Jewish Law and the Delicate Balance Between Meaning and Authority

View PDF

Rabbi David Silverstein is the Sgan (Assistant) Rosh Yeshiva at Yeshivat Orayta, located in the Old City of Jerusalem, and previously served as the Director of the Overseas Program at Yeshivat Hesder, Petach Tikva. Rabbi Silverstein lectures widely on the philosophy and meaning of Jewish law. Originally from New Jersey, Rabbi Silverstein lives with his wife and four children in Modiin, Israel. This article is the Introduction to his book, Jewish Law as a Journey: Finding Meaning in Daily Jewish Practice, published by Menorah, an imprint of Koren Publishers Ltd. This article appears in issue 33 of Conversations, the journal of the Institute for Jewish Ideas and Ideals.

Framing the Conversation

One of the most dramatic episodes in the Torah describes the Israelites in a state of panic when their leader, Moshe, doesn't return from Mount Sinai as early as they expected him. In their haste to fill the void in leadership, the Israelites embark on the theologically disastrous venture of building a golden calf to serve as Moshe's replacement.

Using this story as a philosophical springboard, Ibn Ezra[1] notes that some "empty-minded" people wondered why it took so long for Moshe to descend from the mountain.[2] What could he possibly have been doing for 40 days and 40 nights? Should it really take that long to receive a list of 613 commandments?

In Ibn Ezra's view, the people who asked such questions were "empty-minded" because their wonderment was based on a faulty premise. They erroneously assumed that God's mitzvoth (commandments) are simply a list of rules to be observed solely out of a commitment to divine obedience. As a result, it should not have taken Moshe so long to receive a list of arbitrary statutes. They failed to realize, of course, that mitzvoth are not a random list of actions that the Jewish people are intended to follow simply by virtue of God's authority. On the contrary, mitzvoth are complex regulations that represent the physical actualization of a divine set of values and ideals.[3] In theory, Moshe could have spent a lifetime on Mount Sinai learning the secrets of divine providence, as well as the philosophical and theological meanings that underlie God's commandments.

In the view that Ibn Ezra criticizes, observance of the law is an end in itself. Obedience and compliance are God's ultimate goals for humankind. The spiritual meanings of the mitzvoth are at best secondary, or at worst irrelevant. Ibn Ezra, on the other hand, argues passionately that the primary concern of

halakha (Jewish law), is that our hearts are affected by the physical performance of mitzvoth. Performance of mitzvoth without an awareness of the larger philosophical vision of the commandments may be legally effective, at least *ex post facto*. However, in its ideal vision, Jewish law demands that a person understand the rationale behind the mitzvoth, and therefore be spiritually transformed by the divine messages embedded in mitzvah observance.

The Preference for an Obedience-Based Model

The tension that Ibn Ezra highlights is not new. The question of whether Jewish law should be observed primarily from a place of obedience, or from a vision of halakha that is rooted in deeper meaning and understanding, has been debated since the talmudic period. In the medieval era, for example, rabbinic scholars engaged in vigorous debates about the religious appropriateness of searching for rationales behind divine legislation. Some rabbinic voices expressed strong condemnation of this quest, while others conveyed enthusiastic support. Rabbi Avraham Yitzhak HaKohen Kook,[4] however, notes that although many rabbinic scholars have strongly encouraged the search for *ta'amei haMitzvoth* (reasons for the commandments), throughout Jewish history, there has been an asymmetry between the small number of books devoted to the meaning behind the law, and the amount of published scholarship devoted to outlining the legal and practical contours of the law itself.[5] This trend has continued into the twenty-first century, which has seen a literary explosion of books dedicated to detailed discussion of practical areas of Jewish law that were rarely given such extensive treatment in earlier eras in Jewish history.[6]

The Disadvantages of Excessive Focus on Obedience

While the increased focus on practical halakha certainly helps to make halakhic observance more accessible and facilitates greater commitment to halakhic detail, it generates its own set of challenges as well. After all, a commitment to Jewish law without a parallel commitment to the meaning behind Jewish ritual runs the risk of turning halakha into a formulaic set of laws without any larger spiritual vision. Moreover, overemphasis on authority without a corresponding focus on meaning creates a fundamental disconnect between the practitioner of the law and the law itself. How can we truly feel a sense of pride in our observance of God's commandments if we cannot articulate and appreciate the underlying messages of the halakha?

