

APPROACHING GOD AESTHETICALLY IN MODERN JEWISH THOUGHT

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Abstract

Drawing on the writings of the twentieth-century rabbi-philosopher Joseph Soloveitchik (1903-93), and in particular his observations on the nature and value of the aesthetic, this article sketches one element of a larger project that will explore an aesthetic approach to God and religion. The claim here is that bringing Soloveitchik into dialogue with Friedrich Nietzsche, and in particular Nietzsche's claims in *The Birth of Tragedy* regarding how the world and existence can only be justified as "aesthetic phenomena," can act as a springboard for constructing a picture whereby: (1) the experience of the halakhic life can play a life-affirming role for its more sophisticated practitioners, parallel to that played by aesthetic phenomena in Nietzsche's thought; (2) it is the aesthetic element of halakhic practice that explains how it can do this; and (3) these aesthetic elements of halakhic practice enable its practitioners, in varying ways, to experience halakhah as mediating a relationship with a God who cannot be comprehended propositionally.

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Translations of Nietzsche's works are cited by volume and/or section number and are abbreviated as follows:

- A: *The Antichrist*, trans. Judith Norman (Cambridge: Cambridge University Press, 2005).
ASC: "Attempt at a Self-Criticism," in *The Birth of Tragedy*, trans. Walter Kaufmann (New York: Vintage Books, 1967).
BGE: *Beyond Good and Evil*, trans. Judith Norman (Cambridge: Cambridge University Press, 2009).
BT: *The Birth of Tragedy*, trans. Walter Kaufmann (New York: Vintage Books, 1967).
EH: *Ecce Homo*, trans. Judith Norman (Cambridge: Cambridge University Press, 2005).
EEM: *The Emergence of Ethical Man*, ed., Michael Berger (Jersey City, NJ: Ktav, 2005).
GM: *On the Genealogy of Morality*, trans. Maudemarie Clark and Alan J. Swensen (Indianapolis, IN: Hackett Publishing Company, 1998).
GS: *The Gay Science*, trans. Josefine Nauckhoff (Cambridge: Cambridge University Press, 2001).
TIT: *Twilight of the Idols*, trans. Judith Norman (Cambridge: Cambridge University Press, 2005).

Works by Joseph B. Soloveitchik are cited by page number and are abbreviated as follows:

- HMD: *The Halakhic Mind* (New York: Seth Press, 1986).
HMN: *Halakhic Man*, trans. L. Kaplan (Philadelphia, PA: Jewish Publication Society, 1983).
KDD: *Kol Dodi Dofek*, trans. Lawrence Kaplan as *Fate and Destiny: From the Holocaust to the State of Israel* (Hoboken, NJ: Ktav, 2000).
LMF: *The Lonely Man of Faith* (New York: Doubleday, 1992).
MH: "Majesty and Humility," *Tradition* 17, no. 2 (1978): 25-37.
UM: *Uv'ikashem MiSham*, trans. Naomi Goldblum as *And From There You Shall Seek* (Jersey City, NJ: Ktav/Toras Horav Foundation 2008).
WH: *Worship of the Heart: Essays on Jewish Prayer*, ed., Shalom Carmy (Hoboken, NJ: Ktav, 2003).

Works of Nietzsche and Soloveitchik that are cited only once are not abbreviated. Details of the editions used are provided in the footnotes.

Introduction

Questions surrounding our ability to relate to a potentially unknowable God, and to make true statements about such a being, are among philosophy's many perennials. In Jewish philosophy Moses Maimonides is frequently cited as the skeptical figure *par excellence* in this regard, presenting the most radical of negative theologies in his *Guide of the Perplexed*, and writing that

There is, in truth, no relation in any respect between Him and any of His creatures. ... How ... could there subsist a relation between Him, may He be exalted, and any of the things created by Him, given the immense difference between them with regard to the true reality of their existence, than which there is no greater difference?¹

Metaphysically speaking, Maimonides here poses the question of how finite, corporeal humans could be in relation with an infinite incorporeal God with whom they share nothing at all in common. From a philosophy of language perspective, the question is how we could possibly describe such a radically different being. Maimonides is frequently identified as one of the most extreme philosophical proponents of apophaticism.² Indeed, he often appears in discussions of religious language as a representative of extreme apophaticism in general introductions to philosophy of religion.³

In this article, drawing on the work of Friedrich Nietzsche and the twentieth-century rabbi-philosopher Joseph Soloveitchik (1903-93), I intend to attempt an initial sketch of what will ultimately be a larger project exploring how an aesthetic approach to God and religion that begins to emerge in Soloveitchik's writings might be a way of dealing with issues of apophaticism and religious language. Nietzsche notoriously writes in *The Birth of Tragedy*, "it is only as an aesthetic phenomenon that existence and the world are eternally justified" (BT §5),⁴ and the power of the aesthetic also plays a significant role in the thought of Soloveitchik. My contention will be that bringing these two thinkers into dialogue over "the aesthetic" might allow us to develop a philosophical tool for approaching the human-divine relationship and for understanding God-talk. In this piece the focus will be on the former.

Before we get underway, allow me to remark on a few background assumptions. First, I am accepting a qualified form of the aforementioned Maimonidean skepticism regarding our ability to use ordinary language in order to describe God truly. So, on the understanding that the question "Can we truly ascribe to God the properties signified by the predicates we use in speaking of him?" is one that divides good philosophers who know the arguments on either side (that I will not rehearse once more here), I am

¹ Moses Maimonides, *The Guide of the Perplexed*, trans. Shlomo Pines (Chicago, IL: University of Chicago Press, 1963), I:52, 118. All further references will be cited as *Guide*, followed by part, chapter, and page number in this translation.

² There are alternative mystical readings of Maimonides, both in general and specifically regarding his apophaticism, where David Blumenthal argues, ultimately "thought fades into mystical experience." See David R. Blumenthal, "Maimonides' Philosophic Mysticism," in *Daat: A Journal of Jewish Philosophy & Kabbalah* 64-66 (2009): x.

³ See, for example, Brian Davies, *An Introduction to the Philosophy of Religion*, fourth edition (Oxford: Oxford University Press, 2021), 157-59; and Olli-Pekka Vainio, *Religious Language* (Cambridge: Cambridge University Press, 2020), 19-21. Of course, the metaphysical and semantic questions are closely related, for how can one claim to have a relationship with an existent about whom one can say absolutely nothing?

⁴ The idea is repeated at BT §24 and is also highlighted in ASC §5.

going to assume that we cannot. In turn, therefore, we cannot relate to God in a way that requires giving some form of true propositional account of this being.⁵

Second, a qualification to the first assumption (!), which is that I exempt the question of God's existence from my quasi-Maimonidean skepticism. While Maimonides' extreme apophaticism would even problematize truly asserting "God exists" (see *Guide* I.56. 131), for reasons the detailed explanation of which would take us too far afield, it seems to me that to speak of God existing need not raise the concerns that arise from other predications intended to signify divine attributes.⁶ Our task, then, is to understand how believers can engage in a relationship with a God that they deem to exist, but about whom they cannot state any further truths.

