



The Final Eight Verses of the Torah  
By David Silverberg

The account of Moshe's passing and its aftermath, which comprises the final eight verses of Parashat Vezot Haberakha, and of the entire Torah, calls into question the axiom of Moshe's exclusive authorship of the Torah. Seemingly, these final eight verses, which tell of Moshe's death and burial, and briefly summarize his unparalleled achievements, were written by someone other than Moshe. The Talmud addresses this problem in Masekhet Bava Batra (15a) and cites two approaches. Rabbi Yehuda contends that Yehoshua, Moshe's distinguished disciple and successor, authored these final eight verses after his mentor's passing. Rabbi Yehuda's colleague, Rabbi Shimon, exclaimed in response, "Can the Torah be missing even a single letter?" Unwilling to accept the possibility of someone other than Moshe writing even a single letter of the Torah, Rabbi Shimon contends that "until this point, the Almighty dictated and Moshe wrote; from this point, the Almighty dictated and Moshe wrote in tears." The precise explanation of this final clause, that Moshe "wrote in tears," is subject to considerable controversy among the commentators; for our purposes, it suffices that in Rabbi Shimon's view, Moshe wrote these eight verses before his death just as he did the rest of the Torah.

Our discussion this week will focus on Maimonides' somewhat baffling reading of the ensuing exchange in the Gemara. The Gemara cites an ambiguous ruling by the *Amora Rav*, asserting that "a *yachid* (literally, 'individual') reads" the final eight verses of the Torah. The Medieval commentators suggest numerous different interpretations of this enigmatic statement; Rabbi Menachem Meiri, in his *Beit Ha-bechira* commentary to Masekhet Megila (25b), documents five approaches. Most prevalently, Rashi and others explain that this section must be read as a single unit, as part of one *aliya*, rather than being broken into two or more *aliyot*. (This ruling is indeed codified in the *Shulchan Arukh* – O.C. 428:7.) Another view understands the word *yachid* to mean "a distinguished person," a reading that forms the basis of the widespread practice to call a prominent member of the community to the Torah for the reading of the final verses of the Torah (*chatan Torah*; see *Mishna Berura* 669:1). In any event, the Gemara initially suggests hinging this halakhic ruling on the aforementioned debate concerning the authorship of these eight verses. If, as Rabbi Yehuda argued, these verses are exceptional in that they were penned by Yehoshua, rather than Moshe, then we can readily understand why their halakhic status would differ from that of the rest of the Torah. Therefore, Rav's statement, which, however one chooses to understand it, accords some special status to the final eight verses, follows Rabbi Yehuda's position. According to Rabbi Shimon, by contrast, these eight verses are no different from the rest of the Torah, which was written in its entirety by Moshe, and hence we have reason to treat this section any differently.

Ultimately, the Gemara concludes that even Rabbi Shimon would accept Rav's *halakha*, explaining, rather cryptically, "Once they [these verses] are different – they are different." Meaning, even if Moshe authored these verses, they differ from the rest of the Torah in that they were written before the events they describe actually transpired. This difference amounts to a fundamental difference in status, one which affects the laws governing the public reading of these eight verses.

### **Maimonides' Ruling**

We can infer Maimonides' reading of this problematic Talmudic passage from his discussion of these eight verses in his *Mishneh Torah* (Hilkhot Tefila 13:6):

The final eight verses of the Torah – it is permissible to read them in the synagogue with fewer than ten [men in attendance]. Despite the fact that it is all Torah, and Moshe recorded them from the Almighty, since their implication is that they [were written] after Moshe's death, it is permissible for a single individual to read them.

