



Thoughts on Shemini Atzeret 5781

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A Mystery of Authorship

And Moshe ascended, from the Plains of Moav, Mount Navo to the peak that faces Yericho. And Hashem showed him the entire land from the Gilad to Dan. (Sefer Devarim 34:1)

I. The recording of Moshe's death

This passage introduces the final chapter of Sefer Devarim and the Torah. Moshe ascends Mount Navo. From its peak, Hashem reveals to Moshe the Land of Israel that he will not enter. The chapter describes Moshe's death, burial, and the nation's mourning for the loss of its great leader. It describes Yehoshua assuming his role as the new leader of the nation. The final passages of the Torah tell us that Moshe was the greatest of prophets – greater than those who preceded him and those who would follow.

Rabbaynu Avraham ibn Ezra explains that this final chapter of the Torah is unique. The rest of the Torah was written entirely by Moshe. Yehoshua wrote this last chapter. He did not observe the events it describes. Moshe ascended the mountain alone. Yehoshua did not witness Moshe's vision of the Land of Israel. He did not observe his death and burial. He composed these closing verses based upon prophecy.¹

II. Moshe's authorship of the Torah

Rabbaynu Bachya disputes this position. He insists that Moshe is the author of the entire Torah. He

wrote this last chapter and described the final moments of his life, his death, and burial.²

Rabbaynu Bachya's position is consistent with the position of Rambam – Maimonides. Rambam delineates thirteen convictions that are the foundation of the Torah. He explains that one who accepts these convictions or principles has embraced our faith or religion. If the person commits sins, he is a sinful Jew – but a Jew, nonetheless. One who rejects any one of these principles has abandoned the Torah. Regardless of his or her meritorious deeds, this person is not a member of the Torah community. The eighth principle is that the Torah is from Hashem. Included in this principle is Moshe's authorship.

The eighth foundation is that the Torah is from Hashem. [The principle] is that we should believe that this entire Torah that we have today is the Torah that was given to Moshe. (Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Commentary on the Mishne, Mesechet Sanhedrin 10:1)

Rambam's position and Rabbaynu Bachya's criticism of Ibn Ezra reflect the conclusion of the Talmud. However, the Talmud acknowledges the position taken by Ibn Ezra.

And Moshe, the servant of Hashem, died there in the Land of Moav, at the direction of Hashem. (Sefer Devarim 31:6)

¹ Rabbaynu Avraham ibn Ezra, *Commentary on Sefer Devarim*, 34:1.

² Rabbaynu Bachya ben Asher ibn Halawa, *Commentary on Sefer Devarim*, 34:1.

III. The problem of the final passages

The Talmud records a dispute between Ribbi Yehudah and Ribbi Shimon:

“And Moshe, the servant of Hashem, died there.” Is it possible that Moshe was alive and wrote, “And he died”? Rather, [the explanation is that] to this point, Moshe wrote [the Torah]. From this point forward, Yehoshua bin Nun [is the author. These are] the words of Ribbi Yehudah...

Ribbi Shimon said to him: Is it possible that the Torah lacked [even] a single letter? It is written, “Take this Torah scroll and place it...” Rather, until this point, The Sacred One, blessed be He, stated [the words of the Torah] and Moshe stated and wrote them. From this point, The Sacred One, blessed be He, stated [the words of the Torah] and Moshe wrote in tears. This is as it says, “Then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote them with ink in the book.” (Mesechet Menachot 30a)

Ribbi Yehudah explains that Moshe did not write the closing passages of the Torah. He could not be alive and truthfully record “And Moshe, the servant of Hashem, died there.” The closing passages were added by Yehoshua after Moshe died. Ribbi Shimon objects. The Torah tells us that Moshe gave the Torah scroll he had written to the Levites to place alongside the Tablets of the Decalogue. Certainly, Moshe did not give the Levites an incomplete Torah scroll. Hashem dictated the text of the Torah to Moshe. He repeated the text and then recorded it. When the time arrived to record these final passages, Hashem dictated them to Moshe. These passages Moshe did not pronounce. He silently and tearfully recorded them.

The Talmud’s further discussion focuses on Ribbi Shimon’s position. This indicates that his position

is the one accepted by the Talmud. Rambam adopts this position and Rabbaynu Bachya criticizes Ibn Ezra for proposing that Yehoshua authored the Torah’s closing passages.

IV. Special treatment of the final passages

The final eight passages of the Torah receive special treatment.

