YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Before Sinai: Jewish Values and Jewish Law**

**By Rav Dr. Judah Goldberg**

**Shiur #57: Spirituality (12):**

**Spiritual “Halakhic Inclusivism” and Natural Spirituality**

The previous *shiur* ended with a question: If, according to R. Soloveitchik and Harav Lichtenstein (if not the entire Mitnagdic tradition), Jewish God-worship appears to be nearly synonymous with observance of halakha, does a Jew have to strive for spirituality at all? Fulfillment of God’s law may indeed be inspiring and invigorating, but must it be?

On the flipside, one can also ask: Can there be legitimacy to the pursuit of spirituality through non-halakhic avenues?

Finally, with regard to both lines of inquiry: What are possible sources for an extra-halakhic value of spirituality?

Starting with the last question, I would submit that the same triad of options that we examined regarding an extra-halakhic basis for morality[[1]](#footnote-2) is relevant here as well, namely: 1) A formalistic approach that finds an impetus for broad, spiritual values within the duties of *berit Sinai*; 2) A “natural” orientation that affirms spirituality as an inherent feature of the human experience; and 3) A covenantal basis other than the commandments of *berit Sinai*. Furthermore, these options are not mutually exclusive. One can acknowledge broad, spiritual *mitzvot* within *berit Sinai*, for instance, while also recognizing the contributions of other sources.

This *shiur* will examine the first two suggestions, and the following *shiur* will address the third.

**Spiritual Halakhic Inclusivism**

If an approach of “halakhic inclusivism” – the idea that halakha, through broad, open-ended *mitzvot*, commands us to transcend its own formal obligations – might be considered innovative with regard to morality, it is fairly explicit with regard to spirituality. Among Sinai’s positive commandments are obligations to love and have awe of God, to believe in Him and His oneness, to worship Him, to imitate Him, and to cleave to Him.[[2]](#footnote-3) While for some of these *mitzvot*, the Sages describe discrete activities that are required (such as daily prayer, according to the Rambam[[3]](#footnote-4)), for the most part they are overarching charges that invade and influence every part of our lives. They direct the unlegislated moments, and they invest the clearly sacred with added depth and meaning.

Awe of God, for instance, is not restricted to abstract awe of His stature, I would say, but translates into a pervasive awareness of being but a small creature, charged with a mission, in Another’s universe. The impulse to not only discharge narrow duty faithfully but to orient one’s existence around the service of God, to live a life of command, and, through all of it, to connect with the Commander, stems, I think, from the mitzva to live in awe of God. In technical terms, one could say that the Sages’ directive that “all your actions should be for the sake of Heaven” (*Avot* 2:17; see Rambam, *Hilkhot De’ot* 3:3) is a derivative of the mitzva of awe; as the Rambam writes, “All of human activity is included within ‘awe of Heaven’ (*Berakhot* 33b)” (Responsa, #436).[[4]](#footnote-5)

Love of God, however, is a crucial counterpoint. It fuels the impulse to not just respond, but to seek. It injects every fulfillment with joy and fervor, and it can both explain and inspire a Jew’s attraction to voluntary rituals. While awe of God may impel a Jew to ask how each moment can be harnessed productively in the service of God, love prods him or her to continually look for spiritual opportunity.

In short, love and awe of God, I think, are the spiritual equivalents of “*lifnim mi-shurat ha-din*.”[[5]](#footnote-6) The law urges us to go beyond itself, both quantitively and qualitatively. Quantitatively, we may not treat our worship of God as a checklist to be completed. We ought to be thinking, constantly and expansively, of all the ways in which we can both answer God’s call to duty and seek His presence, including through voluntary activities. Qualitatively, we may not suffice with mere “fulfillment.” Every mitzva, to varying degrees, is a preordained opportunity for multi-dimensional, spiritual experience, and an integral part of our worship is drawing that out of each encounter.

