

JEWISH LAW AS A JOURNEY
Finding Meaning in Daily Jewish Practice



David Silverstein

JEWISH LAW AS A JOURNEY

FINDING MEANING IN DAILY JEWISH PRACTICE

Menorah Books
Yeshivat Orayta

JEWISH LAW AS A JOURNEY
Finding Meaning in Daily Practice

First Edition 2017

Menorah Books
An imprint of Koren Publishers Jerusalem Ltd.

POB 8531, New Milford, CT 06776-8531, USA
& POB 4044, Jerusalem 9104001, Israel
www.menorah-books.com

Copyright © Rabbi David Silverstein, 2017

The publication of this book was made possible through the generous support of *Yeshivat Orayta* and the *Fisher Family*.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, or otherwise, without the prior permission of the publisher, except in the case of brief quotations embedded in critical articles or reviews.

ISBN 978-1-940516-75-2, *hardcover*

A CIP catalogue record for this title is available from the British Library.

Printed and bound in the United States.

Contents

Dedication xvii

Acknowledgements xix

*Introduction: Jewish Law and the Delicate Balance
Between Meaning and Authority xxiii*

SECTION ONE: WAKING

CHAPTER 1

MODEH ANI 1

Giving Thanks and Living in the Moment

The Talmudic Story: A Story of Redemption 2

The Mishna Berura: Life as a Gift 3

*Rabbeinu Yonah of Gerondi: Thanking God
in Compromised Situations 4*

Rabbi Yaakov Nagen: Modeh Ani and the Power of the Moment 6

Rabbi Menachem Mendel Schneerson: Organic Goodness 7

Summary 9

CHAPTER 2

WASHING HANDS IN THE MORNING 11

The Spiritual Power of the Hands

The Biblical Story: How the Priest Prepares for Work 12

The Talmud: Washing as Preparation for Prayer 13

The Mystical Tradition: Negative Spirits and Elevated Consciousness 15

The Ramban: Washing as Affirmation of the Covenant 17

The Rashba: Washing as an Act of Thanks 18

Summary 20

SECTION TWO: DRESSING

CHAPTER 3

THE KIPPA 21

Piety and Belonging

The Biblical Story 22

The Talmudic Story 23

The Medieval Story: A Shift from Piety to Identity 24

Rabbi Moshe Feinstein: The Kippa and American Jewish Identity 27

Rabbi Ovadia Yosef: The Kippa and Modern Israel 29

Summary 30

CHAPTER 4

THE TZITZIT (1) 31

The Jewish Uniform and the Power of Will

Tzitzit in the Book of Numbers: A Story of Will 31

Tzitzit in the Book of Deuteronomy: The Story of the Jewish Uniform 34

Tekhelet: Priesthood, Humility, and Majesty 36

Summary 39

CHAPTER 5

THE TZITZIT (2) 41

The Obligation to Wear Tzitzit: Opting-In

The Abrabanel: A More Nuanced Obligation 42

The Rambam and Tosafot: Desired Obligation 42

*Sha'arei Teshuva: Punishment for not Embracing
Mitzvot as Values* 45

Rabbi Asher Weiss: A Uniform of Love 47

Rabbi Moshe Feinstein: Tzitzit and Community 48

Summary 48

CHAPTER 6

JEWISH MODES OF DRESS 51

Modesty and Cultural Identity

Tsefanya: Dress and the Challenges of Assimilation 51

*Rabbi Akiva Yosef Schlesinger: Clothing as an
Affirmation of Jewish Culture* 53

Maharik: Dress and the World of Values 54

Midrash: The Role of Intent 54

Rabbi Moshe Feinstein: Clothing in a Changing World 55

Talmud: Clothing and Sanctifying God's Name 57

Summary 58

SECTION THREE: PRAYING

CHAPTER 7

BIRKAT HATORAH 59

Torah, Community, and Individual Uniqueness

Talmud and Rabbi Yonason Sacks: Torah Study and God's Name 60

Shmuel: Formalizing a Personal Requirement 61

<i>R. Yochanan: Restoring the Personal Dimension of Torah Study</i>	62
<i>Rabbi Hammuna: The National Significance of Torah Study</i>	63
<i>R. Pappa: Synthesis</i>	63
<i>Tosafot: Awareness</i>	64
<i>Shibbolei Haleket: Torah Study as an Exercise in Jewish Living</i>	65
<i>Summary</i>	66

CHAPTER 8

TEFILLIN 67

Theology, Torah Study, and the Challenges of Sanctity	
<i>Historical Context: Education</i>	68
<i>Rabbi Eliezer Melamed: Tefillin and Jewish Theology</i>	68
<i>Kavana and Tefillin: Awareness</i>	69
<i>Tefillin and Torah Study: A Perpetual Learning Opportunity</i>	70
<i>Hesech Hadaat: The Challenge of Perpetual Intimacy with God</i>	72
<i>Tefillin and Jewish Pride</i>	73
<i>Summary</i>	74

CHAPTER 9

PRAYER 75

Divine Encounters and Personal Change	
<i>Prayer as an Encounter and the Centrality of Kavana (Intent)</i>	76
<i>Prayer is About Changing Ourselves</i>	78
<i>Prayer Acknowledges Our Dependency</i>	79
<i>Prayer and the Transcendent Self</i>	81
<i>Summary</i>	82