In taking this approach, I could be said to be following in the footsteps of Soloveitchik himself, and his apparent agreement with Maimonides regarding the "nonsensical undertaking of applying concepts derived from temporality to eternity ... clearly recognized by negative theology," which he combines with noting—approvingly it seems—Maimonides' failure "to purge Jewish liturgy of poetic elements and anthropomorphic symbols derived from our sensational experience" (*HMD*, 45).⁷ Questions of religious language, however, rarely feature explicitly in

⁵ The problem is not literally that of making assertions, which of course we can—and maybe even should—do. As Maimonides appears to acknowledge, at least tacitly, there might be good pragmatic reasons for allowing us to continue making such (literally false) assertions in ritual acts of prayer and the like (see *Guide* I.59, 140).

⁶ In brief though: William Alston usefully summarizes the issues with describing God in "Can We Speak Literally of God?," in *Divine Nature and Human Language: Essays in Philosophical Theology* (Ithaca, NY: Cornell University Press, 1989), 40 as follows:

1. Issues concerning divine unity such that "since all positive predications impute complexity to their subject, no such predications can be true of God."
2. The issue of divine transcendence such that "no concepts we can form would apply to him."
3. The paradoxes that ensue when we do attempt to speak literally of God's attributes.

I would argue along the lines of those who deny that "existence" is an ordinary property and thus deny that stating "There is a God" imputes a property or complexity to God (though quite how the imputation of unity to God that is used to rule out complexity is not hoist with its own petard is a matter that remains open to question). Moreover, divine transcendence, it seems, can be maintained for existence along the same lines. As Aaron Segal recently states, when we speak of God's necessary existence, "That's not a further attribute of God, that's just what it is for God to exist." Aaron Segal, "His Existence is Essentiality: Maimonides as Metaphysician," in *Maimonides' Guide of the Perplexed: A Critical Guide*, eds. Daniel Frank and Aaron Segal (Cambridge: Cambridge University Press, 2021), 119. There is no need for a "concept" of the "is-ness" of the God that one "places in the picture" in asserting that there is such a being, any more than we need a concept of "are-ness" when we say, "There are 12 eggs in a dozen." As Wittgenstein would have it, "We have only rejected the grammar which tries to force itself on us here." *Philosophical Investigations*, trans. G.E.M. Anscombe, fourth edition (Oxford: Wiley-Blackwell, 2009), Part I §304. Finally, to say "There is a God" does not itself produce the paradoxes or difficulties that ensue when we attempt to speak of divine knowledge, power, or goodness (to name just the most egregious offenders in this regard), unless one were to maintain that "exists" necessarily implies that something obtains in space and time, though it seems that at the very least, that is not something that can simply be taken for granted.

⁷ Soloveitchik's relationship with Maimonides' *Guide* is a fraught one in general. Maimonides' views of providence and prophecy loom large in Soloveitchik's first and probably best-known monograph *Halakhic Man* (see *HMN*, 123-37). At the same time, he often expresses harsh criticism of Maimonides' *Guide*, one of the medieval works that was no doubt foremost in his mind when he stated that "the most central concepts of medieval Jewish philosophy are rooted in ancient Greek and medieval Arabic thought and are not of Jewish origin at all" (*HMD*, 100). Similarly, though they may not be Soloveitchik's own words verbatim, in the published student lecture notes from his course on the *Guide* we find him criticizing Maimonides' use of "the old, routine, Aristotelian philosophical jargon" (*Maimonides: Between Philosophy and Halakhah: Rabbi Joseph B. Soloveitchik's Lectures on the Guide of The Perplexed*, ed. Lawrence J. Kaplan (Jerusalem and New York: Ktav / Urim, 2016), 76), and stating that "Maimonides' view regarding cosmic ethics is nonsense" (*ibid.*, 180).

Soloveitchik's writings. In contrast, humanity's relationship with God almost rises to the level of an obsession—man “seeks and pursues Him to the ends of the cosmos” (*UM*, 26). But how are we to relate to God given the limits on our ability to state any actual truths about him? We will argue that one route, suggested by remarks made by Soloveitchik himself, is an aesthetic one.

Aesthetic Justifications and Terrible Truths

We will begin with Nietzsche, and the context within which he claims that existence and the world are justified only as “an aesthetic phenomenon” (*BT* §5). For the background to this claim is the one (cross-perspectival) empirical truth that he maintains throughout his corpus. Though he would go on to reject Schopenhauer's metaphysics, Nietzsche continues to affirm one of that professional pessimist's foundational ideas, when he cites the wisdom of Silenus:

Oh, wretched ephemeral race, children of chance and misery, why do you compel me to tell you what it would be most expedient for you not to hear? What is best of all is utterly beyond your reach: not to be born, not to be, to be nothing. But the second best for you is—to die soon. (*BT* §3)

The idea that the truth of human existence is “terrible” (*EH* IV §1) pervades Nietzsche's thinking through to the bitter end,⁸ whether this terrible truth is simply constituted by the inevitable and constant experience of pain and suffering,⁹ or by the more existential problem of “the meaninglessness of life and the subsequent nihilism it heralds.”¹⁰ Moreover, while the later Nietzsche would repudiate *Birth of Tragedy's* “whole artists' metaphysics” as “arbitrary, idle, fantastic” (*ASC* §5), he would nonetheless continue to assert that humanity “needs the rapturous vision, the pleasurable illusion, for its continuous redemption” (*BT* §4).

Nietzsche's terrible truth confounds the needs of those who are naturally constituted as slave-types in his terminology. Such psychological types cannot remain standing without a crutch that satisfies their demand for “taking all measures to avoid seeing that reality is *not* constituted in a way that always invites benevolent instincts” (*EH* IV §4). They fulfil this need by finding solace in moral, religious, or indeed even metaphysical or scientific systems, that are posited as “the truth” and thus make sense of reality by imposing an order and meaning that at the very least

⁸ So, for example, “All of Nietzsche's published works, not just *BT* as is widely supposed, were written under the spell of Schopenhauer's pessimism.” Daniel Came, “The Themes of Affirmation and Illusion in *The Birth of Tragedy* and Beyond,” in *The Oxford Handbook of Nietzsche*, eds. Ken Gemes and John Richardson (Oxford: Oxford University Press, 2013), 212; or “I want ... to maintain that Nietzsche never rejected Schopenhauer's pessimistic conclusion, that life is basically suffering.” Ivan Soll, “Pessimism and the Tragic View of Life: Reconsiderations of Nietzsche's *Birth of Tragedy*,” in *Reading Nietzsche*, eds. Robert C. Solomon and Kathleen M. Higgins (Oxford: Oxford University Press, 1988), 113.

⁹ Spelled out more fully in Brian Leiter, “The Truth is Terrible,” *Journal of Nietzsche Studies* 49, no. 2 (2018): 151–73.

¹⁰ Ken Gemes and Chris Sykes, “Nietzsche's Illusion,” in *Nietzsche on Art and Life*, ed. Daniel Came (Oxford: Oxford University Press, 2014), 81. See also Sebastian Gardner, who also identifies the central problem as that of “our need to find ‘Sinn,’ meaning, in our suffering.” Sebastian Gardner, “Nietzsche's Philosophical Aestheticism,” in *The Oxford Handbook of Nietzsche*, 621. I also incline to this account whereby “suffering itself was not [man's] problem, rather that the answer was missing to the scream of his question: ‘to what end suffering?’” (*GM* III §28).

makes existentially bearable the “terror and horror of existence” (*BT* §3) that all human beings inevitably confront—or so it is claimed.