This attitude can also have serious effects on the way in which people observe Jewish law. After all, blind obedience can feel burdensome, and there is a natural tendency to look for ways to lighten the burden. When the focus of halakha is heavily tilted in the direction of obedience, practitioners of Jewish law will naturally seek out ways to avoid the technical violation of halakhic mandates while neglecting to keep in mind the law's spiritual purpose. One example of this is the current effort to create gadgets that circumvent Shabbat laws. Certain trends in contemporary synagogue life, such as talking throughout services or leaving early for "kiddush clubs," may also be reflections of this disconnect.

Increased focus on the spiritual substance of halakha will hopefully help to address some of these challenges. If we were to truly understand the religiously transcendent messages that prayer and the Torah reading convey, would we be tempted to talk during the service or leave early in order to gain an additional few minutes of socializing with friends? If we had clarity about the spiritual goals of the details of Shabbat observance, would the possibility of an iPhone app that claims to permit the use of a smartphone on Shabbat sound religiously appealing? Readjusting the delicate balance between meaning and authority, with an added focus on understanding the religious messages of halakha, will not only facilitate a more mindful and meaningful observance of Jewish law, but will also promote a more intense commitment to the details of halakha.

***Ta'amei haMitzvot*h as the Source of Jewish Pride**

Maimonides (the Rambam),[7] one of the most important thinkers of his time, affirmed the need to understand the reasons for God's commandments (*ta'amei haMitzvoth*). He argues forcefully that all mitzvoth have some rational basis and serve some ethical, societal, or personal religious function.[8] To substantiate his view, he cites the verse from Deuteronomy that tells of the Gentile nations when they "hear all those statutes (*hukkim*)," they will respond by saying, "Surely this great nation is a wise and understanding people!" (Deut. 4:6). The Rambam notes that if a significant number of the 613 mitzvoth have no rational basis, what would compel the Gentile world to find beauty in a life dedicated to God's commandments?

The Maharal[9] goes one step further, utilizing the same proof-text cited by the Rambam to argue that not only do the general categories of mitzvoth have some clearly explicable inherent meaning, but even the seemingly arbitrary details of Jewish practice are rooted in divine ideals.[10] According to the Maharal, just as God has a specific reason for instituting the laws of sacrifices, for example, there must similarly be some religious message inherent in the obligation to use certain animals for specific sacrifices.

According to this model, the quest to find the rationale behind the laws facilitates a greater identification with the divine messages that the laws attempt to convey. The Torah imagines that the gentile world will look at the laws of the Torah and marvel at its wisdom. Understanding the transcendent values that the law embodies affirms this vision of the Torah's self-identity and allows the Jewish people to similarly understand how their God-given set of laws transforms them into a "great nation."

Ta'amei haMitzvoth as the Vehicle for Accessing the Spiritual Messages of the Law

Articulating a sophisticated vision of *ta'amei haMitzvoth* affirms the spiritual significance of Jewish law and the critical function of mitzvoth in actualizing these values in the real world. This position is eloquently expressed by the Shela.[11]

In order to fully understand the position of the Shela, let's imagine what Jewish law would look like if certain physical objects simply never came into existence. For example, Jewish civil law deals with injury cases involving pits, animals, and fire. Imagine for a moment that these things were never created. What would happen to their accompanying halakhot? The Shela answers that the spiritual messages of the halakha exist independently of their physical manifestations. In such a scenario, therefore, these divine ideals would simply find expression through some other physical medium.[12]

The Shela takes this idea even further, arguing that the spiritual substance of the law existed even during the time of Adam and Eve. Since they lived in the spiritual bliss of the Garden of Eden, halakha expressed itself at that time exclusively in spiritual terms. However, as humanity moved away from the intense spirituality of that time towards a more physically-oriented existence, the expression of Jewish law shifted and the practical performance of mitzvoth became the most effective medium to experience divine values in a physical space. The laws themselves thus serve as "spiritual entry points" to experience God. Since halakha is rooted in transcendental divine virtues, each time we observe Jewish law, we also act as a conduit for bringing divine energy into the world.

