



## TORAH, NEVI'IM, AND KESUVIM: HOW ARE THEY DIFFERENT, HOW ARE THEY SIMILAR?

The Gemara in *Shabbos* (88a) relates that when praising Hashem in connection with the giving of the Torah to the Jewish people on Shavuot, a certain individual thanked Him for having presented us with a “Torah [consisting] of thirds.” In clarifying this unusual phrase, Rashi there (*d”h Oryan Telisa’i*) states that the reference is to the fact that there are three sections of the Torah, namely, Torah, Nevi’im, and Kesuvim, or what we commonly call “Tanach”;<sup>1</sup> the Ritva there (*d”h Oryan Telisa’i*) explains that all three were actually alluded to at Mount Sinai. These three sections collectively comprise that which Chazal generally call “*mikra*,” or Scripture, as indicated by the Midrash in *Devarim Rabbah* (8:3) as well as by

the Gemara in *Kiddushin* (49a) and in *Sanhedrin* (101a), which identify one who has experience with or expertise in *mikra* as someone who studies Torah, Nevi’im, and Kesuvim.<sup>2</sup> As detailed by the Gemara in *Bava Basra* (14b), there are eight books in Nevi’im and eleven books in Kesuvim, for a total of nineteen. When added to the five books of the Torah,<sup>3</sup> this results in the Tanach consisting of twenty-four books, the amount identified by the Gemara in *Ta’anis* (8a) and in many Midrashic and other sources.<sup>4</sup>

Although these sections of Scripture are certainly related,<sup>5</sup> they are nonetheless distinct from one another. On occasion, for example, Chazal seek to emphasize the significance of a particular concept by demonstrating

that it is rooted, separately, in Torah, in Nevi’im, and in Kesuvim.<sup>6</sup> The Gemara in *Rosh Ha-Shanah* (32a) speaks of citing *pesukim* individually from Torah, from Nevi’im, and from Kesuvim as part of the special *berachos* of *Malchuyos*, *Zichronos*, and *Shofaros* on Rosh Ha-Shanah. The Gemara in *Megillah* (21b) suggests that specifically three people are called up to the Torah on Mondays, Thursdays, and Shabbos afternoons as a means of corresponding to Torah, Nevi’im, and Kesuvim. And the Gemara in *Bechoros* (50a) notes that words can have different meanings depending on whether they are found in Torah, in Nevi’im, or in Kesuvim. The question is what precisely distinguishes these three divisions of Scripture from each

other, or, put differently, what unique characteristic(s) identify each of them, and what warrants the inclusion of a particular book in one section as opposed to another.

## The Legal Authority of Each Section

The singular nature of Torah is relatively easy to understand. The Gemara in *Nedarim* (22b) actually suggests that but for the failings of the people, the five books of Torah alone would have sufficed (along with the book of Yehoshua because of its significance regarding Eretz Yisrael), and the works in *Nevi'im* and *Kesuvim* would not, in a certain sense, have been necessary at all; Torah obviously stands apart from everything else. Indeed, the Mishnah in *Sanhedrin* (90a) declares that one who denies the Divine origin of Torah has no share in *Olam Ha-Ba*, and the Gemara later there (99a) adds that this person is classified as a non-believer and that such is the case even if he or she denies the Divine origin of just one word or just the spelling<sup>7</sup> of one word of Torah.<sup>8</sup> The Rambam, in his *Peirush Ha-Mishnah* to the tenth chapter of *Sanhedrin* (called “*Cheilek*,” in the introduction to Mishnah 1, *d”h Ve-Ha-Yesod Ha-Shemini*), articulates that the entire Torah was dictated to Moshe Rabbeinu by Hashem Himself, and declares that this is a fundamental principle of the Jewish faith. In this sense, that Torah is literally and entirely the word of Hashem, it is unlike any other portion of Scripture. For this reason, it is only in Torah, as opposed to in either *Nevi'im* or *Kesuvim*, that a law can be introduced with the authority to make it binding for all time.

