



# REFLECTIONS

of the David Cardozo Academy Think Tank

Thoughts to Ponder - 686

## Thinking Globally Living Jewishly



### Under the guidance of Rabbi Nathan Lopes Cardozo,

the DCA's Jerusalem Think Tank, a forum of Jewish thinkers, educators and leaders, explores a wide range of Jewish topics. Think Tank Fellows present issues from their own lives – matters they struggle with every day – with the hope that exploring uncharted realms of Judaism in these challenging sessions will further invigorate authentic religious living. with the hope that exploring uncharted realms of Judaism in these challenging sessions will further invigorate authentic religious living.

## THE PERFECT TORAH VERSUS THE EVOLVING TORAH

*In memory of Harry van der Bergh z.l.  
The Netherlands*

Dear friends.

Shalom u-vracha.

In these trying times, it is of great value to focus on spiritual matters that may move us to a different plain. This will give us comfort, broaden our minds and enlarge our souls, as we carefully follow all the health regulations prescribed by our authorities.

Herewith we send you the fourth part of Yehudah DovBer Zirkind's reflections on the ideas of the Mei HaShiloach and my own comments.

We thank Yehudah DovBer for this excellent representation.

Enjoy and stay healthy!

Nathan Lopes Cardozo

# THOUGHTS

## ON THE MEI HASHILOACH AND THE HALACHA - PART 4

Yehudah DovBer Zirkind

### The Radical Teachings of the Mei Hashiloach on God and Halacha

In the previous essay, we discussed the Mei Hashiloach's teachings about *tsimtsum* (contraction) and *hitpashtut* (expansion) as two different modes of divine service. The Mei Hashiloach states that when we have reached an advanced level of divine service, we can let our guard down and shed the layers of excessive fear and restraint which had previously dominated our halachic observance. At this point, *chumrot*, *gedarim* and *sayagim* (Halachic stringencies and precautionary measures) are no longer necessary. In addition, at this advanced stage we may adopt a more positive attitude toward the enjoyment of physical pleasures, because we are confident that we will be able to integrate physical enjoyment in their divine service. Once a degree of mastery in halachic observance has been reached, we can let go of our halachic "training wheels" and serve God based on love rather than fear.<sup>1</sup>

#### THE MEI HASHILOACH CONTEXTUALIZED

I believe that it is important to understand the Mei Hashiloach's ideas within the context of his predecessors within the chassidic movement.

There is a marked tendency within certain religious circles to measure religious piety in terms of halachic stringency.<sup>2</sup> This attitude maintains that increased stringency demonstrates greater religious devotion and serves as a bulwark against halachic laxity and callousness.<sup>3</sup>

The Ba'al Shem Tov (the Besht) turned this sacrosanct trend on its head when he admonished against too much stringency, lest it induce fear in the hearts of people that they have not fulfilled the commandments properly. This anxiety can in turn lead to depression. The Besht believed that the urge to be stringent may even stem from the evil inclination, which seeks to drive the person into a depressive and melancholic state inimical to serving God with joy. According to the Besht, a mood of sadness and despondency that negatively affects the service of God is far worse than relaxing stringencies. These teachings of the Besht are cited by his disciples and other early chassidic masters, who emphasize that stringency stems from harshness and severity, and clashes with love and joy.<sup>4</sup>

The Mei Hashiloach's teaching regarding *tsimtsum* vs. *hitpashtut* reflects a similar teaching<sup>5</sup> recorded in the name of the Chassidic master R. Simcha Bunim of Peshischa (ca. 1765-1827),<sup>6</sup> one of the most influential Chassidic figures who directly influenced the Mei Hashiloach.

As several scholars have already pointed out,<sup>7</sup> the Mei Hashiloach's teachings also echo similar insights of the famed chassidic master R. Ya'akov



#### Yehudah DovBer Zirkind

grew up in Crown Heights, Brooklyn, New York and studied at various Chabad Yeshivos around the world before making Aliya in 2006. He is currently a senior research fellow at David Cardozo Academy in Jerusalem. In addition, he is a researcher, writer and lecturer on a wide range of topics in the field of academic Jewish studies. Yehudah is currently a graduate student of Yiddish literature at Tel Aviv University. His forthcoming thesis is entitled "The Sacred, the Secular and the Sacrilegious in the Life and Literary Works of Chaim Grade" His research interests include: contemporary Jewish thought, Yiddish and Hebrew literature, neo-Chassidism, Yiddish music and folklore, and Jewish bibliography.