CHAPTER 10

ATTENDING A MINYAN 85

Spiritual Teamwork and the Centrality of Jewish Theology	
--	--

<i>Public Prayer and the Loss of Individuality</i>	86
<i>Centrality of a Minyan: Prayer and Its Cosmic Power</i>	87
<i>The Power of Spiritual Teamwork</i>	88
<i>Public Prayer: A Move Towards Self-Transcendence</i>	89
<i>Public Prayer and Sanctifying God's Name</i>	90
<i>Public Prayer: Testing Our Theological Intuitions</i>	92
<i>The Centrality of the Synagogue</i>	93
<i>Summary</i>	94

CHAPTER 11

FIXED AND SPONTANEOUS PRAYERS 97

<i>Self-Awareness Through Self-Transcendence</i>	
<i>Biblical Prayer: Prayer During Times of Crisis</i>	98
<i>Rabban Gamliel: The Power of Fixed Prayer</i>	99
<i>R. Eliezer: A Return to Spontaneity</i>	100
<i>R. Yehoshua: A Compromise View</i>	101
<i>Rabbi Yosef Karo: Spontaneity in the Context of the Ordinary</i>	102
<i>Elokai Netzor: A Prayer Without Limits</i>	103
<i>Summary</i>	104

CHAPTER 12

PRAYER IN THE VERNACULAR AND IN HEBREW 105

<i>Personal Reflections and Communal Identity</i>	
<i>Talmudic Account: The Story of the Heart</i>	106
<i>The Rif: Prayer and Angelic Intercession</i>	107
<i>Rosh: The Importance of Precision in Language</i>	108
<i>Sefer Hasidim: A Prioritization of Intent</i>	108
<i>The Mishna Berura: The Metaphysics of the Hebrew Language</i>	109
<i>The Mishna Berura /Rabbi Moshe Sofer: Hebrew and the Challenges of Translation</i>	110

<i>Rabbi Eliezer Fleckeles: Hebrew as an International Unifier</i>	110
<i>Rabbi Yechiel Yaakov Weinberg: Hebrew and the Preservation of Communal Identity</i>	111
<i>Rabbi Nachman of Breslov: Conversation Versus Prayer</i>	112
<i>Summary</i>	113

CHAPTER 13

THE SHEMA 115

History, Identity, And the Centrality of Intent	
<i>Shema and Torah Study</i>	116
<i>Shema and Jewish Theology</i>	118
<i>Shema and the Power of Belonging</i>	120
<i>Shema and the Centrality of Kavana</i>	121
<i>Summary</i>	123

SECTION FOUR: STUDYING

CHAPTER 14

THE OBLIGATION OF TORAH STUDY 125

Religious Inspiration and Communal Obligation	
<i>The View of R. Yishmael: The Primacy of Torah Study</i>	126
<i>The View of Rashbi: Torah and the Metaphysics of Life</i>	127
<i>Shulchan Arukh Harav: Maximized Torah Study</i>	128
<i>Aruk Hashulchan: Torah Study and Individual Expression</i>	130
<i>Torah Study and Shared Responsibility</i>	131
<i>Summary</i>	132

CHAPTER 15

CHOOSING A TEXT 135

Finding Personal Meaning Within A Structured System	
<i>Tractate Avoda Zara: Personal Preference</i>	135

<i>Talmud Kiddushin: Formal Structure Revisited</i>	137
<i>Ritva: Personal Meaning in the Context of a Formal System</i>	138
<i>Rabbeinu Tam: The Centrality of Gemara and the Unity of Jewish Learning</i>	138
<i>Pirkei Avot: Learning and Personal Maturity</i>	139
<i>Shaarei Knesset HaGedola: Study and the Expanding Canon of Jewish Books</i>	141
<i>Talmud Berakhot: Breadth or Depth?</i>	142
Summary	144

CHAPTER 16

THE WEEKLY TORAH PORTION	145
Torah Expertise and the Centrality of the Oral Law	
<i>The Obligation to be Familiar with the Weekly Torah Portion</i>	145
<i>Levush: Facilitating Expertise with the Biblical Text</i>	146
<i>Terumat HaDeshen: Setting the Stage for a Proper Experience of Hearing the Torah on Shabbat</i>	147
<i>Raavan: Connecting the Individual to the Community</i>	147
<i>The Mishna Berura: The Role of Rabbinic Interpretation</i>	148
Summary	149

SECTION FIVE: EATING

CHAPTER 17

WASHING HANDS BEFORE MEALS	151
The Power of the Hands and the World of the Temple	
<i>Washing and the Power of Our Hands</i>	152
<i>Preserving a Connection to the World of the Priests</i>	153
<i>Washing and Sanctity</i>	155
<i>Washing in a Post-Temple World</i>	156
<i>Washing and Rabbinic Authority</i>	157
Summary	159