R. Soloveitchik and Harav Lichtenstein both point to broad *mitzvot* of Sinai as complements to its more concrete demands. For instance, Harav Lichtenstein notes that “the qualities of *ahava* and *yir’a*, normatively obligatory at all times, should, if woven into the fabric of a halakhic performance, enrich its substance” (“Law and Spirituality,” 177). He further refers to the mitzva of *avoda* (worship) as the Ramban explains it – “that every one of our acts of divine service be performed absolutely wholeheartedly” (Glosses to *Sefer Ha-Mitzvot*, Positive Commandment #5). The Ramban himself notes overlap with the commandment to love God; similarly, R. Lichtenstein presumes that even other authorities, who differ with the Ramban’s explanation, would agree with its substance:

It is, after all, implicit in the demand for *ahava*, which ought presumably suffuse our total standing as *ovdei Hashem*. In this connection, it is important to emphasize that the contribution of spirituality to our service of God is not confined, *ad hoc*, to moments of *mitzva* performance. It pervades our entire existence – as persons, generally, and as religious beings, specifically. (178)[[6]](#footnote-7)

Similarly, the Rav traces the search for meaning in *mitzvot* to the mitzva of *avoda*:

Even though it is forbidden to ask for motivation and reasoning pertaining to God’s imperatives and norms, we may inquire as to the meaningfulness of the *chok*, the unintelligible law, for ourselves. It is perfectly legitimate to search for the spiritual messages of the *chok*. Nachmanides as well as Maimonides emphasized time and again that the element of *avoda she-ba-lev* – worship of the heart – must be present in every religious act. The ritual as well as moral actions must be endowed with emotional warmth, love and joy, and the mechanical act converted into a living experience. (“The Redemption of Death,” *Out of the Whirlwind*, 43-44)

In other words, finding meaning in *mitzvot* (such as through the “reconstructive” method mentioned in the previous *shiur*) is not merely a philosophical possibility, but a mandated element of the Jewish religious experience. The mitzva of worship demands that we seek to extract the spiritual opportunity latent in every law and act.[[7]](#footnote-8)

**Holiness Beyond the Law**

Spirituality is also found in inaction and withdrawal. In addition to its specific prohibitions, *berit Sinai* exhorts us to “be holy” (*Vayikra* 19:2), which, the Ramban explains, is a general directive to live a life of holiness. Within the boundaries of formal halakha, the Ramban notes:

A hedonist could still find room to be obsessed with relations with his wife or many wives; and to be “among guzzlers of wine, among gluttons of flesh for themselves” (*Mishlei* 23:20); and he can utter profanities freely, for no such prohibition is mentioned in the Torah. Behold, he will be a scoundrel with the Torah’s permission!

Therefore, Scripture came, after it listed the absolute prohibitions, and issued a general command that we should be restrained with regard to the permissible. (Ramban, *Vayikra* 19:2)

Furthermore, here, the comparison to *lifnim mi-shurat ha-din* is explicit. The Ramban summarizes, “This is the Torah’s method, to specify and [then] to generalize” and cites the command to do “*ha-yashar ve-hatov*” – the impetus for *lifnim mi-shurat ha-din*, according to the Ramban[[8]](#footnote-9) – as an example. Just as the Torah urges us to behave ethically even in unlegislated circumstances, so too does “be holy” ask us to seek out holiness beyond what is formally obligated.[[9]](#footnote-10)

Of course, all the same qualifiers that apply to *lifnim mi-shurat ha-din* apply here as well: Deep familiarity with the formal contents of *berit Sinai* can provide critical guidance, as a totally uninformed quest for holiness through withdrawal is liable to lead almost anywhere. Furthermore, while the commands to be holy and to love and have awe of God are universal, their translation into action is context dependent. Timing, situation, personality, and competing spiritual demands are all significant factors that will influence one’s pursuit of these *mitzvot*. What is unwavering, however, is the need to live in response to them, to be constantly probing what each of these *mitzvot* can mean for me right now.

**Spirituality Prior to Sinai?**

Narrow halakhic formalism, then, is untenable in the spiritual realm, even more so than in the moral realm. Duty to *berit Sinai* necessarily entails not only discharging concrete responsibilities, but also seeking to invest those performances with meaning, as well as pursuing additional, voluntary opportunities. Spirituality is not a frill, but an integral part of halakhic living.

Still, as with moral intuition, I wonder whether *berit Sinai* alone, as a source of spirituality, can comprehensively fill the void we have identified. Throughout this series, the point of departure for exploring each value has been the gnawing sense that the category of mitzva does not fully capture or explain the combination of duty and commitment that Jews tend to bring to them. Jewish attachment to the Land of Israel, for instance, cannot be attributed solely to a tenuous command to settle and inhabit it,[[10]](#footnote-11) and our disgust for Sodomite culture does not stem only from the verse of “You shall do *ha-yashar ve-hatov*” (*Devarim* 6:18).[[11]](#footnote-12)

Similarly, I ask: Does *berit Sinai* genuinely and singlehandedly answer the question of “Why be spiritual?” Or does one sense that there is something more basic than Divine command, both logically and chronologically prior, that inspires the religious gesture?

