



A Public Torah Reading Without a *Minyan*?

By Rabbi David Silverberg

In the Hilkhot Tefila section of his *Mishneh Torah* (13:6), Maimonides issues a perplexing ruling relevant to the public reading of Parashat Vezot Habera'kha, the final portion in the Torah. Namely, Maimonides rules that the final eight verses of the Torah may be formally read in the synagogue without the presence of a *minyan*. Normally, of course, the public Torah reading (with the accompanying *berakhot*) requires a *minyan*, but this requirement is waived when it comes to the final eight verses of the Torah.

The basis of Maimonides' ruling is the Gemara's discussion in Masekhet Bava Batra (15a), where a debate is recorded as to whether or not Moshe wrote these final eight verses. The Torah in these verses relates the death of Moshe and the ensuing period of mourning observed by *Benei Yisrael*, giving rise to the question of whether or not Moshe wrote this material before his death. After recording the differing opinions on the matter, the Gemara cites the ambiguous comment of Rav that these verses are read "by a *yachid*." The straightforward meaning of this comment, as Maimonides rules, is that with regard to these verses we suspend the general rule requiring the presence of a *minyan*. Most other authorities, however, offered different readings of this passage, as they found it difficult to explain why these eight verses should be treated differently from the rest of the Torah in this regard. The presence of a *minyan* is one of the fundamental requirements of the public Torah reading. Why would it be suspended for the reading of the final eight verses?

Rav Moshe Taragin of Yeshivat Har Etzion (<http://www.vbm-torah.org/archive/metho61/04pesukim.doc>) suggested a fairly simple approach to explaining Maimonides' position. Maimonides follows the position that Moshe himself wrote these eight verses, emphasizing that these verses are therefore of equal stature to the rest of the Torah. That being said, however, it cannot be denied that even though these verses are intrinsically as sacred and integral to the Torah as the rest of the Pentateuch, the method of their transmission differed. The rest of the Torah, after being conveyed to Moshe from God, was relayed to the people and only then recorded in written form. These eight verses, however, which told of Moshe's death and its aftermath, were, presumably, conveyed to Moshe for the sole purpose of transcription. God did not instruct Moshe to teach these verses to *Benei Yisrael*; He rather dictated them for Moshe to immediately write down.

This distinction might possibly impact upon the protocol for the public Torah reading. As reflected in a number of *halakhot*, the synagogue reading is intended to commemorate the initial oral presentation of the Torah from Moshe to our ancestors. The reader in the synagogue represents Moshe as he stands and conveys the material to the congregation, who represent *Benei Yisrael* in the wilderness. Since the synagogue reading is modeled after the Torah's initial presentation, a *minyan* is required to

correspond to the national gathering at which the Torah was first taught to *Benei Yisrael*. Maimonides perhaps felt that the final eight verses are exceptional in this regard because they were not publicly taught to the people, and were instead immediately transcribed. Once we understand the public Torah reading as commemorative of Moshe's initial presentation of the Torah, it should not surprise us that *Halakha* treats the reading of the final eight verses differently, as these eight verses were not publicly presented to the people like the rest of the Torah. They were immediately transcribed, and never presented orally at a nationwide gathering, and the reading of this section therefore does not require the presence of a *minyan* to represent the assembly of all *Benei Yisrael*.