Some of his papers are accessible online at: <https://telaviv.academia.edu/YehudahZirkind>

Yitzchak Horowitz (ca. 1745-1815), also known as the “Seer of Lublin.” The Seer of Lublin presents two modes of divine service: passionate fervor vs. constant vigilance. He contrasts the person who is driven by fear of Heaven (and is always concerned lest he sin) with the lover of God who is driven by the passionate desire to cleave to God. The lover of God can get carried away with intense *deveikut* (communion with God) and be seized by *hitlahavut* (fervor) thereby leaping beyond rigid halachic parameters. Indeed, as the well-known maxim attests, *ahava mekalkalet et ha-shura* (love defies limitations). The person who is passionately in love with God might soar on the wings of the spirit of the law and be less zealous in safeguarding the letter of the law. This ecstatic approach to the service of God is apt to clash with the hypervigilance demonstrated by the one who fears sin. Moreover, according to the Seer of Lublin, an overly guarded approach may interfere with attaining a state of *deveikut* and attachment to God. Someone who cannot move away from excessive fear will not be able to reach the level of serving God with love.<sup>8</sup>

Yet, it must be noted that R. Ya’akov Yitzchak is not condoning hardcore antinomianism; he provides explicit examples that illustrate his ideas. These include laws concerning the proper recitation of prayers and the propriety of rebuking one’s fellow for their shortcomings.<sup>9</sup> In other words, within the context of passionate religious devotion, certain protocols (such as finishing prayers on time) may be disregarded; however, he does not permit a complete rejection of halachic practice. As we have just demonstrated, the ideas of the Mei Hashiloach echo the teachings of the Seer of Lublin (although the Mei Hashiloach applies this idea in a more radical way, as will be discussed below).

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### RABBI CARDOZO PUSHES THE ENVELOPE

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While the aforementioned teachings of the Mei Hashiloach refer to the relaxing of certain halachic *stringencies* and not the annulment of *mitzvot in toto*; nevertheless, in light of the insights of the Seforno and other thinkers, this line of reasoning might be extended further to reevaluate the need to perform certain *mitzvot* altogether. As we discussed in Part 2 of this series,<sup>10</sup> the Seforno and other Jewish philosophers maintain that certain *mitzvot* were commanded by God only as a result of the spiritual corruption that ensued after the sin of the golden calf. The upshot of this is that in the messianic age, when there will be a return to the pristine spiritual state that existed prior to the sin of the golden calf, these *mitzvot* will no longer be necessary. Based on this, Rabbi Cardozo’s suggested in his presentation to the David Cardozo Academy Think Tank that there might be a link between the teachings of the Mei Hashiloach and the Seforno.

Moreover, as we explained in the previous essay, the *Mei Hashiloach* states that in the future *all* of the commandments will be annulled, because *mitzvot* are divine garments, not the divine essence. Prior to the manifestation of God’s full glory, the only way to connect to Him is through His garments, the *mitzvot*. However, once God’s glory is revealed, we will be able to connect to God directly without the mediating function of the *mitzvot*.

It should be noted, however, that this view seems to accord with the theological position—mentioned in the previous essay—that the *mitzvot* are *instrumental* rather than *essential*. This approach maintains that the *mitzvot*

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serve an educational and spiritual purpose to refine human character or to instill a greater awareness of the divine. Thus it is theoretically possible for *mitzvot* to be modified or abrogated once their spiritual goals have been reached.

However, according to the opposing theological position, the *mitzvot* are an expression of God's innermost will. In other words, the *mitzvot* don't serve a secondary function (i.e. as means toward an end beyond themselves), but a primary function (i.e. they are an end in themselves). Thus, the *mitzvot* cannot be abolished. These two theological approaches are also expressed via two distinct kabbalistic metaphors. Whereas the *Mei Hashiloach* employs the kabbalistic metaphor of *mitzvot* as garments (which are changeable), R. Schneur Zalman of Liadi, employs the kabbalistic metaphor of *mitzvot* as the limbs of God, which cannot be altered.<sup>11</sup> Based on the latter approach, just as God is eternal, so too the *mitzvot* are eternal and immutable.<sup>12</sup>

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## THE ALIENATION OF GOD FROM HALACHA

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This brings us to another insight of the *Mei Hashiloach* which is of crucial importance to our discussion, namely, the relationship between God and Halacha.