**Natural Spirituality**

In multiple contexts, I think, Harav Lichtenstein gives us a window into a different orientation. First, Harav Lichtenstein was once asked to address how the “duties of the heart (repentance, prayer, fasting, etc.)” should affect one’s response to suffering. The resultant essay begins by challenging the premise of the question:

That a Jewish response to suffering can and ought to include elements like prayer and fasting goes without saying. But to what extent, if any, is their inclusion grounded upon their normative aspect? (“The Duties of the Heart and the Response to Suffering,” *Leaves of Faith*, Vol. 2, 118-119)

Harav Lichtenstein expresses further incredulity about this proposition by considering those who are not subject to Jewish law:

None of these *mitzvot* is mandatory for a non-Jew. Would we consequently formulate for a Muslim or a Christian inquirer an answer very much at variance with what we develop for ourselves?

Clearly, the demands of *berit Sinai* are not his basis for a spiritual response to suffering. What, then, is the alternative? Harav Lichtenstein continues:

The impact of *tefilla* or *teshuva* upon our response to suffering derives, overwhelmingly, from their sheer existence as facets of our relation to the *Ribbono shel Olam*, from the bare fact that their respective gates have not been barred, from the access, and all that flows therefrom, to Him, that they represent. The critical element is the interrelation, at some stage and in some form, between human suffering and the presence of God. In this respect, the phenomenon of the capacity of the inner self to engage its Maker is crucial, but its duty to do so, at the level of formal *mitzvot*, is not. (120)

Here, Harav Lichtenstein relates to spirituality as a natural impulse of the human condition. It belongs to Jews and non-Jews alike and does not derive from any command. Moreover, Harav Lichtenstein intimates, something would be lost if we related to these dimensions of religious engagement only as duties; otherwise, what need for this preamble? Prayer and repentance in times of crisis ought to emanate not only from fidelity to *berit Sinai*, but just as much from the irrepressible yearnings of a troubled, human soul that reaches out for God reflexively.

In a [published address](https://www.etzion.org.il/en/philosophy/great-thinkers/rav-soloveitchik/prayer-teachings-rav-soloveitchik-ztl), Harav Lichtenstein further suggests that these categories of engagement may not even require Divine authorization. He takes issue with the idea, developed extensively by R. Soloveitchik, that approaching God through prayer requires a “*matir*” (license; see, for instance, *shiur* #51). Harav Lichtenstein asks:

Can anyone imagine that God would plant us on earth – weak and dependent as we are – with only Himself for us to rely upon, and then block our channel to reach Him? Indeed, can there be any meaningful human existence, either spiritually or materially, without access to our Father in Heaven?[[12]](#footnote-13)

For Harav Lichtenstein, the possibility of prayer arises first and foremost out of our sheer creation and existence as spiritually aware beings. Apparently, the natural human state alone justifies the religious gesture, even if no command had been given.[[13]](#footnote-14)

***Ha’arama***

So far, what I would call “natural spirituality” has only been recognized as a complement to halakha – an added dimension to the Jew’s commanded response, or, in the case of non-Jews, a welcome and encouraged instinct in the absence of command. In another context, however, spiritual intuition seems to take on even greater weight for Harav Lichtenstein. In a posthumously published essay, he addresses the well-established phenomenon of legal circumvention (*ha’arama*), in which a formal law is manipulated in order to accommodate other values.[[14]](#footnote-15) Examples include the sale of *chametz* to a non-Jew for the duration of Pesach, the sale of Israeli fields to a non-Jew for the duration of the sabbatical year (*shemitta*), and the institution of *pruzbul*, in which private debts are transferred to a rabbinic court so they may still be collected after *shemitta*.

Harav Lichtenstein argues that *ha’arama* can be sanctioned when the letter of the law is felt to be functionally undermining its spirit and purpose. For example:

Where special circumstances or historical change have turned a mitzva on its teleological head, circumvention – or, when halakhically possible, amendment – of its formal aspect may be necessary in order to further the purposes of that mitzva proper. (142)

*Ha’arama*, then, allows us to prioritize a perceived spiritual end while remaining faithful to the law’s formal elements.

Harav Lichtenstein observes that this very proposition rests on several assumptions. Among them, it supposes that halakha is not just a series of inscrutable commands but a teleological (goal-oriented) system whose ends are discernable to humans, who in turn are empowered to act upon their speculations. In other words, to selectively authorize *ha’arama* is, first and foremost, to endorse the exercise of spiritual conscience in order to critique particular outcomes of the halakhic system. But what is the source of this conscience? To what standard is the halakha being held?