CHAPTER 18

BIRKAT HAMAZON 161

History, Dependency, and the Centrality of the Land of Israel

Biblical Source: The Challenge of Prosperity 162

The Biblical Directive: Expanding the Thematic Requirements 163

Birkat Hazan et Hakol: Highlighting Our Dependence 164

Birkat HaAretz: Reflecting on the Land of Israel 165

Blessing for Jerusalem: Appreciating Jewish Sovereignty 166

Blessing of God's Goodness: Towards A Posture of Hope 167

Summary 168

CHAPTER 19

KEEPING KOSHER 171

Self-Discipline and Jewish Distinctiveness

Kashrut and Health 172

You Are What You Eat: Kashrut as a Symbol 172

Kashrut and Self-Discipline 173

Food and Jewish Distinctiveness 174

Mishnaic Attempts to Preserve the Biblical Ethic of Distinctiveness 176

Amoraic Attempts to Preserve Biblical Values 177

Summary 178

SECTION SIX: THROUGHOUT THE DAY

CHAPTER 20

ONE HUNDRED BLESSINGS 181

An Opportunity to Continuously Dialogue With God

Rashba: God Is the Source of All Blessings 182

Midrash/Rambam: Berakha and God-Consciousness 183

Rabbi Bachya: Berakhot as Activators of Divine Blessing 184

<i>R. Levi: Blessings as Transfer of Ownership</i>	185
<i>Rabbi Samson Raphael Hirsch: Blessings on Contextualizing Mitzvot</i>	185
<i>Kli Yakar: One Hundred Blessings a Day as Recapturing Divine Intimacy</i>	186
<i>Rashi: One Hundred Blessings and Self-Transcendence</i>	187
<i>Tanya: Personalizing Our Relationship with God</i>	188
<i>Summary</i>	190

CHAPTER 21

BLESSINGS ON INTERPERSONAL MITZVOT	191
Jewish Uniqueness, Intuitive Commandments, and the Challenges of Coercion	
<i>Rabbi Yitzhak Isaac Safrin of Komarno: The Minority Voice</i>	192
<i>Rashba: Sensitizing Us to the Power of Reciting God's Name</i>	193
<i>Or Zarua: Berakhot and Perpetual Mitzvot</i>	194
<i>Torah Temima: Berakhot and Jewish Uniqueness</i>	195
<i>The Seridei Eish: Mitzvot as an End and Not a Means</i>	197
<i>Summary</i>	198

CHAPTER 22

ETHICAL LIVING	201
Finding God Outside the Context of Formalized Ritual	
<i>Righteousness and Justice as a Religious Posture</i>	202
<i>Compassion, Mercy, and God's Name</i>	204
<i>Developing a Godly Posture: The Role of Action</i>	204
<i>Being Godly by Engaging in Meaningful Friendships</i>	205
<i>Being Godly by Having A Sense of Humor</i>	206
<i>Emulating God by Engaging in Meaningful Activities</i>	207
<i>The Legal Significance of These Interpretations</i>	208
<i>Summary</i>	210

CHAPTER 23

LOVING GOD 211

Reason, Experience, and Shared Responsibility

*Rabbi Tzadok and Sefer Hachinukh: Love as
Providing Context 212*

Sifrei/Rambam: Love as a Source of Responsibility 213

Talmud: Love by Example 214

Talmud and Sifrei: Love Based on Intellectual Reflection 215

Talmud: Love Based on Self-Sacrifice 216

Love and Experience 217

Summary 218

CHAPTER 24

THE MEZUZA 221

Jewish Theology and the Promise of Longevity

Divinity Can Be Found Anywhere 222

God is the Source of All Power 223

Mezuzah and the Centrality of the Land of Israel 225

Mezuzah and Longevity 227

Summary 229

SECTION SEVEN: ENDING THE DAY

CHAPTER 25

THE BEDTIME SHEMA 231

Transitioning from One Day to the Next

The Bedtime Shema as a Spiritual Reflection 232

Bedtime Shema and Proper Religious Thought 233

Bedtime Shema: A Reaffirmation of Jewish Theology 234

Birkat HaMappil: Placing Sleep in Context 235

Summary 236

CHAPTER 26
CONCLUDING THOUGHTS AND
DAILY MEDITATIONS 239

Bibliography 255

All biblical translations (unless otherwise noted) are adapted with modifications from the Stone Chumash.

All talmudic translations (unless otherwise noted) are adapted with modifications from the Artscroll Gemara.

Dedication

In June 2016, at the finish line of a charity triathlon for Kids in Crisis, Samuel Fisher ז"ל, known fondly to us as our beloved Sammy, collapsed inexplicably and could not be resuscitated. He was 24 years old and is survived by his girlfriend, brothers, parents, Holocaust survivor paternal grandparents, and Chinese maternal grandparents. Sammy was extremely close to his family, and an extraordinary bond of love ties the four brothers Jonathan, Sammy, Jeremy, and Benjamin together. While people around Sammy knew of his sincerity, empathy, and generosity, only since losing him have we more fully understood the profound imprint he left and the many lives he touched.

We remember Sammy for his exuberant passion for life—his own and those of the many people around him. Never judgmental, he embodied sensitivity and inclusiveness. We learned that, while at Harvard College, he often invited the homeless to join him for a warm meal. We remember Sammy the scholar, tirelessly searching for meaning with exceptional intellectual integrity. Emanating a quiet brilliance, he was a deep thinker. The year at Yeshivat Orayta and learning with Rav David Silverstein greatly shaped his outlook—constantly seeking to understand life, our role in the world, and how to be our best. In his weekly column “From the Heart of Jerusalem,” published in *The Jewish*

Jewish Law as a Journey

Star (New York), he shared many small stories with big lessons: to live in the moment, appreciate what we have rather than covet what we do not, and seek positive change.

Despite straight As at Harvard and a rapid upward trajectory at Goldman Sachs, Sammy was humble, unassuming, and kind. A colleague explained that each year staff members with strong mentoring skills were selected to train new Goldman interns. While most staff were assigned either zero or one intern, Sammy was assigned three. He was so smart, but also giving, warm, and funny.