Ribbi Yehoshua bar Abba said... [that] Rav said: [The last] eight passages of the Torah are read in the synagogue by a single individual. (Mesechet Menachot 30a)

Rav ruled that the last eight passages of the Torah are read by a *yachid* – a single individual. Rav’s meaning is not clear and is disputed by the commentaries. Rabbaynu Menachem Me’eri, cites various interpretations. One interpretation is that the Talmud’s term *yachid* does not mean “a single individual”. It means “a singular individual” – a special person.³ Why must the passages be read by a special person? Rav David Tzvi Hoffman suggests that this position reflects concern that these passages might be treated with less deference than the rest of the Torah.⁴ Because they describe Moshe’s last moments, death, and burial, the reader may conclude that Moshe did not compose them, and they lack the full sanctity of the Torah. As a precaution, only an educated and serious person is permitted to read these passages for the congregation.

According to this opinion, these passages are treated with special respect or deference. Rambam proposes an interpretation of the Talmud that adopts the opposite perspective.

The eight passages at the conclusion of the Torah may be read in the synagogue with less than ten people [present]. Even though the entire Torah is

³ Rabbaynu Menachem Me’eri, *Bait HaBechirah*, Mesechet Baba Batra 15a.

⁴ Rav David Tzvi Hoffmann, *Commentary on Sefer Devarim*, pp 578-9.

from Moshe [who received it] from Hashem, since their implied meaning is that they are from after the death of Moshe, they are rendered different [from the rest of the Torah]. Therefore, a single individual may read them. (Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Tefilah 13:6)

The Torah is read in the synagogue only when a congregation is present – at least ten men. However, Rambam explains that these passages may be read by an individual. In other words, a minyan – a quorum of ten is not required. Even if fewer people are present, these passages may be read in the synagogue. Why are these passages treated differently? It is not because Moshe did not compose them. Rambam tells us that Moshe is their author. Rather, the wording of the passages suggests that they were written after Moshe's death. In this sense, they are different from the rest of the Torah. Because of this difference, they receive special treatment and may be read in the synagogue without a quorum.

Rambam's position is difficult to understand. When contrasted with the position cited by Me'eri and explained by Rav Hoffman, it seems far less reasonable. As Rav Hoffman points out, the special character of these closing passages – acknowledged by Rambam – is a reason to treat them with caution and excess deference. Rambam's position is that we ignore concern that these passages may be treated dismissively. We allow them to be read without the normal requirement of a quorum!

V. The Prophets and Sacred Writings

Rav Yitzchok Zev Soloveitchik – GRIZ – explains Rambam's position based upon a comment of his father, Rav Chaim Soloveitchik. Rav Chaim was bothered by a simple problem. TaNaCh – the

Jewish Canon or Bible – is composed of three parts. These are Torah, Nevi'em or Prophets, and Ketuvim or the Sacred Writings. The Torah was dictated by Hashem to Moshe. It has greater sanctity than the other parts of TaNaCh. However, Neve'im and Ketuvim have the same degree of sanctity.⁵ Why are some works part of Neve'im and others part of Ketuvim?

Then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote them with ink in the book. (Sefer Yermiyahu 36:18)

Rav Chaim explained that the answer is provided by the passage cited by the Talmud in its discussion of the concluding eight passages of the Torah. Rav Shimon cites this passage in support of his position that Moshe composed the final passages of the Torah. To understand how this passage supports his opinion, we must know its context and meaning.

The prophet Yermiyahu foresaw and prophesied the destruction of the first *Bait HaMikdash* – Sacred Temple. His prophecy also included a vision of the devastation and misery that would accompany its destruction. His vision of the destruction of the Temple and Yerushalayim is recorded in Sefer Eichah – the Book of Lamentations. The passage cited by Ribbi Shimon describes the creation of this book which is included in Ketuvim.

Baruch ben Neriah explains that Yermiyahu received the text as a prophecy. Hashem did not instruct his prophet to recite the prophecy before the people. Instead, he was directed to record it. Yermiyahu summoned Baruch. He recited the prophecy to him and instructed him to record it. The resulting text is Sefer Eichah.

⁵ For example, one may not place a scroll of Neve'im or Ketuvim on top of a Torah scroll. One may place a scroll of Neve'im on top of one of Ketuvim or a scroll of Ketuvim on one of Neve'im.

Rav Chaim explains that this episode captures the difference between Neve'im and Ketuvim. Neve'im records prophecies that the prophet was instructed to first orally deliver to the people. It is the written record of these prophecies. Baruch's description of the creation of Sefer Eichah demonstrates that the material that composes Ketuvim was given to the prophet as a written text. He was not instructed to first deliver it orally. It was to be recorded in writing and then recited to the people from this written text.⁶ In short, the prophecies in Neve'im were given as oral texts. Neve'im is a record of the oral communications. Ketuvim is composed of material that is essentially a written text. This material, from the moment of its origin, was intended as a written text.