Professor Haym Soloveitchik in his famous article “Rupture and Reconstruction” describes the state of post-Holocaust Orthodox Judaism as follows:

It is this rupture in the traditional religious sensibilities that underlies much of the transformation of contemporary Orthodoxy. Zealous to continue traditional Judaism unimpaired, religious Jews seek to ground their new emerging spirituality less on a now unattainable intimacy with Him, than on an intimacy with His Will, avidly eliciting Its intricate demands and saturating their daily lives with Its exactions. Having lost the touch of His presence, they seek now solace in the pressure of His yoke.<sup>13</sup>

Indeed, for many Orthodox Jews the Halacha has become a shortcut—or even a substitute for—a direct relationship with God. The statement in the Talmud that “Since the day the Temple was destroyed, the Holy One, Blessed be He, has only the four cubits of Halacha” has been interpreted in an extremely reductionist manner within certain Orthodox circles. Rabbi Cardozo in his highly critical and satirical essay “God is Relocating”<sup>14</sup> bemoans this tragic state of affairs whereby genuine religious piety has been replaced with ever-increasing stringencies in Halacha.

In an earlier era, this attitude elicited a counter-response from several Chassidic masters, who called for a restoration of the primacy of God in religious observance.<sup>15</sup> In particular, the Peshischa-Kotzk branch of Chassidism, which was the spiritual hothouse from which the *Mei Hashiloach's* philosophy emerged, stressed the importance of inner purity in the service of God over external compliance with the Halacha. Kotzker Chassidim insisted that religious fervor and vitality take precedence over *frumkeit* (pious conformity). They mocked superficial forms of piety where the main focus was on meticulous rote observance and the habitual repetition of fixed forms, rather than on striving for inner devotion.<sup>16</sup> R. Menachem Mendel of Kotzk (1787-1859), one of the rebbes of the *Mei Hashiloach*, was disdainful of *frumkeit* in general. He was once asked: what flaw are you excoriating when you call someone “a *frummer*” (a pious person)? He replied, “a *frum* person is someone who turns petty matters

into primary concerns.”<sup>17</sup> Another scathing remark attributed to the legendary R. Menachem Mendel of Kotzk encapsulates the sharpness of his approach: “A Hasid lived in fear of the Lord, he said, a Mitnagid in fear of the Code of Law (Shulhan Arukh).”<sup>18</sup>

A primary example of this tension between law and spirit in chassidism relates to the protocols of prayer. Certain Chassidic groups—especially Peshiche and Kotzk—felt a dissonance between the essence of prayer and the laws of prayer; between the inner content vs. the external form. They actually gained notoriety for not adhering to the laws governing the exact times of prayer because they felt that prayer cannot be supplied on demand and produced mechanically by the striking of a clock.<sup>19</sup> As Abraham Joshua Heschel puts it, they believed that the *kavana* (intentionality) dimension of prayer is of equal importance, if not superior, to the *keva* (regularity) dimension of prayer.<sup>20</sup> On one occasion, R. Menachem Mendel of Kotzk did not even pray the mincha prayer on Rosh Hashana because he was not completely sober.<sup>21</sup> Although his actions did not deviate from the strict letter of Halacha,<sup>22</sup> this behavior is a far-cry from the *frum* mindset, which frets incessantly to ensure that the standard daily requirements of the Halacha are fulfilled, especially on a day like Rosh Hashana!

I believe that understanding the Mei Hashiloach’s approach to Halacha as emerging from the Peshischa and Kotzk chassidic tradition is crucial for a proper appreciation and evaluation of his ideas.<sup>23</sup> The Mei Hashiloach railed against fixed forms of religious observance which lacked religious vigor and vitality. He ingeniously interpreted the prohibition in the Torah against fashioning graven images, “You shall not make molten gods for yourselves,”<sup>24</sup> and “Cursed be anyone who makes a sculptured or molten image”<sup>25</sup> as an injunction against “Halachic idolatry,” i.e. following Halacha in a mechanical fashion and obeying the rules compulsively without being moved by the spirit of God.<sup>26</sup> While chassidim were strictly observant and did not condone breaking the law, they stressed that the inertia of *mitzvot anashim melumada* (perfunctory observance)<sup>27</sup> must be replaced by the attitude of *shiviti Hashem le-negdi tamid* (I am ever mindful of God’s presence).<sup>28</sup>