We are grateful for the opportunity to dedicate Rav David's book in Sammy's memory. Sammy would be inspired by this beautiful volume and share our enthusiasm for others to benefit, as he did, from the wisdom of Rav David.

Claire, David, Jonathan, Natalie, Jeremy, and Benjamin Fisher
Newton, Massachusetts

Acknowledgements

The idea for this book began about eight years ago when I started teaching a course on the philosophy of Jewish law to students at Yeshivat Orayta in Jerusalem. The process of researching these topics and discussing them with students, colleagues, family, and friends has been exceptionally rewarding.

My personal intrigue with finding meaning in Jewish observance is a direct outgrowth of the extraordinary home in which I was raised. My father, Rabbi Alan Silverstein, instilled in me a passion for Jewish learning. Our house was filled with books and articles of Jewish interest, and his own commitment to academic Jewish studies serves as a continued source of inspiration for my own Torah learning.

My father taught me that the study of Jewish texts cannot remain simply a matter of theoretical discourse. Through his work in his synagogue and world Jewry at large, he modelled for me the need to bring Jewish wisdom into the homes and hearts of Jews across the globe.

While my father—by his own example—kindled my love for study, my mother, Rita Silverstein, nurtured my Jewish heart and soul. It was her example that gave me my emotional bond with the Torah and the Jewish people. A child of Holocaust survivors, my mother truly felt the beauty and majesty of Jewish living. She passed those feelings on to

me, as well as a deep sense of responsibility to keep our Jewish familial legacy alive. This book is a testament to my parents' exceptional ability to engender in the next generation the primacy of Jewish living and learning.

I am also blessed to have two exceptional grandmothers. My maternal grandmother, Cili Neufled, as well my grandmother-in-law, Anne Hiltzik, both serve as the matriarchs of our family. According to the Talmud, grandparents play a unique role in transmitting Judaism as a lived tradition. Nanny and Granny, each in their own unique way, remind my family of our own ancestral roots and continue to serve as our link to the great drama of Jewish history.

For the past nine years, I have been privileged to spend my days teaching Torah at Yeshivat Orayta in Jerusalem. Yeshivat Orayta is a truly unique Torah institution and is guided by exceptional educational and administrative staffs. In particular, I would like to thank Rabbi Binny Freedman, Rabbi Moish Kornblum, and Scott Apfelbaum, who believed in this project from its inception and worked tirelessly in helping bring this book to fruition.

Many close friends and students read parts of the book and offered critical and insightful observations. I would like to thank Rabbis Myles Brody, Dan Katz, Yakov Nagen, Yitzchak Blau, Judah Dardik, Dr. Benjy Bekritsky, Yaakov Landman, Adam Lavi, Corey Gold, as well as Eitan and Sophie Melamed, for all their sharp insights and critiques. Endless thanks as well to Shira Shreier and Meira Mintz for their exceptional editing of the early drafts of this book.

Working with the talented staff at Menorah Books, an imprint of Koren Publishers Jerusalem Ltd., has been a real privilege. Ashirah Yosefah guided the editing of this book with clarity and precision. The insights of the Menorah team really sharpened and enhanced the structure and style of the book. Special thanks as well to Tani Bayer for her extraordinary work on designing the book cover.

Lastly, I would like to thank my wife Lisa and our children Noa, Ezra, Elisheva and Michal. Lisa is my best friend and continues to inspire me every day with her endless dedication and passion for life. She carefully read and edited many of the chapters in this book and offered critical observations and insights about the book's style and

substance. Without her love and support, the publication of this book would never have happened.

My children are an endless source of joy. They each bring so much color to my life and being able to spend time with them is the greatest gift.

This book is dedicated to the memory of Sam Fisher z”l. Sam was a student at Yeshivat Orayta in 2010-2011 and part of the inaugural group of students in my Philosophy of Jewish Law class. Sam was a brilliant student, constantly offering challenging and thoughtful observations both inside and outside the classroom.

Beyond his brilliance, however, Sam will always be remembered for his exceptional curiosity. His passion for the world of ideas was contagious. He simply loved to question. I remember so fondly the conversations we had together about many of the topics covered in this book.

Sam came to Yeshivat Orayta with lots of questions and spent his entire year looking to develop a worldview shaped and inspired by the wisdom of the Jewish tradition. Sam’s tragic death sent shockwaves throughout the Yeshivat Orayta community. It is my hope that the publication of this book helps continue the legacy of Sam Fisher z”l and will inspire others to follow Sam’s example in seeking to live a life dedicated to meaning and purpose.

I would like to thank the Fisher family for their extraordinary generosity in dedicating this book. I am privileged to have had both Sam z”l and his very special brother Jeremy in my *shiur* at Yeshivat Orayta, and it is a tremendous *zechut* to be able to partner with such an exceptional family. Both Sam z”l and Jeremy epitomize the *middot* of humility and curiosity, always asking challenging questions with respect and genuine intrigue. Clearly these unique attributes exemplified by Sam z”l and Jeremy are a reflection of the wonderful home in which they were raised.

I would also like to thank Sam’s close friends Ariel and Aviva Menche for their tremendous efforts in making this dedication happen. Ariel and Aviva’s care for others is truly inspiring, both modelling the biblical ethic of *עולם של חסד יבנה*.