As with moral conscience, I believe that the commandments of *berit Sinai* can be of limited help, for how can the law critique itself? If one feels that a manifestation of a particular mitzva is interfering with the commandments, say, to love and worship God, what right does one have to bend or circumvent the former for the sake of the latter? *Berit Sinai* has its own, internal hierarchical rules for mediating conflict between halakhic duties, and there is no rule that love of God, as just another positive commandment, can dominate or override others.

In any case, Harav Lichtenstein himself offers a different, nuanced defense. He acknowledges the audacity of subjecting mitzva observance to human scrutiny and, by extension, to a degree of spiritual conscience. “And yet,” he asks:

What is the alternative? Ethically – nay, religiously – speaking, none whatsoever. An automaton can respond to commands without seeking meaning in them or order among them. A fully human response relates a command to a total existential reality; and the moment such a relation is postulated, the quest for purpose becomes inevitable. If we are to grasp divine commands spiritually, indeed if we are to understand them at all in anything more than a semantic or mechanical sense, we must understand them teleologically. The contention that while mitzvot are purposeful we must act as if they weren’t – because we have no surefire method of ascertaining their ends – emasculates one whole side of the religious life. (148-149)

Harav Lichtenstein does not quote a source to justify spiritual conscience and consciousness (though he cites Rabbinic precedent as support); rather, he seems to take it as elemental to human religious experience. Furthermore, he argues, an alternative may not even be humanly feasible:

I am not at all sure that one *can* banish teleology. When barred at the door, it tends to sneak in through the window, and even professed legal literalists are apt to think and react in terms of an implicit value structure.[[15]](#footnote-16)

To be sure, Harav Lichtenstein further suggests that teleological thinking, as an unavoidable feature of human engagement, is automatically endorsed by the covenant of Sinai, inasmuch as Torah was given to humans at all (about which the Heavenly angels admittedly had considerable reservations; see *Shabbat* 88b):

Far from representing, *ipso facto*, an element of hubris, the attempt to interpret Halakha in categories of values constitutes a necessary phase of *kabbalat haTorah*, “the receiving of the Torah.” As a dynamic participant in the dialogic process of divine revelation, man cannot and should not rest content with receiving God’s message at only the most superficial of levels.[[16]](#footnote-17)

In that case, spiritual conscience becomes intrinsic to the concept and philosophy of *Torah She-be’al Peh*. As spiritual beings, humans are entitled, even charged, with employing spiritual intuition in their interpretation of Torah, no less than they may apply their own characteristic logic in legal analysis.[[17]](#footnote-18)

Still, Harav Lichtenstein only arrives at this conclusion by positing that the quest for meaning is inherent to human existence in the first place. The source for spiritual conscience, it seems, is not explicit divine command, but the natural human condition, which *berit Sinai* is presumed to take into account.

Most notably, this discussion is not merely theoretical. Faithfully and cautiously executed, “teleological inquiry… is relevant, practically, as a guide to the legitimate circumvention or adaptation of the fundamental Halakha” (151-152).

**Conclusion**

Whether through appeal to open-ended *mitzvot* of Sinai or to natural spirituality, the boundaries of spirituality have been expanded considerably. Still, I ask: Have all possible avenues of thought been exhausted? The following *shiur* will explore a third option.

1. See [*shiur* #2](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/there-ethic-beyond-formal-jewish-law). [↑](#footnote-ref-2)
2. See, for instance, Rambam, *Sefer Ha-Mitzvot*, Positive Commandments #1-6, 8. Additionally, the *Sefer Mitzvot Gadol* includes a prohibition against forgetting God and His role in our lives in his count of *mitzvot* (negative commandment #64).