The problem that Nietzsche has with religion here specifically, and in particular with what he takes to be its Judeo-Christian interpretations, is that its purported “solution” is to present a “whole fictitious world ... rooted in a *hatred* of the natural (—of reality!)” (*A* §15). It is a life-denying solution that presents itself as if it were a true account of the reality of this (not to mention the next) world. Mention of fiction naturally directs us back to considering Nietzsche’s claims regarding aesthetic justification, and how it can render a life so terrible worth living, raising an immediate question. The “aesthetic” is surely the ultimate “fiction,” so why is this fiction preferable to those proffered by metaphysicians and traditional moralists?

Here, the “fictional” nature of the aesthetic is precisely the point. For it is of the very “essence” (if you will forgive the highly un-Nietzschean term) of the aesthetic that it is presented *as* an illusion, not a “truth.” The point about aesthetic representation is that it is not intended as a depiction of reality. Aesthetic value is held by Nietzsche to be independent of epistemic value; it is independent of truth. On the one hand, this should be obvious. Emma Bovary does not exist. The value of art does not depend on its fidelity to the truth (which is not of course to say that art cannot touch upon truth, but that is a longer discussion). In Nietzsche’s conception of art, we find that on the contrary, its value depends precisely on its distance from the truth, since it is only in art that we find “honest illusion”; or as Nietzsche puts it, art is the endeavor in which “the *lie* hallows itself, in which the *will to deception* has good conscience on its side” (*GM* III §25).

An important distinction therefore emerges. The value of the aesthetic is precisely in helping us deal with the terrible truth by providing us with an illusion—though an illusion that is explicitly presented as such, in contradistinction to the various metaphysical, moral, or religious truths that aim to deceive us into believing that they *are* “the truth.” These philosophical illusions, which claim to teach the truth, in fact distort or deny the actual truth, a truth so terrible that “people with complete knowledge [of it] get destroyed” (*BGE* §39). As such, these illusions are all to a greater or lesser degree life-denying, presenting false hope that will ultimately undermine itself once the insatiable drive for “truth” reveals that there isn’t one. The aesthetic, in contrast, presents itself as *not* the truth, instead welcoming and celebrating illusion. One need not be under any pretension that it will provide us with knowledge. But in providing an aesthetic lens through which to view reality, it exposes us to the actual truth in a manner that we can bear. It is an illusion that allows us to affirm reality as it is, unlike those that (falsely) present themselves as reality.

This brings with it one important emendation to the statements Nietzsche makes in *BT*. As Brian Leiter points out, the idea that the world is somehow *justified* by appeal to the aesthetic is one from which Nietzsche would soon retreat, affirming instead what he would term in his mature thought a “Dionysian” perspective on life, whereby life can be *experienced* as worth living.¹¹ So the idea that we could find a cognitive account of, or present an effective propositional argument to justify, existence is not what Nietzsche intends. Even those aesthetic forms that are presented *in* propositional terms, such as literature, are not presented as true descriptions of

¹¹ See Leiter, “The Truth is Terrible,” 156.

reality intended to give an explanatory or justificatory account of it. Nietzsche's claim, therefore, later softens to: "As an aesthetic phenomenon existence is still *bearable* for us"; GS §107). Thus, the question now turns to what the aesthetic allows us to *experience* that enables us to still affirm life in the face of the recognition of our fundamentally tragic existence.

The answer emerges when Nietzsche tells us:

The truly serious task of art ... [is] to save the eye from gazing into the horrors of night and to deliver the subject by the healing balm of illusion from the spasms of the agitation of the will. (BT §15)

As this quotation indicates, for Nietzsche aesthetic value provides us with some measure of solace that allows us to affirm life in all its "gory," and on this account, its capacity to do so depends on its affective qualities. Rather than providing intellectual succor, this "aesthetic experience" soothes the will and "seduces us back to life even when we are fully cognizant of the world's lack of fit with our desires."¹² But by what "mechanism" can the aesthetic effect this? According to Leiter, at least part of the explanation is the continuum that Nietzsche posits between aesthetic experience and sexual arousal:

the peculiar sweetness and fullness characteristic of the aesthetic condition might have its origins precisely in the ingredient 'sensuality' [*Sinnlichkeit*] ... [which is] not suspended at the onset of the aesthetic condition ... but rather only transfigures itself and no longer enters consciousness as sexual stimulus. (GM III §8)

For Nietzsche, the pleasure we experience in the aesthetic realm is a form of sexual pleasure, albeit sublimated in the way that he recommends we ought to deal with the passions in general. The experience is essentially hedonic, existing on a continuum with the experience of sexual stimulation, and ultimately, independent of its epistemic value, attracting us back to life, in part because of this relation to sexual pleasure. This "minimal hedonic thesis," as Leiter terms it, need not mean that aesthetic arousal will always defeat the countervailing nihilistic concerns. It simply claims that art acts as a vehicle for experiencing a particularly arousing form of pleasure, which has the capacity for "seducing one to a continuation of life" (BT §3) despite the terrible truth.¹³ The aesthetic thus explicitly presents us with illusion, making no claims to being a saving metaphysical truth. But the pleasure that the illusion allows us to experience enables us to cope with the spectacle of the horror of existence.¹⁴

¹² Gemes and Sykes, "Nietzsche's Illusion," 99.

¹³ For further discussion, see Leiter, "The Truth is Terrible," 163ff.

¹⁴ I take the view that throughout Nietzsche's career, illusion continued to be necessary for life affirmation. See, for example, Came, "The Themes of Affirmation and Illusion," and Gemes and Sykes, "Nietzsche's Illusion." The contrary view—that in his later work Nietzsche believed the affirmation of life to require affirming reality *as it is* without the necessity for illusion—is given its most sophisticated presentation in Bernard Reginster, *The Affirmation of Life: Nietzsche on Overcoming Nihilism* (Cambridge, MA: Harvard University Press, 2006).

Halakhah and the Terrible Truth

Misery, as the saying goes, loves company, and Silenus finds himself in unusual company among the Rabbis of the Babylonian Talmud, who decide in favor of the view of The House of Shammai that “[i]t would have been preferable had man not been created than to have been created” (*BT Eruvin* 13b).¹⁵ Note that in the continuation of the passage, we are told that once created, humans should “examine their actions,” leading us immediately from the rabbinic “terrible truth” to the realm of practice, a connection that will become highly significant.

More immediately for our purposes, Soloveitchik also has a notoriously tragic view of life. Unlike the majority of his religious counterparts, Soloveitchik refused to see religion as a refuge of metaphysical truth from a troubling conception of reality. On the contrary, one of the most commonly quoted tropes that recurs throughout Soloveitchik’s oeuvre is the idea that religion is “a raging, clamorous torrent of man’s consciousness with all its crises, pangs, and torments” (*HMN*, 142, n.4). Thus, holiness, for Soloveitchik, is “a passional experience born of bewildering and painful events, of struggle and combat with one’s self and others” (*FR*, 74). And so:

To be religious is not to be confused with living at ease, with unruffled calmness and inner peace. On the contrary, the religious life is fraught with emotional strife, intellectual tensions, which ravel and fray its harmony. The religious experience not only warms, but also chills with horror. (*WH*, 74)¹⁶

Soloveitchik does not flee to Judaism in order to find a religious experience that is “tranquil and neatly ordered ... an enchanted stream for embittered souls and still waters for troubled spirits” (*HMN*, 140 n.4). Such views of religion he takes to be “intrinsically false and deceptive” (*HMN*, 141, n.4). In their place, as Michael Harris and I have argued at length, we find a more “Nietzschean” form of religion, that shows the very “intellectual predilection for the hard, gruesome, evil, problematic aspect of existence” (*ASC* §1) that Nietzsche termed a “pessimism of strength” (*ibid*).¹⁷ Soloveitchik’s Judaism, therefore, does not manifest the anti-natural “form of a deadly hostility to reality ... unsurpassed to this day” (*A* §15) that Nietzsche imputes to Christianity. Indeed, for Soloveitchik, Judaism “displayed full confidence in the inner worth of the naturalness of man and accepted it with hope and prayer” (*FR*, 76).¹⁸

¹⁵ This is all the more notable for following the discussion that determines that in their disputes, the law is generally decided *against* the House of Shammai and in favor of the House of Hillel.