David Silverstein
Modiin, Israel

Introduction

Jewish Law and the Delicate Balance Between Meaning and Authority

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 Ezra¹ 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 forty days and forty 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 mitzvot (commandments) are

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

2. Ibn Ezra, Ex. 31:18.

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 mitzvot 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, mitzvot 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 mitzvot 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 mitzvot. Performance of mitzvot 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 mitzvot, and therefore be spiritually transformed by the divine messages imbedded in mitzva 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

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\(1\).pdf](http://asif.co.il/download/kitvey-et/zor/zhr%2033/zhr%2033%20(1).pdf)

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 hamitzvot* (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

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>.

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 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 hamitzvot*). He argues forcefully that all mitzvot 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 (*chukkim*)," they will respond by saying, "Surely this great nation is a wise and understanding people!" (Deut. 4:6). The Rambam notes

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 mitzvot 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/>

that if a significant number of the 613 mitzvot have no rational basis, what would compel the gentile world to find beauty in a life dedicated to God's commandments?

The Maharal⁹ goes one step further, utilizing the same proof-text cited by the Rambam to argue that not only do the general categories of mitzvot 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 HAMITZVOT AS THE VEHICLE FOR ACCESSING THE SPIRITUAL MESSAGES OF THE LAW

Articulating a sophisticated vision of *ta'amei hamitzvot* affirms the spiritual significance of Jewish law and the critical function of mitzvot 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,

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

10. *Tiferet Yisrael* ch. 7.

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

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 mitzvot 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 Amital¹³ 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 mitzvot 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 mitzvot.”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

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>.

performing the mitzvot 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 mitzvot 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 HAMITZVOT 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 mitzva.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 mitzvot 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 pro-

16. Ibid.

17. *Book of Mitzvot, shresh 4.*

18. Rabbi Avraham Yitzchak Hakohen Kook, “*Chakham Adif MiNavi*,” cited in *Orot* (Jerusalem: Mossad HaRav Kook, 2005), 120-121.

phetic 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 mitzvot 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 HAMITZVOT AND THE BALANCE OF MEANING AND AUTHORITY

While this book attempts to shift the contemporary conversation of halakha back towards 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

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.

pragmatic level, exclusive focus on the world of meaning can create challenges regarding mitzvot 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 hamitzvot*, 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. Soloveitchik²⁵ ("the Rav") notes, "The

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_campaign=CJLV+Ha%27azinu+5776&utm_medium=email.

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

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 mitzvot 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 mitzvot. 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 mitzvot 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 mitzvot that we understand is also the source of the mitzvot 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.

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

ABOUT THIS BOOK: A SPIRITUAL JOURNEY

As indicated above, this book is an attempt to reorient the contemporary conversation of halakha towards an increased focus on meaning in halakhic observance, while simultaneously validating the need to periodically submit to those statutes whose rationale is not yet clear. The title of the book is *Jewish Law as a Journey*. Like a journey, Jewish law is designed to move us from one spiritual place to another. An awareness of the ideals that underlie the halakha will foster a commitment to view the practice of Jewish living as a spiritual system intended to enable religious movement.

I have attempted to outline the spiritual messages of many of the central mitzvot that we encounter in the course of a given day. In theory, each chapter is self-contained; however, in order to fully appreciate the overarching vision and the profound values likely to be encountered in a twenty-four-hour period of halakhic commitment, I encourage you to first read the book in its entirety, and only afterwards, review specific chapters of interest.

I used three basic criteria to determine which daily mitzvot to analyze in this book. First, I chose mitzvot that are most familiar to large segments of the Jewish world. The chapters discussing kippa, tzitzit, tefillin, *talmud Torah*, prayer, *shema*, mezuzah, and washing before meals are representative of this category. Some of these rituals are traditionally performed only by men, but I decided to include them nonetheless since the values they underscore are relevant to all Jews irrespective of gender. Moreover, it is these expressions of Jewish observance that are often the most well-known and therefore serve as a familiar starting point for a discussion of Jewish law that is rooted in meaning and virtue.

The second category I included are mitzvot that provide religious and spiritual context to halakhic life as a whole. Following in God's ways and loving God are examples of this type of mitzva. The last category includes those rituals that provide daily opportunities for divine encounters, but tend to get overlooked when discussing Jewish Law and the quest for meaning. *Birkat HaTorah*, washing one's hands in the morning, and the bedtime *shema* are mitzvot that fall into this category.

I have consciously avoided any contentious and controversial topics. While these issues are of great significance and dominate

Jewish Law as a Journey

much of the public dialogue about halakha, they unfortunately tend to overshadow the spiritual opportunities provided by the overwhelming majority of mitzvot, which are agreed upon by Jews irrespective of ideological orientation.

Last, I have tried to cite a broad spectrum of source material, referencing both traditional as well as academic works, thus providing a maximally holistic vision of halakhic ideals and allowing the reader access to an ever-expanding Jewish library.

In the final chapter of the book, I include meditative reflections, based on the traditional sources discussed in the book, that can be utilized to facilitate a more mindful observance of halakha. My hope is that this book will serve as a daily guide to help facilitate a more passionate and meaningful commitment to the beauty and wonder that a life dedicated to Jewish law seeks to embody.