It is clear from Maimonides' comments that he squarely sides with Rabbi Shimon's position, that Moshe wrote the entire Torah, including the final eight verses. But far more intriguingly, it emerges that Maimonides understood Rav's comment to mean that the standard quorum of ten adult males (a *minyan*) is not necessary for the formal reading of these eight verses. Normally, as Maimonides codifies one chapter earlier (Hilkhot Tefila 12:3), based on the Mishna (Megila 23b), Torah reading with the accompanying *berakhot* (blessings) requires the presence of a *minyan*. Since the schedule of Torah readings was instituted strictly as a public ceremony, it may be conducted only in a public setting, which Halakha defines as the presence of ten adult males. Regarding, however, the final eight verses of the Torah, Maimonides rules that a *minyan* is not necessary. In his view, when Rav remarked that a *yachid* reads this section, he meant that even a single individual, or a group of individuals that do not comprise a *minyan*, may read these verses in the formal framework of *keri'at ha-Torah* – the synagogue Torah reading.

Later writers – justifiably, perhaps – reacted to Maimonides' ruling with a fair amount of astonishment. The Ra'avad, in his glosses critiquing the *Mishneh Torah*, writes, "We have never heard of such a thing... What he wrote is a very odd matter; where did the congregation go?" There is some discussion as to what the Ra'avad had in mind when he wrote, "Where did the congregation go," but in any event, he found it difficult to understand why the standard quorum of ten males becomes unnecessary once the congregation reaches these final eight verses. A less-known commentary to *Mishneh Torah* called *Seder Mishneh* (by Rabbi Wolf Boskovitz, early 19<sup>th</sup> century) cites an earlier writer who similarly describes Maimonides' reading of this Talmudic passage as a "*peirush zar*" – a "strange interpretation."

Rabbi Yosef Karo, in his *Kesef Mishneh* commentary, attempts to minimize the novelty in Maimonides' position by significantly restricting its application. The *Kesef Mishneh* speculates that Maimonides refers only to a situation where several parishioners left the synagogue during the Torah reading, which began in the presence of a proper *minyan*, leaving behind fewer than the minimum required quorum. Only in such a case does Maimonides permit reading the final eight verses despite the absence of a *minyan*, since the reading had at least begun with a *minyan* present. Alternatively, the *Kesef Mishneh* suggests, Maimonides perhaps allows the reading of the final eight verses when nine adult males are present, whereas normally ten men are required for the Torah reading service.

(We should note that earlier in Hilkhot Tefila – 8:6 – Maimonides writes that recitations such as *kadish* and *kedusha* that require the presence of a *minyan* may be completed if the *minyan* is lost in the middle of the recitation. The *Kesef Mishneh*, commenting on this ruling, questions whether or not this would apply to Torah reading, as well, and expresses his inclination in favor of including Torah reading under this general principle. If so, then his comments here, in Hilkhot Tefila 13:6, become very difficult to understand. For if Maimonides singled out the final eight verses only with respect to such a situation, where the quorum was lost during the Torah reading, then they are, in effect, no different from the rest of the Torah, which may likewise be read in such a case even in the absence of a *minyan*. Apparently, the *Kesef Mishneh* suggests this restriction on Maimonides' ruling only according to the possibility he considered earlier that a congregation may not continue the reading after the *minyan* is lost.)

However, while these speculative restrictions may perhaps reduce our astonishment at Maimonides' ruling, they fall far short of eliminating it. The *Kesef Mishneh* fails to explain the most troubling aspect of this ruling, namely, why these eight verses should be treated any differently from

the rest of the Torah. Maimonides himself emphasizes that “it is all Torah, and Moshe recorded them from the Almighty.” Why should the implication that these verses were written later alter their status?

We present here three approaches that have been taken in explaining Maimonides’ position.

