

NITZAVIM: NOT IN HEAVEN.

- Britain's Chief Rabbi, Dr. Sir Jonathan Sacks, discusses the Jewish view of learning and knowledge that must be accessible to all. The following quotations are from his sectional headings. "Knowledge must be accessible if it is to be the common property of the people – if it is to become the basis of a society in which everyone has equal dignity as a citizen of the community of faith under the sovereignty of G-d." "Democracy in Judaism is less a matter of one man (or one woman), one vote, more a matter of education and culture. Everyone must be articulate in the literature of citizenship (i.e. the Torah). Everyone must understand the way of life they are called on to lead." "If biblical history was full of wonders, post-biblical history is itself an extended wonder, that a people so afflicted and dispersed could survive, their identity intact." "We all have a share in the Torah. We are all part of its meaning, voices in the endless conversation between heaven and earth."

Nitzavim: Not In Heaven
Covenant and Conversation.
12th September 2004

IN NITZAVIM MOSES' ELOQUENCE REACHES ITS MOST SUBLIME HEIGHTS. Even before the Israelites have entered their land he already foresees that the day will come when once again they will suffer exile. There they will reflect on the strange vicissitudes of history and will realise that their national purpose is not land or power, sovereignty or independence, but faithfulness to their covenant with G-d. Returning to Him, He will return to them and bring them back to their land. Moses brings his peroration to an end with four magnificent verses: Now what I am commanding you today is not too difficult for you or beyond your reach. It is not up in heaven, so that you have to ask, "Who will ascend into heaven to get it and proclaim it to us so we may obey it?" Nor is it beyond the sea, so that you have to ask, "Who will cross the sea to get it and proclaim it to us so we may obey it?" No, the word is very near you; it is in your mouth and in your heart so you may obey it.

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At the simplest level Moses is telling the Israelites: your religion is unlike the religion of others. It is not esoteric, difficult, beyond the comprehension of ordinary minds. It is not a religion of mysteries which need oracles, depts or religious virtuosi to decode. "The Torah speaks in the language of human beings," 2 said the sages. This is fundamental. Almost every culture has placed at a premium forms of knowledge available only to an elite. Egypt had its "decipherers of hieroglyphics." Ancient Greece had the Delphic oracle. Until the Reformation, literacy tended to be confined to priests. Latin was the language of scholars, beyond the reach of the masses. Modern French and German philosophy was mostly written in such a way as to be virtually unintelligible to non-specialists. Post-modernists use an even more opaque way of speaking. This is not the Jewish way (which is why neither Jewish philosophy nor Jewish mysticism – both of which sometimes use difficult, opaque language – ever became mainstream, although they are certainly part of our tradition).

In Judaism, if something can be said, it can be said simply. G-d says about Moses: "With him I speak face to face, clearly and not in riddles." 3 The prophets spoke the language of the people. When Ezra read the Torah to the exiles who had returned from Babylon, he made sure that there

were instructors available to clarify anything the people did not understand: The Levites . . . instructed the people in the Law while the people were standing there. They read from the Book of the Law of G-d, making it clear and giving the meaning so that the people could understand what was being read. 4

Knowledge must be accessible if it is to be the common property of the people – if it is to become the basis of a society in which everyone has equal dignity as a citizen of the community of faith under the sovereignty of G-d.

This can never be taken for granted. Knowledge is power; power confers privilege; therefore those who have knowledge will try to hide it from the masses. They will speak in such a way that they can only be understood by fellow initiates, professional colleagues or other members of the elite. That instinct is still alive: “You are not a scientist / doctor / lawyer / philosopher. How can you possibly understand? Leave the decisions to us. We, unlike you, know what we are talking about.” Such a view, according to Judaism, must always be challenged. Knowledge – even Divine knowledge – is “not in heaven” nor is it “across the sea.” In these wonderful words we hear the democratic sensibility in its true depth. Democracy in Judaism is less a matter of one man (or one woman), one vote, more a matter of education and culture. Everyone must be articulate in the literature of citizenship (i.e. the Torah). Everyone must understand the way of life they are called on to lead.

