

# Foreword: Dean's Message Lo Ba-Shamayim Hee — Three Lessons

It is with great excitement that we present the inaugural issue of *Keren*, Yeshivat Maharat's halakha journal. The articles you will read, I believe, encapsulate the principle of, “*Lo ba-shamayim hee*,” it is not in heaven.

In the Torah (Deut. 30:11–13), God says:

כי המצוה הזאת, אשר אנכי מצוה היום לא נפלאות הוא ממך, ולא רחקה הוא. לא בשמים הוא לאמר, “מי יעלה לנו השמימה ויקחה לנו, וישמענו אתה, ונעשנה?” ולא-מעבר לים הוא לאמר: “מי יעבר לנו אל עבר הים ויקחה לנו וישמענו אתה ונעשנה?” כי קרוב אליך הדבר מאד בפיך ובלבך לעשתו.	<i>This mitzvah that I command you to this day is not hidden from 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 perform it.</i>
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What does *lo ba-shamayim hee* mean?

Rashi offers one suggestion. Quoting the Talmudic passage in b. *Eruvin* 55a, he explains that *lo ba-shamayim hee* means that the Torah is not in heaven, but that if it were, we would have to scale the heavens to study it. For Rashi, *lo ba-shamayim hee* points to the fact that the Torah is ours; it is a gift from God that we should study, know intimately, and employ in our daily lives. It is a call to engage in *talmud Torah*, Torah study.

In this journal, you will find the writing of dedicated scholars, for whom the study of Torah knows no bounds. The articles reflect thoughtful scholarship

inspired by love and respect for the Torah's written law and *halakhic* process. In the spirit of *lo ba-shamayim hee*, we should strive every day of every year, to ascend higher and higher in our knowledge of Torah.

Rabbi Ovadia Seforno takes a different approach to understanding *lo ba-shamayim hee*. He suggests that the phrase implies that the Torah and its precepts are meant to be accessible to all. The *mitzvot* do not reside in heaven and are not across the sea, as they are designed to be within reach for us to follow. The Torah shouldn't be held at length, to be studied by an elite few "across the ocean;" rather, it should be studied by all.

Similarly, these articles are a way to highlight important and relevant topics in *halakha*, so that we may all have them within our reach. You will notice that the articles are authored by a cross section of men and women from our community. Now that there are Open Orthodox institutions for men and women, encouraging honest and open reflection, *Keren* hopes to be a vehicle for communal conversation on the salient topics that arise in our community.

A third interpretation of *lo ba-shamayim hee* is that the Torah is not in heaven because God has granted us all the creativity to interpret and apply the *mitzvot* ourselves. The famous story in b. *Baba Metzia* 59b depicts a heated debate about whether a certain type of clay oven, called an Akhnai Oven, could become *ṭameh*, impure. In the story, R. Eliezer brings forth arguments that the oven should be deemed pure, but his colleagues ultimately disagree with his ruling.

Seeing his colleagues unmoved by his reasoned arguments, R. Eliezer exclaims, 'If the *halakha* agrees with me, let this carob-tree prove it!' A carob-tree subsequently jumped from its place, but the other rabbis still did not give in. 'If the *halakha* agrees with me,' says Rabbi Eliezer, 'let the walls of the schoolhouse prove it.' The walls buckle, yet the rabbis remained steadfast. Again Rabbi Eliezer said to them, 'If the *halakha* agrees with me, let it be proven from heaven!' Whereupon a heavenly voice cried out, 'Why do ye dispute with Rabbi Eliezer, seeing that in all matters the *halakha* agrees with him!' In response, Rabbi Joshua rose and exclaimed, "*Lo be-shamayim hee!* The Torah is not in heaven."

For me, this story illustrates that God has relinquished to us the job of interpreting and applying God's Torah. Furthermore, God does so with joy, as the Talmudic passage concludes,

אשכחיה רבי נתן לאליהו. אמר  
ליה: "מאי עביד קודשא בריך  
הוא בההיא שעתא?" אמר ליה:  
"קא חייך ואמר, 'נצחוני בני  
נצחוני בני'."

R. Nathan encountered Elijah. He asked: "What did the Holy One, Blessed be He, do in that hour?" [Elijah] answered: "God laughed [with joy], and said 'My children have defeated me, my children have defeated me'."

By giving us the power of creativity, God gives us the freedom to apply the Torah to our lives. Our creativity fuels our interpretations, allowing us to enhance and elevate the Torah. For ourselves, *lo ba-shamayim hee* is the reminder that we must ensure that the Torah is alive and relevant each and every day.

This is *Keren's* most significant contribution. Our task is to make manifest God's wishes, applying them wisely to our time. This is what *Keren* aims to do. Each article analyzes a *halakhic* topic from a new perspective, and through serious scholarship, authors offer creative and innovative solutions to contemporary issues with regard to adoption, the status of converts, *kashrut*, Shabbat and family purity laws, as well as theoretical issues such as tolerance in *pesaq* and change in halakha. Additionally, as *Keren* is published by Yeshivat Maharat, we have given prominence to women's issues such as women's Torah study, women leading rituals in the synagogue and the question of women rabbis.

In short, the biblical phrase *lo ba-shamayim hee* contains three lessons.

1. We must strive to learn Torah, to make Talmud Torah a central part of our lives
2. We must make sure that the Torah is accessible to all, that its secrets are not hidden, and locked up and preserved for a select few.
3. The Torah is God's gift to us, to shape, internalize, and apply to our lives today.

Each of these lessons forms a part of the inspiration behind Yeshivat Maharat's new journal of *halakha*, *Keren*.

Finally, this exciting new journal would not be possible without the input of all the authors who agreed to contribute to the inaugural issue, and without the diligent effort of our editor, Rabbi Dr. Zev Farber. I thank them all for their contributions. I would also like to thank the editorial board for agreeing to assist in overseeing the project. In addition, a special thanks goes out to Rella Feldman, whose generosity has supported this beautiful book, in memory of her husband, Dr. Charles Feldman ז"ל, may his memory be a blessing. Finally,

to the students of Yeshivat Maharat: This journal will be your space. It is our hope you will fill these pages with your thoughts, reflections, and scholarship for years to come.

Rabba Sara Hurwitz  
*Dean*