## I.

The *Chatam Sofer* (Rabbi Moshe Sofer, Austria-Hungary, early 19<sup>th</sup> century), in his work on Bava Batra, proposes a novel reading of Maimonides’ comments, based upon the *Kesef Mishneh*’s premise that Maimonides refers specifically to a case where the reading had begun with the presence of a *minyan*. According to the standard guidelines of Torah reading, if the *minyan* is lost before the reading of the final eight verses, the reading should be discontinued. However, the *Chatam Sofer* observes, ending the reading at this point may misleadingly imply that the remaining eight verses are of a lower status and stature than the rest of the Torah. The remaining worshippers might mistakenly attribute the discontinuation of the reading to the inferior stature of the final eight verses, rather than to the absence of a *minyan*. The basis for this misconception is these verses’ implication – as Maimonides observes – that they were written after Moshe’s death. The threat of this erroneous conclusion demanded the drastic halakhic measure of allowing the reading to continue even in the absence of a *minyan*. According to the *Chatam Sofer*, then, Maimonides singles out these eight verses not because he relegates them to inferior status, but to the contrary, specifically to avoid this very misconception.

This approach, though necessitating the addition of many unwritten words to Maimonides’ brief and straightforward passage, succeeds in obviating the need to justify a difference in halakhic status between this and other sections of the Torah. It spares us this daunting task by explaining Maimonides’ ruling as intended precisely to underscore the halakhic equivalence between these eight verses and the rest of the Torah, rather than to set them apart.

## II.

Rabbi Yosef Dov Soloveitchik (as cited in the final page of Rabbi Herschel Shachtar’s *Nefesh HaRav*) suggested an entirely different approach, whereby Maimonides does not require a *minyan* for the reading of these eight verses at all, in any situation. According to Rabbi Soloveitchik, Maimonides indeed ascribed to these verses a lower stature by virtue of the unusual circumstances under which they were written. Unlike the rest of the Torah, these eight verses were written before the information they convey actually transpired. And although the Torah contains predictions, warnings and promises for the future, which of course had yet to materialize at the time they were written, these passages are written in the future tense and thus clearly intended as indications of future events. The Torah’s final eight verses, by contrast, are written in the past tense narrative form, and yet the narrated events took place only later. Rabbi Soloveitchik suggested that in Maimonides’ view, these verses attained the halakhic sanctity of Scriptural text only after the events transpired; namely, after Moshe’s passing and burial. The initial writing of these verses could not infuse them with this stature since the events had yet to occur.

For this reason, Maimonides allowed reading this section even without the presence of a *minyan*. The two-step process involved in these verses’ incorporation into the Scriptural text undermines – at least to some extent – their formal halakhic status. Now Torah reading with the accompanying blessings requires a *minyan* due to its status as a *davar she-bi-kedusha* – a “matter of sanctity” (similar to *kadish*, *kedusha*, *borchu*, and so on). Therefore, the lower level of sanctity Maimonides accords to the Torah’s final eight verses results in the possibility of reading them with the blessings even without the presence of a *minyan*.

We may perhaps gain a clearer understanding of this analysis by enlisting a famous theory attributed to the Gaon of Vilna concerning the Gemara’s discussion. As we cited earlier, Rabbi Shimon, who insists that Moshe himself wrote the Torah’s final eight verses (the position clearly

adopted by Maimonides), claimed that Moshe wrote this section *be-dema* – which is generally understood to mean, “with tears.” The Vilna Gaon, however (as cited in *Kol Eliyahu* and elsewhere), associates this expression with the term *dema* employed in the Torah (Shemot 22:28) and numerous times in the Mishna, in reference to a mixture containing consecrated and regular foods. According to the Gaon, Moshe wrote these letters before his death, but he wrote them scrambled; only after his passing and burial, when the information contained in these verses actually transpired, were the letters properly arranged into a comprehensible text, as they appear in our Torah scrolls.

Underlying the Gaon’s theory is a notion developed most famously by Nachmanides, in the introduction to his Torah commentary, that there exists an additional, perhaps mystical, dimension to the letters of the Torah. Beyond the actual meaning of the words, the combinations of the letters allude to certain “otherworldly” truths and concepts that exist independently of the realities of the human condition on earth. Nachmanides formulates this idea in terms of Names of God that are encoded within the letters of the Torah. Beyond the plain meaning of the Biblical text, it contains as well a kind of mystical dimension and level of interpretation. Only in this vein can we explain the numerous references in Midrashic literature to the concept that the Torah preceded the creation of the world. What meaning could there be to an obligation of Shabbat observance, or of tithing agricultural produce, before the creation of earth and man? Undoubtedly, the Torah that preceded the universe was – to borrow the Gaon’s terminology – “jumbled.” It existed in the “otherworldly” sense, as an expression of the divine essence, but not as a moral and legal code and set of guidelines for religious life. When the Torah was revealed to Israel at Sinai, the *dema*, the scrambled letters, were decoded into the form familiar to us, whereby they tell stories, introduce laws, and so on.