But the phrase “not in heaven” took on an extraordinary life of its own in the rabbinic era. It gave rise to a justly famous passage in the Talmud, one of the most radical and paradoxical in religious literature: We learned: If a stove is taken apart and sand strewed between the sections, Rabbi Eliezer declares it is clean, the sages that it is unclean. It has been taught: On that day Rabbi Eliezer brought all the proof in the world, but they did not accept it from him. Then he said to them: “If the law agrees with me, this locust tree shall prove it.” The locust tree was flung a hundred ells out of the soil where it was rooted; others say four hundred ells. They said to him: “One cannot bring a proof from a locust tree.” Then he spoke to them again: “If the law agrees with me, this stream of water shall prove it.” The stream began to flow uphill. They said to him: “One cannot bring a proof from a stream.” Then he spoke to them again: “If the law agrees with me, the walls of the house of study shall prove it.” The walls of the house of study leaned over, as though they were about to fall. Then Rabbi Joshua cried out to them, saying: “Is it any concern of yours if scholars argue with one another about the law?” So they did not fall, out of respect for Rabbi Joshua’s honour, and they did not straighten up out of respect for Rabbi Eliezer’s honour. To this day they remain leaning. Then he spoke to them again: “If the law agrees with me, heaven itself shall prove it.” A voice came down from heaven, saying: “Why do you dispute with Rabbi Eliezer, seeing that the law agrees with him in every case?” Then Rabbi Joshua arose and said: “It is not in heaven.”

What did he mean by “not in heaven”? Rabbi Jeremiah says: the Torah was given on Mount Sinai. Thereafter, the voice from heaven does not concern us. For it was written in the Torah on Mount Sinai: “After the majority one must incline.” 5

The subject under dispute is ritual purity. An earthenware vessel that becomes unclean can only be purified by being broken. What then is the law in the case of a vessel – in this case an

earthenware stove – that is composed of several parts? Does dismantling it constitute “breaking”? Rabbi Eliezer says No. The sages say Yes. Thus far this is a standard disagreement of a type recorded in thousands of places in the Mishnah.

The passage suddenly shifts, however, into a metaphysical drama about the nature of halakhic disagreement and determination. Rabbi Eliezer (ben Hyrcanus) proceeds to perform a number of miracles. He acts, in other words, like a prophet who produces signs and wonders to establish his credentials. Irrelevant, say the sages. What matters is whether you are right or wrong. Stick to the argument. Stop producing signs. Rabbi Eliezer then invokes heaven itself. A bat kol (literally, “the daughter of a voice,” a heavenly echo) declares that the law is usually in accord with the view of Rabbi Eliezer. This too, says Rabbi Joshua, is irrelevant, and he cites as proof the phrase from this week’s sedra: “It is not in heaven.” At this point the Talmud interpolates an explanation given by Rabbi Jeremiah. “The Torah has already been given. We therefore must use the rule: ‘After the majority one must incline’” – meaning: the majority of sages disagree with Rabbi Eliezer. The law is therefore not in accord with his view, even though he seems to be supported by heaven itself.

What is going on here? Several things. The first is a rejection of supernatural authority when it comes to determining the law. We cannot be sure of the historical context in which this passage is set. It may be an early anti-Christian polemic. It may be more generally directed against the visionaries and apocalyptics of whom there were many in the years surrounding the destruction of the Second Temple. From time to time within Jewry charismatic leaders arose who claimed to have the authority (sometimes authenticated by performing miracles, as Rabbi Eliezer did) to overturn the law. That is not, said the sages, how Judaism works. Even the classic prophets did not claim the authority to make changes in Judaism. They recalled the people to their mission. They reminded them of their duties. They spoke out against corruption and injustice within society. They were social critics, not innovators.

The Torah itself contains a warning against prophetic innovation: If a prophet, or one who foretells by dreams, appears among you and announces to you a miraculous sign or wonder, and if the sign or wonder of which he has spoken takes place, and he says, "Let us follow other gods" (gods you have not known) "and let us worship them," you must not listen to the words of that prophet or dreamer. The LORD your G-d is testing you to find out whether you love him with all your heart and with all your soul. 6

The Torah here does not dispute the miracles wrought by visionaries. The case it speaks of is one where “the sign or wonder of which he has spoken takes place.” The prophet does work wonders, but that fact is irrelevant. In Judaism what is primary is the covenant between Israel and G-d. A prophet who seeks to change the covenant or lead the people in a different direction must not be heeded.