Chapter 1

Modeh Ani

Giving Thanks and Living in the Moment

A day committed to the observance of Jewish law is a spiritual journey. From the moment we get up in the morning until we lie down at night, Jewish law offers endless opportunities for meaningful divine encounters. The journey begins with the ever-difficult task of getting out of bed.

A poem by the Native American leader, Tecumseh, offers a powerful insight in guiding our first thoughts as we slowly open our eyes to begin a new day. According to Tecumseh, “When you arise in the morning, give thanks for the food and for the joy of living. If you see no reason for giving thanks, the fault lies only in yourself.”¹ Tecumseh challenges us to see our initial encounter with conscious reality as an opportunity to give thanks. If we are unable to express gratitude, then we should immediately begin a reflection on what exactly is preventing us from appreciating what we have.

The Jewish version of Tecumseh’s poem is a short piece of liturgy known as *Modeh Ani*.

1. <https://www.goodreads.com/author/quotes/8340698.Tecumseh>.

According to Jewish law, immediately upon waking up, we are required to declare, “I thank You, living and eternal King, for giving back my soul in mercy. Great is your faithfulness.” Rabbi Jonathan Sacks² notes that, according to the Talmud, sleep is considered one-sixtieth of death. Therefore, waking “is a miniature rebirth.” According to Rabbi Sacks, “by expressing gratitude at the fact of being alive, we prepare ourselves to celebrate and sanctify the new day.”³

Despite the widespread acceptance of this prayer by codifiers of Jewish law, the text of the *Modeh Ani* prayer is unique for a variety of reasons. First, it contains no mention of God’s name. Second, it is said prior to the required morning handwashing, and is thus in conflict with the halakhic insistence on avoiding reciting supplications with ritually impure hands. Finally, *Modeh Ani* seems unnecessary, since the more elaborate and detailed prayer of *Elokai Neshama*, which expands on the themes of *Modeh Ani*, is recited daily as part of the morning service. Given these perplexities, what is the theological value of reciting *Modeh Ani*?

THE TALMUDIC STORY: A STORY OF REDEMPTION

While the exact text of *Modeh Ani* is not found in the Talmud, there are talmudic passages that provide precedent for the requirement to acknowledge God immediately upon rising. For example, we are taught:

When one wakes, he says: My God, the soul You placed within me is pure, You fashioned it within me, You breathed it into me, You safeguard it within me, and eventually, You will take it from me and restore it to me in the time to come. As long as the soul is within me, I thank You Hashem, my God, and the God of my forefathers, Master of all worlds, Lord of all souls. Blessed are You, Hashem, Who restores souls to dead bodies.⁴

2. Rabbi Jonathan Sacks, twenty-first century, England.

3. Rabbi Jonathan Sacks, *The Koren Siddur with Introduction, Translation, and Commentary by Rabbi Jonathan Sacks* (Jerusalem: Koren, 2009), 5.

4. Berakhot 60b.

One of the central themes in this blessing is the relationship between waking up in the morning and the resurrection of the dead. This is highlighted by the Talmud Yerushalmi, which quotes the view of R. Yanai, stating that when we wake up in the morning, we should recite the blessing of “He who resurrects the dead.”⁵ Similarly, Lamentations Rabba notes that through the daily experience of waking up, we solidify our belief in God, who will ultimately “wake up” the dead from their sleep.⁶ Appreciating the miracle of life allows an individual to use this daily moment of wonder to tap into Judaism’s broader theological tenets. In particular, the amazement of our first breaths each morning enables us to fortify our belief in the ultimate redemption and resurrection of the dead.

It seems particularly appropriate to reflect upon this theme of resurrection when we wake up in the morning. For many Jews, the belief in an ultimate resurrection may be difficult to grasp. Waking up from sleep, by contrast, is an experience to which everyone can relate. Think about all the millions of potential health challenges that could prevent a person from indeed waking up anew each day. By acknowledging God’s hand in the act of waking, we affirm that what we perceive to be ordinary is actually extraordinary.

Moreover, by heightening our sensitivity to the miraculous, we assert our commitment to belief in the ultimate resurrection. Just as God allows the living to wake up anew each day, He will ultimately awaken the dead as well.

THE MISHNA BERURA: LIFE AS A GIFT

The need to formally acknowledge God’s involvement in the miracle of waking up in the morning is codified in the *Shulchan Arukh*.⁷ Referring to the talmudic blessing cited above, the *Shulchan Arukh* states that when we wake up, we must recite the blessing of “My God, the soul You placed within me is pure (*Elokai Neshama*).”⁸

5. Y. Berakhot 4:2.

6. Lamentations Rabba (Buber Edition) 3.

7. Rabbi Yosef Karo, sixteenth century, Sefad.

8. *Shulchan Arukh*, Orach Chayim 46:1.

After the requirement to recite the *Elokai Neshama* prayer, the *Shulchan Arukh* contains a long list of blessings that we are required to recite each day. For example, when we get dressed, we bless God as “He who clothes the naked.” Similarly, upon standing up straight, we affirm that God “straightens the bent.”

The *Mishna Berura*⁹ makes a fascinating observation articulating the exact nature of this list of blessings. According to the *Mishna Berura*, the requirement to recite these benedictions is rooted in the talmudic prohibition against experiencing any type of physical benefit without first thanking God.¹⁰ This formulation of the *Mishna Berura* explains why, for example, we must recite a blessing before getting dressed; wearing clothes is physically beneficial, and we must therefore thank God before deriving benefit from our clothing.

