**PARASHAT HASHAVUA**

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**PARASHAT VEZOT HA-BERAKHA**

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**Who Wrote the Last Eight Verses in the Torah?**

**The Disagreement in the Words of *Chazal* and the Commentators**

**By Rav Elchanan Samet**

The book of *Devarim*, and with it the entire Torah, ends with the story of Moshe's death. This story closes three closely-interconnected circles. The first circle is the biography of Moshe – a life story that has been recounted from the beginning of the book of *Shemot*, from before Moshe's birth, and until our story, which describes his death and subsequent events.

The second circle that our story closes is the book of the Torah: Moshe's death marks the conclusion of God's Torah, known in the words of the prophets as "the Torah of Moshe."

The third circle closed by our story is the historical circle relating to the people of Israel. With Moshe's death, the last stage in the process of the exodus from Egypt and Israel's sojourning in the wilderness comes to an end, and the people of Israel under the leadership of Yehoshua stand before a new historical stage – entering the Promised Land, conquering it, and settling it.

We devoted our study of *Parashat Vezot Ha-berakha* in the second series to a discussion concerning the meaning of our story as the closing story of the first circle – the circle of Moshe's biography. We wish to dedicate our present study to a certain aspect of our story as closing the second circle – bringing the book of the Torah to a conclusion.[[1]](#footnote-1)

**I. The question of the writing of the last verses of the Torah in the words of *Chazal***

It is no coincidence that the final story of Moshe's biography is also the story with which the book of the Torah comes to a close: the one is dependent on the other. The Torah was given to Israel specifically by way of Moshe, specifically by way of his prophecy, about which Scripture attests in our story:

34:10: And there has not arisen a prophet since in Israel like Moshe, whom the Lord knew face to face.

In the books of the Prophets and of the Writings the Torah is fourteen times called "the Torah of Moshe,"[[2]](#footnote-2) for the Torah of God is the Torah that was given by way of Moshe, and not by way of any other prophet. The end of Moshe's life – the end of his prophetic mission – necessarily signifies the conclusion of the book of the Torah.[[3]](#footnote-3)

It is precisely this identification between Moshe's prophecy and God's Torah that was given through him, both of which end at the same time, that paradoxically raises a difficulty in our story – the double end, that of Moshe's biography and that of the book of the Torah. This difficulty is discussed in the *Sifrei* to our *parasha* (section 357) and in a passage appearing in two places in the Talmud, in *Bava Batra* 15a and in *Menachot* 30a.

The *Sifrei* asks as follows:

"So Moshe [the servant of the Lord] died there" (34:5) – is it possible that Moshe died and wrote "So Moshe [the servant of the Lord] died there"?

A Baraita in *Menachot* formulates the question differently:

"So Moshe the servant of the Lord died there" – is it possible that Moshe **was** **alive** and wrote: "So Moshe [the servant of the Lord" died there"![[4]](#footnote-4)

In fact there is no contradiction between the two formulations, but rather they are two sides of the same question. The story of Moshe's death and his burial, as well as what happened afterward in the camp of Israel (beginning in verse 5 onwards) is related in the past tense. Moshe could not then have written these things after the time of their occurrence, for then he was no longer among the living.

One might suggest that Moshe wrote these words by way of a prophecy when he was still alive. Hence the question: "Is it possible that Moshe was alive and wrote: 'So Moshe died there'" – in that case he would have been writing something that is not true![[5]](#footnote-5)

*Chazal* raised the question specifically in relation to verse 5: "So Moshe the servant of the Lord died there," because regarding this verse the question is particularly poignant. The fact that from this verse to the end of the Torah in verse 12 there are 8 verses gave rise to the expression "the eight verses in the Torah" in relation to the set of verses around which the exegetical and halakhic discussion in the words of *Chazal* revolves.

In fact, however, *Chazal's* question relates not only to these eight verses, but rather it rises already in the first verse of chapter 34, and relates then to the last twelve verses in the Torah. In verses 1-4, it is stated:

And Moshe went up from the plains of Moav to Mount Nevo, to the top of Pisga, that is over against Yericho. And the Lord showed him all the land…

And the Lord said to him: This is the land which I swore to Avraham, to Yitzchak, and to Yaakov, saying: I will give it to your seed; I have caused you to see it with your eyes, but you shall not go over there.

Although in principle Moshe could have written these verses (1-4) in his lifetime and after the occurrence of what is described in them, but in practice he would have been unable to do so, for after ascending Mount Nevo alone, he did not descend from there, but rather he died there.

Who then wrote the last twelve verses in the Torah found in the hands of Israel, and when did he write them?[[6]](#footnote-6)

**II. “From here on Yehoshua wrote”**

The Tannaim (in the *Sifrei* and in the Talmud) disagreed about how to resolve this difficulty, and in their wake our medieval authorities were also in disagreement.

In two Tannaitic sources, an answer to our question appears, without the name of its author. In the *Sifrei*, the question is immediately followed by an answer:

"So Moshe [the servant of the Lord] died there" – is it possible that Moshe died and wrote: "So Moshe died there"? Rather up to this point Moshe wrote; from this point on Yehoshua wrote.

In *Bava Batra* (14b-15a), there is a Baraita with three parts: The first part spells out "the order of the Prophets" – the order of the books of the Prophets from *Yeshoshua* to *Trei-Asar*.[[7]](#footnote-7)The second part lists "the order of the Writings" – which according to this Baraita begins with *Ruth* and ends with *Divrei ha-Yamim*.[[8]](#footnote-8) The third part of the Baraita opens with the question: "And who wrote them?" and here we find the names of the authors of the various books of the Bible.

Here are the first two authors mentioned in the Baraita:

Moshe wrote his own book and the portion of Bil'am[[9]](#footnote-9) and *Iyov.* **Yehoshua wrote his book and [the last] eight verses of the Torah.**

We see then that the author of this anonymous Baraita is also of the opinion that it was Yehoshua who wrote the last eight verses in the Torah.

The Gemara (15a) discusses the Baraita and identifies the opinion of the Tanna who taught it with the opinion of a Tanna whose name is spelled out in another Baraita:

The Master said: Yehoshua wrote his book and the last eight verses of the Torah.

This statement is in agreement with the authority who says that eight verses in the Torah were written by Yehoshua, as it has been taught: [It is written]: "So Moshe the servant of the Lord died there" – is it possible that Moshe died[[10]](#footnote-10) and wrote: "And Moshe died there"? Rather, up to this point Moshe wrote, from this point on Yehoshua wrote; **these are the words of Rabbi Yehuda, and some say: Rabbi Nechemya.**

We have then three Tannaitic sources that all agree that it was Yehoshua who completed the book of the Torah.

