

לא בשמים הוא - For It is Not in Heaven!

Then Where is It?: A Torah Study for Yom Kippur Morning

Source Sheet by David Reinhart
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Deuteronomy 30:11-20

(11) Surely, this Instruction which I enjoin upon you this day is not too baffling for you, nor is it beyond reach. (12) **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?” (13) 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?” (14) No, the thing is very close to you, in your mouth and in your heart, to observe it. (15) See, I set before you this day life and prosperity, death and adversity. (16) For I command you this day, to love the YHVH your God, to walk in [God's] ways, and to keep [God's] commandments, [God's] laws, and [God's] rules, that you may thrive and increase, and that the YHVH your God may bless you in the land that you are about to enter and possess. (17) But if your heart turns away and you give no heed, and are lured into the worship and service of other gods, (18) I declare to you this day that you shall certainly perish; you shall not long endure on the soil that you are crossing the Jordan to enter and possess. (19) I call heaven and earth to witness against you this day: I have put before you life and death, blessing and curse. Choose life—if you and your offspring would live— (20) by loving the YHVH your God, heeding [God's] commands, and holding fast to [God]. For thereby you shall have life and shall long endure upon the soil that the YHVH swore to your ancestors, Abraham, Isaac, and Jacob, to give to them.

דברים ל': י"א-כ'

(יא) כי המצוה הזאת אשר אנכי מצוה היום לא־נפלאה הוא ממך ולא רחקה הוא: (יב) לא בשמים הוא לאמר מי יעלה־לנו השמימה ויקחה לנו וישמענו אתה ונעשנה: (יג) ולא־מעבר לים הוא לאמר מי יעבר־לנו אל־עבר הים ויקחה לנו וישמענו אתה ונעשנה: (יד) כִּי־קרוב אליך הדבר מאד בפיה ובלבבך לעשותו: (טו) ראה נתתי לפניך היום את־החיים ואת־הטוב ואת־המוות ואת־הרע: (טז) אשר אנכי מצוה היום לאהבה את־יהוה אלהיך ללכת בדרכיו ולשמר מצוותיו וחקותיו ומשפטי וחיית ורבות וברכה יהוה אלהיך בארץ אשר־אתה בא־שמה לרשתה: (יז) ואם־יפנה לבבך ולא תשמע ונדחת והשתחית לאלהים אחרים ועבדתם: (יח) הגדתי לכם היום כי אבד תאבדון לא־תאריכו ימים על־האדמה אשר אתה עבר את־הירדן לבא שמה לרשתה: (יט) העידתי בכם היום את־השמים ואת־הארץ הסגים והמנות נתתי לפניך הברכה והקללה וברכת בם למען תחנה אתה וזרעך: (כ) לאהבה את־יהוה אלהיך לשמע בקלו ולדבקה בו כי הוא סידך וארך ימיה לשבת על־האדמה אשר נשבע יהוה לאבותיך לאברהם ליצחק וליעקב לתת להם: (פ)

Ibn Ezra on Deuteronomy 30:12

(1) **it is not in heaven** an elaboration on “wondrous” [: 11].

Sforno on Deuteronomy 30:12:1

(1) **לא בשמים היא**, in order to repent you do not need to turn to a prophet who represents heaven,

Eruvin 55a

And this idea, that one must exert great effort to retain one’s Torah knowledge, **is** in accordance with what Avdimi bar Ḥama bar Dosa said: **What is the meaning of that which is written: “It is not in heaven...nor is it beyond the sea” (Deuteronomy 30:12–13)? “It is not in heaven”** indicates **that if it were in heaven, you would have to ascend after it, and if it were beyond the sea, you would have to cross after it**, as one must expend whatever effort is necessary in order to study Torah.

Expounding the verse differently, **Rava said: “It is not in heaven”** means that Torah **is not to be found in someone who raises his mind over it, like the heavens**, i.e., he thinks his mind is above the Torah and he does not need a teacher; **nor is it to be found in someone who expands his mind over it, like the sea**, i.e., he thinks he knows everything there is to know about the topic he has learned.

Rabbi Yoḥanan said: “It is not in heaven” means that Torah **is not to be found in the haughty**, those who raise their self-image as though they were in heaven. **“Nor is it beyond the sea”** means that **it is not to be found among merchants or traders** who are constantly traveling and do not have the time to study Torah properly.

Bava Metzia 59a-b

We learned in a mishna **there (Kelim 5:10): If one cut an earthenware oven widthwise into segments, and placed sand between each and every segment, Rabbi Eliezer deems it ritually pure. And the Rabbis deem it ritually impure.**

And this is known as **the oven of akhnai**. The Gemara asks: **What** is the relevance of *akhnai*, a snake, in this context? **Rav Yehuda said that Shmuel said:** It is characterized in that manner due to the fact **that** the Rabbis **surrounded it with their statements like this snake**, which often forms a coil when at rest, **and deemed it impure**. The Sages **taught: On that day, Rabbi Eliezer answered all possible answers in the world** to support his opinion, **but the Rabbis did not accept his explanations from him.**

After failing to convince the Rabbis logically, Rabbi Eliezer **said to them: If the halakha is in accordance with my opinion, this carob tree will prove it. The carob tree was uprooted from**

its place one hundred cubits, and some say four hundred cubits. The Rabbis said to him: One does not cite halakhic proof from the carob tree. Rabbi Eliezer then said to them: If the *halakha* is in accordance with my opinion, the stream will prove it. The water in the stream turned backward and began flowing in the opposite direction. They said to him: One does not cite halakhic proof from a stream.

Rabbi Eliezer then said to them: If the *halakha* is in accordance with my opinion, the walls of the study hall will prove it. The walls of the study hall leaned inward and began to fall. Rabbi Yehoshua scolded the walls and said to them: If Torah scholars are contending with each other in matters of *halakha*, what is the nature of your involvement in this dispute? The Gemara relates: The walls did not fall because of the deference due Rabbi Yehoshua, but they did not straighten because of the deference due Rabbi Eliezer, and they still remain leaning.

Rabbi Eliezer then said to them: If the *halakha* is in accordance with my opinion, Heaven will prove it. A Divine Voice emerged from Heaven and said: Why are you differing with Rabbi Eliezer, as the *halakha* is in accordance with his opinion in every place? (I.e. he's always right.)

Rabbi Yehoshua stood on his feet and said: “It is not in heaven” (Deuteronomy 30:12). The Gemara asks: What is the relevance of the phrase “It is not in heaven” in this context? Rabbi Yirmeya says: Since the Torah was already given at Mount Sinai, we do not regard a Divine Voice, as You already wrote at Mount Sinai, in the Torah: “After a majority to incline” (Exodus 23:2). Since the majority of Rabbis disagreed with Rabbi Eliezer’s opinion, the *halakha* is ruled in accordance with their, the Rabbis, opinion. The Gemara relates: Years after, Rabbi Natan encountered Elijah the prophet and said to him: What did the Holy One, Blessed be [God], do at that time, when Rabbi Yehoshua issued his declaration? Elijah said to him: God, smiled/laughed and said: My children have triumphed over Me; My children have triumphed over Me.