VI. The special character of the concluding passages

GRIZ explains that according to Rav Shimon, the concluding passages of the Torah share the character of Ketuvim. The Torah is a written record of Moshe's prophecy. He explains that Hashem dictated the Torah to Moshe. Moshe then "stated and wrote" each section. GRIZ explains Ribbi Shimon's meaning. Moshe was given the Torah by Hashem and instructed to orally deliver the prophecy to the people. Each section of the Torah was first orally delivered by Moshe and then recorded. The Torah is the record of the prophecy that Moshe first orally delivered. The Torah – up to its concluding passages – is akin to Neve'im.

The final eight passages Moshe could not orally deliver to the people. He could not describe his last moments, death, and their mourning as a past event while he was alive and standing before them. These passages were given to Moshe as a written text. They were not to be first delivered orally. They are akin to the Ketuvim.

GRIZ's comments are a creative application of Rav Chaim's brilliant insight into the difference between the Neve'im and Ketuvim. However, he does not completely explain Rambam's position. How does this distinctive character of the Torah's concluding passages, account for their special treatment? Why does their similarity to Ketuvim allow for them to be read in the synagogue without a quorum?

VII. The quorum requirement for reading the Torah

Rav Yosef Dov Soloveitchik *Zt"l* – the Rav – suggests a different approach to explaining Rambam's position. One element of his explanation is relevant to and complements GRIZ's comments. The Rav basis his comments on a careful reading of a ruling of Rambam.

Moshe established that they should read the Torah in public on Shabbat, Monday, and Thursday so that they should not remain three days without hearing Torah... They do not read the Torah in a congregation with less than ten adult men... (Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Tefilah 12:1-3)

Rambam explains that Moshe established the practice of reading the Torah *be'rabim* – in public – three times each week. The term *be'rabim* more literally means among the many. Then, he explains that a group of ten men satisfies the requirement. The Rav concludes that ten men are a minimum. Ideally, more people should be present. A larger assembly – a greater many – enhances the performance of the practice.

This is a strange formulation. Various parts of the prayer service require a quorum. A quorum is required for any portion of the service that is a *davar she'be'kedushah* – endowed with special

⁶ Rav Y. HersHKowitz, *Netivot Raboteynu*, vol 2, pp. 271-2.

sanctity. For example, the *Kadish* and *Kedushah* are each a *davar she'be'kedushah* and require a quorum. In these instances, a larger assembly does not directly enhance the performance. Why does Rambam rule that for Torah reading a minimum of ten men is required but the presence of more people enhances the performance?

VIII. Recreating the giving of the Torah

The Rav explains that Torah reading is not a *davar she'be'kedushah*. An assembly of ten or more is not required for Torah reading because of the sanctity of the performance. Instead, the requirement reflects the unique character of Torah reading. When we read the Torah in public, we are recreating the original drama of the Torah's transmission to the nation. Moshe assembled the nation, and he delivered his prophecy to the people. The significance of ten men, in the context of Torah reading, is that this is the minimum number required to render the group a representative body of the Jewish people. Fewer than ten men are a collection of individuals. When ten men are assembled, they become more than individuals; they are a representative body of our people. For this reason, a larger assembly enhances the performance. The more people gathered, the more representative the assembly.⁷

This insight nicely complements GRIZ's explanation of Rambam. GRIZ explained that the Torah was given to Moshe with the instruction to orally communicate it to the nation. Moshe presented the prophecy and then recorded it as part of the

Torah. However, the concluding passages were not first delivered orally to an assembly of the nation. They were given to Moshe with instructions to record them in the Torah without reciting them to the people. Ten men or a larger assembly are required to read the Torah in a synagogue. The Torah portion read was given to Moshe to communicate to the assembled nation. We recreate this when we assemble and hear the Torah read. However, the final eight passages can be read in the synagogue without a quorum. Even fewer than ten individuals are adequate. This is because these passages were given to Moshe with the instruction to record them in the Torah immediately. He was not instructed to first present them orally to the assembled nation. When we recreate the giving of this final portion of the Torah to the nation, we do not need an assembly. They were not given to the nation in an assembly.

IX. Our blessing

Every morning we recite a benediction acknowledging that Hashem selected us from among the nation and gave us His Torah. These are amazing – an inexplicable – phenomena. Hashem, the Creator of the entire universe, selected the Jewish people and entered into a special and intimate relationship with us. Then, He gave us His Torah. The Torah is the words of Hashem. Hashem – Who is infinite and unfathomable – revealed Himself to us in words, lessons, and commandments that we can understand and make our own. We are blessed.

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