The Ibn Ezra adopted this position, only that he attributes to Yehoshua the writing of the last twelve verses in the Torah, as was explained at the end of the previous section. Here is his commentary to verse 1:

"And Moshe went up" - in my opinion **from this verse on** Yehoshua wrote, for after Moshe went up [to Mount Nevo], he did not write [MS Paris reads: he did not come down]. And he [Yehoshua] wrote it by way of prophecy. The proof: "And the Lord showed him" (v. 1), and also: "And the Lord said to him" (v. 4), and also: "And He buried him" (v. 6).

In his last words, the Ibn Ezra proves that Yehoshua wrote the last twelve verses in the Torah "by way of prophecy," and not that he wrote on his own what he saw with his own two eyes. For even if Yehoshua saw Moshe going up to Mount Nevo, he could not have known on his own what was happening there (and is described in vv. 1-6), since Moshe was alone with God. We are forced then to say that these things were told to him in a prophecy from God after they actually took place in reality.

The Ibn Ezra's interest in proving that Yehoshua wrote these words by way of a prophecy is not only to answer the question "how did Yehoshua know this," but for another and more important reason: so that it be clear that even the last verses of the Torah were given by way of a prophecy from God to a prophet who came after Moshe – to his disciple and heir.

The Ibn Ezra is not the only commentator who holds this opinion. Additional *Rishonim* and a string of *Acharonim* agree with the opinion of Rabbi Yehuda (or Rabbi Nechemya) in the Baraita in the Gemara,[[11]](#footnote-11) only that their words are connected to a disagreement appearing in that Baraita, a disagreement that we will discuss in the next section.

According to this view, the Torah is indeed in its entirety "the Torah of God," but "the Torah of Moshe" ends several verses before the end of the book of the Torah. There is room then to ask: Why are these verses, that were written by Yehoshua by way of a prophecy, included at the end of the book of the Torah, and not at the beginning of the book of *Yehoshua*?[[12]](#footnote-12)

The answer to this question is clear: The book of "the Torah of Moshe" must include the story of Moshe's death and burial and the story of Israel's mourning over him. It is inconceivable that the conclusion of Moshe's life in the sublime manner described in our story should not serve also as the conclusion of the book of Moshe's Torah![[13]](#footnote-13) But since it is impossible for Moshe to write the story of his own death, for the reasons mentioned in section I above, the matter was cast upon his disciple Yehoshua, who writes this by way of prophecy. In this way Yehoshua continues his master's enterprise and operates in his name for the sake of completing his book. Since this was God's intention and it was also Yehoshua's intention, the book of the Torah **in its entirety** deserves to be called "the Torah of Moshe."

**III. The opinion that Moshe wrote the last eight verses: The difference between Rabbi Meir’s answer and the answer of Rabbi Shimon**

In two of the three Tannaitic sources that we cited in the previous section, the issue as to who wrote the last eight verses in the Torah is in dispute.

In the *Sifrei*, Rabbi Meir disagrees with the anonymous opinion that preceded him, according to which "from that point on Yehoshua wrote":

Rabbi Meir said: It is stated: "And Moshe wrote this Torah, [and delivered it to the priests the sons of Levi]" (*Devarim* 31:9). Is it possible that Moshe delivered the Torah when it was missing even a single letter? Rather, this teaches that Moshe wrote what the Holy One, blessed be He, told him to write, similar to what is stated: "Then Baruch answered them: He pronounced all [these words to me with his mouth, and I wrote them with ink in the book]" (*Yirmeyahu* 36:18).

Rabbi Meir's words can be divided into two: First, he argues against the interpretation that Yehoshua wrote the last verses of the Torah, and rejects its possibility; second, he answers the question that was asked at the beginning of the section: "Is it possible that Moshe died and wrote: 'So Moshe died'?" Let us explain each part of his remarks in order:

In *Parashat Vayelekh* 31:9-13, it is stated that Moshe delivered to the priests and the elders of Israel "this Torah" that he had written earlier, and that he commanded them to read this Torah every seven years at the *Hakhel* assembly.

Now, this book of the Torah, which Moshe wrote and passed on to future generations, was, according to the opinion with which Rabbi Meir disagrees, a "deficient" book, and in the halakhic sense it was an invalid Torah scroll, like any other Torah scroll that lacks even a single letter.[[14]](#footnote-14) What was it missing? It was missing the eight verses that Moshe did not write, and, according to this opinion, he could not have written them, and it was only Yehoshua who filled them in after Moshe's death.

What is the solution proposed by Rabbi Meir to the question with which the *Sifrei* opened? The solution is that Moshe wrote the entire Torah in his lifetime, **including the eight verses that describe his death.** He wrote these verses at the word of God as one who is commanded to write. The verse that Rabbi Meir brings from the book of *Yirmeyahu* is meant to equate Moshe with Baruch the son of Neriya, the scribe of the prophet Yirmeyahu. A scribe who writes the words dictated to him by his master has no discretion and no personal involvement in the text that he writes. Such was the case of Moshe with respect to the story of his death which was dictated to him in advance.

This is an answer to the *Sifrei's* question, "Is it possible that Moshe **died** and wrote: 'So Moshe died there'?" It was the **living** Moshe who wrote this verse. And what about the Gemara's question (*Menachot* 30a): "Is it possible that Moshe **was alive** and wrote: 'So Moshe died there'?" – surely he would be writing something that is not true! This question is not raised in the *Sifrei*, and therefore Rabbi Meir is exempt from answering it. But it stands to reason that he would have answered, as did the later commentators who adopted the view of Rabbi Meir, that these words were dictated by God to Moshe as a prophecy for the future, even though they are written in the past tense.[[15]](#footnote-15)

In the Baraita cited in the Gemara (in *Menachot* and in *Bava Batra*), Rabbi Shimon disagrees with the view of Rabbi Yehuda (or Rabbi Nechemya):

Rabbi Shimon said to him: Is it possible that the book of the Torah was missing one letter, and it is written: "Take this book of the Torah, [and put it by the side of the ark of the covenant of the Lord your God, that it may be there for a witness against you]" (*Devarim* 31:26)? Rather up to this point the Holy One, blessed be He, dictated and Moshe repeated and wrote,[[16]](#footnote-16) from that point on the Holy One, blessed be He, dictated and Moshe wrote *be-dema*, with tears, as it is stated below: "Then Baruch answered them: He pronounced all these words to me with his mouth, and I wrote them with ink in the book" (*Yirmeyahu* 36:18).