At the very end of the book of Vayikra,

the Torah states “*eileh ha-mitzvos ...*” — these are the *mitzvos* that Hashem commanded (Vayikra 27:34). The implication of the word “these,” as noted by the Malbim there (No. 120), is “these and no others.” The *Sifra* there (*Parashas Bechukosai* 13:7) thus states, as does the Gemara in *Shabbos* (104a), among other places, that following the closing of the Torah, a prophet does not have the authority to innovate any new law to be binding upon future generations with the force of a law from the Torah.<sup>9</sup> Of course, since the prophets were (generally) among the sages of their respective generations, as implied by the Mishnah at the beginning of *Pirkei Avos* (1:1), and as indicated by the Rambam in the introduction to his *Mishneh Torah*, they had the same right to legislate new laws as did other sages. But these laws, found in *Nevi'im* and *Kesuvim*, do not have quite the authority of any laws from the Torah, as explained by *Tosafos* to *Bava Basra* (147a, *d”h Minayin*) and discussed by the Ramban, in his commentary to the Rambam’s *Sefer Ha-Mitzvos* (*Shores* 2), among others.

## Divrei Kabbalah

The above is not, however, to suggest that every law found in *Nevi'im* and *Kesuvim* should be considered Rabbinic in nature. In some cases, a law found there is a law that was actually already “on the books” from the time of the giving of the Torah at Mount Sinai, but was initially preserved only as part of the oral tradition presented there and was not immediately written down. At some later date, a prophet, for various reasons, then committed the law to writing. Examples of this include certain details relating to the service of

the Kohanim in the Beis Ha-Mikdash and to their garments, as presented in the Gemara in *Yoma* (71b) and in *Ta’anis* (17b), to the placement of markers at a gravesite, as discussed in the Gemara in *Moed Kattan* (5a), and the technical performance of a *bris milah*, as noted by *Tosafos* in *Yevamos* (71b, *d”h lo nitnah*). In addition, there are some laws found in *Nevi'im* and *Kesuvim* that may not have been “on the books” in terms of having been previously observed, but which were part of a tradition that existed from the revelation at Mount Sinai indicating that at a certain point in time they would be introduced by a prophet. Ibn Ezra, in his commentary to *Shemos* (12:1, *d”h Va-Yomer*) cites the idea of having songs and musical instruments as part of the Beis Ha-Mikdash service and the prohibition to carry outside on *Shabbos* as examples of this. The *Shelah* (*Torah She-B’al Peh*, after *Os Tav*, *d”h Kelal Rabbanan*) goes so far as to say even about Megillah reading on Purim that Moshe Rabbeinu had been told at Mount Sinai that when so-and-so will take place, such-and-such should be done in commemoration.<sup>10</sup> These laws, then, though found in *Nevi'im* and *Kesuvim*, can have the force of actual Torah laws.

One of the words often used to refer to *Nevi'im* and to *Kesuvim* is the word “*kabbalah*,” as indicated by Rashi in *Bava Kamma* (2b, *d”h Divrei Kabbalah*). The Mishnah in *Ta’anis* (15a), for example, introduces a *passuk* from *Nevi'im* by saying that it is written in the *kabbalah*,<sup>11</sup> while the Gemara in *Sotah* (37a) as well as in *Niddah* (25a) introduces a *passuk* from *Kesuvim* by saying that it is written in the *kabbalah*. It should be stressed that the word *kabbalah* in this context has nothing at all



to do with mysticism or esoteric mystical literature. The word rather alludes to something that has been received. Rashi in *Chullin* (137a, *d"h Toras Moshe*) says that it hints at the prophecy that the navi receives via Divine inspiration (*Ruach Ha-Kodesh*) as necessary for each given circumstance. The *Machzor Vitry* (No. 424, commentary to *Pirkei Avos* 1:1) explains that the words of the Nevi'im reflect a received tradition going back to the days of Yehoshua.<sup>12</sup> In either case, principles and laws that appear in Nevi'im and Kesuvim are frequently referred to as "*divrei kabbalah*" — words of the received tradition. This can be seen in the Gemara in *Rosh Ha-Shanah* (7a) regarding the numbering of the months of the Jewish calendar; in the Gemara later there (19a), regarding Tzom Gedalyah; as well in the presentation of several Rishonim, including the *Baal Ha-Maor* in *Megillah* (4a in Rif, *d"h Kasav*), the Mordechai there (Chapter 1 No. 776), and the Rosh in *Ta'anis* (2:24), regarding the holiday of Purim, which is, of course, introduced in *Megillas Esther* in Kesuvim.<sup>13</sup>