In this sense, Rabbi Eliezer’s contemporaries are following biblical precedent. The Torah is “not in heaven,” which is to say, its meaning must be determined rationally, in accordance with exegetical principles. Once the Torah has been given, no further supernatural revelation can change it. The prophets spoke the word of G-d for their time, but the Torah is the word of G-d

for all time. The prophets summoned the people to return to the Torah, not to turn to a new Torah. The second issue at stake, however, has to do with the self-understanding of the sages at a time of crisis. The dialogue between Rabbi Eliezer and the sages is set in one of the most traumatic moments in Jewish history. The Temple had been destroyed. There was no king, no high priest, no sacrificial order. Jews had lost every base of national existence except one – the Torah. “From the day the Temple was destroyed,” they said in one of their most poignant yet defiant remarks, “the Holy One blessed be He has only one thing left in the world – the four cubits of halakhah.”⁷ Jews had lost all the physical preconditions of nationhood.

All they had left was their spiritual bond with G-d – and it was enough. Astonishingly, it sustained Jews through the longest exile ever suffered by a people. If biblical history was full of wonders, post-biblical history is itself an extended wonder, that a people so afflicted and dispersed could survive, their identity intact.

One thing made the destruction of the second Temple even more painful than the first. This time there were no prophets – or rather, there were too many of them. The Dead Sea Scrolls tell us of a sect that imminently expected a messianic figure they called “the teacher of righteousness.” We know from Josephus that there were many quasi-messianic figures in the years leading up to the destruction. (Nor was this true only then. Moses Maimonides, in his Epistle to Yemen [1172], mentions four messianic figures close to his time, as well as a fifth who had appeared in Yemen in his day).

What we glimpse in the dialogue between Rabbi Eliezer and the sages is the extraordinary transition that took place in Judaism after the destruction. It is summed up in a single sentence from that era: “A sage is greater than a prophet.” The prophets spoke the word of G-d. The sages interpreted the word of G-d. We might think that the former was greater. But the sages saw things differently. The very process of interpretation meant, in effect, that G-d had vested authority in the sages. He trusted them. He empowered them. In so doing, He granted them the highest religious dignity. They had dignity because they were human; because they used the human mind and human intelligence to interpret and apply the word of G-d. The Torah is from heaven but not in heaven. It was given by G-d and handed over to the care of Israel, the community of those who study, debate and decipher His word.

This idea is a constant feature of the rabbinic literature. Thus for example: Rav Judah said in the name of Shmuel: Three thousand traditional laws were forgotten during the period of mourning for Moses. They [the Israelites] said to Joshua: “Ask.” He replied: “It is not in heaven.”⁸

The people told Joshua to ask G-d what the law was. He refused to do so. Once G-d has given us the Torah, he implied, it is our duty to interpret it without recourse to further revelation. Maimonides makes a similar point in the Introduction to his Commentary to the Mishnah: Know that prophecy does not help in depth-study of the meanings of the Torah or the derivation of laws by the “thirteen principles” of interpretation. What Joshua and Pinchas did [after the death of Moses] by way of study and determining the law is what Ravina and Rav Ashi [the compilers of the Babylonian Talmud] also did . . .

When it comes to the study, determination and investigation of the Torah, a prophet is no different from the sages who were not prophets. If a prophet gives one interpretation and a sage who is not a prophet gives a different interpretation, and if the prophet says, “G-d has told me that my interpretation is correct,” we do not listen to him. Indeed if a thousand prophets – each the stature of Elijah and Elisha – were to give one interpretation, and a thousand-and-one sages gave another interpretation, we follow the majority and rule in accordance with the thousand-and-one sages, and not like the thousand distinguished prophets. Here Divine respect for human intelligence reaches heights never surpassed. G-d empowers His children. He gives them His greatest gift: His will as encoded in His word. That is enough. The dialectic between revelation and interpretation, between “Torah from heaven” and “not in heaven” is the endless conversation between Israel and G-d.

The most beautiful modern reading of this idea comes from Emmanuel Levinas. Quoting the Psalm, “Once G-d has spoken, twice have I heard this” 9—understood by the sages to mean, “One biblical verse conveys many meanings” 10 – he continues: [T]his invitation to seek, to decipher, to the Midrash, already marks the reader’s participation in the Revelation . . . Its word comes from elsewhere, from outside, and at the same time lives within the person receiving it . . . The Revelation has a particular way of producing meaning, which lies in its calling upon the unique within me. It is as if a multiplicity of persons – and it is this multiplicity, surely, that gives the notion of ‘person’ its sense – were the condition for the plenitude of ‘absolute truth’, as if each person, by virtue of his own uniqueness, were able to guarantee the revelation of one unique aspect of the truth, so that some of its facets would never have been revealed if certain people had been absent from mankind.