Interestingly, Rabbi Yehuda Amital[13] argues that the requirement to experience the eternal values of the law through the physical medium of practical halakha is the result of a historical shift that occurred after the Jewish people received the Torah at Sinai. Because of the spiritual greatness of our forefathers, they were able to tap into the religious messages of the Torah even without observing the practical halakha itself.[14] Rabbi Amital notes that "the *avot* did not observe the mitzvoth in the sense in which we observe them. They did not put on tefillin or shake the lulav. But they understood and appreciated the underlying messages of the mitzvoth."[15] After the giving of the Torah, by contrast, God insisted that the spiritual messages underlying the law could be accessed only through firm commitment to halakhic detail.

Thus, Rabbi Amital writes:

Avraham, Yitzhak, and Yaakov were able to intuit these basic notions, which Chazal understand as being comparable to performing the mitzvoth in the time before the Torah was given. In the time after the giving of the Torah, these underlying ideas need to be integrated with practice.[16]

Beyond connecting us to the ideals rooted in God Himself, searching for the profound messages that the mitzvoth convey also ensures our connection to the world of the patriarchs and matriarchs and affirms our commitment to seeing our own halakhic identity as a natural outgrowth of their spiritual worldview.

Ta'amei haMitzvoth and the Legal Framework of Halakha

In addition to expressing the themes and messages that underlie observance of the law, analyzing the rationale behind the commandments also helps us to grasp the unique legal framework of Jewish law. For example, in multiple instances, the Torah refers to the requirement for the Jewish people to "be holy." What is the legal force of this directive? Is this simply a biblical homily, or is there some halakhic consequence associated with this command? The Rambam writes that some codifiers erroneously counted the imperative to "be holy" as its own positive mitzvah.[17] In reality, the Rambam claims, "*kedoshim tehiyu*" is not an independent commandment, but is rather the meta-value that drives the entire system. The goal of halakhic living is to be holy, and the quest for holiness requires us to perform mitzvoth as if they are meant to be transformative.

Similarly, Rav Kook notes that one of the most distinct features of Mosaic legislation is its ability to link specific commandments to a larger spiritual vision that motivates the legal conversation.[18] According to Rav Kook, the prophets, by contrast, focused nearly exclusively on the overarching vision of the halakha, while neglecting to place a parallel emphasis on the mechanics of the law and how the details serve as an application of the larger vision. Reacting to the failure of the prophetic model of the law, the rabbis of the Talmud placed extraordinary emphasis on the details of halakha in order to ensure the preservation of Jewish identity and society. It is for this reason that the Talmud states, "A sage is preferable to a prophet."[19] After all, while the prophet can clearly articulate the vision and message that governs the law, it is the sage who is able to guide the people and safeguard the observance of the law itself.

According to Rav Kook's conception, the ideal model of adjudication is the Mosaic one. This paradigm places the details of the law in context and, as a result, presents a holistic vision of what the law is meant to facilitate. Nahmanides (the Ramban)[20] offers a powerful example of this model, noting that after listing details of biblical monetary law, the Torah concludes by stating that the overarching principle is "to be good and just in the eyes of God."[21] Similarly, after delineating many of the details of the laws of Shabbat, the Torah articulates the larger directive of Shabbat as "a day of rest."[22]

What these examples indicate is that the search for the larger religious messages inherent in traditional Jewish observance is not some external exercise imposed on the law itself. Rather, Jewish law is predicated on viewing the mitzvoth as the medium for religious transformation. Therefore, the search for additional clarity regarding the spiritual substance of halakha furthers the Torah's self-declared goals.