The Gemara in *Rosh Ha-Shanah* (19a) states that *divrei kabbalah* are actually treated as *divrei Torah*; there is some dispute, however, as to how literally and how far to take that equation. Concerning Purim, for example, there is some discussion among the *poskim* about whether it should have the status of a Torah holiday regarding suspending some of the restrictions upon an *onen* — someone who has lost an immediate relative but has not yet buried him (or her).<sup>14</sup> In general, the Rambam, as he indicates in his *Sefer Ha-Mitzvos* (*Shoresh* 1), holds that anything introduced following the death of Moshe Rabbeinu, even if by a navi

and certainly by the sages, is classified as a Rabbinic requirement, and not as something from the Torah.<sup>15</sup> The Ramban, however, in his commentary there, disagrees and maintains that a law that a navi expressly commanded (as opposed to something that is implied by a narrative or accepted as a precautionary stringency) can be considered like a law from the Torah.<sup>16</sup>

The *Pri Megadim*, in the introduction to his commentary on the *Shulchan Aruch* (*Pesichah Kolleles* 1:18-19), accepts the broader understanding of *divrei kabbalah*. He asserts that many laws found in Nevi'im and Kesuvim are binding like Torah laws, though he does acknowledge that there are distinctions and that a particular law's individual status may depend upon exactly how it is presented. The Maharatz Chayes discusses this entire matter at great length in a work called *Toras Ha-Nevi'im*, in the unit entitled *Ma'amar Divrei Nevi'im Divrei Kabbalah*. In Chapter 4, he suggests that laws found in Nevi'im and Kesuvim that appear to reflect long-standing practice definitely have the status of Torah laws.<sup>17</sup> These include certain details of mourning derived by the Gemara in *Moed Kattan* (15a-b) from a *passuk* in Yechezkel (24:17), and certain details about accepting contributions for the *Beis Ha-Mikdash* from non-Jews derived by the Mishnah in *Shekalim* (1:4, 3b) from a *passuk* in Ezra (4:3). In Chapter 2, he notes that Chazal sometimes actually refer to a law found in Nevi'im and Kesuvim as a Torah law. Examples include a law about signing a legal document, derived by the Gemara in *Gittin* (36a) from a *passuk* in Yirmeyahu (32:44), and a law about teaching a child how to read Scripture with the proper cantillation, derived by the Gemara in *Nedarim* (37b)

from a *passuk* in Nechemiah (8:8).<sup>18</sup> The Maharatz Chayes elsewhere (to *Yoma* 38b, *d"h Mena Ha Milsa*) notes that it is precisely because many ideas in Nevi'im and Kesuvim are actually rooted in Torah that Chazal frequently look for hints to these ideas in Torah itself.

## The Sanctity of the Respective Scrolls

Nonetheless, even those who maintain that (at least some) laws found in Nevi'im and Kesuvim have the authority of laws found in Torah, acknowledge that there are still differences between Torah on the one hand and *kabbalah* — Nevi'im and Kesuvim — on the other. The Gemara in *Bava Kamma* (2b) and, in similar language, in *Niddah* (23a), states explicitly, for example, that Torah matters cannot be learned from *kaballah* matters, thus affirming that there are clear distinctions between the two categories. The aforementioned *Pri Megadim* points out that the punishment for violating a law from Nevi'im and Kesuvim is not as stringent as that for violating a law from Torah, as the Yerushalmi in *Yevamos* (2:6) apparently indicates. And although the *Pri Megadim* there disagrees, some Rishonim (such as the Rashba to *Megillah* 5b, *d"h Hachi Garsinan*, citing the Ramban, and the Ritva there, *d"h Gufa*, and others) hold that in the case of a doubt regarding a law from *kabbalah*, we accept the lenient position, while regarding a law from Torah we must take the stringent side.<sup>19</sup>

There are also distinctions between the two with regard to the sanctity of the scrolls upon which they are written. The Mishnah in *Megillah* (25b-26a) teaches that if people sold

scrolls of Nevi'im and Kesuvim (as explained by Rashi to 26a there, *d"h Lokchin Sefarim*), they may use the money to buy a Torah scroll, but if they sell a Torah scroll they may not use the proceeds to purchase scrolls of Nevi'im and Kesuvim. Rashi there (*d"h Aval Machru*) explains that this is because of the rule that in sacred matters, we raise but do not lower the level of sanctity;<sup>20</sup> the *Shulchan Aruch* (*Orach Chaim* 153:2) rules accordingly. Building on this point, the Yerushalmi in *Megillah* (3:1) and, in a slightly varied format, the Bavli there (27a) states (presumably for the same reason, as noted by Rashi there *d"h Aval Lo Nev'im U'Kesuvim* and *d"h Eima Seifa*), that one may cover a Torah scroll with a covering used for scrolls of Nevi'im and Kesuvim, but one may not cover scrolls of Nevi'im and Kesuvim with a covering used for a Torah scroll. Also, a Torah scroll may be placed on top of a scroll of Nevi'im and Kesuvim, but a scroll of Nevi'im and Kesuvim may not be placed on top of a Torah scroll. The *Shulchan Aruch* (*Yoreh Deah* 282:19) rules in accordance with the latter statement, and the Rama there adds that scrolls of Nevi'im and Kesuvim may, however, be placed on top of one another; the Vilna Gaon there (*Biur Ha-Gra* No. 37) states that this is because their sanctity is identical.<sup>21</sup>