The words of Rabbi Shimon are also divided into two parts – the same two parts that we found in the words of Rabbi Meir in the *Sifrei*, and we will also explain them in order:

First, Rabbi Shimon denies the possibility of Rabbi Yehuda's interpretation, that Yehoshua wrote the last verses in the Torah. His argument is the same at that of Rabbi Meir, only that he cites a different verse, from the continuation of chapter 31, to prove his case. This is what is stated in that chapter toward the end:

24: And it came to pass, when Moshe had made an end of writing the words of this Torah in a book, until they were finished, 

25: that Moshe commanded the Levites, that bore the ark of the covenant of the Lord, saying: 

26: Take this book of the Torah, and put it by the side of the ark of the covenant of the Lord your God, that it may be there for a witness against you.

Rabbi Shimon argues that it is inconceivable that the book of the Torah, in which Moshe wrote "the words of this Torah… **until they were finished**," and which he handed over to the Levites that they should put it by the side of the ark of the covenant, that it may be there a witness for the people of Israel, was an invalid Torah scroll, which was missing the last eight verses in the Torah.

Now Rabbi Shimon comes to answer the question raised at the beginning of the Baraita: "Is it possible that Moshe **was alive** and wrote: 'So Moshe died there'?"[[17]](#footnote-17) His answer is ostensibly similar to that of Rabbi Meir, even though the two Tannaim come to answer two different questions. Let us, therefore, set the two answers against each other:

|  |  |
| --- | --- |
| Rabbi Meir in the *Sifrei* | Rabbi Shimon in the Baraita in the Gemara |
| Rather, this teaches that Moshe wrote what the Holy One, blessed be He, told him to write, similar to what is stated: "Then Baruch answered them: He pronounced all [these words to me with his mouth, and I wrote them with ink in the book]." | Rather up to this point the Holy One, blessed be He, dictated and Moshe repeated and wrote, from that point on the Holy One, blessed be He, dictated and Moshe wrote with tears, as it is stated below: "Then Baruch answered them: He pronounced all these words to me with his mouth, and I wrote them with ink in the book." |

The difference between the two answers is evident: Rabbi Meir hangs his answer on a general principle that relates to the entire Torah: Moshe wrote what God dictated him to write. Applying this principle even to the last eight verses of the Torah resolves the problem how could Moshe have written about his death, as we explained the words of Rabbi Meir above.

Rabbi Shimon, on the other hand, hangs his answer precisely on the distinction between the general principle, that relates to the writing of the entire Torah "up to this point" – until the verse: "So Moshe died there" – and the **different** application of this principle regarding the last eight verses: "Up to this point the Holy One, blessed be He, dictated and Moshe wrote" – as described by Rabbi Meir[[18]](#footnote-18); but "from this point on" – "the Holy One, blessed be He, dictated and Moshe wrote **with tears."** The words "with tears" are the novelty in Rabbi Shimon's words that distinguish his answer from that of Rabbi Meir.

In this distinction that Rabbi Shimon makes between the two parts of the Torah that Moshe wrote – "up to this point" and "from this point on" – when he wrote the last eight verse "in tears," hangs his answer to the question: "Is it possible that Moshe **was alive** and wrote: 'So Moshe died there'?" – surely he would be writing something that is not true!

But Rabbi Shimon's answer is obscure, and different explanations have been offered for his words.

**IV. “And Moshe wrote in tears [Be-dema]”**

What is the meaning of the word *be-dema* in Rabbi Shimon's answer?

1. The commentators of the Talmud, *Rishonim* and *Acharonim*, understood this word in the sense of *dema'ot*, tears, and this in fact is the reading in MS Munich: "And Moshe wrote *bi-dema*'*ot*."[[19]](#footnote-19) But the grammatical role of the word *be-dema* in the whole sentence can be understood in two ways: The word may come to answer the question, "with what did he write," and the answer is: "he wrote by means of his tears"; or it may come to answer the question, "in what manner did he write," and the answer is: "with tears," while crying.

The first explanation, that Moshe's tears served him as writing material, was proposed by the Ritva in his novellae to the Talmud (*Bava Batra* 15a) and by Rabbi Eliyahu Mizrachi in his super-commentary to the commentary of Rashi, in *Devarim* 32:5. However, the Maharal in his super-commentary to Rashi, *Gur Aryeh*, ad loc., asks: But surely a Torah scroll that was not written with ink is invalid![[20]](#footnote-20) We might add: Can tears serve as writing material?

Therefore, the Maharal adopts the second explanation: "*be-dema*" describes the manner in which Moshe wrote – that he was shedding tears when he wrote the verses dealing with his death. He explains: "This is like: 'those who sow with tears,' for presumably since mention is made of his death, 'So Moshe died,' he cried."[[21]](#footnote-21)

The difficulty with all of these interpretations is this: How does the fact that that Moshe wrote the last eight verses "with tears" resolve the question that Rabbi Shimon came to answer: "Is it possible that Moshe was alive and wrote: 'So Moshe died there'?"[[22]](#footnote-22)

We are forced to conclude that "writing with tears" means writing that is incomplete, writing that is not clear at the time, and therefore cannot contradict reality, as it cannot be read.[[23]](#footnote-23)

2. In some books, an interpretation is brought in the name of the Vilna Gaon, who explains the words of Rabbi Shimon in a manner similar to what we have just suggested. The quote below is from the book *Kol Eliyahu*:[[24]](#footnote-24)

Here the difficulty is evident to all: How did Rabbi Shimon resolve the question of Rabbi Yehuda who said: Is it possible that Moshe was alive and wrote: "So Moshe died there," which looks like a lie, God forbid! What did he answer by saying that he wrote with tears?

And there is a further difficulty: How did Rabbi Yehuda say that from this point on Yehoshua wrote, and be not concerned at all about Rabbi Shimon's question? Is it possible that even one letter of God's Torah was written not by Moshe?… Both opinions, that of Rabbi Yehuda and that of Rabbi Shimon are exceedingly difficult to understand!

It may be proposed that they are both the words of the living God, and that the one said one answer, and the other said the other answer, and they do not disagree. For ostensibly there is a difficulty with the words of the Gemara, why does it ask about the last eight verses in the Torah, how could they have been written if Moshe was still alive. Surely the entire Torah was written for two thousand years, prior to the creation of the world. If so they was not yet heaven and earth and all that is contained in it, or the generation of the flood, or the generation of the dispersion, or the exodus from Egypt, or the like. How could they have been written in the Torah before they were in the world?

