ri Migash, also records in his name a completely opposite opinion, with an equally contrary rationale: The verses *must* be read separately, so that it *would* be highlighted that Yehoshua wrote them. In this reading, *yachid* means “alone.”¹⁰

comments in this context, see R. Dov Gedaliah Drexler in the journal *Beit Aharon Ve-Yisrael* XVIII:2 (104) pp. 26-35. [Some suggest that the *dema* was used instead of ink to address issues of *Shabbat*; see R. Avraham Yitzchak Glick, *Resp. Yad Yitzchak*, I, 136.]

⁶ See Rama MiFanu, *Asarah Ma’amarot, Ma’amar Chikur Ha-Din*, ch. 13, as cited by *M’lo HaRoim* to *Bava Batra*; note, however, *Pardes Yosef HaChadash*, p. 1383-4.

⁷ Cited in *Aderet Eliyahu*.

⁸ See R. Mordechai Gifter, *Pirkei Torah*, II, pp. 334-340, who expands on this approach and explains how it can be harmonized with the text of the Talmud, which clearly implies the two views are in conflict with each other. See also R. Yitzchak Sorotzkin, *Gevurot Yitzchak al HaTorah*, II, 318.

⁹ This could have been read to be the view of Rashi as well, who uses the same Hebrew phrasing in *Bava Batra*. However, the phrase is somewhat ambiguous and could also sustain other readings; note, for example, that Rabbenu Tam, cited below, uses similar phrasing to indicate a different view, which he understands to be in agreement with Rashi; indeed, Rashi to *Menachot*, s.v. *yachid*, takes this position explicitly. The Ra’avad, cited below, prefers an interpretation that uses this phrase as well.

¹⁰ See also *Sefat Emet* to *Menachot*.

3. *Tosafot*¹¹ quotes the view of R. Meshulam that to read these *pesukim* “*yachid*” means that only the one receiving the *aliyah* should read from the Torah, without the accompaniment of an appointed *ba'al keriyah*, in contrast to contemporary practice, in which both men read together.

Rabbenu Tam, however, objects to this understanding, as it was not the practice in Talmudic times to have the simultaneous reading by two people; the contemporary usage of this method is only to prevent embarrassment on the part of an *oleh* who may not be capable of reading from the Torah, and is not a fundamental aspect of the reading itself. As such, it is unlikely that this is the intent of the Talmud’s statement.¹²

4. Rabbenu Tam himself advocates another view, that “*yachid*” would mean the section should be read as one unified whole, without breaking it up into, for example, two sections of four *pesukim*. This is also the position expressed by Rashi in his commentary to *Menachot* and is recorded in *Shulchan Arukh*.¹³

5. The view of the Rambam¹⁴ has received the most halakhic and analytic attention of all the opinions on the matter. In his understanding, “*yachid*” is used to mean the individual, as opposed to the community, i.e. a *minyan*.¹⁵ Thus, as opposed to the rest of the Torah, these verses can be read without the presence of a *minyan*. This view is also cited by the *Shittah Mekubetzet* to *Menachot*.¹⁶

The Ra'avad objected to this opinion (preferring instead the interpretation “*shelo lihafskik bahem*”¹⁷ and mentioning also a practice to follow the view associated with R. Meshulam). He considered the Rambam’s opinion to be “very strange” (*inyan zarut hu m’od*) and asks a terse question: *ve-ha-tzibur heikhan halkhu?*—where did the *minyan* go?

However, as the *Kesef Mishneh* notes, the Ra'avad's position invites its own questions. Why is it so inconceivable that the *minyan* has “gone”—could individuals not have simply walked out (a possibility even more feasible when considering that it is Simchat Torah!)? Further, it is also possible that the Rambam is addressing a scenario in which there never was a *minyan* to begin with, and the question is whether at least these *pesukim* may be read from the Torah.

A number of *acharonim*¹⁸ explain the Ra'avad's objection by noting some relevant halakhic background. There is a prohibition to leave a synagogue in the middle of the service, when doing so will render the *minyan* deficient. However, if this were to happen, the remaining members of

¹¹ *Menachot* 30a, s.v. *shmonah pesukim*; *Megillah* 23b, s.v. *tana*.

¹² See *Toldot Yitzchak al HaTorah* to *Devarim*, where it is recorded that in Provence the custom was in accordance with R. Meshulam.

¹³ O.C. 428:7; see *Mishnah Berurah* #21.

¹⁴ *Hilkhot Tefillah* 13:6.