It is clear from the above that Torah stands apart from Nevi'im and Kesuvim and as explained, its distinction is the result of its unique revelation, as literally the word of Hashem. Moreover, it is noteworthy that Torah is never grouped together with Nevi'im (alone) or with Kesuvim (alone); it is grouped only with both Nevi'im and Kesuvim when considering the broader corpus of Tanach or "*Kisvei Ha-Kodesh*"

— the holy Writings — as a unit. Nevi'im and Kesuvim, however, are sometimes, as we have seen, grouped together in a single category; they are sometimes referred to by the acronym "*Nach*." It would thus appear, as indicated above, that their sanctity and general content is similar, if not identical. There is also no clear chronological distinction between the two, as there are books in Kesuvim that precede many of the books in Nevi'im, and others that follow many of them historically.<sup>22</sup> Moreover, there is no clear distinction in terms of authorship, as the Gemara in *Bava Basra* (14b-15a) teaches that Shmuel Ha-Navi wrote the books of Shoftim and Shmuel, which are in Nevi'im, but also *Megillas Rus*, which is in Kesuvim, while Yirmeyahu Ha-Navi wrote the books of Melachim and Yirmeyahu, which are in Nevi'im, but also *Megillas Eichah*, which is in Kesuvim. And yet, as presented above, Nevi'im and Kesuvim are certainly separate and distinct sections and are related to as such, as the Gemara in *Berachos* (57b) makes clear regarding one who comes upon different Biblical books in a dream. The question, then, is what sets Nevi'im and Kesuvim apart from each other and hence, why the books in Nevi'im were specifically included in Nevi'im while the books in Kesuvim were specifically included in Kesuvim.

### Levels of Prophecy

The Rambam, in his *Moreh Nevuchim* (Part 2 Chapter 45), suggests a basic distinction. He lists twelve different levels of prophecy from lowest to highest; the second is a form of *Ruach Ha-Kodesh*, or Divine inspiration, which is below actual prophecy. *Ruach Ha-Kodesh* does not involve being in

a prophetic trance or having a vision without one's ordinary faculties, which actual prophecy does require. The books in Kesuvim, the Rambam posits, were written with this form of inspiration (as the Gemara in *Megillah* 7a actually demonstrates regarding *Megillas Esther*), while those in Nevi'im resulted from actual prophecy. As for the fact that books in each of the two sections can have the same author, as pointed out above, the Rambam there states that sometimes the same person can experience different forms of prophecy on different occasions; the different books thus reflect the different types of prophecy that led to their creation.<sup>23</sup> The Radak, in his introduction to *Tehillim*, writes that that book was written with *Ruach Ha-Kodesh*, and not prophecy, and hence was included in Kesuvim; he too elaborates on the differences between actual prophecy and *Ruach Ha-Kodesh*, stating similarly that the former is more of an "other-worldly" experience and that the section of Nevi'im includes actual prophecy, while the section of Kesuvim does not.<sup>24</sup>

The Meiri, in the introduction to his commentary on *Tehillim*, concurs, noting that the sanctity of Nevi'im is greater than that of Kesuvim because the latter does not contain actual prophecy but was simply written with *Ruach Ha-Kodesh*; such, he writes, is the case with *Tehillim*, as its author, Dovid HaMelech, was not a prophet. In the introduction to his commentary on *Mishlei*, he elaborates and states that *Mishlei* is included in Kesuvim and not Nevi'im because its author, Shlomo Ha-Melech, was not a prophet,<sup>25</sup> because nothing about the future is revealed therein, and because the author was not sent out

to the people to inspire them to do *teshuvah*. The Meiri thereby indicates that these three criteria must be met for a book to be included in Nevi'im and not Kesuvim: The author must be a prophet, some revelation about the future must be included, and the prophet must be someone sent to disseminate his message and provide religious guidance to the people.