¹⁶ This likely helps explain why his philosophy was so unpopular even among devotees of his Talmudic teachings: “My students are my products as far as lomdus [traditional learning] is concerned.... However, when it comes to my philosophical experiential standpoint, I am somehow persona non grata. My ideas are too radical for them.” “Religious Immaturity,” in *The Rav: The World of Rabbi Joseph B. Soloveitchik*, ed. Aaron Rakeffet-Rothkoff, vol. 2 (Hoboken, NJ: Ktav, 1999), 240.

¹⁷ See Daniel Rynhold and Michael J. Harris, *Nietzsche, Soloveitchik, and Contemporary Jewish Philosophy* (Cambridge: Cambridge University Press, 2018). This section draws on some of the ideas developed in much greater detail in the book where we argue that Soloveitchik evinces a deeply Nietzschean sensibility throughout his writings. This article adds a further constructive dimension to that argument.

¹⁸ One might wish to distinguish Soloveitchik’s “antinomic and antithetic” religious experience (*HMN*, 141, n. 4) from Nietzsche’s unremittingly bleak “terrible truth.” Nonetheless, as we will show, it remains the case that Soloveitchik does not use religion as an escape from an existence that he often explicitly terms “tragic.”

Soloveitchik, then, makes no serious appeal to metaphysical systems in order to explain difficult truths. Famously, for example, he speaks of metaphysical approaches to the problem of evil as a “futile undertaking,”¹⁹ writing that it is “impossible to overcome the hideousness of evil through philosophical speculative thought” (*KDD*, 4). As David Shatz correctly notes, “Rabbi Soloveitchik fixes his attention on the mind and heart of the religious personality, not on abstruse metaphysical issues.”²⁰

Still, the halakhic life might be thought to act in the life-denying stead of a metaphysical system, being a prime example of the sort of “one-size fits all” morality or law that Nietzsche subjects to scathing critique. Members of the “herd” need rules and regulations to keep them in line, together with a faith in the provider of those rules. Reliance on such a framework of meaning is thought to reflect the mentality of those who do not have the spiritual strength of Nietzsche’s free spirits who would be able to create their own values. The halakhic life is therefore often viewed as the apotheosis of the submissive life, even by those who live it, and thus know it far better than Nietzsche. To them, halakhic life requires absolute surrender to a law that removes any means of creative expression for its adherents and is indeed hostile to natural reality.²¹ Such a way of life would surely be decried by Nietzsche as “happiness polluted by the concept of ‘sin’; well-being as danger, as ‘temptation’; physiological ailments poisoned with the worm of conscience” (*A* §25). Halakhah seems like a perfect example of the ascetic priest’s use of “mechanical activity” whereby “absolute regularity, punctilious and unthinking obedience, a mode of life fixed once and for all” is imposed so that in classic life-denying fashion, “the interest of the sufferer is directed entirely away from his suffering” (*GM* III §18).

It is here that, confounding expectations, we find a very different approach in Soloveitchik’s work. First, Soloveitchik’s ideal halakhic type is portrayed as a quasi-Nietzschean life-affirmer whose “entire inner nature is determined by unique individual traits indicative of an ideal, noble personality” (*HMN* 78). In a line that could come straight from Nietzsche describing his nobles, Soloveitchik tells us that the halakhic type, “is imbued with the dignity of uniqueness and individuality, and displays a distinct streak of aristocracy” (*HMN*, 79). And as emphasized by almost all Soloveitchik scholars, one of the main marks of this “nobility” is the creativity that manifests itself in the halakhic life in numerous ways.²²

Even when he describes “the congregation”—the community of the covenant, and thus the community that commits to the practice of mitzvot—we find a set of highly Nietzschean descriptions. It is, writes Soloveitchik, “a creation imbued with the splendor of the human personality,” one that “is created not as a result of negative factors, as a result of the fear of fate that pursues the man who senses his misery and weakness, but as a result of positive drives” (*KDD*, 59).

¹⁹ Soloveitchik, *Community, Covenant, and Conversation: Selected Letters and Communications*, ed. Nathaniel Helfgot (Jersey City, NJ: Ktav/Toras HoRav Foundation, 2005), 331.

²⁰ David Shatz, “A Framework for Reading Ish ha-Halakahah,” in *Turim: Studies in History and Literature Presented to Bernard Lander*, vol. 2, ed. Michael A. Shmidman (New York: Touro College Press, 2008), 175.

²¹ This includes some of halakhah’s most vigorous proponents. A leading figure in twentieth-century Ultra-Orthodoxy, R. Avraham Yeshayahu Karelitz (better known in Jewish circles as Hazon Ish), writes that halakhah is intentionally “in opposition to [one’s] natural character traits and inborn tendencies.” R. Avraham Yeshayahu Karelitz, *Emunah U-Vitahon*, trans. Yaakov Goldstein (Jerusalem: Am Asefer, 2008), 167.

²² See, for example, Walter Wurzburger, “The Centrality of Creativity in the Thought of Rabbi Joseph B. Soloveitchik,” *Tradition*, 30, no. 4 (1996): 219–28; and Rynhold and Harris, *Nietzsche, Soloveitchik*, 163–68.

More important, however, is the specific way that the halakhah, the centerpiece of Jewish religious life, functions for these practitioners. Halakhah is *not* intended to solve the problems that lie at the heart of our reality. Rather, much like art does for Nietzsche, it allows for recognition of the terrible truth, but deals with it in a way that allows us to continue to affirm life nonetheless. As Dov Schwartz puts it, “Soloveitchik ... holds that faith does not provide a solution to existential tension, but helps to live with it.”²³ Thus, for Soloveitchik, halakhah offers us a practical outlet for expressing the irreconcilable dialectic with which humankind has been burdened:

If one would inquire of me about the teleology of the Halakhah, I would tell him that it manifests itself exactly in the paradoxical but magnificent dialectic which underlies the Halakhic gesture. (*LMF*, 78)

Much as the House of Shammai tells us to examine our actions in response to its “Silenian wisdom,” it is to the halakhic life that Soloveitchik turns to respond to humanity’s irresolvable dialectical fate. But Halakhah deals with this not by claiming to “discover the synthesis, since the latter does not exist,” but in its capacity to “find a way to enable man to respond (*MH* 26).

