

## Lo Bashamayim Hi Parashat Nitzavim

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This past summer at Camp Ramah, I was leading a discussion at the rock-climbing tower with a group of eight-year-old campers. We were sitting around our twenty-five foot tower talking about Migdal Bavel – the Tower of Babel from the Book of Genesis. When I asked the question, “Why do you think God was angry that these people tried to build a tower all the way up to the sky?” one of the youngsters responded, “Because the Torah is not in heaven!” I imagine this eight-year-old intended to say that “God is not in heaven,” but I really want to believe that she was actually quoting the phrase from the first of this week’s parshiot, Parshat Nitzavim. This phrase, *Lo Bashamayim Hi* – it is not in the heavens, deserves to be expounded.

The Torah, in its infinite wisdom, has God explaining to us that *this Instruction* (with a capital I and meaning the Torah), *which I enjoin upon you this day is not too baffling for you, nor is it beyond reach. It is not in the heavens, that you should say, “Who among us can go up to the heavens and get it for us and impart it to us, that we may observe it?” Neither is it beyond the sea, that you should say, “Who among us can cross to the other side of the sea and get it for us and impart it to us, that we may observe it?” No, the thing is very close to you, in your mouth and in your heart, to observe it.*

This is one of my most favorite sections from the entire Biblical narrative. It is essentially a statement purporting humanity’s accessibility to God’s gift of the Torah. But how are we to understand *Lo Bashamayim Hi* – *it is not in the heavens*? I believe that through a midrash on this verse, we uncover three main paths toward deeper insight into this phrase.

In the Talmud, Tractate Baba Metzia, R. Eliezer declared that a certain oven made out of separate coils of clay is not susceptible to ritual defilement, while the sages declared that it was.

To prove his case, R. Eliezer brought forward every imaginable argument, but the Sages did not accept any of them. Finally, he said to them “If the Halakhah (religious law) is in accordance with me, let this carob tree prove it!” Sure enough, the carob tree immediately uprooted itself and moved from its place. “No proof can be brought from a carob tree,” the sages retorted.

R. Eliezer then said to them “If the Halakhah agrees with me, let the channel of water prove it!” Sure enough, the channel of water flowed backward. “No proof can be brought from a channel of water,” they rejoined.

Again he urged, “If the Halakhah agrees with me, let the walls of the house of study prove it!” Sure enough, the walls tilted as if to fall. But R. Joshua rebuked the walls, saying, “When disciples of the wise are engaged in a halakhic dispute, what right have you to interfere?” Hence, in deference to R. Joshua they did not fall and in deference to R. Eliezer they did not resume their upright position; they are still standing aslant to this day.

Again, R. Eliezer then said to the Sages, “If the Halakhah agrees with me, let it be proved from heaven.” Sure enough, a divine voice (a *Bat Kol*) cried out, “Why do you dispute with R. Eliezer, with whom the Halakhah always agrees?” R. Joshua stood up and protested: *Lo Bashamayim Hi* “The Torah is not in heaven!” (Deut. 30:12). We pay no attention to a divine voice because long ago at Mount Sinai You, God, wrote in your Torah, ‘After the majority must one incline.’ (Ex. 23:2)”

The story in the Talmud goes on. R. Nathan met [the prophet] Elijah and asked him, “What did the Holy One do at that moment?” Elijah said: “God laughed [with joy], saying, ‘My children have defeated Me, My children have defeated Me.’”

The Torah, indeed, is not to be found in the heavens. It is a holy, living Law for humans, and humans cannot ascend heaven to understand Torateinu – our Torah. From this midrash showing God's approval of Rabbi Joshua's declaration that Rabbi Eliezer's use of the ruling from heaven was inadequate to rule on a matter of Halakhah, we can understand our verse's meaning in three main ways.

First, to understand the truths inherent in our Torah, we need to dedicate ourselves to the pursuit of Talmud Torah – learning Torah. We, in the Jewish education world, find ourselves engaging in this rewarding task on a daily basis. La'asok b'divrei Torah – we busy ourselves with the words of Torah. Lilmod U'lelamed – we learn Torah and we teach Torah. Lishmor V'la'asot – we heed the commands in the Torah and we hold fast to its paths. In yeshivot, synagogues, day schools, and Jewish summer camps throughout the world, lively discussions ensue, where one only has to listen for a short while to understand the verse *lo bashamayim hi* – the Torah is alive and well down here with us.

Second, the Sages of old, and the rabbis of today, derive their authority to interpret and apply Scripture to changing circumstances based on this verse. In my Codes class with Rabbi Joel Roth, we study one of the greatest developments in Judaism – responsa literature. From the time of the Geonim, when Jews had questions of Jewish law, they would ask the most learned Jew in the community, and if that person did not know the answer, he would write the question to one of the Geonim, who would write a response. To this day in our movement with the Committee on Jewish Law and Standards, the process of *she'elot u'teshuvot* (questions and responsa) establishes Halakhah – a framework for contemporary Jewish living. This past Wednesday, the rabbis who make up the CJLS were at the Seminary discussing various matters of Jewish law, voting on teshuvot. The leaders of our Conservative Movement, names like Rabbi Gordon Tucker, Rabbi Mayer Rabinowitz, and Rabbi Elliot Dorff wrestled with the complicated religious questions of the day, engaging in the *shakla v'tarya* (the give and take) of the Talmud, and in so doing, demonstrated *lo bashamayim hi* – the Torah is alive and well down here with us.

Third, our laity expresses our verse in action, as they increasingly engage in Torah Lishmah – learning Torah for its own sake. When a Jew commits herself or himself to the pursuit of Torah learning, it is the greatest testament that our Torah is accessible to everyone – it is not in the heavens and it is not beyond the sea. It is here, at home with us. It is a part of who we are. It is in our hearts and in our heads. It is alive because we make it so. The Torah is not only for rabbis. You don't have to be an Einstein to get it. You don't have to be a *yeshivah bucher* to sit and study Torah text. If the Torah is a gift, then perhaps the greater gift is its accessibility.

The new year is upon us. Let us make it a resolution for 5764 to deepen our engagement in Talmud Torah. I am extremely excited to be teaching three classes over the next few months. These classes will make you more passionate about your Judaism, about your faith, about your life – I guarantee it.

I will be teaching a class on the Jewish Life Cycle entitled "From the Womb to the Tomb." We will look deeper into the important milestones that make up our lives. We will look at both the simchas and the sorrow, and we'll study the customs, laws, and rituals that help us shape these events.

You heard me mention the Committee on Jewish Law and Standards, the Conservative rabbis who serve as modern interpreters of Halakhah (Jewish law). In my other class, we will look at several responsa that attempt to interpret Jewish legal matters for us today. If you've ever wondered if a minyan can be convened over the Internet, what Jewish law says about body piercings and tattoos, can one really drive to shul on Shabbat, or if a blind person can have an aliyah, then this class is for you.

Let us rejoice in our ability to engage in Torah study, whether it is in rabbinic scholarship, legal decision-making, or learning for the sake of learning. For only when we take ownership of our Torah, do we truly make it a living document. One that cannot be found in the heavens.

Shabbat Shalom.