   R. Soloveitchik references almost all of these *mitzvot* in *And From There You Shall Seek*; see pp. 61, 70-71, 75-82, and 87-93. [↑](#footnote-ref-3)
3. See [*shiur* #51](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/spirituality-6-prayer). [↑](#footnote-ref-4)
4. See Harav Lichtenstein, “Contemporary Impediments to *Yirat Shamayim*,” 197. [↑](#footnote-ref-5)
5. See [*shiur* #2](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/there-ethic-beyond-formal-jewish-law), as well as *shiurim* #[33](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/pursuit-ethical-life-4-middat-sedom-and-lifnim-mi-shurat)-36. [↑](#footnote-ref-6)
6. Editor’s note: Some excerpts have been edited slightly for matters of style. [↑](#footnote-ref-7)
7. In the penultimate section of *The Halakhic Mind* (91-99), the Rav is critical of the Rambam’s rational explanations of *mitzvot* in *Moreh Nevukhim* but approving of the types of meaning the Rambam assigns to *mitzvot* in *Mishneh Torah*. In light of that, it is worth noting the Rambam’s closing comment to *Sefer Korbanot*: “Even though all of the Torah’s laws are decrees, as we explained at the end of *Hilkhot Me’ila*, it is appropriate to contemplate them, and whatever you can offer a reason for, offer a reason” (*Hilkhot Temura* 4:13). [↑](#footnote-ref-8)
8. See [*shiur* #33](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/pursuit-ethical-life-4-middat-sedom-and-lifnim-mi-shurat). [↑](#footnote-ref-9)
9. See also *And From There Shall You Seek* regarding the quest for prophecy:

   Man must purify and sanctify himself through an effort of the mind and the will, and through creative acts producing mighty effects, so as to be prepared to hear the word of God. There is one commandment that includes all 613, namely, “You shall be holy,” which in its essence is the commandment of preparing oneself for prophecy. (124)

   See also *Halakhic Man*, 128-131. [↑](#footnote-ref-10)
10. See [*shiur* #26](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/land-israel-9-yishuv-eretz-yisrael). [↑](#footnote-ref-11)
11. See *shiurim* #[33](https://etzion.org.il/en/halakha/studies-halakha/philosophy-halakha/pursuit-ethical-life-4-middat-sedom-and-lifnim-mi-shurat)-34. [↑](#footnote-ref-12)
12. In the same address, Harav Lichtenstein further suggests that the Rav himself backed away from the need for a *matir* over time. See also *Majesty and Humility*, Chapter 21. [↑](#footnote-ref-13)
13. Regarding spirituality for non-Jews, Harav Lichtenstein also writes:

    Within a purely monotheistic framework, we regard the gentile world as fully entitled, indeed mandated, to develop its own true and valid religious approaches – to institute modes of worship, to formulate religious philosophies, to seek out, and, if it so wishes, to invest with a public character vehicles of bringing man closer to God. (“The Condition of Jewish Belief,” *Leaves of Faith*, Vol. 2, 342)

    I once asked Harav Lichtenstein about this formulation of what is available to non-Jews (itself more tempered than what appeared in the [original version of the essay](https://www.commentary.org/articles/jacob-agus-2/the-state-of-jewish-belief/)), in contrast, for instance, to the Rambam’s more restrictive tone (see *Hilkhot Melakhim* 10:9). He acknowledged the gap and recalled basing his wording on other sources; unfortunately, I do not remember which. Also see [this published address](https://etzion.org.il/he/philosophy/great-thinkers/harav-aharon-lichtenstein/%D7%A0%D7%97-%D7%94%D7%99%D7%97%D7%A1-%D7%94%D7%AA%D7%95%D7%A8%D7%A0%D7%99-%D7%9C%D7%92%D7%95%D7%99) by Harav Lichtenstein about the Torah’s view of non-Jews, as well as *Minchat Asher*, *Bereishit*, 15 and 65. [↑](#footnote-ref-14)
14. "Formalism vs. Teleology: Circumvention and Adaptation in Halakha,” *Values in Halakha: Six Case Studies* (Jerusalem, 2023), 113-157. [↑](#footnote-ref-15)
15. See his similar comment regarding the moral realm in “*Halakha Ve-halakhim Ke-oshyot Mussar: Hirhurim Machshavtiyyim Ve-chinukhiyyim*,” *Mussar Aviv*, 44. See also Harav Lichtenstein, “The Rav at Jubilee: An Appreciation,” *Leaves of Faith*, Vol. 1, 193-195, and R. Yitzchak Blau, “*Ta’amei Ha-Mitzvot*, Halakhic Analysis, and Brisker Conceptualization,” in *That Goodly Mountain* (Yeshivat Har Etzion, 2012), 97-108. [↑](#footnote-ref-16)
16. See also “*Aveira Lishma*,” *Mussar Aviv*, 174 and 179-181. [↑](#footnote-ref-17)
17. See also Harav Lichtenstein, “*Torat Hesed* and *Torat Emet*,” *Leaves of Faith*, Vol. 1, 75-77, as well as R. Wurzburger, *Ethics of Responsibility*, 102. About spiritual intuition, see also the closing to Harav Lichtenstein’s “Of Marriage: Relationship and Relations,” *Varieties of Jewish Experience*, 32. [↑](#footnote-ref-18)