It is known, however, that the entire Torah consists of names of the Holy One, blessed be He, that is, by way of combinations of letters and words.[[25]](#footnote-25) And before the creation of the world, the Torah was known to God by way of hidden combinations and mysteries. It was not read as it is read now, but only according to the names of God. After God created the world and gave the Torah to Israel and surrounded them with *mitzvot* that must be performed within the boundaries of time and place, He wrote the Torah, explaining clearly how to perform all of the *mitzvot*. He divided all of the Torah into words and letters, to reveal and explain all the words of this Torah. And the mysteries of the Torah based on these combinations were given to those who understand occult matters, which are revealed only to those who are wise and understand on their own.

Now the words of the Gemara are reconciled. For Rabbi Shimon asked how is it possible for a Torah scroll to be missing even one letter, and not be like a lie, God forbid. Therefore he says: Up to this point the Holy One, blessed be He, dictated and Moshe repeated and wrote. That is to say, that Moshe said each and every word as it is written in our hands manifestly. But from this point on he could not write manifestly: "So Moshe died there," for it would look like a lie, and he could also not have Yehoshua finish the Torah, for is it possible that a Torah scroll should be missing one letter. Therefore he says that he wrote with tears. This is in the sense of "*melei'atkah ve-dim'akha*," that is to say, a mixture of letter, that he wrote from that point on in accordance with combinations of words, they being the names of God, and it would not be read: "So Moshe died there," but rather different words, based on the mysteries of the Torah. After his death, Yehoshua wrote them as he was granted permission to reveal the Torah. If so, the two opinions do not disagree, for in fact Moshe wrote them and did not leave out even one letter. But since these eight verses could not be written manifestly, and they were written in other combinations. This is *be-dema*. And Yehoshua wrote them in accordance with the revealed Torah, and in accordance with the opinion of Rabbi Yehuda. The two of them agree that they were written by the two of them: the esoteric and secret aspect by Moshe, and the revealed aspect by Yehoshua, as it is written in our hands for all generations.

Many novel Torah insights are brought in various books in the name of the Vilna Gaon, though in general they are based not on things that the Gra wrote, but on reports that circulated, and attributed these novel insights to him.[[26]](#footnote-26) Therefore there is at times room for uncertainty whether indeed the things attributed to the Gra actually issued from his mouth. It seems that this is the case with respect to this explanation.

The central pillar upon which this explanation, which is attributed to the Gra, is based, is that the word *dema* in the words of Rabbi Shimon means "mixture." This words appears in Scripture only once, in the verse upon which this explanation is based:

*Shemot* 22:18: You shall not delay to offer of the fullness of your harvest, and of the outflow of your presses [*ve-dim'akha*].

*Chazal*, in *Mekhilta* *Mishpatim* (*parasha* 19) and in tractate *Temura* 4a, explain: "'*Ve-dim'akha*' – this is *teruma*." Rashi in his commentary to the Torah cites the interpretation of *Chazal* and adds: "I do not know what the expression *dema* means."[[27]](#footnote-27)

In Rabbinic Hebrew, the term *dema* continues to be used in the sense of *teruma* (e.g., in *Ohalot* 16:4). But in Rabbinic Hebrew verbs were derived from this noun in various conjugations, primarily *pi'el* and *po'el.* These verbs appear tens of times in Rabbinic literature, in the Mishna, the Tosefta and the two Talmuds. This verb denotes the mixing of *teruma* and ordinary produce, in such a way that the entire mixture is prohibited as *teruma.* Thus, the word *le-dame'a* means "to turn into *teruma.*"[[28]](#footnote-28)

Our examination has shown that nowhere in Rabbinic Hebrew does the noun "*dema*" or the verb "*le-dame'a*" denote any "mixture" or "mixing." Thus it does not seem that the phrase "write *be-dema*" means "write with a combination and mixing of letters," and it is difficult to believe that the Gra proposed such an interpretation, in disregard of the meaning of the word "*dema*" both in the Torah and Rabbinic Hebrew.

The question then returns as to the meaning of writing "*be-dema*," and how this writing constitutes, on the hand, real writing, while on the other hand, it is writing that it is not clear at the time when it is written, as it cannot be read.

3. Before presenting Rabbi David Tzvi Hoffman's explanation of Rabbi Shimon's words in the Baraita: "And Moshe wrote *be-dema,*" we wish to open with a brief introduction:

*Midrash ha-Gadol* to the book of *Devarim* (34, 5) cites the Baraita from the Gemara under discussion with several textual variations. This is its formulation of Rabbi Shimon's explanation:

Up to this point the Holy One, blessed be He, dictated and Moshe wrote **with ink.**

From this point on the Holy One, blessed be He, dictated and Moshe wrote **with *dema*.**

This is precisely the reading of the Gemara cited in Rabbi Meir Halevi Abulafia's *Yad Rama*, on *Bava Batra* 15a.

It seems, therefore, according to this reading, that "*dema*" is indeed writing material (not tears), but it is not ink, and in a certain sense it stands in contrast to ink.

This interpretation was suggested by Rabbi David Tzvi Hoffman in his article, "*Ha-Talmud al Shemonet ha-Pesukim he-Acharonim she-ba-Torah*":[[29]](#footnote-29)

Tractate *Gittin* (19b) speaks of invisible writing which can be read only after another liquid has been applied to it. This writing is written with "a solution of *milin*," which according to Rashi (ad loc.) is a solution of gall-nut….[[30]](#footnote-30) Ancient authors frequently refer to such manners of preparing invisible ink. Pliny proposes for this purpose… such ink is called today "sympathetic ink." There are also certain liquids from which letters come into being, which at the time of the writing cannot be read, but become visible after a while.

It stands to reason that the word "*dema*" in our statement is invisible ink of this sort. In Arabic, the word *dim'a* refers to a certain resin that drips from plants.[[31]](#footnote-31) It is possible that in the days of the Tannaim as well such a liquid that was used for invisible writing was called "*dema.*"

Now we only have to clarify the halakhic status of such invisible writing, which can be read only after applying some other means.

Here Rabbi Hoffman discusses a dispute between two *Acharonim* regarding a woman's bill of divorce [*get*], regarding which it is stated: "And he shall write her a bill of divorce" (*Devarim* 24:1), whether writing the *get* with invisible ink is valid. According to the *Peri Chadash* (on *Even ha-Ezer* 125:4), such a *get* is invalid. Rabbi David Friedman of Karlin (*Piskei Halakhot* I, p. 476) raises doubts about the *Peri Chadash's* ruling and is inclined to rule that such a *get* is valid. Rabbi Hoffman writes: "If our explanation of the statement in the Talmud in correct, this perhaps supports the position of Rabbi David Friedman, that is to say, that writing with invisible ink – that will only legible later – is considered as in existence immediately after it is written, this being the act of Moshe Rabbeinu."

