

YESHIVAT HAR ETZION
THE ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH

TALMUDIC METHODOLOGY

By: Rav Moshe Taragin

SHIUR #4: THE READING OF THE LAST EIGHT PESUKIM

The gemara in Menachot (30a) considers the final 8 pesukim of VeZot HaBerakha and especially the manner in which these pesukim are read in public. The gemara introduces a machloket about whether Moshe or Yehoshua authored the final 8 pesukim. According to Rabbi Yehuda these pesukim were actually written by Yehoshua. Even Rabbi Shimon who argues and claims that Moshe authored these pesukim admits that they were transcribed in a different manner. These pesukim (chronicling Moshe's death) were written by Moshe 'b'dema' (in tears). As they were written in tears they are different from the other pesukim in the Torah.

Based upon these differences (who wrote them or how they were written) the gemara maintains that these pesukim are read by a yachid (individual - a provocative term which can refer to many different concepts). What the definition of yachid is and why this departure is mandated is debated by the Rishonim.

The Ri Migash in Bava Batra (15a) claims that these pesukim are to be read 'alone' and not as a continuation of previous sections (this serves as a source for our minhag on Simchat Torah of Chatan Torah). 'Yachid' refers to the fact that these pesukim are read alone and not juxtaposed to previous sections. Tosafot in Menachot cite a position of Rabenu Meshulam that the actual person making the berakha should read from the Torah rather than listening and mouthing the words read by a ba'al keria (as is the standard the rest of the year). Yachid refers to one person participating in keriat haTorah rather than the standard two. Ostensibly, these positions can be understood in a simple fashion. These last 8 pesukim are different (being authored by Yehoshua or by Moshe in a non-conventional manner) and therefore some of the laws of keriat haTorah are altered to indicate that difference. The Mordechai in Menachot cites an opinion that the term yachid refers to the 'choice' individual. This aliya should be given to an important person to read. This interpretation would suggest our attempt not only to spotlight these 8 pesukim as different but also to underline the fact that they appear in the end of the Torah and discuss the passing of Moshe Rabenu (see especially the Michtam in Megilla 21b). All these

opinions are based upon the following premise: as the pesukim are unique, some symbolic (but non-essential) aspect of their reading is altered to mirror that uniqueness.

It is possible to suggest a different understanding of Rabenu Meshulam's view that allows this section to be read without a ba'al keria. The Shitta Mekubetzet in his commentary to Menachot claims that these 8 pesukim were not repeated by Moshe to the Jewish people prior to his transcribing them. In general, Moshe first taught the Torah and subsequently wrote it down; these 8 pesukim however, were written immediately after Moshe received them without a prior teaching to the Jewish people. The Shitta Mekubetzet does not explain the import of this difference but this change in the transmission process might enact a fundamental change in the manner of reading.

The Yerushalmi in the beginning of the 3rd perek of Megilla writes that just as Torah was transmitted through 'sirsur' (a middle man - namely Moshe) so must it be read through sirsur. This is the source for someone standing on the bima during kri'at haTorah symbolizing this 'sirsur' setup. According to many Rishonim, to fully capture the situation of sirsur the Torah must be read by a third party (and then subsequently mouthed by the person making the berakha - the person called up for an aliya). See especially Tosafot in Bava Batra (15a) as to the exact function of the ba'al keria. If indeed Moshe never taught this section of the Torah (but wrote it immediately) we might not demand the same sirsur process. For the rest of the Torah which Moshe relayed verbally and then transcribed we might demand the sirsur arrangement which would require a ba'al keria to actually read while the person who recited the berakha repeats quietly. These 8 pesukim were not relayed and were not taught before they were written and hence do not require the redramatization of sirsur; hence the person reciting the berakha should himself read from the Torah.

There is a fundamental difference between the two ways of understanding Rabenu Meshulam's notion. Did he not require sirsur (to better reflect the original manner of transmission) or did he maintain that no sirsur be enacted (to indicate a unique section of the Torah). If the transmission process was different we do not require sirsur but would not be opposed to it. If however we are seeking to demonstrate the uniqueness of this section we certainly would not want to perform this keria in typical fashion.

A similar picture might emerge from the Rambam (Hilkhot Tefilla 13;6). He interprets this gemara that these last 8 pesukim may be read 'be-yachid' - in private without a minyan!!! Unlike the rest of kri'at haTorah which requires 10 people (based upon the mishna in Megilla 23b which cites this as a *davar shebikedusha*) these pesukim can be read in private. The departure of these pesukim from the norm is not merely

symbolic. A fundamental requirement of keriat haTorah is being waived!!! How can we justify the relaxing of this normally rigid requirement of minyan.

The Brisker Rov in his commentary to Menachot provides an explanation that might justify the Rambam's arresting halakha. Basing himself upon the aforementioned reading of the Shitta Mekubetzet he first cites a famous distinction drawn by Rav Chayim (his father) between Nevi'im and Ketuvim. The former contains prophecies that were conveyed to the prophets to be orally delivered. Only after their delivery were they transcribed. By contrast the books of Ketuvim were originally delivered by Hakadosh Baruch Hu (through Ru'ach HaKodesh) for immediate transcription. Most of Torah followed the pattern of Nevi'im in that Moshe first taught the Jewish people and only wrote the text afterwards. These 8 pesukim however were written immediately without any prior teaching (more similar to the protocol of Ketuvim). What The Brisker Rov does not sufficiently address is WHY this difference should account for the Rambam's allowing them to be read without a minyan.

Based upon the Brisker Rov's explanation we might suggest a justification for the Rambam's leniency. The Mishna in Megilla (24) lists Keri'at HaTorah among the devarim shebikedusha requiring a minyan. Evidently the Mishna viewed the public reading as some form of public study which qualifies as davar shebikedusha. Might this assignment only apply to the parts of the Torah which were actually taught in public by Moshe but not to the final 8 pesukim which were never taught. The Rambam might have claimed that the status of davar shebikedusha only applies to the parts of Torah in which our public keria can be seen as a reenactment of Moshe's original teaching. If the method of that original transfer did not include a prior teaching than this text may be read without a minyan.

Shabbat shalom and Chag sameach.