Rav Dovid Avudraham, in his commentary on the *Malchuyos* section of the *Mussaf Shemoneh Esrei* on *Rosh Ha-Shanah* (p.272), notes that we recite the *pesukim* from Kesuvim there prior to those from Nevi'im because we follow their chronological order (the *pesukim* from Kesuvim are all from Tehillim, composed by Dovid Ha-Melech who lived before the prophets whose words comprise the *pesukim* from Nevi'im). In actuality, however, the *pesukim* from Nevi'im have greater sanctity because they were stated based on prophecy while those from Kesuvim were stated based on *Ruach HaKodesh*. He then adds that whereas the words in Nevi'im were authored by people who were sent as messengers of Hashem to share those words with the nation, those in Kesuvim were not uttered as part of a Divine message to the nation, but were rather simply written with *Ruach Ha-Kodesh*.<sup>26</sup>

The Abarbanel also seems to agree with the basic distinction proposed by the Rambam, writing in his introduction to Nevi'im (*d"h Ha-Mechkar Ha-Rishon*) that Nevi'im consists of actual prophecy while Kesuvim consists of words written with *Ruach Ha-Kodesh*, and adding that the authors of Nevi'im were prophets while the authors of Kesuvim were not. He clarifies this point, however, in his commentary to

Daniel entitled *Ma'ayanei HaYeshuah* (*Ma'ayan 3 Tamar 1*). Here he notes, in opposition to the view of the Rambam in the aforementioned source, that Daniel was indeed a prophet. His book, he explains, is in Kesuvim nonetheless because it was not written as part of a prophetic directive, but rather based on the inspiration of *Ruach Ha-Kodesh*, meaning that even if the author of a book is himself a prophet, his work will appear in Kesuvim and not Nevi'im if the writing of that particular work is not part of the delivery of a prophetic message, but was simply written with *Ruach Ha-Kodesh*.

In the next section there (*Tamar 2*), the Abarbanel challenges his own position by citing a Gemara in *Megillah* (3a), which states explicitly that Daniel was not a prophet. He then, however, explains that one can have the power and the experience of prophecy, but if he is not sent to the people to deliver his prophetic message he is not classified as a prophet.<sup>27</sup> The Abarbanel then concludes that the three divisions of Tanach reflect three levels of prophecy: Torah reflects the level of prophecy of Moshe Rabbeinu, who not only delivered prophetic messages to the people, but gave them the Torah; Nevi'im reflects the level of prophecy of those who were sent to teach, guide, and prophesy to the people; and Kesuvim reflects the level of prophecy of those who were not sent to deliver any prophecies to the people but who wrote their works with *Ruach Ha-Kodesh*.<sup>28</sup> In a similar vein, Rav Yitzchak Zev Soloveitchik, in his *Chidushei Ha-Griz to Menachos* (30a in the new edition, *d"h Ve-Hinei Maran Ha-Grach*) quotes from his father, Rav Chaim Soloveitchik, that

although their sanctity may be the same, the difference between Nevi'im and Kesuvim is that the messages in Nevi'im were given to the prophet to be transmitted orally and only later written down, while those in Kesuvim were given to be written and then later transmitted to the people from the written text.<sup>29</sup>

## The Study of Nach

In conclusion, it should be stressed that despite the aforementioned distinctions between Torah, Nevi'im, and Kesuvim, one is certainly required to study all three areas as part of the mitzvah of *talmud Torah*. The *Midrash Tanchuma* in *Parashas Re'eh* (No. 1) states that only sinners assert that Nevi'im and Kesuvim are not considered "Torah" and do not believe in them, but we affirm otherwise. The Gemara in *Kiddushin* (30a) makes it clear that one should devote a significant amount of time to the study of *mikra*; the Rambam (*Hilchos Talmud Torah* 1:11) and the *Shulchan Aruch* (*Yoreh Deah* 246:4) rule accordingly, the latter adding that the reference is to the twenty-four books of Scripture. The Maharal of Prague, in his *Tiferes Yisrael* (Chapter 56), stresses that *mikra* is to be treated like the root of a tree which is obviously necessary from the beginning in order for any subsequent learning to be viable. The *Shelah* (*Masseches Shavuot, d"h Ha-Yom Ha-Zeh Zeman Matan Toraseinu*) also speaks of mastering Torah, Nevi'im, and Kesuvim, while the author's brother, in his commentary to their father's *Yeish Nochalin* (*Azharos Ha-Torah*, Note 40), writes that one should not even entertain the thought of not studying and achieving expertise in *mikra*. Rav Yaakov Emden, in his *Migdal Oz*



(*Birchas Givon 2, Seder Ha-Limmud* No. 2), praises those who study *mikra* in its entirety, referring to it as the key to the outer chamber that one must have before entering any of the inner chambers, that is, before delving into other areas of learning.

