



Rabbi David Silverberg
Parashat Nitzavim

Parashat Nitzavim introduces the famous precept, “*Lo va-shamayim hi*” (30:12), which establishes that the Torah is not “in the heavens.” Maimonides cites this verse in the ninth chapter of *Hilkhot Yesodei Ha-Torah*, as he presents the tenet that no prophet can ever revoke even a single law of the Torah. He begins this chapter by asserting, “It is clear and explicit in the Torah that it is a law that remains for eternity; it is not subject to change, deletion or addition.” Maimonides proceeds to cite several verses to support this contention, including “*Lo va-shamayim hi*.” He writes, “And it says, ‘It is not in the heavens’ – we thus learn that a prophet has no permission to introduce something new.”

To explain the connection between this verse and the precept that “a prophet has no permission to introduce something new,” Rav Yosef Kapach cites a passage from the Midrash (*Devarim Rabba* 8:6) which, he claims, forms the basis of Maimonides’ comments: “In order that you not say, ‘Another Moshe will arise and bring us a different torah from the heavens,’ I am already informing you that it is not in the heavens – for nothing of it remains in the heavens.” Meaning, when Moshe declared that the Torah is not “in the heavens,” he meant that all the information and principles necessary to determine Torah law have already been brought down from the heavens. Once Moshe brought us the Torah, there was nothing “left” in the heavens awaiting revelation. As such, no alleged prophet can ever claim to have received a prophecy calling for the abrogation or modification of even a single Torah precept. From the outset we were told that nothing of Torah remains in the heavens. Prophets admonish the people with respect to the Torah that had already been given; they do not serve to modify or even elucidate the Torah.

Rabbi Yosef Karo, in his *Kessef Mishneh* commentary (*Yesodei Ha-Torah* 9:3), raises the question of how Maimonides’ stance may be reconciled with the Talmudic accounts of a *bat kol*, a Heavenly voice resolving halakhic disputes. If the Talmud speaks of a voice proclaiming that *Halakha* follows one school over another, and records that the Sages accepted the “ruling” of that *bat kol*, then apparently we indeed rely on “heavenly” sources of halakhic information. How could the Sages pay heed to the *bat kol*, if, as Maimonides so emphatically asserts, the Torah is no longer in the heavens?

Rav Kapach answers this question on the basis of Maimonides’ understanding of the term *bat kol*, which he briefly discusses in his *Guide for the Perplexed* (2:42):

From the rule laid down by us that prophecy requires preparation, and from our interpretation of the homonym “angel,” you will infer that Hagar, the Egyptian woman, was not a prophetess; also Manoah and his wife were no prophets; for the speech they heard, or imagined they heard, was like the *bat kol*, which is so frequently mentioned by our Sages, and is something that may be experienced by men not prepared for prophecy.

Maimonides here explicitly dissociates the phenomenon of *bat kol* from the experience of prophecy. People who did not make the necessary preparations for prophecy can nevertheless hear a *bat kol*, and thus by necessity, it cannot be classified as a form of prophecy. Indeed, as Rav Kapach notes, prophecy had ceased long before the times of the Talmudic Sages who are said to have heard a *bat kol*. Necessarily, then, the term *bat kol* must refer to something other than direct communication from God. Though Rav Kapach does not elaborate, it appears that a *bat kol*, in Maimonides' view, was some kind of insight, which, though certainly came as a gift of sorts from the heavens, cannot be considered a direct prophetic revelation.

The concept of "*Lo va-shamayim hi*" means that God wanted us to become active participants in the process of Torah scholarship. He wants us to exert efforts to properly understand as much as we can, rather than sitting passively awaiting His direct, explicit commands. While we certainly depend upon and must pray for His assistance in our pursuit of knowledge and comprehension, this ultimately depends on us, on the time, effort and hard work we are willing to expend. We must not wait for God to somehow come along and teach us the Torah – we must make a proactive effort to do so on our own.