With this we return to the plain sense of the passage with which we began. The Torah is “not in heaven,” meaning that it is intelligible to all, because each member of the covenantal community has something to contribute to the totality of its meaning. As Maharsha (Rabbi Samuel Eliezer Edels, 1555-1631) put it: There are 600,000 possible interpretations of the Torah, which is why the Torah was given to 600,000 Israelites, so that the revelation would include all possible interpretations. We all have a share in the Torah. We are all part of its meaning, voices in the endless conversation between heaven and earth. We are each – in the lovely phrase of the Baal Shem Tov – “letters in the scroll” written by G-d.

FOOTNOTES:

[1]Devarim Chapter 30 Verse 11

Now what I am commanding you today is not too difficult for you or beyond your reach. It is not up in heaven, so that you have to ask, "Who will ascend into heaven to get it and proclaim it to us so we may obey it?" Nor is it beyond the sea, so that you have to ask, "Who will cross the sea to get it and proclaim it to us so we may obey it?" No, the word is very near you; it is

in your mouth and in your heart so you may obey it.

[2]Babylonian Talmud Brachot 31b
The Torah speaks in the language of human beings

[3]Bemidbar Chapter 12 Verse 8
With him I speak face to face, clearly and not in riddles

[4]Nechemiah Chapter 8 Verse 7
Also Jeshua, and Bani, and Sherebiah, Jamin, Akkub, Shabbethai, Hodiah, Maaseiah, Kelita, Azariah, Jozabad, Hanan, Pelaiah and the Levites instructed the people in the Law while the people were standing there. They read from the Book of the Law of G-d, making it clear and giving the meaning so that the people could understand what was being read.

[5]Babylonian Talmud
Baba Metziah 59a
We learned: If a stove is taken apart and sand strewn between the sections, Rabbi Eliezer declares it is clean, the sages that it is unclean. It has been taught: On that day Rabbi Eliezer brought all the proof in the world, but they did not accept it from him. Then he said to them: "If the law agrees with me, this locust tree shall prove it." The locust tree was flung a hundred ells out of the soil where it was rooted; others say four hundred ells. They said to him: "One cannot bring a proof from a locust tree." Then he spoke to them again: "If the law agrees with me, this stream of water shall prove it." The stream began to flow uphill. They said to him: "One cannot bring a proof from a stream." Then he spoke to them again: "If the law agrees with me, the walls of the house of study shall prove it." The walls of

the house of study leaned over, as though they were about to fall. Then Rabbi Joshua cried out to them, saying: "Is it any concern of yours if scholars argue with one another about the law?" So they did not fall, out of respect for Rabbi Joshua's honour, and they did not straighten up out of respect for Rabbi Eliezer's honour. To this day they remain leaning. Then he spoke to them again: "If the law agrees with me, heaven itself shall prove it." A voice came down from heaven, saying: "Why do you dispute with Rabbi Eliezer, seeing that the law agrees with him in every case?" Then Rabbi Joshua arose and said: "It is not in heaven." What did he mean by "not in heaven"? Rabbi Jeremiah says: the Torah was given on Mount Sinai. Thereafter, the voice from heaven does not concern us. For it was written in the Torah on Mount Sinai: "After the majority one must incline."

[6]Devarim Chapter 13 verse 2
If a prophet, or one who foretells by dreams, appears among you and announces to you a miraculous sign or wonder, and if the sign or wonder of which he has spoken takes place, and he says, "Let us follow other gods" (gods you have not known) "and let us worship them," you must not listen to the words of that prophet or dreamer. The LORD your G-d is testing you to find out whether you love him with all your heart and with all your soul.

[7]Babylonian Talmud Brachot 8a
From the day the Temple was destroyed," they said in one of their most poignant yet defiant remarks, "the Holy One blessed be He has only one thing left in the world – the four cubits of halakhah

[8]Babylonian Talmud
Masechet Temurah 16a

Rav Judah said in the name of Shmuel: Three thousand traditional laws were forgotten during the period of mourning for Moses. They [the Israelites] said to Joshua: "Ask." He replied: "It is not in heaven."

[9]Tehillim Chapter 62 Verse 12
G-d hath spoken once, twice have I heard this: that strength belongeth unto G-d;

[10]Babylonian Talmud
Masechet Sanhedrin 34a
Abaye answered: For Scripture says, G-d has spoken once, twice have I heard this, that strength belongs G-d. One Biblical verse may convey several teachings, but a single teaching cannot be deduced from different Scriptural verses.

(Submitted by Nisson Shulman)