

## Who Wrote the Last Eight Psukim of the Torah?

### Rabbi Shimshon Nadel

As Jews, we believe fundamentally in the divinity and immutable authority of our Holy Torah. According to the Rambam, another fundamental principle is that the entire Torah was written by Moshe Rabbeinu.<sup>1</sup> How, then, are we to understand the last eight *psukim* of the Torah, which begin, “And Moshe, servant of Hashem, died there?”<sup>2</sup> If he had already died, how could Moshe have written these words?

Chazal, too, were bothered by this question and discuss the authorship of this passage in two places in the Talmud Bavli.<sup>3</sup> There exists a *machlokes Tanna'im* as to who wrote the last eight *psukim* of the Torah: Rabi Yehudah (some say Rabi Nechemiah) states that while up until this point, the Torah was written by Moshe, the last eight *psukim* were written by Yehoshua. Rabi Shimon contends that the last eight *psukim* were dictated by Hashem, and Moshe wrote them *b'dimah*

— with tears. Both opinions suggest that these last eight *psukim* are unique.

The Vilna Gaon explains that Rabi Yehudah and Rabi Shimon are actually in agreement with one another.<sup>4</sup> The Torah, before its revelation at Sinai, existed in the form of combinations and permutations of letters and words, resulting in the formation of many different Names of Hashem.<sup>5</sup> This “proto-Torah,” in its pristine state, was given to Moshe, who then “revealed” the Torah that we have today and committed it to writing. The Gaon explains that the word “*dimah*” in this context means combined or mixed together. He suggests that Moshe brought down the last eight *psukim*, but left them in their mixed (or hidden) state because it would not have been truthful to write explicitly “And Moshe, servant of Hashem, died there” while Moshe was still alive. They were then revealed and committed to writing by Yehoshua, following Moshe’s death. According to this explanation, even Rabi Yehudah agrees

that Moshe was involved in the transmission of the last eight *psukim* and thus is considered to have written the entire *sefer Torah*.

### The Yachid Reads It

Due to the unique status of these last eight *psukim*, the Gemara teaches: *Yachid korei osan b'veis haknesses* — the individual reads them in the synagogue.<sup>6</sup> This statement is subject to a wide spectrum of interpretation among the *poskim*:

1. Rashi,<sup>7</sup> Rosh,<sup>8</sup> and the Ra'avad<sup>9</sup> explain that this passage must be read continuously without any interruptions, meaning in the course of one *aliyah*.

2. Rabbeinu Meshullam<sup>10</sup> rules that the *oleh* must read it himself, as opposed to having the *baal korei* read the *aliyah* for him.

3. Mordechai<sup>11</sup> and Meiri<sup>12</sup> explain that the *yachid* — the unique individual in the community, namely the rabbi — should read these *psukim*.<sup>13</sup>

4. Ri Migash<sup>14</sup> explains that the

person reading the preceding *psukim* must stop and another individual must continue with these verses.

5. Rashash<sup>15</sup> writes that this *aliyah* should not be repeated.

6. Rambam<sup>16</sup> and Tosafos in *Menachos* 30a explain that these last eight *psukim* can be read without a minyan present.

The Tur<sup>17</sup> and *Shulchan Aruch*<sup>18</sup> rule in accord with Rashi. The Rema<sup>19</sup> follows the position of the Mordechai, but defends the custom of permitting a *katan* below the age of bar mitzvah to read these *psukim* on Simchas Torah.

It is easy to see from these varying explanations the special quality of these *psukim*. Certainly they are not like the rest of the Torah. The purpose, in fact, of the above-mentioned practices is to demonstrate that these eight *psukim* are unique.<sup>20</sup>

### B'dimah – Written in Tears

According to Rabi Shimon, Moshe completed the Torah with tears. The Maharsha writes that Moshe wrote the

last eight *psukim* in tears as opposed to ink. Why? Tears are impermanent and therefore not considered writing in halachah. (For example, *gittin* written in tears are invalid, and one who writes in tears on Shabbos would not be in violation of a *issur d'Oraysa*.) This is how the Maharsha justifies how Moshe could write about his own death. He wasn't really “writing.”<sup>21</sup>

The Maharal of Prague explains that Moshe's tears were an expression of him shedding his physical existence, beginning the dying process. Moshe could therefore write, “And Moshe, servant of Hashem, died there” since the process had already begun.<sup>22</sup> *HaKsav V'HaKabbalah* writes that these were tears of joy that Moshe shed as he prepared himself to fulfill the will of Hashem, who had commanded him to ascend the mountain and die there.<sup>23</sup>