The blessing of *Elokai Neshama*, by contrast, seems more difficult to categorize. What physical benefit does this blessing relate to? The answer is that the simple act of being alive provides physical benefit, and the blessing is therefore actually an expression of gratitude for the gift of life itself! The blessing of *Elokai Neshama* thus not only helps us utilize our experience of waking up in order to reaffirm our connection to the belief in an ultimate resurrection, but the initial moments of one’s day offer the opportunity to thank God and express our appreciation for the gift of life.

RABBEINU YONAH OF GERONDI: THANKING GOD IN COMPROMISED SITUATIONS

So far, our discussion has centered on the blessing of *Elokai Neshama*. While this blessing has its roots in the Talmud and thematically mirrors much of *Modeh Ani*, the question of the history and philosophy of the *Modeh Ani* blessing still remains.

Both the *Shulchan Arukh* and the Rambam rule that when arising in the morning, we should recite the *Elokai Neshama* prayer.¹¹

9. Rabbi Yisrael Meir Kagan, twentieth century, Radin.

10. *Mishna Berura*, Orach Chayim 46:1:1.

11. *Shulhan Arukh*, Orach Chayim 46:1; Rambam, *Laws of Prayer and the Priestly Blessing* 7:3.

However, the *Kesef Mishneh*¹² cites the view of Rabbeinu Yonah,¹³ who significantly qualifies the ruling of the Rambam. According to Rabbeinu Yonah, the requirement to recite *Elokai Neshama* without delay upon waking applied only in talmudic times, when Jews were particularly pious and scrupulous in their observance of purity rituals. Jews living in the post-talmudic era are not on the same level of piety, and they therefore should recite *Elokai Neshama* only after washing their hands in the morning.¹⁴

This ruling of Rabbeinu Yonah created a theological vacuum. On the one hand, there is significant religious value in dedicating the first moments of every day to thanking God. The Rambam highlights this ethic, explaining that *Elokai Neshama* should be recited while “still [on one’s] bed.”¹⁵ Rabbeinu Yonah’s ruling means, however, that we cannot acknowledge the divine gift immediately upon waking, since we must *first* ritually wash our hands and, only then, recite the *Elokai Neshama* prayer. The challenge became how to fill these few crucial moments of the day with meaningful reflection, while abiding by Rabbeinu Yonah’s requirement of washing hands before reciting God’s name.

The *Modeh Ani* prayer, in which the actual name of God is not mentioned, was instituted as a solution to this problem. Because God’s name is not explicitly invoked in the text, the *Mishna Berura* notes that there is no halakhic problem with reciting *Modeh Ani* even before washing hands. The practice of reciting *Modeh Ani* is codified by both the *Magen Avraham*¹⁶ and the *Mishna Berura*.¹⁷ Citing tannaitic material, the *Mishna Berura* notes that the *Modeh Ani* text affirms our faith in God, who returns the souls we “deposit” with Him before going to bed.

12. Rabbi Yosef Karo (author of *Shulchan Arukh*), sixteenth century, Sefad/Israel.

13. Rabbi Yonah b. R. Avraham Gerondi, thirteenth century, Barcelona.

14. *Kesef Mishneh, Laws of Prayer and the Priestly Blessing* 7:3.

15. Rambam, *Laws of Prayer and the Priestly Blessing* 7:3.

16. Rabbi Avraham Gombiner, seventeenth century, Poland; *Orach Chayim* 4:28.

17. *Mishna Berura, Orach Chayim* 1:8.

**RABBI YAKOV NAGEN: MODEH ANI AND
THE POWER OF THE MOMENT**

Besides the talmudic themes found in the *Elokai Neshama* prayer, *Modeh Ani* provides additional theological messages. Rabbi Dr. Yakov Nagen¹⁸ offers an important insight into the unique theology of the *Modeh Ani* prayer.¹⁹ Citing Rabbi Nahman of Breslov (Rebbe Nachman),²⁰ Rabbi Nagen argues that being asleep as opposed to being awake is not exclusively a physiological status. More broadly, Rebbe Nachman defines sleep as “the removal of consciousness.” According to Rabbi Nagen, it is possible to be in a non-conscious state even while physically awake. This state of “sleep” most likely occurs when we are heavily invested in thoughts of past mistakes or anxieties about the future. Even though we might be physically awake, we closely resemble someone who is asleep, since focus and consciousness are completely disconnected from our present reality. When we are totally focused on the present, by contrast, we are considered fully awake, since our mental energies are completely committed to the present moment. Rabbi Nagen explains:

The *Modeh Ani* prayer is a prayer thanking God for returning to me my soul and my life. [By reciting *Modeh Ani*,] I affirm the fact that I do not assume my life to be a given. Rather, I see life as a gift from God. [I declare] that I received *this day* as a gift from God, but have not yet received [any days in the future]. When I receive these [future] days, I will thank God as well. In the interim, I am going to live *this day* [to its fullest]. Today is not simply a means towards tomorrow or just a consequence of yesterday. Rather, [living today fully] is a goal in and of itself.²¹

In support of his view, Rabbi Nagen cites a fascinating passage in the Talmud, a debate between Hillel and Shammai about the appropriate