"He wrote *be-dema*" means, then, that he wrote with invisible ink, and since at the time of the writing, the text could not be read, it does not contradict reality, and it does not appear to constitute a lie.

As for the words of Rabbi Hoffman, it is indeed possible that invisible writing is viewed by Halakha as writing with regard to a *get.* However, it seems unreasonable that such writing is valid for a Torah scroll, which specifically requires black ink.[[32]](#footnote-32) And Rabbi Shimon's claim is the book of the Torah that Moshe handed over to the priests was complete and valid, and not missing a single letter![[33]](#footnote-33)

We are, therefore, forced to say that even according to Rabbi Shimon Moshe did not give the priests a "valid" book of the Torah, but only a "complete" book of the Torah, that was written entirely by Moshe and was lacking nothing with respect to its writing. Its halakhic completion as a valid Torah scroll would only take place after Moshe's death, when it would be possible to turn the invisible letters written by Moshe into legible letters by way of ink. Only then would the original writing "wake up," and could it be said that the entire book was written by Moshe.[[34]](#footnote-34)

**V. Epilogue**

The Tannaitic dispute discussed in our study was not decided in the Talmud. This is because this controversy has no practical halakhic implications, and relates only to what happened in the past.[[35]](#footnote-35)

Therefore, even the ordinary rules of halakhic decision-making, according to which the Halakha is in accordance with Rabbi Yehuda when he disagrees with Rabbi Shimon,[[36]](#footnote-36) are not valid, and the Rambam in *Hilkhot Tefila* 13:6 could adopt the view of Rabbi Shimon and write: "The eight verses at the conclusion of the Torah… are indeed all Torah and were related by Moshe from the Almighty."[[37]](#footnote-37)

Substantively, however, the words of Rabbi Shimon are difficult in both parts: First, his argument: "Is it possible that the book of the Torah was missing one letter, and it is written: 'Take this book of the Torah…'." We already saw at the end of the previous section that even according to Rabbi Shimon this book of the Torah that was written *be-dema* was not a valid Torah scroll. However, according to the plain sense of the verses, at the stage when Moshe gave the book of the Torah to the Levites to place in the ark, not only were the eight verses missing from it, but also other things that had not yet happened: God's command to go up to Mount Nevo (32:48-52); Moshe's blessings to the tribes (chap. 33). When were these things written? This is the opinion of the Ramban in his commentary to 31:24, s.v. *veta'am vayehi kikhelot Moshe likhtov*:

It is possible that after he wrote the song and taught it to the children of Israel… he recorded it in the book of the Torah, and commanded the priests (31:26): "Take this book of the Torah." That is to say, that the song as well should be placed in the ark with the Torah, as it is part of the Torah, since it is there as a witness [as is stated in the continuation of verse 26: "And it may be there a witness against you," which according to the Ramban seems to refer to the song]… Then God said to him (32:49): "Get you up into this mountain of Avarim," and he was obligated to do this immediately, and he stood up and blessed them: "And this is the blessing" – **and he wrote it at the end of the book that he gave to the priests, and then** the priests did what he commanded them, and put the complete book by the side of the ark of the covenant, and thus everything took place in the order that is written in the Torah.[[38]](#footnote-38)

That is to say, the words of Moshe: "Take this book of the Torah, and put it by the side of the ark of the covenant of the Lord," are understood by the Ramban, not as a command that must be fulfilled at that moment, but as a command for the future, that must be fulfilled only after the completion of the book of the Torah. Therefore, Rabbi Yehuda would argue that this command was fulfilled only after Moshe dies and after Yehoshua completed the last eight verses, and "this book of the Torah" that was placed at the side of the ark as commanded by Moshe, was complete and valid and not missing a single letter.

So too the continuation of the words of Rabbi Shimon, that Moshe could write the last eight verses in the Torah at God's command without contradicting reality, because he wrote them "*be-dema*," are forced, however we understand the notion of writing "*be-dema*."

It turns out, therefore, that Rabbi Shimon's position was driven by a matter of principle: It is unacceptable that the Torah scroll in our possession was not received in its entirety from Moshe, and that another prophet participated in its writing.

This is the reason that the Rambam accepted the view of Rabbi Shimon, and this is the reason that other commentators as well, *Rishonim* and *Acharonim*, followed this path, and some of them even spoke sharply against the other view, even though that other view is mentioned in the Talmud. Here, for example, is the comment of Rabbi Chayyim ben Atar at the end of his commentary *Or ha-Chayyim* (34:6):

I saw that the Ibn Ezra writes that Yehoshua wrote this [the last verses], but it is improper to write such things about the plain meaning of the verses, that Moshe did not complete the book of the Torah when he handed it to the Levites, for I heard with my own ears how members of our people are confused about this matter… Let these words and the likes of them be forgotten… And the important thing is that Moshe wrote the entire book, as they said: He completed it *be-dema*.

However, it was only the Ibn Ezra who followed in the path of Rabbi Yehuda: Several commentators on the Talmud among the *Rishonim* explained the Halakha established by Rav – "Eight verses in the Torah – one person reads them," So too among the commentators on the Bible among the *Rishonim* we find those who adopted the view of Rabbi Yehuda.[[39]](#footnote-39) Stemming specifically from the position of Rabbi Yehuda (see note 35).[[40]](#footnote-40) And we already noted at the end of section II of our study that according to Rabbi Yehuda Yehoshua wrote the last eight verses in the Torah at God's command and as completing this mission of Moshe.

(Translated by David Strauss)