Rabbi Yosef Dov HaLevi Soloveitchik offers a unique explanation of Moshe's tears. As mentioned, according to the Rambam, these *psukim* can be read without a minyan of ten. The *meforshim* ask how it is possible to read these *psukim* without a minyan, since *kriyas haTorah* is one of the *dvarim she'bikedushah* that require a minyan. Rav Soloveitchik answers that the requirement of a minyan applies only to the reading of *psukim* that were sanctified through being written by Moshe.

These eight *psukim*, however, could not be sanctified by Moshe, since at the time of their writing, they were not true; Moshe had not yet passed on. They gained *kedushah* only after his passing, and thus do not share the level of *kedushah* of the rest of the *psukim* of Torah. Moshe was deeply pained that he was not able to sanctify these last eight *psukim* on a par with the rest of Torah and it is for this reason, Rabbi Soloveitchik explains, that he wept.<sup>24</sup>

As we rejoice in completing this year's cycle of Torah, and begin again anew, we reflect on our relationship to Hashem through His Holy Torah and how it fills our lives with *kedushah*. ■

*The author lives in Jerusalem, where he heads Yeshivat Torat HaAretz, the Har Nof Community Kollel.*

### [Endnotes]

1 *Commentary to Mishnah Sanhedrin*, Chap. 10, *yesod* 8. See also *Introduction to Mishneh Torah*, where he writes, “The entire Torah was written by Moshe Rabbeinu in his own hand before he died...”

2 *Devarim* 34:5.

3 *Bava Basra* 15a; *Menachos* 30a; Cf. *Sifrei, V'zos HaBrachah, piska* 357. See also *Makkos* 11a, *Aruch LaNer*, ad loc., and *Ibn Ezra to Devarim* 34:1, who writes that Yehoshua wrote the last twelve *psukim* of the Torah.

4 *Kol Eliyahu, V'zos HaBrachah; Divrei Eliyahu, Bava Basra* 15a. A similar approach is cited by *Kli Chemdah to Devarim* 34:5 in the name of the Rema Mi'Fano.

5 See Ramban's introduction to his *Commentary to the Torah*; cf. *Zohar, Yisro* 87a.

6 *Bava Basra*, loc. cit.; *Menachos*, loc. cit.

7 Rashi to *Bava Basra* 15a; *Menachos* 30a, s.v. *yachid korei osan*. See also *Tosafos to Megillah* 21b, s.v. *Tanna*.

8 *Ibid*, chapter 3.

9 *Hilchos Tefillah* 13:6

10 *Tosafos to Bava Basra* 15a, *Menachos* 30a, s.v. *shemonah psukim she'baTorah*. Rabbeinu Tam, ad loc. disagrees and concurs instead with Rashi.

11 *Hilchos Katanos, Menachos*, Chap. 3, #955.

12 To *Bava Basra* 15a.

13 See TB *Taanis* 10a where a *talmid chacham* is called a *yachid*. Interestingly, in many communities the *minhag* is to give the honor of *chassan Torah* to the rabbi or a distinguished member of the community, thus enabling him to read these *psukim*.

14 As cited by the *Shitah Mekubetzes, Bava Basra* 15a.

15 To *Megillah* 21b.

16 *Hilchos Tefillah* 13:6. Ra'avad, ad loc., argues against this “very strange” ruling of Rambam's and rules in favor of Rashi's position. *Kesef Mishnah*, ad loc., suggests that perhaps the Rambam is referring to a situation where a minyan of ten is present at the outset, but one leaves during the reading of the last eight. In such a case, the reading may continue.

17 *Orach Chayim*, 428.

18 *Ibid, siman* 7.

19 *Orach Chayim* 669:1. Also see *Mishnah Berurah*, ad loc.

20 *Shitah Mekubetzes, ibid.; Mishnah Berurah, Orach Chayim* 428:7.

21 *Chiddushei Halachos V'Aggados, Bava Basra* 15a.

22 *Gur Aryeh, Devarim* 34:5; cf. *Chiddushei Aggados*, Chap. 3.

23 See his comments to *Devarim* 34:5.

24 Rav Hershel Schachter, *Nefesh HaRav*, pp. 321–322.