18. Rabbi Yakov Nagen, twenty-first century, Israel.

19. Rabbi Yakov Nagen, “תודה על התודה” <https://yakovn.wordpress.com/tag/>.

20. Rabbi Nachman of Breslov, eighteenth century, Ukraine.

21. Rabbi Yakov Nagen, “תודה על התודה” <https://yakovn.wordpress.com/tag/>.

way to prepare for Shabbat.²² Shammai's practice was to eat the entire week with the Shabbat meals in mind. For example, whenever he would find a nice animal for consumption, he would put it aside and declare, "This is for Shabbat." As soon as he would find a better animal, he would eat the first one, while designating the second animal for the Shabbat meal. Hillel, by contrast, would eat whatever food he had available on a given day. This practice ensured that each day he was acting for the sake of Heaven in the firm belief that he would find food for Shabbat, as it says in the verse, "Blessed is God each and every day."²³ According to Hillel's approach, every day was lived for itself, not as a step toward something else. Living each day for the sake of Heaven ensures the sanctity of every day.

Rabbi Nagen's insight adds another layer to our understanding of the *Modeh Ani* prayer. In addition to reflecting on the resurrection of the dead and the miraculous nature of daily living, *Modeh Ani* reminds us of the opportunities that *each* day provides. When we wake up in the morning, we immediately reflect on what we hope to accomplish on that specific day. This reflection should not be viewed as a task to cross off a list. Rather, as Rabbi Joseph B. Soloveitchik²⁴ emphasizes, each of us is divinely invested with a unique purpose and mission that we are obligated to maximize during our short time on this earth.²⁵ Every day offers a powerful opportunity to further this crucial religious goal.

**RABBI MENACHEM MENDEL SCHNEERSON:
ORGANIC GODLINESS**

An additional perspective is beautifully articulated by Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe.²⁶ According to Rabbi Schneerson, it is not coincidental that *Modeh Ani* is recited specifically *before* one washes hands in the morning. Reciting *Modeh Ani* in

22. Beitza 16a.

23. Ps. 68:20.

24. Rabbi Joseph B. Soloveitchik, twentieth century, United States.

25. Rabbi Joseph B. Soloveitchik, *Yemei Zikaron*, ed. Moshe Krone (Jerusalem: World Zionist Organization, 1986) 9-29.

26. Rabbi Menachem Mendel Schneerson (the Lubavitcher Rebbe), twentieth century, United States.

an impure state highlights the fact that “all the impurities of the world cannot contaminate the *Modeh Ani* of a Jew. It is possible that a person may be lacking in one respect or another, but his *Modeh Ani* always remains perfect.”²⁷

What exactly is the “*Modeh Ani* of a Jew,” and how does it remain eternally perfect? Rabbi Schneerson explains that, based on mystical Jewish texts, there are five levels to the Jewish soul:

While the first four levels have the potential to become impure, the fifth level, *Yechida*, is constantly united with the essence of God; there is no connection to or possibility whatsoever for defects and impurities... It always remains perfect and whole. This also explains why there is no mention of God’s name in the *Modeh Ani* prayer. Since *Modeh Ani* comes from the level of *Yechida*, the essence of the soul, the thanksgiving expressed by the essence of the soul, is directed to the essence of God, which is not contained in any name.²⁸

In other words, the recitation of *Modeh Ani* specifically at a time when we are somewhat groggy captures the more organic and intrinsic connection that we have with God. We often think of our relationship with God from the philosophical perspective, but philosophical inquiry requires focus and attention. Moreover, philosophical proofs can easily be refuted, leading us to search for an alternative model to substantiate our faith commitments. The *Modeh Ani* aspect of Jewish identity, by contrast, is not linked to any philosophical construct. It transcends formal logic and relates to a metaphysical connection that a soul has with its Source. It is precisely when we have just awakened that this aspect of our identity is most clearly manifest. We are tired and certainly not in an intellectual space to engage in intense dialogue. Nonetheless, we recite *Modeh Ani* precisely at this moment in order to acknowledge that our connection to God is not dependent on philosophical proofs of His

27. Rabbi Menachem Mendel Schneerson, *On the Essence of Chassidus* (Brooklyn: Kehot Publication Society, 1986), 45.

28. *Ibid.*, 46.

existence. Before going about our day with a more philosophically developed God-consciousness, we take a few moments to thank God from a religious space that speaks to our inner awareness of the Divine. This profound connection is uniquely apparent during our initial moments of being awake each morning.

SUMMARY

The historical development of this short but powerful prayer highlights the fact that even the smallest details of Jewish law contain profound and inspiring theological messages. Every morning when we wake up, we have a powerful choice. We can view the recitation of *Modeh Ani* simply as a formal requirement and the fulfillment of a religious duty, or alternatively, we can reflect on the values that *Modeh Ani* highlights and view this religious requirement as a medium to confront transcendent religious messages. In particular, reciting *Modeh Ani* while considering the powerful concepts it contains enables us to:

- Reflect on central themes of Jewish theology, such as God's ultimate redemption and resurrection of the dead (Talmud, Lamentations Rabba)
- Appreciate God's hand in the miracle of waking up each morning (Rabbi Jonathan Sacks, *Mishna Berura*)
- Cultivate an appreciation for each day as its own unit of time (Rabbi Nagen)
- View each day as an opportunity to actualize our personal religious mission (Rav Soloveitchik)
- Develop a heightened consciousness to live in the moment (Rabbi Nagen)
- Appreciate our innate connection to the Divine that transcends philosophical inquiry (Rabbi Schneerson)