What is particularly significant here is that just as with Nietzsche’s aesthetic “justification,” it is precisely the *experience* of halakhic life that allows it to fulfil its life-affirming function for Soloveitchik. As he writes of the halakhic man:

[W]hile homo religiosus accepts the norm against his will, “as though a devil compelled him,” *Halakhic man does not experience any consciousness of compulsion accompanying the norm*. Rather, it seems to him as though he discovered the norm in his innermost self, as though it were not just a commandment that had been imposed upon him, but an existential law of his very being. (*HMN* 64-5, emphasis added)

The halakhic life is *experienced* by Soloveitchik’s most lauded types as “an expression of man’s powerful spirit” (*KDD* 59).²⁴ Moreover, the very engagement with and partial overcoming of suffering *enhances* the power of the halakhic man. For while he might aim at synthesis, this must not be achieved since “the dignity and majesty of being ... can be attained only through the dialectical experience of victory and voluntary

²³ Dov Schwartz, *From Phenomenology to Existentialism: The Philosophy of Rabbi Joseph B. Soloveitchik*, Volume 2 (Leiden: Brill, 2013), 33.

²⁴ Notably, even Nietzsche allows for the *possibility* of such an understanding of religious practices. Ancient Israel for him was a healthy expression of religiosity, such that their “Festival cults express ... a people’s self-affirmation: they are grateful for the magnificent destiny that elevated them to their present position, they are grateful for the yearly cycle and all the luck they have had in agriculture and breeding cattle” (A §25). In Soloveitchik’s eyes, Nietzsche’s error would be his identification of rabbinic Judaism (inasmuch as he was familiar with it at all—which is questionable) with Wellhausen’s post exilic, life-denying forms of “Judaism.” This is not an unusual error, and it is even committed by many of Soloveitchik’s co-religionists, such as early political Zionists. Indeed, Soloveitchik’s insistence on recasting rabbinic Judaism in a life-affirming light is one of his major innovations.

defeat.”²⁵ One might go so far as to place this halachic type in the category of Nietzsche’s “strong and domineering natures who experience their most exquisite pleasure under such coercion, *in being bound by but also perfected under their own law*” (GS §290, emphasis added). And even when Soloveitchik observes that “many a time I have the distinct impression that the Halakhah considered the steady oscillating of the man of faith ... not as a dialectical but rather as a complementary movement” (*LMF*, 79)—a statement that appears to be in tension with the general tenor of his philosophy according to which “the dialectical role has been assigned to man by God—who therefore willed that complete human redemption be unattainable” (*LMF*, 82)—one can argue that again Soloveitchik is speaking here of how one at times *experiences* halakhah. Halachic practice reflects the human dialectic without resolving it, even if at times it can be *experienced* as reflecting a more complementary movement. As Nietzsche tells it

For one thing is needful: that a human being should attain satisfaction with himself—be it through this or that poetry or art; only then is a human being at all tolerable to behold! (GS §290)

Halakhah provides this “satisfaction” for Soloveitchik, but not by presenting an “exculpatory account” of reality, which must always remain an arena of dialectical tension. Throughout his work, Soloveitchik avoids the sort of life-denying metaphysic to which so many religious believers turn, instead appealing to a way of life that “is concerned with this dilemma and tries to help man in such critical moments” (*MH* 26). It functions for its practitioners much as Greek tragedy did in ancient Greece, at least before the Socratic “revolution.” That is, like art, halakhah is a sphere of “Apollonian”²⁶ structure and form in our lives that does not deny the Dionysian truth, but instead preserves it while shielding us sufficiently to maintain and even enhance us in our commitment to life:

In the hopeless pain of surrender, in the tragedy of wrestling with the mysterious *ish* (the man who wrestled with Jacob in the night) the contours of a great and joyful drama of existence are discernable ... [T]he contrast of tragedy and cheer, the opposition of despair and joy that ... brings the most profound of human experiences, the religious feeling, to full life and fruition. (*WH* 74)²⁷

If “the strength of a spirit would be proportionate to how much of the ‘truth’ he could withstand” (*BGE* §39), then it is indeed in Soloveitchik’s ideal religious type

²⁵ Soloveitchik, “The Crisis of Human Finitude,” in *Out of the Whirlwind: Essays on Mourning, Suffering and the Human Condition*, eds. David Shatz, Joel B. Wolowelsky and Reuven Ziegler (Jersey City, NJ: Ktav/Toras Horav Foundation, 2003), 153. The “voluntary” nature of the defeat to which Soloveitchik refers may or may not be a point of differentiation between Soloveitchik and Nietzsche, though this is a topic for another time. Either way, it is a defeat that is inevitably inflicted in our encounter with reality.

²⁶ Though Nietzsche drops explicit appeal to the Apollonian after *BT*, “he continues to regard the structure which is explicit in the experience of tragedy as the *implicit form* of aesthetic experience in general.” Gardner, “Nietzsche’s Philosophical Aestheticism,” 615.

²⁷ There are strong parallels here to Reginster’s account of what he calls the “strong paradox of the will to power,” in which “[t]he overcoming of resistance eliminates it, but the presence of such resistance is a necessary condition of the satisfaction of the will to power” (Reginster, *The Affirmation of Life*, 136). Halachic Man’s engagement with halakhah acts in much the same way, and it is the reason “halachic man prefers the real world to a transcendent existence because here, in this world, man is given the opportunity to create, act, accomplish ...” (*HMN*, 32).

where “the glorification of man reaches ... the peak of splendor” (HMN 81). But most importantly, in the case of the halakhic man, this halakhic life, informed by his genius and creativity, is the route to a “*unique experience of the divine*, charged with spiritual depth and detached from the stereotypical experiences of the masses” (UIM 59, emphasis added). That is, for all its tensions, the halakhic life acts for Soloveitchik as a mode of contact with God.

Aesthetics and the Halakhic Way of Life

To this point, we have simply been arguing that halakhah plays a formally similar role for Soloveitchik to that played by the aesthetic for Nietzsche. But the case could be made for drawing far stronger parallels given the significant power with which Soloveitchik invests the aesthetic elsewhere in his writings. Most remarkably, we find the following in his notebooks on prayer:

Only the aesthetic experience, if linked with the idea of the exalted, may bring man directly into contact with God, living, personal, intimate. Only through coming into contact with the beautiful and exalted may one apprehend God instead of comprehending Him ... (WH 59).

Soloveitchik suggests here that aesthetic experience is our route to contact with God, a means through which we are able to “apprehend” a God who is otherwise beyond our comprehension. Moreover, this is not an isolated reference to the positive power of the aesthetic in Soloveitchik’s work. In relation to repentance, for example, we find:

The feeling generated by sin is not a moral sensation; the moral sense in man is not such a powerful force. The feeling of sin which drags a person to repentance is an aesthetic sensation, or more correctly, a negative aesthetic reaction. The sinner feels disgust at the defilement of sin. The suffering of sin lies in the feeling of nausea toward the defiling, disgusting uncleanness of the sin.

... The natural inclination or desire of man is for the beautiful, for the aesthetic; man despises the ugly—it is this which draws him away from the sin into which he has sunk, in as much as sin contains ugliness, disgust, and abomination which repel man’s aesthetic consciousness. Thus, when God seeks to draw man to repentance, He arouses not only his moral awareness, which is usually not sufficiently strong to awaken him from his sin, but, more so, his aesthetic consciousness which has better chances of effecting the repulsion of the despised and loathsome sin.²⁸

²⁸ Pinchas Peli, *On Repentance: The Thought and Oral Discourses of Rabbi Joseph B. Soloveitchik* (Ramsey, NJ: Paulist Press, 1984), 215. Worth mentioning here is Gudrun von Tevenar’s argument that for Nietzsche, *Ekel*, or nausea, which has “a defining link with disgust,” is key to his attempt to “render his readers receptive to the change of values of his reevaluation process.” See Gudrun von Tevenar, “Nietzsche on Nausea,” *Journal of Nietzsche Studies* 50, no. 1 (2019): 59. And according to von Tevenar, this aesthetic response “constitutively involves a tacit value judgment” (*ibid.*, 620). While Soloveitchik is not engaged in any such general reevaluation, repentance is basically a personal “reevaluation of values,” so it is notable that for him both the judgment and the effecting of change requires an affective reaction of disgust first and foremost. I am grateful to Ken Gemes for alerting me to von Tevenar’s argument.