(This two-tiered nature of the Torah reflects the nature of the Torah we study and practice: it is the means by which we merge heaven and earth, whereby we connect to the entirely non-physical divine essence through our worldly existence.)

When Moshe wrote the final eight verses of the Torah, they were certainly endowed with the primordial, esoteric sanctity of the Biblical text. However, since the events described in these verses had yet to materialize, they could not obtain the second quality of sanctity, the more “worldly” aspect of the practical lessons and significance of the narratives and instructions presented in the Torah. Therefore, as Rabbi Soloveitchik asserted, these verses indeed differ fundamentally from the rest of the Torah. Even though they ultimately attained this second quality with Moshe’s death and burial, the unusual process resulted in an unusual status. The halakhic sanctity of these verses is thus indeed inferior to that of other sections of the Torah, and they may therefore be read even without the presence of a *minyan*.

### III.

Yet a third – and particularly novel – approach was suggested by Rabbi Danny Wolf of Yeshivat Har Etzion, in that institution’s publication *Alei Etzion* (Vol. 8, Adar, 5759). The Talmud’s discussion concerning the authorship of these eight verses appears as well in the *Sifrei*, which immediately thereafter asserts that after Moshe’s death, “a heavenly voice came from the camp, covering all twelve-by-twelve *mil* [the area of the Israelite camp], which proclaimed and said, ‘Moshe died’.” According to one view cited in the *Sifrei*, this heavenly voice recited the actual text in the Torah, the first words of the final eight verses: “*Va-yamat sham Moshe*” (“Moshe died there” – Devarim 34:5). The question arises, why is it significant that the heavenly voice cited the actual Biblical text, and how does this entire discussion relate to the immediately preceding issue, as to the authorship of the final eight verses?

To resolve these questions, Rabbi Wolf posits that the heavenly voice came to consecrate this final section. According to this opinion cited in the *Sifrei*, this voice came forth not simply to inform *Benei Yisrael* of their leader’s passing (after all, everyone presumably knew that Moshe had ascended Mount Nevo to die), but rather to establish these final verses as part of the Torah. Since, as

discussed earlier, these verses could not attain this formal status before the narrated events actually transpired, it was necessary for the Almighty to somehow consecrate these verses, which He did through the medium of a *bat kol* (heavenly voice).

Now the *Sifrei* very clearly emphasizes that the heavenly voice was sounded throughout “all twelve-by-twelve *mil*” – meaning, throughout the entire area of the Israelite camp. Apparently, the *Sifrei* sought to stress that *Benei Yisrael*, after having heard Moshe’s final address, had already dispersed and returned to their homes. It thus turns out that the final eight verses, unlike the rest of the Torah, was introduced to *Benei Yisrael* individually, rather than collectively. Whereas the rest of the Torah was taught to them as a nation, by Moshe, these eight verses reached them as individuals, to each family in each tent. For this reason, perhaps, Maimonides differentiates between this section and the rest of the Torah with regard to the requirement of a *minyan*. The synagogue Torah reading, which serves, at least in part, as a commemoration or reenactment of the Torah’s initial transmission, must correspond to that initial transmission. Therefore, generally speaking, the Torah must be read in a public setting, resembling the nationwide nature of the original transmission of the Torah. These eight verses, however, as we have seen, were taught to *Benei Yisrael* as individuals; correspondingly, then, they may be formally read in the synagogue, with the accompanying *berakhot*, even without the presence of a *minyan*.