The *Bach*, commenting on the *Tur* (*Yoreh Deah 245:5, d"h Hayah Minhag*), criticizes those who don't take the study of *Nevi'im* and *Kesuvim* seriously enough, and while there are justifications for the practice, as presented by the *Shach* there (No. 5),<sup>30</sup> many agree with that criticism. The *Yosef Ometz* (p. 270), for example, writes disparagingly that there are even *Rabbanim* who have never studied *mikra* properly and the *Pri Megadim* (in the first *Iggeres* which introduces his commentary to the *Shulchan Aruch, d"h U'mah She-Amarta*) likewise stands strongly against those who learn only *Gemara* and are almost embarrassed to study *Nevi'im* and *Kesuvim* to the point that they have only very limited knowledge in those areas, and he praises those who do make those disciplines part of their studies. Rav Shlomo Kluger (*Shu"t Ha-Elef Lecha Shlomo, Yoreh Deah* No. 259) likewise affirms that it is certainly proper to study *Tanach* with the appropriate commentaries, in order to learn the proper *hashkafic* outlooks on life. Finally, Rav Moshe Feinstein (*Shu"t Igros Moshe, Orach Chaim* Volume 1 No. 157) rules that one who has completed a significant unit of study in *Tanach* may certainly rejoice by making a *siyum* and celebrate with what qualifies as a *se'udas mitzvah*, and can thus count as such on *erev Pesach* and during the *Nine Days*. What emerges from the above, then, is that in some ways *Torah, Nevi'im*, and *Kesuvim* are considered on an equal plane, despite

their inherent differences. Certainly, they are all important parts of our treasured heritage.

## Endnotes

1. A similar description of the *Torah* is found in the *Midrash Tanchuma* to *Parashas Yisro*, No. 10. That the word "Torah" can encompass the entire *Tanach*, as opposed to just the five books of the *Chumash*, seems clear from its use in the *Mechilta* to *Beshalach, Parashas Ha-Shirah 1, d"h Es Ha-Shirah Ha-Zos*. (Sometimes it can include the Oral *Torah* as well; see *Sifrei to Devarim* No. 351, *d"h Ve-Sorasecha Le-Yisrael*.) See also *Shulchan Aruch Yoreh Deah 246:4*, where it is evident in any case that the Written *Torah* includes the entire *Tanach*.

2. See also the comment of Rashi to *Bava Metzia 33a, d"h Mikra*, and the *Gemara* in *Moed Kattan* (21a) regarding the prohibition upon a mourner to read from *Torah, Nevi'im*, or *Kesuvim*, as well as the *Sifrei to Devarim* (No. 307) where the word *mikra* is specifically applied to a *passuk* from *Nevi'im*. It should be noted, though, that in the *Gemara* in *Kiddushin 30a*, the word *mikra* refers, according to *Rava*, exclusively to *Torah*; see, however, *Shulchan Aruch Yoreh Deah 245:6*, with the comments there of the *Taz* (No. 2), the *Shach* (No. 5), and the *Biur Ha-Gra* (No. 14), and *Shulchan Aruch Ha-Rav, Hilchos Talmud Torah* Chapter 1, *Kuntres Acharon*, end of No. 1, citing the *Shelah*. See also the analysis of the *Maharatz Chayes* in his *Ma'amar Torah She-b'al Peh*, Chapter 4, first footnote.

3. The well-known and widely assumed assertion that there are five books of the *Torah* is found in the *Gemara* in *Megillah 15a*, in *Nedarim 22a*, and in *Sanhedrin 44a*, and in numerous *Midrashim*, among many other places.

4. See, for example, *Bemidbar Rabbah 14:4* and *18, Shir Ha-Shirim Rabbah 4:11*, and *Koheles Rabbah 12:11*. See also Rashi to *Shemos 31:18, d"h Ke-Chaloso*, based on *Shemos Rabbah 41:5*. It is noteworthy that in commenting on the *Midrash in Bemidbar Rabbah 18:21, Maharzav (d"h Sar Chamishim)* and *Yefeh Toar (d"h Chamishah Sefarim)* propose an alternate reckoning to arrive at the number twenty-four, counting the *Torah* as just one book on the list. This

does not, however, appear to be the broadly accepted view; see *Matnos Kehunah* there (*d"h Kof-Daled Sefarim*) and *Rambam, Hilchos Sefer Torah 7:15*.