¹⁵ See also *Torat Chaim* to *Bava Batra*. See also Yechezkel From, in *Beit Yitzchak* 5741/5742, pp. 175-178.

¹⁶ 30a, #22.

¹⁷ See above, footnote 9.

¹⁸ See, for example, R. Shlomo Wahrman, *Orot Chag HaSukkot* # 59 (and *She'erit Yosef*, IV, 32); R. Ya'akov Betzalel Zolty, *Mishnat Ya'avetz*, O.C. 72; R. Ya'akov David Ilan, *Masa Yad al HaTorah*, v. I, *Parashat VeZot HaBerakhah*; *Gevurot Yitzchak al HaTorah*, II, 317.

the erstwhile *minyan* would be permitted to continue the service.¹⁹ Thus, the Ra'avad's question may be, since even other sections of the Torah may continue even after the quorum is lost, apparently maintaining a "*din tzibbur*" (the halakhic status of a *minyan*) even without the actuality of a *minyan*, "where did the [status of the] *minyan* go? This point is actually explicit in the *Sefer HaManhig*,²⁰ which notes that continuing to read from the Torah at that point would not constitute any kind of a deviation, as this is the rule with all sections of the Torah.²¹

As such, the *acharonim* who discuss this position offer suggestions as to what indeed distinguishes this section in the view of the Rambam. One possibility is that the general rule is that the service may only continue without a quorum if there is at least a majority of a *minyan* remaining, which is the position of the Ran²² and recorded in *Shulchan Arukh*.²³ Accordingly, it is possible that while the rest of the Torah requires a majority to remain, this section may be read with even a smaller group remaining, or perhaps even one man, a literal "*yachid*."²⁴

Another possible distinction revolves around the question, raised by the *Kesef Mishneh*,²⁵ as to whether, if part of the *minyan* leaves, the license to continue extends to all of the *keriyat haTorah* that day, or only to an *aliyah* that has already been started. Perhaps the permissibility to continue only applied in the time when the entire *keriyat haTorah* was bracketed by one set of *berakhot*. When each *aliyah* is given its own set of *berakhot*, it may not be permissible to start a new *aliyah* without a full *minyan*. If so, the license to read the last eight *pesukim* as a separate *aliyah* without a *minyan* would be unique. The *Magen Avraham*²⁶ maintained that only the basic seven *aliyot* can be completed if the original *minyan* is no longer there; thus, a scenario can easily be envisioned where it would not be permitted to read this section, if not for its unique status, without a *minyan*.

Aside from the halakhic implications, it is necessary to understand the conceptual basis for the Rambam's view. Rav Soloveitchik²⁷ noted that the Rambam, when recording the unique status of these *pesukim*, focuses on a different explanation for that status than does the Talmud. The Talmud states that the *pesukim* are treated differently "*hoeil v'ishtani*," "since they were

¹⁹ See *Megillah* 23b and *Tosafot*, s.v. *ein*, citing the *Yerushalmi*; *Mishneh Torah*, *Hilkhot Tefillah* 8:6.

²⁰ *Hilkhot HaChag*, 62.

²¹ See also *Pri Chadash*, OC 428.

²² *Megillah* 14b in pages of the Rif, s.v. *yerushalmi*.

²³ *Orach Chaim* 55:2. It is possible, as noted in some of the above cited works, that this question is premised on a conceptual question: is the ability to continue without a full quorum reflective of the fact that a *davar she-b'kedushah* need only start with a *minyan*, but not necessarily maintain one for the derivation of the service (which would allow continuing even with a minority of the quorum remaining), or, rather, that a *tzibbur* maintains its status as long as it retains a majority of its initial members. (See *Responsa Teshuvah MeiAhavah*, I, 31). R. Akiva Eiger (O.C. 55), assuming that a majority of a *minyan* is necessary, queried whether it must be six out of the original 10, or is it also viable to have five remaining, and then add a new man to the group to make six; this question is presumably intertwined with the previous one (see *Masa Yad*, *ibid*).

²⁴ See also *Keren Orach* to *Menachot*.

²⁵ *Hilkhot Tefillah* 8:6.

²⁶ 143:1.