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1. This study is an expansion of the last two sections of our study for *Vezot Ha-berakha* for the VBM 5762. In our second series of *Iyyunim be-Parashat ha-Shavua*, these two sections were omitted, as they constitute a separate study. [↑](#footnote-ref-1)
2. *Yehoshua* 8:31; 8:32; 23:6; I *Melakhim* 2:3; II *Melakhim* 14:6; 23:25; *Malakhi* 3:22; Ezra 3:2; 7:6; *Nechemya* 8:1; *Daniel* 9:11; 9:13; II *Divrei ha-Yamim* 23:18; 30:15. The book of the Torah is called in Scripture "the Torah of the Lord" or "the Torah of God" twenty-seven times. In one place (II *Divrei ha-Yamim* 34:14), it is called: "The book of the Torah of the Lord in the hand of Moshe." [↑](#footnote-ref-2)
3. Our remarks in our second series of studies regarding the elevated nature of our story as the story of the death of Moshe the individual, are appropriate also for our story as the story the concludes Moshe's Torah: The Torah does not end with a melancholy story, but rather with a noble and exalten one, in which we are separated in a mystery-clad manner from him who gave us the Torah. [↑](#footnote-ref-3)
4. In the parallel passage in *Bava Batra* the reading in the published editions is the same as in the *Sifrei*: "Is it possible that Moshe died and wrote: 'So Moshe died there.'" In several manuscripts, however (including MS Hamburg and MS Munich), and in the citation of the Talmudic passage in the writings of several *Rishonim*, the reading is: "Is it possible that Moshe is alive (or: exists)," like the reading in *Menachot*. See *Dikdukei Soferim*, ad loc.) [↑](#footnote-ref-4)
5. This is the way that the Maharsha in his *Chidushei Aggadot* (to *Bava Batra* 15a) explained the matter, and this is also the way that the Gra explained the Gemara's question in *Menachot* (*Kol Eliyahu*, no. 133). Their remarks are cited below. [↑](#footnote-ref-5)
6. Two *Acharonim* raised the question why it is that the Gemara relates only to the last eight verses and not the last twelve verses: Rabbi Pinchas Horowitz, author of the *Hafla'a*, in his commentary to the Torah, *Panim Yafot*, to verse 1; and his disciple, the author of the *Chatam Sofer*, in *Torat Moshe*, there.

   However, already several *Rishonim* state explicitly or allude that the reference is not only to the last eight verses, but also to the verses that precede them: thus writes the Ibn Ezra in his commentary to verse 1 (his words will be cited in section II below); so it would seem from the words of the *Tosafot*, *Megila* 21b, s.v. *tanna*, who deal with the statement of Rav (which appears in the parallel passages in *Bava Batra* and *Menachot*): "Eight verses in the Torah – one person reads them," and say: "Eight verses in the Torah – one person reads them… **in the section of 'And Moshe went up'** when we complete the Torah… Two people should not break it up and read those eight verses **beginning with 'And Moshe went up,'** since it is the beginning of the section"; the commentary of the *Tosafot* on the Torah (*Hadar Zekeinim*) says on verse 5: "'So Moshe died there' – these eleven (!) verses one person reads them…." And similarly in the commentary of the Rosh (there): "These eleven verses – one person reads them." [↑](#footnote-ref-6)
7. This order is: "*Yehoshua*, *Shofetim*, *Shemuel*, *Melakhim*, *Yirmeyahu*, *Yechezkel*, *Yeshayahu*, and *Trei Asar*" – not the order of the Prophets in the manuscripts which we have received from the Masoretes. The Gemara explains the logic of this order in the Baraita. [↑](#footnote-ref-7)
8. This is their order: "*Ruth*, the book of *Tehilim*, *Iyov*, *Mishlei*, *Kohelet*, *Shir ha-Shirim*, *Kinot*, *Daniel*, the book of *Esther*, *Ezra*, *Divrei ha-Yamim*." This too is not the order that we have received from the Masoretes, and here as well the Gemara explains the logic of the Baraita's order. [↑](#footnote-ref-8)
9. Rashi (s.v. *u-parashat Bil'am*) explains: "His prophecy and parables (that are written before us in *Parashat Balak* in the book of *Bemidbar*), even though they are not the needs of Moshe, his Torah, or the order of his actions." It is difficult to say that Bil'am's parables "are not the needs of Moshe or of His Torah" (see *Devarim* 23:4-7). But it is certainly true that the story of Balak and Bil'am are not part of "the order of [Moshe's] actions." It takes place outside the camp of Israel, and with no connection to Moshe. This might suggest that this story was inserted into the Torah as is, without it having been given to Moshe in a prophecy, like the other parts of the Torah regarding which Moshe was involved in one way or another. Therefore this Baraita comes to inform us that Moshe wrote by way of prophecy also "the portion of Bil'am." According to the Ritva in his novellae to the Torah (ad loc.), "the portion of Bil'am" is not the same as the story of Balak and Bil'am that is written in the Torah, but rather an independent work that was lost. [↑](#footnote-ref-9)
10. In the parallel passage in *Menachot* 30a, it is stated in this Baraita: "Is it possible that Moshe was alive"; regarding the reading in our passage, see note 4. [↑](#footnote-ref-10)
11. An opinion that is also that of the author of the unattributed view in the *Sifrei* and of the author of the Baraita dealing with the order and authors of the books of the Bible in *Bava Batra.*  [↑](#footnote-ref-11)
12. Rabbi David Pardo asks this question in his commentary to the *Sifrei*, *SIfrei de-Vei Rav* (at the end of the *Sifrei* on *Devarim*): "These eight verses, why were they written in the book of the Torah? Yehoshua should have written them at the beginning of his book?" Owing to this question, Rabbi David Pardo rejects the opinion of Rabbi Yehuda and accepts the dissenting view (which will be brought below in section III). [↑](#footnote-ref-12)
13. This answer must also be completed in the other direction: Just as impossible for "the Torah of Moshe" to end without our story, so it is impossible for the book of *Yehoshua* to start with it. The book of *Yehoshua* is a book that Yehoshua wrote on his own, based on his own prophecy, after the days of mourning for Moshe were completed and the light of Yehoshua began to shine. But despite this essential separation between Yehoshua's writing of his book and his writing of the last eight verses in the Torah, the substantive continuity between the end of the Torah and the beginning of the book of *Yehoshua* is evident, just as the essential difference between them is manifest:

    |  |  |
    | --- | --- |
    | The story of the death of Moshe | The opening story in the book of *Yehoshua* |
    | 34:5: So Moshe the servant of the Lord died there…  8: …So the days of weeping in the mourning for Moshe were ended.  9: And Yehoshua the son of Nun was full of the spirit of wisdom;  for Moshe had laid his hands upon him;  and the children of Israel hearkened to him,  and did as the Lord commanded Moshe. | 1:1: Now it came to pass after the death of Moshe the servant of the Lord,  that the Lord spoke to Yehoshua the son of Nun, Moshe's minister, saying:  2: Moshe My servant is dead; now therefore arise, go over this Jordan, you, and all this people…  5: As I was with Moshe, so I will be with you…  17: According as we hearkened to Moshe in all things, so will we hearken to you;  only the Lord your God be with you, as He was with Moshe. |

    How appropriate, then, is the customary practice of Israel (which the *Rishonim* question because it is contrary to what is stated in the Talmud), to read as the *haftara* for Simchat Torah chapter 1 of *Yehoshua*, which is the natural continuation of the reading of *Parashat Ve-Zot ha-Berakha*. [↑](#footnote-ref-13)
14. In the tenth chapter of *Hilkhot Sefer Torah*, halakha 1, the Rambam lists twenty things, "each of which invalidates a Torah scroll," and the twelfth item on the list is "that it is missing even one letter." This Halakha follows from the passage in *Menachot* 29b. [↑](#footnote-ref-14)
15. Here, for example, are the words of Rabbeinu Bachye in his commentary to 34:1, where he negates the Ibn Ezra's explanation of this verse (cited in section II above), and explains the verse in accordance with the view of Rabbi Meir and Rabbi Shimon:

    "For Moshe wrote the entire Torah from 'In the beginning' to 'in the sight of all of Israel,' all from the mouth of the Almighty… letter by letter; this is the view of Rabbi Meir… It seems to me that there is no difficulty with Moshe writing: 'So Moshe the servant of the Lord died there'; 'And he was buried in the valley' – and he was still alive, because he wrote what would happen in the future. And so above in the words of the song (32:19): "And the Lord saw, and spurned, because of the provoking of His sons and daughters" – he informed thereby what would happen in the future in the time of the First Temple, and so regarding the other matters in the verses dealing with the future – that he speaks of them in past tense, for all of the prophets acted in this manner, speaking in the past rather than in the future tense."

    An objection, however, may be raised against the comparison that Rabbeinu Bachye makes between the account of Moshe's death and prophecies formulated in the "prophetic past": The account of Moshe's death is brought **as a story,** and not as a prophecy. Questioning the past tense of Biblical stories is liable to lead us down a very strange path. [↑](#footnote-ref-15)
16. The citation is taken from the standard printed edition of *Bava Batra.* In *Menachot* the reading of the printed edition is "and Moshe wrote and said." The *Dikdukei Soferim* to *Bava Batra* (letter *zayin*) notes that in all the manuscripts and early editions, and so too in the citations of the Gemara in the words of the *Rishonim*, the reading is "and Moshe wrote." This is also the way the Bach emended the reading in his strictures to the Gemara (letter *alef*): "The words 'said' must be deleted."

    This emendation undermines theMaharsha's argument in his *Chidushei Aggadot* *Bava Batra* 15a that that answer to Rabbi Shimon's question, how could Moshe have written about his death, is that he **wrote** about it but did not **say** it, in the way that he said the rest of the Torah, and therefore it did not appear as a lie, "as he did not speak of it when he wrote it as with the rest of the Torah."

    In *Menachot* Rashi reads "said" (but not so the *Tosafot*). [↑](#footnote-ref-16)
17. As may be recalled, this is the wording of the question in the Baraita in *Menachot*, and so too in *Bava Batra* this is the wording of most of the witnesses; see note 4. [↑](#footnote-ref-17)
18. It seems that the proof brought by Rabbi Shimon at the end of his remarks from the action of Baruch the son of Neriya, the scribe of Yirmeyahu, which is the same proof brought by Rabbi Meir in the *Sifrei*, relates specifically to the first part of his words: "Up to this point the Holy One, blessed be He, dictated and Moshe wrote" – as did Baruch the son of Neriya who wrote what was dictated to him by his master Yirmeyahu. This proof does not come to support the distinction that Rabbi Shimon made between Moshe's writing of the entire Torah and his writing of its last eight verses. This is what Rashi means (in his commentary to *Bava Batra*, s.v. *kemo she-ne'emar lehalan*: "[The proof] relates to the entire matter, as stated: 'The Holy One, blessed be He, dictated and Moshe wrote,' as we find that the prophets wrote from the mouth of their master." [↑](#footnote-ref-18)
19. It should be noted that the form *dema*, in the sense of "tear" or "tears" does not appear anywhere, neither in the Bible nor in Rabbinic Hebrew. It appears only in the writings of the liturgical poets, the *paytanim,* perhaps under the influence of these words in the Gemara. In the *Selichot* recited on the night of Yom Kippur, we say: "Hear my voice, and see the tears [*dema*] of my eyes" (Rabbi Yom Tov ben Yitzchak, Ashkenaz, 11th-12th century). In three places in Rabbinic Hebrew we find the expression: *zalgu dema'avi*, "his tears flowed" (Mishna *Sota* 7:8; Tosefta *Zevachim* 2:17; Jerusalem Talmud *Yoma* 41a). What is stated in this note is based on the clarification of Ariel Shaveh. [↑](#footnote-ref-19)
20. The eighth thing in the Rambam's list of things that invalidate a Torah scroll (see note 14) is "that it is written without permanent blackness [= ink]." [↑](#footnote-ref-20)
21. So it seems that Rashi explained in *Menachot* 30a, s.v. *mi-kan va-eilekh Moshe kotev be-dema*: "And he would not repeat after Him [= God] **because of his great distress."** This prevalent understanding of the statement that Moshe wrote *be-dema* certainly contributed to the perception on the part of many that our story is a melancholy story, but as we explained at length in our study in the second series, this perception is incorrect.

    In any case, the phrase "and Moshe wrote in tears" became a common expression in Rabbinic literature: A responsum or epistle dealing with a saddening phenomenon often ends with the words: "Writing in tears, So-and-So." [↑](#footnote-ref-21)
22. The Maharal's answer in his *Gur Aryeh*: "Now it is no longer difficult how could he have written: 'So Moshe died,' seeing that Moshe was still alive – once he cried over his death, this was the beginning of his death, and this is the meaning of 'So Moshe died'" – is not reasonable. [↑](#footnote-ref-22)
23. The Maharsha, in his *Chidushei Aggadot* *Bava Batra*, explains that writing *be-dema*, i.e., with Moshe's tears, is unclear writing, and thus the question is answered: "The writing from 'so Moshe died' differed from the rest of the writing which was with ink, and hear with tears, that it was not clear writing… and therefore the writing did not appear at all like a lie." The problem is that writing with tears is not writing, and thus we come back to Rabbi Shimon's question that the book of the Torah that Moshe wrote during his lifetime was missing eight verses. [↑](#footnote-ref-23)
24. No. 133. The words of the Gra are brought in a slightly different style in the *Anaf Yosef* commentary (of Rabbi Chanoch Zundel) on the *Ein Yaakov*, *Bava Batra* 15a. [↑](#footnote-ref-24)
25. These remarks are based on the words of the Ramban at the end of his introduction to the book of *Bereishit*: "We have a true tradition, that the entire Torah is the names of God, that the words divide into names in another manner… ." The source of this view is found in *Zohar Yitro* 87a, as noted by Rav Chavel in his edition of the Ramban. [↑](#footnote-ref-25)
26. Hence the different formulations of those reports in the books in which these reports are recorded; see note 24. [↑](#footnote-ref-26)
27. Commentators who preceded Rashi (Rav Saadya Gaon, Menachen ben Saruk, Ri ben Jenach), and who followed him (Rashbam, Ibn Ezra, Ramban, and others) explained that "*dema*" is like "*dim'a*," the reference being to *teruma* set aside from wine and oil, that are called in the borrowed sense "the tears of the vineyard or olive orchard." Or that "*dim'a*" denotes all flowing liquids, and not only tears which flow from the eye when a person cries.