Ta'amei haMitzvoth and the Balance of Meaning and Authority

While this book attempts to shift the contemporary conversation of halakha back toward an increased focus on the search for meaning in halakhic detail, this reorientation still validates the critical role of obedience and submission in forming a holistic commitment to halakha. Viewing halakha from a place of both meaning and authority is crucial in order to facilitate commitment to Jewish law in its entirety. On a pragmatic level, exclusive focus on the world of meaning can create challenges regarding mitzvoth whose rationale is simply not known. In a model devoted solely to the transformative messages of halakha, how are we supposed to be religiously moved by rules whose meaning we do not understand? It is precisely in these moments that our broader commitment to obedience becomes critical.

Understanding the rationale behind the commandments is crucial to ensure that Jewish law facilitates its goal of religious transformation. Nonetheless, the reasons themselves are not why we observe the law. In fact, despite being one of the greatest proponents of *ta'amei haMitzvoth*, the Rambam declares, "If [one] cannot find a reason or a motivating rationale for a practice, he should not regard it lightly." [23]

Beyond the pragmatic problem, a halakhic approach that is exclusively committed to meaning is fundamentally compromised from a philosophical perspective. While excessive focus on obedience can create an observance paradigm that is formulaic and dry, overemphasis on meaning can generate a halakhic model that is self-centered and ultimately rooted in the ego. If we were to observe only those rituals that we fully understand and find personally meaningful, we would effectively be engaging in a commitment to ritual in which the self is the primary object of worship. Embracing the need for periodic submission by observing even those commandments that we do not understand ensures that our observance of halakha is truly a self-transcendent exercise.[24] As Rabbi Joseph B. Soloveitchik [25] ("the Rav") notes, "The religious act begins with the sacrifice of one's self, and ends with the finding of that self. But man cannot find himself without sacrificing himself prior to the finding."[26]

The quest to understand the rationale that underlies the mitzvoth assumes that we should strive to articulate the spiritual messages of the halakha. Ideally, we attempt to minimize the number of times that we need to invoke the submission model. Nonetheless, the presence of some laws whose meaning remains mysterious serves an important religious purpose. Such laws provide a periodic opportunity for us to surrender our intellectual capacities before the divine command and remind ourselves that halakha allows us to find our true selves by connecting to values that transcend our own egos. Moreover, by affirming our commitment to those laws whose reasons we may find personally or ethically challenging, we ensure that the Torah is, in fact, the source of our value system, and not simply an ancient text that validates the contemporary zeitgeist.

Additionally, a commitment to halakha that is exclusively rooted in meaning fails to affirm the central roles of trust and confidence in developing a meaningful relationship to God. It is possible to articulate the meaning and rationale behind the overwhelming majority of mitzvoth. The awareness of these ideals should ensure that a practitioner of Jewish law feels confident and proud of the divine values that the halakhic system represents. It is against this philosophical background that we approach those mitzvoth whose rationale is still a mystery. Here, a commitment to an ethic of submission and the observance of these currently inexplicable laws affirm our trust and confidence in God's benevolence. After all, the same God who is the source of those mitzvoth that we understand is also the source of the mitzvoth that we do not yet fully comprehend. Refocusing our efforts on understanding the transcendent messages of the law, while ensuring that our commitments are not contingent on understanding these values, most authentically captures the spiritual vision of halakha.

[1] R. Avraham b. Meir Ibn Ezra, twelfth century, Spain.

[2] Ibn Ezra, Ex. 31:18.

[3] For additional perspectives on this topic see, Rabbi Ethan Tucker, “Halakhah and Values,” available at http://mechonhadar.s3.amazonaws.com/mh_torah_source_sheets/ CJLVHalakhahandValues.pdf?utm_source=CJLV+Ha%27azinu+5777&utm_campaign= CJLV+Ha%27azinu+5776&utm_medium=email; as well Rabbi Yuval Cherlow (in Hebrew), “The Image of a Prophetic Halakhah,” available at http://www.bmj.org.il/ userfiles/akdamot/12/serlo.pdf. See also, Rabbi Cherlow’s essay (in Hebrew), “The Thought of Nachmanides and its Influence on Halakhic Decision Making,” at http://asif. co.il/download/kitvey-et/zor/zhr%2033/zhr%2033%20(11).pdf

[4] Rabbi Avraham Yitzchak HaKohen Kook, twentieth century, Latvia/Pre-War Israel.