²⁷ Quoted by R. Mordechai Willig, "*B'Inyan Keriyat HaTorah*," in *Beit Yosef Shaul*, Vol IV (5754), pp. 163-164 and R. Herschel Schachter, *Nefesh HaRav*, pp. 321-322.

differentiated [presumably in their transcription]. The Rambam instead attributes the distinction to the fact that the meaning of the *pesukim* is relevant only after the death of Moshe. R. Soloveitchik also noted the fact that for the rest of the Torah “G-d spoke, and Moshe repeated and wrote,” while for these *pesukim*, “G-d spoke and Moshe wrote.” He explained that in general, Moshe could only write that which he had relayed to the people as a commandment; only thusly did the content achieve the status of “Torah.” Subsequently, it was written down, and became “*Torah SheB’Khtav*.” The last eight *pesukim*, however, could not undergo such a process, as they were not yet factually realized.

Accordingly, these *pesukim* did not attain the sanctity of “*Torah SheB’Khtav*,” essentially for the reason highlighted by the Rambam.²⁸ This, in turn, impacts the requirement for a *minyan*. The need for a *minyan* in order to read from the Torah (distinct from the general need to have a *minyan* for a “*davar she-bi-kedushah*”²⁹) is to evoke a representation of the entire population of Israel, which was present when the Torah was originally given.³⁰ However, as these eight *pesukim* were excluded from that process, they are similarly exempted from the requirement of *minyan*.³¹

Following this approach, R. Mordechai Willig³² suggested that this can also explain the view of R. Meshulam cited above. He suggests that even in Talmudic times, there was a practice to have two men read the Torah simultaneously, to evoke the original roles of G-d and Moshe. However, since these *pesukim* did not involve Moshe speaking, this passage should be exempted from that practice.³³

6. While the Rambam's position may be the view that is most discussed, there is still one as yet unmentioned view that may have the most expression (at least, in a visible manner) in contemporary halakhic practice.³⁴ The Mordechai³⁵ understood “*yachid*” in the sense of “*meyuchad*,” i.e. “distinguished” or “singular” and thus ruled that “*yachid korei otam*” means that

²⁸ Rav Soloveitchik also suggested that this is the real reason Moshe cried: not for his impending death, which is the way of all flesh, but because of the realization that not all of the Torah would attain full sanctity at his hands. Compare also *Chiddushei HaGriz*, *Menachot* 30a, and *Gevurot Yitzchak al HaTorah*, II, 319. See also R. Avraham Yitzchak Baruch Gerlitzky, in the journal *Kovetz He'arot U'Biurim*, (*Ohalei Torah*) Vol XX, pp. 9-13.

²⁹ See R. Baruch Shimon Deutsch, *Birkhat Kohen*, 120. However, note *Mishneh Torah*, *Hil. Tefillah* 8:4, and *Kesef Mishneh* 8:5.

³⁰ See *Yerushalmi Megillah* 4:1 and *Rosh, Megillah* 4:1, regarding the obligation to read from the Torah in an atmosphere of *eimah*.

³¹ See *Pirkei Torah*, *ibid*, for a similar approach, drawing on the position of the Rama MiFanu cited above. Note also that R. Moshe Shternbuch (*Moadim UZemanim*, VI, 79, and *Responsa Teshuvot Ve-Hanhagot* IV, 73) asserts that the Rambam's intent was not that one can fulfill the obligation of the reading of the Torah without a *minyan*, but that it is permissible to read this section of the Torah without a *minyan*, and without fulfilling any obligation. For an alternative explanation of the Rambam's opinion, see R. Yekutiel Yehudah Halberstam, *Responsa Divrei Yatziv, likkutim ve-hashmatot*, #22.

³² *Beit Yosef Shaul*, *ibid*, pp. 164-168.

³³ A similar approach is considered by R. Yechezkel Lichtman in the Journal *Ohel Moshe*, 5753, pp. 38-39. For a different approach, see R. Ya'akov Ariel, *Responsa B'Ohalah Shel Torah*, II, 9:3.

³⁴ See R. Yom Tov Zanger, *Ma'adanei Yom Tov*, III, 41, who considers an actual case that was brought to him for a ruling, and is unwilling to rely on the Rambam for practical purposes.

³⁵ *Halakhot Ketanot* 955.

this aliyah should be given to a *talmid chakham*.³⁶ This does correlate with contemporary practice, which includes these *pesukim* in the honor known as "*chatan Torah*."³⁷

Despite the correlation with practice, the *Chakham Tzvi*³⁸ found the Mordekhai's position to be baffling. Whichever Talmudic approach is accepted regarding the history of these *pesukim*, it seems clear that any differential status vis-a-vis the rest of the Torah would render these *pesukim* inferior, not superior. Why, then, should this *aliyah* be considered a distinguished one? It would seem, in relative terms, to have the lowest status of any *aliyah* in the Torah.³⁹