5. The *Midrash in Vayikra Rabbah (16:4)* reports that *Ben Azzai* strove to find parallel themes within the verses of these three parts of *Scripture* showing how they can relate to and explain each other.

6. See, for example, the *Gemara* in *Megillah 31a*, in *Sanhedrin 90b*, and in *Makkos 10b*.

7. See Rashi there, *d"h Dikduk Zeh*.

8. It must be noted that the *Book of Devarim* differs from the other four books of *Torah* in terms of the role of *Moshe Rabbeinu* in presenting it, as implied by the *Gemara* in *Megillah 31b* regarding the *Tochachah* in *Devarim*. This matter is discussed by *Abarbanel* in his introduction to *Sefer Devarim*, by *Ohr Ha-Chaim* to *Devarim 1:1, d"h Eileh*, and by many other commentators; see also the marginal notes of *Rabbeinu Betzalel of Ronsburg to Yevamos 4a*, note *Aleph*, citing the *Ra'avan*. *Maran Ha-Rav Yosef Dov Soloveitchik* developed this point in a *shiur* partly summarized in the journal *Beis Yitzchak* No. 24, 5752, pp. 61–63; see also *Ha-Rav Hershel Schachter's Nefesh Ha-Rav*, pp. 54–56, with footnote 30. In addition, the *Gemara* in *Bava Basra 15a* records a dispute regarding the authorship of the last eight *pesukim* of *Torah*, which describe *Moshe's* death; an analysis of these issues is beyond the scope of the present essay.

9. The *Gemara* in *Temurah (16a)* indicates that this understanding of the *passuk* and the ruling it generates goes back to the days of the prophets themselves.

10. See also the *Yerushalmi* in *Megillah 1:5*.

11. Rashi there (*d"h U-Bekabbalah*), citing an anonymous *Tosafos*, suggests that the word *kabbalah* is used by *Chazal* only in conjunction with a passage in which the *navi* commands, informs, or exhorts the people, and not in conjunction with a passage that merely relates information. See, however, *Shu"t Chavos Yair* No. 9, where he asserts that this suggestion is incorrect and was inserted by a student who was in error; see also *Maharatz Chayes* on this Rashi in *Ta'anis 15a*.

12. See *Shittah Mekubetzes* to *Bava Kamma 2b (d"h Mi-Divrei Kabbalah)* for additional explanations in the name of *Rabbeinu Peretz* and others.

13. The Ran in *Ta'anis* (6b-7a in Rif, *d"h U'le'inyan Halachah*) quotes a view that Purim should not be treated as *divrei kabbalah* since it was not actually ordained by a navi, but he challenges that view. See *Orchos Chaim* (*Hilchos Megillah U'Purim* No. 39) who affirms that Purim is considered *divrei Kabbalah*; this is the view accepted in *Shulchan Aruch Orach Chaim* 696:7 (although in 570:3, the other view is cited as normative). See also *Beis Yosef* to *Orach Chaim* 686 and *Taz* there, 687:2.

14. See the Rishonim and the *Shulchan Aruch* cited in the previous footnote; see also *Pischei Teshuvah* to *Yoreh Deah* 341:11.

15. See, for example, his presentation there regarding Megillah reading and regarding *netilas yadayim* and *eiruvim*, which the Gemara in *Eiruvim* 21a says were instituted by *Shlomo Ha-Melech*. See also *Hilchos Shabbos* 30:1 regarding *kavod* and *oneg* on Shabbos, which are specified by *Yeshayah Ha-Navi* (58:13) — the assumption here is that when the Rambam uses the term “*mi-divrei Soferim*” he is referring to a Rabbinic law, though this is itself a subject which requires further analysis — and *Hilchos Avel* 1:1, where he notes that even practices instituted by *Moshe Rabbeinu* himself but not included in the Torah, such as the seven days of mourning and the seven days of celebration for a bride and groom, do not have the status of Torah law.

16. The Ramban there cites many proofs; in defending the Rambam, the *Megillas Esther* and *Marganisa Tava* there propose that the Rambam may not really disagree. See also the comments of the Raavad to *Hilchos Chanukah* 3:6, who posits that the mitzvah to recite Hallel is categorized as *divrei kabbalah*; the *Maggid Mishneh* there asserts that the Rambam maintains that it is a Rabbinic requirement. Rashi to *Ta'anis* 28b (*d"h Minhag Avoseihem*) appears to agree with the Raavad.