These aesthetic elements in Soloveitchik might well be rooted in the continental, particularly existentialist, leanings we find in his philosophy.²⁹ And in Jewish thought, we of course have Buber and Rosenzweig, who both have plenty to say about the role of the aesthetic (and who both acknowledge in some way a debt to Nietzsche).³⁰ But it remains unusual nonetheless for an Orthodox Jewish thinker to invest—approvingly, it seems—greater motivational power to the aesthetic than to the moral sense, and thus, in this arena at least, greater religious significance.

By this point, it may not come as a surprise when I say that Soloveitchik characterizes aesthetic experience in highly Nietzschean terms. Like Nietzsche, Soloveitchik's basic definition of the aesthetic makes direct reference to its hedonic and sensual nature.

By the aesthetic I understand the all-inclusive human experience by virtue of which one apprehends oneself and the surrounding world as an immediate, constant contact with reality at the qualitative sensible level. In the aesthetic he expresses his craving for the hedonic, and in it he finds the fulfilment of his sensuality. ... Beauty is apprehended, not comprehended; the harmonious form is perceived, not conceived. (*WH* 42)

Or, even more explicitly:

The sexual urge, more than any other biological urge, is identical with a fervent longing for pleasure, for beauty, for enjoyment. Thus the aesthetic pleasure-experience was born. (*EEM* 109)

As for Nietzsche, so for Soloveitchik, we find that aesthetic experience holds a deep attraction for us. Obviously, however, for Soloveitchik the attractiveness of aesthetic experience is a double-edged sword. In contradistinction to the intellectual and moral, Soloveitchik speaks of the aesthetic as a non-teleologic activity:

The intellect or will intends to realize a goal ... [that] could be, for example, usefulness, perfection, truth as an ideal, the absolute idea, and the like. The aesthete, on the other hand, does not search for a good which is transcendent to the aesthetic conception itself. (*WH* 42)

Moreover, this autonomy also means that in speaking of the pleasure that is of the essence of the aesthetic experience, Soloveitchik notes: "Whether to attain this agreeableness through ethical means or not is of no consequence." (*EEM* 111).

For Soloveitchik, this means that left to its own devices—independent of epistemic and moral value—the aesthetic is extremely dangerous. Indeed, Soloveitchik writes that "Nietzsche was right when he said that the aesthetic experience contains Dionysian

²⁹ Dov Schwartz has argued that his "thoughts on aesthetics may be viewed as a 'Jewish version' of various religious-existential motifs raised in modern Protestant philosophy from Schleiermacher and up to Niebuhr and Tillich, as well as in non-religious existential thought." Schwartz, *From Phenomenology to Existentialism*, 348.

³⁰ For a study of aesthetics as it emerges out of their thought, see Zachary Braiterman, *The Shape of Revelation: Aesthetics and Modern Jewish Thought* (Stanford, CA: Stanford University Press, 2007). My work here moves in a different direction.

elements" (*EEM* 110). Thus, in Soloveitchik's eyes, while aesthetic experience is the route to contact with God on the one hand, "when it overcomes the ethical, [it] is at the root of sin" (*WH* 37) on the other.³¹

For Soloveitchik, therefore, aesthetic experience must be "redeemed" if we are to prevent the dominance of its non-teleologic, even demonic side. As Zachary Braiterman correctly notes, for Soloveitchik "the notion of autonomous aesthetic life, unfettered by moral constraint, constitutes a purely negative phenomenon"; together with the ethical, however, it "represents a rich gamut of ontological religious experience."³² For Soloveitchik

the experience of the beautiful and the graceful ... becomes boring. It leaves man with a feeling of non-accomplishment. In order to free himself from this awareness, he must redeem the experience of the beautiful by disentangling it from the transient and illusory, from the apprehension of something which is given, and by relating it to something which is beyond the creature-datum, to something that transcends the present, to the exalted, inapproachable and unknown. He does so by relating the aesthetic to the numinous. (*WH* 79)

Soloveitchik clearly feels the need to relate the aesthetic to transcendence in order to prevent it from taking on a sinful form. But once it *is* contextualized in that way through the halakhic life, the positive rhetoric he attaches to pleasure and hedonism in halakhah is among the strongest to emerge from an Orthodox rabbinic philosopher. Few have gone as far as to say: "The Halakhah enjoins man to take no less pleasure than the hedonist in the glory and splendor of creation" (*UM* 111), and this hedonistic element of the halakhic experience, he tells us, "contains something of the aesthetic attitude of the skeptic, who has tasted his fill of the world and not found satisfaction, as well as something of the moral discipline of the man of duty, who is afflicted by his drives, but manages to overcome them" (*ibid.*). Soloveitchik, of course, goes on to qualify all of this immediately by saying: "The pleasure of halakhic man, however, is refined, measured and purified" (*ibid.*). Yet in writing of halakhah's attitude to pleasure, he notes that it "has the beauty of the refinement and splendor of life's aesthetic elements" (*UM* 112). The aesthetic, it seems, immediately introduces a measure of refinement for Soloveitchik.

For all Nietzsche's unrestrained language, in his view as well, the passions cannot be given free rein. "All passions," he tells us, "go through a phase where they are just a disaster, where they drag their victim down with the weight of their stupidity" (*TI V* §1). The aesthetic approach must "transfigure" the sexual impulse, which does not—and must not—remain an unrestrained sexual stimulus. The necessity for the "spiritualization" or sublimation of the passions that asks "how can a desire be spiritualized, beautified, deified?" (*ibid.*), translates into an aesthetic experience that must perforce be more refined than straightforward sexual stimulation, even for

³¹ This of course is reminiscent of the critique of the aesthetic made by the other "godfather of existentialism" often identified alongside Nietzsche—Kierkegaard. Such parallels between Kierkegaard and Soloveitchik have been explored in Michael Oppenheim, "Kierkegaard and Soloveitchik," *Judaism* 37, no. 1 (1988): 29-40, and are a recurrent theme in Schwartz, *From Phenomenology to Existentialism*.

³² Zachary Braiterman, "Joseph Soloveitchik and Immanuel Kant's Mitzvah-Aesthetic," *AJS Review* 25, no. 1 (2000/2001): 4.

Nietzsche.³³ And while the way of sublimation was something for which Christianity, in his view, did not have the capacity—“how could we expect it to have waged an intelligent war on the passions” (ibid.), Nietzsche asks—Soloveitchik’s Judaism appears equipped to engage in a far shrewder battle. There clearly remains a difference in their approaches, for Soloveitchik’s halakhic starting point means that ethical controls are always in place. But we should not ignore the extent to which Nietzsche advocates for a measure of refinement in the arena of the passions.³⁴

Halakhah, the Aesthetic, and Relating to God

If we now pause to take stock, we have identified the following ideas in Soloveitchik’s thought:

1. Halakhic practice is the Jewish mode of behavior through which we relate to God.
2. Only the aesthetic experience, if linked with the idea of the exalted, may bring man directly into contact with God.