R. Meir Dan Plotzki, in his *Kli Chemdah*,⁴⁰ endeavors to explain the view of the Mordekhai. He asserts that at this point, with the passing of Moshe Rabbenu, it is conceivable that despair may fall upon the Jewish people. Moshe has died, and his leadership and prophecy were unique in Jewish history. It is possible to come to the conclusion that his influence has died as well, and the Jews will never again benefit from G-d's providence as they did when Moshe was physically alive. The truth, however, is that Moshe's uniqueness notwithstanding, his torch has been passed to those who uphold his teachings, first to Yehoshua and then to all of those who have followed in that path until this very day. Thus, it is appropriate that the *aliyah* containing these words be given to a contemporary personification of these ideals, a teacher and student of Torah who can display the fact that the ideals and messages of Moshe live on.⁴¹

This perspective lends additional significance to the reading of this section on Simchat Torah. As the cycle of the Torah is completed, it is possible to get the impression that the Jews of our time are so far removed from the time of the giving of the Torah, and from Moshe's leadership, that we cannot attain the level of that generation. It is also noteworthy that there appears to be a debate among the *rishonim* as to why exactly *Ve-Zot Ha-Berakhah* is read on Simchat Torah.

³⁶ See *Ta'anit* 10a.

³⁷ The Rama (O.C. 669) quotes the notion of granting this *aliyah* to a Torah scholar as a "*yesh omrim*," but the later literature emphasizes the idea more strongly (see *Sha'ar Ephraim*, *Dinei Keriyat Simchat Torah*, and *Avnei Shoham* [Shlomowitz], *Chelek Chag HaSukkot*, #113). *Responsa K'naf Renanah*, 76, suggests that the practice is less important in the contemporary era when the *oleh* does not actually read aloud from the Torah, but certain distinctions should still be granted to this *aliyah*, such as not having more than one *oleh* share the *aliyah* (as is commonly done on Simchat Torah with the earlier *aliyot*).

³⁸ *Responsa* #13.

³⁹ See R. Yonatan Eibshutz, *Ya'arot Dvash*, I, p. 34, who understands this in the context of the earlier practice of only reciting *berakhot* at the beginning and at the end of the *kri'at haTorah*. Due to the unique character of the last eight *pesukim*, they required their own bracketing *berakhot*, and therefore should have a distinguished individual at the beginning, to parallel the *kohen's aliyah* at the beginning of a standard *keriat haTorah*.

⁴⁰ *Parashat VeZot HaBerakhah*.

⁴¹ A parallel approach can be found in *Resp. Yad Yitzchak*, I, 136, who writes that in truth, these *pesukim* were worthy of being sanctified fully by Moshe, but could not be for technical reasons. To make this point, the verses should be read by a Torah scholar.

It is interesting also that the *Kli Chemdah* also endeavors to explain the Rambam's view, that no *minyán* is necessary, in a way that does not render these verses inferior. He suggests that while a *minyán* is normally necessary during *keriyat haTorah* in order to evoke the *Shekhinah*, this is not needed for these *pesukim*, because, since Moshe did not repeat them, there was no interference between G-d's original expression of these words and their bestowal upon the Jews, and thus the *Shekhinah* is present on its own as a result. (Compare the extensive comments in *Netivot HaChaim*, *netiv* 12.)

While it seems self evident that the last *parshah* of the Torah should be read at the end of the cycle of the reading of the Chumash, and this is indeed expressed by *rishonim* and *poskim*,⁴² there is another perspective also found in *rishonim*, that this section is read at the end of Sukkot to fulfill the requirement of reading from the Torah something that is relevant to the Yom Tov (*mei-inyano shel yom*).⁴³ In this understanding, the yearly cycle of the festivals should end with the public *berakhah* of Moshe to the people. For this reason, too, it seems important to emphasize that Moshe's influence survives his physical passing. It is an appropriate time to be reminded that Moshe's legacy continues to reverberate in the souls of the Jewish people, and for that inspiration to guide us as we usher in a new year.

⁴² See *Chiddushei HaRan*, *Megillah* 31b, s.v. *le-machar*, and *Birkei Yosef*, O.C. 668.

⁴³ See *Ran to the Rif*, *Megillah* 11a s.v. *le-machar*. The *Meshekh Chakmah* (*Hadran* at the end of *Chumash*) notes that this would be read even when a triennial cycle of Torah reading was used and the *Chumash* was not being completed that day; see his explanation there. See also R. Ephraim Greenblatt in the journal *Noam*, pp. 208-211 (and see also his comments, pp. 212-217, concerning the eight *pesukim*).