[5] Rabbi Avraham Yitzchak HaKohen Kook, *Talelei Orot* with Commentary from Haggai London (Eli: Machon Binyan Hatorah, 2011), 23–24.

[6] For an important sociological discussion of this trend, see Dr. Chayim Soloveitchik’s essay, “Rupture and Reconstruction,” available at http://www.lookstein.org/links/ orthodoxy.htm.

[7] Rabbi Moshe b. Maimon, twelfth century, Spain/Egypt.

[8] *Guide of the Perplexed* 3:31. Cf. *Hilkhot Temura* 4:13, where the Rambam writes that the majority of the mitzvoth are intended to “improve one’s character and make one’s conduct upright.” Translation from: https://yaakovbieler.wordpress. com/2016/02/14/a-possible-explanation-for-rambams-curious-turn-of-phrase/

[9] Rabbi Yehudah Loew b. Betzalel, sixteenth century, Prague.

[10] *Tiferet Yisrael* ch. 7.

[11] Rabbi Yeshaya Horowitz, sixteenth/seventeenth centuries, Prague.

[12] *Shaar HaOtiot*, *Shaar Aleph*, *Emet VeEmuna*, pp. 48b, 70a.

[13] Rabbi Yehuda Amital, twentieth/twenty-first centuries, Israel.

[14] See also the comments of the Nefesh HaChayim 1:21, cited in *Minchat Asher Bereishit*

(Jerusalem: Machon Minchat Asher, 2007), 273.

[15] Rabbi Yehudah Amital, “Yaakov Was Reciting the Shema, a Sicha for Shabbat from the Roshei Yeshiva Yeshivat Har Etzion,” adapted by Dov Karoll, http://etzion.org.il/en/ yaakov-was-reciting-shema.

[16] *Ibid*.

[17] Book of Mitzvot, shoresh 4.

[18] Rabbi Avraham Yitzchak Hakohen Kook, “*Hakham Adif MiNavi*,” cited in *Orot*

(Jerusalem: Mossad HaRav Kook, 2005), 120–121.

[19] *Bava Batra* 12a.

[20] Rabbi Moshe b. Nachman, twelfth/thirteenth centuries, Spain/Israel.

[21] Deut. 6:18.

[22] Ex. 34:21; Ramban, Lev. 19:2.

[23] Laws of Me’ila 8:8, translation at http://www.chabad.org/library/article_cdo/ aid/1062936/jewish/Meilah-Perek-8.htm.

[24] For alternative suggestions regarding the role of submission in halakhic discourse, see Rabbi Hertzl Hefter, “Surrender or Struggle: The Akeidah Reconsidered,” at http://www.thelehrhaus.com/timely-thoughts/surrender-or-struggle-akeidah. See also the response of Rabbi Tzvi Sinetsky, “There’s No Need to Sacrifice Sacrifice: A Response to Rabbi Hertzl Hefter,” at http://www.thelehrhaus.com/ timely-thoughts/2016/12/18/theres-no-need-to-sacrifice-sacrifice-a-response- to-rabbi-herzl-hefter. See also Rabbi Ethan Tucker, “Halakhah and Values,” at http://mechonhadar.s3.amazonaws.com/mh_torah_source_sheets/ CJLVHalakhahandValues.pdf?utm_source=CJLV+Ha%27azinu+5777&utm_cam paign=CJLV+Ha%27azinu+5776&utm_medium=email.

[25] Rabbi Joseph B. Soloveitchik, twentieth century, United States.

[26] *Divrei Hashkafa*, 254–255, cited in Lecture #24: The Akeida by Rabbi Chayim Navon, http://etzion.org.il/en/akeida.