    Ben Yehuda in his dictionary (s.v. *dema* I, note 5, pp. 964-965) vigorously rejects these explanations, because, among other reasons, in Rabbinic Hebrew *dema* means *teruma* (and not just *teruma* set aside from wine and oil). In his opinion, *dema* is specifically the first produce of the threshing floor, and as for the source of the word *dema*, we must say like Rashi: "I do not know what the expression *dema* means." [↑](#footnote-ref-27)
28. Regarding the words of the Gemara in *Temura* 4a, "'*Ve-dim'akha*' refers to *teruma*,' Rashi comments: "Since it forbidsin a mixture, the verse refers to it with the term *dimu'a*." Here Rashi explains the noun in the Bible based on the use made of it in Rabbinic Hebrew, and it seems that he understood the verb "*le-dame'a*" to mean "to prohibits," and that the Torah refers to *teruma* as *dim'a*, something that prohibits.

    The *Tosafot* (ibid., s.v. *mele'atkha*) raises an objection: "This does not appear correct, as this is only by Rabbinic decree." The *Shita Mekubetzet* emends the wording of the *Tosafot* to read: "This does not appear correct, as this is only Rabbinic Hebrew, and perhaps it was called this because of the word '*ve-dim'akha*' [in the Torah]." [↑](#footnote-ref-28)
29. This article was originally written in German and published in the journal *Yeshurun*, volume 2. It was translated into Hebrew by Asher Vasertil, and appears among the appendices at the end of Rabbi Hoffman's commentary to the book of *Devarim,* volume 2, pp. 577-582. [↑](#footnote-ref-29)
30. He goes on to say: "The liquid with which this invisible writing is made legible is *maya denera* (according to the *Arukh*, s.v. *ner*: a solution of pomegranate rind)." So too he cites what is brought in the Jerusalem Talmud (*Shabbat* 2:4; *Gittin* 2:3): "Those people of the east are particularly clever. When one of them wishes to inform his fellow of some secret matter, he writes with a solution of gall-nut, and the recipient of the letter pours over it untanned ink, and it makes the writing visible." [↑](#footnote-ref-30)
31. In fact, in Arabic the resin that drips from certain plains is called *dim'a* (so too in Syrian Aramaic); but this is not a special word, but the same *dim'a* that flows from the eye, which is used in a borrowed sense in reference to the resin of certain plants. [↑](#footnote-ref-31)
32. See *Tosafot* in *Menachot* 34a, s.v. *ne'emar kan*, and s.v. *kema she'amar.* [↑](#footnote-ref-32)
33. This argument can be raised also against the explanation attributed to the Gra: Even if Moshe wrote the last eight verses in a mixed-up fashion, we have only resolved the difficulty of how Moshe could write, "So Moshe died"; he wrote this with a different combination of the letters that does not contradict the fact that he was still alive. But such a Torah scroll is certainly invalid, so how can it be said in reference to it: "Take this book of the Torah." [↑](#footnote-ref-33)
34. If so, even according to Rabbi Hoffman, it can be said, similar to what is argued by the explanation attributed to the Gra, that Rabbi Shimon agrees with Rabbi Yehuda that it was Yehoshua who completed the book of the Torah, in that it was he who made Moshe's words known when he applied ink to Moshe's invisible writing. Rabbi Hoffman notes this in note 5 in his article. [↑](#footnote-ref-34)
35. In the Talmudic passage (both in *Bava Batra* and in *Menachot*) an attempt is made to connect the dispute between Rabbi Yehuda and Rabbi Shimon to a Halakha reported in the name of Rav: "Eight verses in the Torah – one person reads them." The Gemara seems to be saying that this Halakha whichassigns a special law to the eight verses does not accord with the view of Rabbi Shimon that Moshe wrote the entire Torah, including the last eight verses. But the Gemara rejects this and says that even according to Rabbi Shimon these eight verses are different from the rest of the Torah, as they were written *be-dema*, and thus this Halakha can be explained even according to Rabbi Shimon.

    As for the Halakha that "one person reads them," the *Rishonim* offer five different interpretations, and it stands to reason that additional interpretations may be found in the words of the *Acharonim*. This is a separate subject of discussion, which is only indirectly connected to the matter at hand, and therefore we will not deal with it in the framework of this study. [↑](#footnote-ref-35)
36. In *Eruvin* 46b, the following rules are brought in the name of Rabbi Yochanan: "Regarding a dispute between Rabbi Meir and Rabbi Yehuda, the Halakha is in accordance with the view of Rabbi Yehuda; regarding a dispute between Rabbi Shimon and Rabbi Yehuda, the Halakha is in accordance with the view of Rabbi Yehuda." [↑](#footnote-ref-36)
37. It seems that Rabbi Shimon's opinion, despite its difficulties, was the accepted position in ancient times. This is what Rabbi Hoffman writes in his article (noted in note 29):

    "This opinion [= of Rabbi Shimon] was very common in ancient times, as we find it both in [the writings of] Philo and of Josephus. Philo [in his "Life of Moshe," toward the end] writes: "And while he was still alive, he prophesied about his own death before he died…"; Josephus [in his *Antiquities of the Jews*, IV, 48] writes: "In the Holy Scriptures he wrote about himself that he died… ." [↑](#footnote-ref-37)
38. The Ramban writes these words in order to avoid the Ibn Ezra's understanding that "*Ve-Zot ha-Berakha* was stated earlier, and its place is above [at the beginning of chapter 31], where it is stated: 'And Moshe went and spoke these words to all Israel.'" The Ibn Ezra advances Moshe's blessings of the tribes, in order to fulfill that which is stated at the end of chapter 31 (vv. 24-26): "And it came to pass, when Moshe had made an end of writing the words of this Torah in a book, **until they were finished…** Take this book of the Torah… ." The Ramban, on the other hand, tries to understand the Torah without invoking the principle that there is no chronological order in the Torah. [↑](#footnote-ref-38)
39. Ri Migash, *Bava Batra* 15a; *Mikhtam*, *Megila,* p. 9. [↑](#footnote-ref-39)
40. Rabbi Chaim Paltiel in his commentary to 34:5; Rabbi Netanel of Yemen in his book, *Me'or ha-Afela*, in the last lines of his book; and perhaps others as well. [↑](#footnote-ref-40)