If only an aesthetic experience can bring us into contact with God, and halakhah brings us into contact with God, it becomes reasonable—possibly even necessary, depending on how literally one takes Soloveitchik’s use of the word “only”—to believe that some form of aesthetic experience is involved in halakhic practice, and that it is this aesthetic element that is the vehicle through which one comes into contact with God. Leaving aside questions of Soloveitchik’s own intent at this point, this is precisely the idea I wish to develop here. Note, this is stronger than the claim above that halakhah enjoins us to take a refined pleasure in the world. This is to argue that halakhic practice itself *has* aesthetic “properties” that we can experience as such.³⁵ And if halakhah does indeed have aesthetic elements, we might understand how and why halakhah can be experienced by its practitioners as pleasurable and “restoring and maintaining an affective attachment to life” as do aesthetic phenomena for Nietzsche. We would end up with an aesthetic experience manifest in halakhic practice that creates contact with God, thereby allowing one to experience life as worth living despite our knowledge of the terrible truth. Given the phenomenological account that has been our focus, however, this has to be qualified by noting that, much like Nietzsche, we are here describing ideal halakhic types who would “want to be the poets of [their] life” (GS §299)—or what we will call halakhic exemplars.

³³ Clearly that cannot take us as far as setting ethical controls upon it for Nietzsche, though even here one might appeal to his oft-ignored statement: “It goes without saying that I do not deny—unless I am a fool—that many actions called immoral ought to be avoided and resisted, or that many called moral ought to be done and encouraged—but I think the one should be encouraged and the other avoided *for other reasons than hitherto*.” Nietzsche, *Daybreak*, trans. R. J. Hollingdale (Cambridge: Cambridge University Press, 1997), §103. Of course, encouraged no doubt in part by his disdainful statements regarding traditional morality, it seems as if this did not “go without saying” for many of Nietzsche’s readers. And one could certainly argue that Nietzsche shows little concern for the ethical problems that his individualism and aestheticism might leave in their wake.

³⁴ For any differences that remain, not least that Soloveitchik requires refining of the aesthetic expression of the passions, he understands sublimation in the very way that Gemes describes for Nietzsche, whereby “the stronger drive co-opts a weaker drive as an ally and this allows the weaker drive expression, albeit to an end that contains some degree of deflection from its original aim.” Ken Gemes, “Freud and Nietzsche on Sublimation,” *Journal of Nietzsche Studies* 38 (2009): 48.

³⁵ Worth also mentioning here is Jonathan Sacks’ observation: “Prayer is a way of seeing, not unlike the account Iris Murdoch gives of the aesthetic sense.” Jonathan Sacks, *The Great Partnership: Science, Religion, and the Search for Meaning* (New York: Schocken Books, 2011), 198.

I am not the first to argue for a halakhic aesthetic in Soloveitchik's thought. Zachary Braiterman has argued that for Soloveitchik "the beauty of Jewish life lies precisely in halakhic discipline,"³⁶ and he goes on to frame Soloveitchik's aesthetic of mitzvah in Kant's aesthetic categories. While Braiterman believed that this aesthetic element "remains largely subordinate and even hidden throughout Soloveitchik's texts,"³⁷ the posthumous appearance of Soloveitchik's unpublished manuscripts has shown Braiterman's prescient claims to be rather more grounded in Soloveitchik's writings than he could have known at the time. The direction that we will take here, though, will be more Nietzschean than Kantian.³⁸

Note that this is not an attempt to justify halakhic practice in aesthetic terms. Rather we are setting out the way in which an aesthetic phenomenology of the life lived in accordance with halakhah can potentially enable a relationship with God. Thus, when Braiterman correctly notes Soloveitchik's attack on those who wish "to enjoy the aesthetic beauty of Judaism while ignoring its halakhic discipline,"³⁹ thereby using an aesthetic standard as a criterion for determining halakhic judgment, our reading avoids such problems since it begins at halakhic commitment and builds from there.⁴⁰

If we do commit to this aesthetic account, we find that it has a number of things to be said for it. First, it is a non-propositional way of relating to God, and thus does not attempt to provide the traditional type of life-denying philosophic "solution" to the problems we encounter in reality. This allows us, as Soloveitchik has it, to "apprehend God instead of comprehending Him." That such "apprehension" in Judaism cannot involve literally sensing God though our five senses is clear. Instead, an aesthetic experience emerges through halakhic practices performed with religious intent that conduct us towards a relationship with a being that otherwise transcends our experience. It allows for an apophatic approach—one that cannot be expressed in propositions or dogma, but still enables a relationship with God via halakhic practice.⁴¹

This does of course highlight the major difference between Nietzsche's and Soloveitchik's uses of the aesthetic. Ultimately for Soloveitchik, it mediates a relationship with an existent God, so we can no longer be said to be dealing with a Nietzschean

³⁶ Braiterman, "Joseph Soloveitchik and Immanuel Kant's Mitzvah Aesthetic," 7.

³⁷ *Ibid.*, 4.

³⁸ The extent to which the specific Kantian parallels that Braiterman draws are accurate would require more space than I have here. My suspicion is that elements of the Kantian reading are overly cognitive. Nonetheless, if Braiterman's unjustly neglected arguments hold up, my case is strengthened; if not, it is relatively unaffected.

³⁹ Braiterman, "Joseph Soloveitchik and Immanuel Kant's Mitzvah Aesthetic," 6.

⁴⁰ Relating to God in a manner that maintains the power of the aesthetic *within* that of halakhah could be said to reflect Soloveitchik's counter to Buber-style existentialist critiques of halakhah. See Michael Berger, "Ul-Vikashitem Mi-Sham: Rabbi Joseph B. Soloveitchik's Response to Martin Buber's Religious Existentialism," *Modern Judaism* 18, no. 2 (1998): 93–118.

⁴¹ Judaism is notoriously skittish about imposing any systematic theology, but not remotely so about making specific religious behaviors obligatory. As Howard Wettstein has written, "propositional articulation of theological truths does not provide a natural way of thinking about biblical and rabbinic Judaism." Howard Wettstein, "Theological Impressionism," *Judaism* 49, no. 2 (2000): 131. Wettstein, however, still maintains a place for other forms of theological thinking that are less doctrinal. More extreme is Yeshayahu Leibowitz, who at times gives an entirely behavioral definition of Jewish faith: "For Judaism, faith is *nothing but its system of mitzvot*, which was the embodiment of Judaism." Yeshayahu Leibowitz, "The Reading of Shema," *Judaism, Human Values, and the Jewish State*, ed. Eliezer Goldman (Cambridge MA: Harvard University Press, 1995), 38 (emphasis added).

“illusion presented as illusion.” Nonetheless, Soloveitchik’s relationship with God, as mediated by the aesthetic experience of halakhic practice, enables us to recognize the terrible truth while maintaining a positive affective orientation to the world, just as the aesthetic does for Nietzsche.