17. See there for many other examples.

18. Again, he offers numerous additional examples.

19. There are others who disagree as well; see

*She'iltos* to *Parashas Vayechi*, No. 35, with the Netziv's commentary *Ha'amek She'eilah* there, No. 2. See also Rambam, *Hilchos Nezirus* 4:9 with commentaries and *Turei Evven* to *Megillah* 5b *d"h Chizkiyah*.

20. See the Mishnah in *Menachos* 99b; the Gemara earlier there, on 99a, cites Biblical sources for this rule.

21. The *Shulchan Aruch* there does not seem to rule specifically regarding the coverings. It should be noted that the Yerushalmi there subsequently quotes an opinion that one may not write Torah on the same scroll with *Nevi'im* (or *Kesuvim*) but one may write *Nevi'im* and *Kesuvim* on the same scroll. This opinion, however, is not accepted, and one may in fact write Torah, *Nevi'im*, and *Kesuvim* on the same scroll. See also the Gemara in *Bava Basra* (13b) and *Tosafos* there *d"h Rabbi Yehudah*.

22. By way of example, *Megillas Rus* takes place, as its first *passuk* indicates, at the time of the judges, whose stories are found in the book of *Shoftim*, the second book in *Nevi'im*; *Megillas Esther*, on the other hand, takes place well after most — though not all — of the stories and prophecies found in *Nevi'im*.

23. See *Shu"t Radvaz* (2:816) who suggests that this may also explain why some prophecies are clearer and more direct while others, even from the same prophet, are laced with imagery, parables, and symbolism.

24. It is interesting to note, though, that in his introduction to *Divrei Ha-Yamim*, the Radak writes that that book was included in *Kesuvim* because it is primarily narrative information, without much prophecy, implying that that is a distinction between *Nevi'im* and *Kesuvim*. The problem with this interpretation is that the books of *Yehoshua*, *Shoftim*, *Shmuel*, and *Melachim* are also primarily narrative in nature.

25. It should be noted that the *Sifrei* at the very beginning of *Devarim* (No. 1, *d"h Eileh Ha-Devarim*) speaks of *Shlomo Ha-Melech's* wisdom in *Koheles* and other works as prophecies, implying that he was indeed a prophet. Presumably, however, the term there

is used imprecisely (to be consistent with other figures mentioned in that passage), as the Midrash in *Shir Ha-Shirim Rabbah* (1:6) states explicitly that *Shlomo* wrote *Mishlei*, *Koheles*, and *Shir Ha-Shirim* after having been visited with *Ruach Ha-Kodesh*, and says nothing about prophecy. See, however, *Yalkut Shimoni* to *Mishlei* 15 (2:953). For a discussion about whether or not *Koheles* was indeed written with *Ruach Ha-Kodesh*, see Rav *Yosef Engel's Gilyonei Ha-Shas* to *Megillah* 7a, *d"h U'machlokes* and the sources cited there.

26. He uses this fact to explain why the *pesukim* in the *Shemoneh Esrei* from *Nevi'im* are introduced by identifying their authors as servants of *Hashem*, while no parallel introduction to the authors of the *pesukim* from *Kesuvim* is found; the *pesukim* appear with just a general introductory statement that they are found in Scripture.

27. The Meiri, in the second source cited above, writes something very similar. Rashi on that Gemara (*d"h De-Inhu*) seems to agree that *Daniel* was a prophet, but that he was never sent to the people to deliver his prophetic message, but later, on 14a (*d"h Nevuah*), he writes that *Daniel* was not a prophet.

28. Rav *Yonasan Eibenschutz*, in his *Ahavos Yehonasan* on the *Haftaros* (*Haftaros Devarim*, *d"h Chazon*), writes that in the case of a prophet who delivers a verbal prophecy, once he has spoken, that prophecy must come to fruition as declared, whereas such is not the case with a prophet who is not required to verbalize his message. For this reason, he notes, the exact moment of the end of days was not shared with the regular prophets (so that the possibility of it arriving earlier would remain intact) but rather with *Daniel*, who was not sent out to verbalize his message.

29. The very word *nevi'im* may be rooted in the language of a *passuk* in *Yeshayah* (57:19), which uses a similar word to suggest an oral expression (while the word *kesuvim* suggests that which is written). See Rashi to *Shemos* 7:1 *d"h Yiheyeh Nevi'echa* and *Rashbam* to *Bereishis* 20:7 *d"h Ki Navi Hu*.

30. See the sources cited above in note 2.



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