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## Endnotes

- 1 See footnotes #17-26 in the last essay <https://www.cardozoacademy.org/reflections/the-perfect-torah-versus-the-evolving-torah-part-3/>.
- 2 See Benjamin Brown, "Stringency: Five Modern Era Types," *Dine Israel: An Annual of Jewish Law Past and Present* 20-21 (5760-5761): 123-237 (Hebrew).
- 3 For a detailed analysis of various positive and negative views regarding *chumra* (halachic stringency), see Abraham Joshua Heschel *Torah min Hashamayim Ba-aspaklaria shel Hadorot*, vol. 3 (New York: Jewish Theological Seminary of America, 1995), 105-137.
- 4 See the teachings attributed to the Besht in *Tsava'at ha-Rivash* (NY: Kehot Publication Society, 1998), 19-20; R. Pinchas of Koretz, *Imrei Pinchas Hasalem*, ed. Elimelech Elazar Frankel (Bnei Brak: Yechezkel Shraga Frankel, 2003), vol 1, p. 82, #170; *Ibid.* pp. 333-334, #42-44; R. Nachman of Bratslav, *Likkutei Moharan Tinyana* #44. These sources are cited in Abraham Joshua Heschel, *Kotzk: in gerangl far emesdikeit* (Kotzk: The Struggle for Integrity) (Tel Aviv: Menorah, 1973) II:641-642, 686-687 (Yiddish); *Idem*, *Torah min Hashamayim Ba-aspaklaria shel Hadorot*, vol. 3, 117-118.
- 5 See R. Alexander Zusha HaCohen, *Sefer Yakar Mipaz* (Warsaw, 1932), p. 102, no. 16.
- 6 See Morris M. Faienstein "Simchah Bunem of Pshiskhe," *YIVO Encyclopedia of Jews in Eastern Europe*, accessible online at: [https://yivoencyclopedia.org/article.aspx/Simchah\\_Bunem\\_of\\_Pshiskhe](https://yivoencyclopedia.org/article.aspx/Simchah_Bunem_of_Pshiskhe).
- 7 See Rachel Elior, "Changes in Religious Thinking in Polish Hasidut: A Comparison between 'fear' and 'Love' and 'Depth' and 'Surface,'" *Tarbiz* 62, no. 3 (Nisan-Sivan 1993): 381-432 (Hebrew); *Idem*, *Cherut al haluchot: ha-machshava ha-chasidit, mekoroseha ha-mistiyim ve-yesodoseha ha-kabaliyim* (Tel Aviv: Misrad habitachon: 1999), chap. 11; Aviezer Cohen, "Self-Consciousness in Mei Ha-Shiloah As the Nexus Between God and Man," PhD dissertation, Ben-Gurion University, 2006, pp. 335-336 (Hebrew). For a critique of Rachel Elior's analysis of the views of the Seer of Lublin, see Yehuda (Jerome) I. Gellman. "Hasidic Existentialism?" in *Hazon Nahum: Studies in Jewish Law, Thought, and History* Presented to Dr. Norman Lamm, eds. Y. Elman and J.S. Gurock, (NY: KTAV Publishing House, 1997), 397-405.
- 8 See *Zikaron Zot* on Parashat Bo, p. 47; *Ibid.*, Parashat Pinchas, pp. 123-124 and numerous other places. The page references are to the *Zikaron Zot* (Munkatch, 5702) edition, available online at <https://hebrewbooks.org/3624>.
- 9 See *Zikaron Zot* on Parashat Pekudei, p. 74.
- 10 See <https://www.cardozoacademy.org/reflections/the-perfect-torah-versus-the-evolving-torah-part-2/>.
- 11 See Rabbi Schneur Zalman of Liadi, *Tanya*, section 1, *Likkutei Amarim*, chap. 23. It is extremely important to bear in mind that God transcends human categories of thought (including abstract concepts and symbolic metaphors), thus any discussion about God's will, garments or limbs are obviously not to be taken literally. All theological discourse about God is anthropomorphic in nature. Nevertheless, these metaphors provide a powerful visualization tool and concrete way of explaining abstract theological concepts. They must therefore be taken for what they are, namely, metaphors and not literal (or even abstract) depictions.
- 12 See *Tanya*, section 4, *Igeret ha-kodesh*, siman 26.
- 13 Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition: A Journal of Orthodox Jewish Thought* 28, no. 4 (1994), p. 103.

14 <https://www.cardozoacademy.org/thoughts-to-ponder/in-spite-of-religion-god-is-still-around-ttp-444-2/>.

15 For a general treatment of this topic, see Maoz Kahana and Ariel Evan Mayse, "Hasidic Halakhah: Reappraising the Interface of Spirit and Law," *AJS Review* 41, no. 2 (2017): 375-408; Ariel Evan Mayse, "The Ever-Changing Path: Visions of Legal Diversity in Hasidic Literature," *Conversations: The Journal of the Institute for Jewish Ideas and Ideals* 23 (2015): 84-115; Idem, "Tree of Life, Tree of Knowledge: Halakhah and Theology in Ma'or va-Shamesh," *Tradition: A Journal of Orthodox Jewish Thought* 51, no. 1 (2019): 3-26; Idem, "Neo-Hasidism and Halakhah: The Duties of Intimacy and the Law of the Heart," in Arthur Green and Ariel Evan Mayse eds. *A New Hasidism: Branches* (Philadelphia: The Jewish Publication Society, 2019), 155-222; Idem, "Setting the Table Anew: Law and Spirit in a Nineteenth-Century Hasidic Code," *Journal of Jewish Thought and Philosophy* 27, no. 2 (2019): 210-242.

16 See Abraham Joshua Heschel, *Kotzk: in gerangl far emesdikeit*, l:82-88.

17 Yoets Kim Kadish, *Si'ach Sarfe Kodesh* (Piotrków Trybunalski, 1923), 1:75.

18 Abraham Joshua Heschel, *A Passion for Truth* (NY: Farrar, Straus and Giroux, 1973), 58.

19 This phenomenon of delaying the times of prayer is a feature of many Chassidic groups and is not strictly unique to the Peshischa school of Chassidism. Nevertheless, apparently this issue was exacerbated among the ranks of Peshischa chassidim. On the general issue of the Chasidic attitude toward delaying the times for prayer, see Aaron Wertheim, *Halachot ve-halichot be-chasidut*, (Jerusalem: Mossad Harav Kook, 1993), 88-93. For an eyewitness account of the prayer customs of Kotzk and Peshischa chassidim (from the point of view of a *maskil*), see Alexander Zederbaum, *Keter Kehuna* (Odessa, 1867), 129-132.

20 See Heschel, *Kotzk: in gerangl far emesdikeit* l:186-188.

21 *Ibid.*, 261-262. This story is cited in R. Yisrael Iser HaKohen Feigenbaum, *Or Pnei Yitzchak* (Warsaw, 1939), p. 14 (of the Hebrew pagination), fn. 39.

22 See *Shulchan Aruch, Orach Chaim* 99:1.

23 I am not claiming that the Mei Hashiloach did not have any original ideas of his own. Indeed, I do believe that his philosophy contains many highly original ideas and also radical interpretations of ideas articulated in milder form within the Peshischa-Kotzk tradition. Nevertheless, it is important to have a good understanding of the native soil from where his ideas sprouted forth, lest we engage in wild speculation about the Mei Hashiloach's philosophy without understanding them within their proper context.

24 *Shemot* 37:14. See Mei Hashiloach, vol. 1, ad loc. s.v. Elohei maseicha.

25 *Devarim* 27:15. See Mei Hashiloach, vol. 2, ad loc. s.v. Arur. *Ibid.*, *Shemot* 20:19 s.v. Lo Ta'asun.

26 See Herzl Hefter, "Idolatry: A Prohibition for Our Time," *Tradition: A Journal of Orthodox Jewish Thought* 42, no. 1 (2009): 15-28.

27 *Yeshayahu* 29:13.

28 *Tehillim* 16:8. The constant awareness of the presence of God as a prerequisite to Halacha was not lost on the codifiers of Jewish law. In fact, the Rema, R. Moshe Isserles cites the verse *shiviti Hashem le-negdi tamid* in his very first gloss on *Shulchan Aruch, Orach Chaim* 1:1.