This, however, is where the hard constructive work must begin, for there is a vast literature on the notion of aesthetic experience, and many competing theories as to its nature.⁴² Here we can merely pick out some representative examples to indicate directions that a future study might take. Note, however, that we are neither attempting to define the nature of aesthetic experience, nor claiming that the aesthetic elements exhaust what is going on in halakhic practice. We are simply interested in identifying—and investigating the significance of—aesthetic elements that we *do* find in halakhic practice and experience. The more candidates that have been identified as marks of aesthetic experience that we locate in halakhic experience the better, and the very fact that so many candidates do apply strengthens our case. Should some of them ultimately fall short as marks of the aesthetic, this will simply speak to the “extra-aesthetic” nature of halakhic experience. So, we get to eat our cake and have it too.

Notably, given the “performative” nature of halakhic life and our general phenomenological emphasis, we are able to help ourselves both to internalist accounts of aesthetic experience—those that appeal to the “internal” aspects of our experience of aesthetic objects—and externalist accounts, which instead focus on the features of the object (in this case the halakhah) itself. In halakhic practice, the two come together given that the experience is of the object in the most direct fashion possible. We directly experience what one might take to be the “objective” features of the practice that provide enough existential meaning to “seduce” us into affirming our lives. Thus, in performing the aesthetic acts, we are, in a sense, both subject and object at once. This sits well, incidentally, with what Sebastian Gardner speaks of as

Nietzsche’s redetermination of the *subject*—the artist and/or spectator—as the real aesthetic “object”: how we take the object to be aesthetically, as beautiful or whatever, is at the same time, or really, according to Nietzsche, a way we take *ourselves* to be.⁴³

When we combine this with Soloveitchik’s claim that in Judaism “the most fundamental principle of all is that man must create himself” (*HMN*, 109), we open up the idea that our halakhic exemplars fashion selves – or to put it in Nietzschean terms “become who they are” – in experiencing lives of aesthetic beauty through their halakhic practice.

⁴² For a good survey, see Gary Iseminger, “Aesthetic Experience,” in *The Oxford Handbook of Aesthetics*, ed. Jerrold Levinson (Oxford: Oxford University Press, 2003), 99–116.

⁴³ Gardner, “Nietzsche’s Philosophical Aestheticism,” 613. The “mechanics” of Gardner’s account of Nietzsche’s notion of the Aesthetic State is also of interest here, for it is one “where the state of the subject and the appearance of the object, reinforce one other directly and in a manner that is normative as much as causal—the subject’s aesthetic pro-attitude to the object and the object’s aesthetic appearance, which is sponsored by and refers back to the subject, rationalize and *validate* one another, and it is because they do so that the aesthetic state is able to carry conviction for the one who occupies it” (*ibid.*, 614). To my mind, Gardner takes this “rationalization” in an overly cognitive direction. However, understanding this “validation” in a more phenomenological sense, one could see how halakhic life might be experienced as “justified” in the eyes of its exemplary practitioners.

By way of some examples of how this might potentially manifest itself, take first Monroe Beardsley's influential account of aesthetic experience as including the features of coherence and completeness. The former he explicates as a feature where

continuity of development, without gaps or dead spaces, a sense of overall providential pattern of guidance, an orderly cumulation of energy toward a climax, are present to an unusual degree.⁴⁴

On the one hand, one could hardly hope for a better description of the ideal halakhic experience. But more than that, George Dickie's famous critique that what Beardsley "actually argued for is that aesthetic objects are coherent"⁴⁵ rather than that the *experience* is coherent, works to our advantage. Here, the subjects are acting out the "object," so one could easily describe both the practice itself *and* the practitioner's experience of it in these terms.

In addition, this particular idea would enable our "aesthetic" of halakhic commitment to address one of the limits to Nietzsche's aesthetic justification, for aesthetic experience is transient, leaving us at the mercy of the long stretches when we may not enjoy such experience. Leiter addresses this weakness by arguing that it "must be that Nietzsche envisions forms of life whose aesthetic qualities are not transient, but are pervasive features of the social world."⁴⁶ The all-encompassing halakhic life means that both halakhic practice and Soloveitchik's phenomenology of it fit the bill perfectly in manifesting Monroe's "coherence" condition, as a practice and/or experience without gaps, with a sense of providential guidance, etc.

For a second example, take Beardsley's account of completeness, whereby

The impulses and expectations aroused by elements within the experience are felt to be counterbalanced or resolved by other elements within the experience, so that some degree of equilibrium or finality is achieved and enjoyed. The experience detaches itself, and even insulates itself, from the intrusion of alien elements.⁴⁷

With the one caveat that a full resolution/equilibrium cannot occur in Soloveitchik's halakhah, this seems almost perfectly tailored to his account of it as consisting of acts that express the tragic dialectic at the heart of human existence. Moreover, the experience "insulating" itself from "alien elements" could be seen to speak to halakhah's ability to attract us away sufficiently from the terrible truth that could otherwise intrude to the point of destroying us.

The emphasis on the affective function of aesthetic experience in Nietzsche's and Soloveitchik's eyes means that we can also look to the sort of internalist theories of aesthetic experience best articulated in recent times by Jesse Prinz, for whom aesthetic evaluation has "an affective foundation."⁴⁸ For Prinz, the key aesthetic emo-

⁴⁴ Monroe C. Beardsley, *Aesthetics* (Indianapolis, IN: Hackett, 1958), 528.

⁴⁵ George Dickie, "Beardsley's Phantom Aesthetic Experience," *Journal of Philosophy*, 62 (1965): 131.

⁴⁶ Leiter, "The Truth is Terrible," 166.

⁴⁷ Beardsley, *Aesthetics*, 528.

⁴⁸ Jesse Prinz, "Emotion and Aesthetic Value," in *The Aesthetic Mind: Philosophy and Psychology*, eds. Elisabeth Schellkens and Peter Goldie (Oxford: Oxford University Press, 2011), 71.

tion is that of wonder, something that he notes is also evoked by sacred objects, which accounts for the fact that some people treat artworks as, in some sense, sacred. Ordinary objects are viewed with a form of awe.⁴⁹ Halakic man, similarly, “will perceive the sunset of a Sabbath eve not only as a natural cosmic phenomenon, but as an unsurpassably awe-inspiring, sacred, and exalted vision” (*HMN*, 38). And in general, through halakhah our temporal lives become sacred, our life “becomes sanctified and elevated with eternal holiness” (*HMN*, 35).

Also worth mentioning here is the concept of *hiddur mitzvah*—literally “beautification of the mitzvah”—an explicitly aesthetic concept directed specifically to halakic acts, derived (in Babylonian Talmud, *Shabbat* 133b) from Exodus 15:2—“this is my God and I will glorify him.” Here we are to relate to God and “beautify” Him, as it were, specifically through the aesthetic notion of beauty as it relates to halakic practice.⁵⁰

To bring one final example, we might focus on a feature of aesthetic experience with a distinguished pedigree—the idea that art is enjoyed “for its own sake.” This idea has its roots in Kant’s *Critique of Judgment*—where aesthetic judgment is categorized as “disinterested”—and remains a staple of many contemporary theories.⁵¹ While for a Nietzschean the idea of a genuinely disinterested experience is a non-starter, what matters here is that aesthetic pleasure does not serve any end external to the aesthetic pleasure itself. And, once again, we find an analogous feature embedded in understandings of exemplary halakic practice dating back to the sole view in the Mishnah attributed to the second century B.C.E. sage Antigonus of Socho—to “be not like servants who minister to their master in order to receive a reward, but be like servants who minister to their master not in order to receive a reward” (*Avot*, 1:3)—through the work of Maimonides, to the radical development of this idea by Yeshayahu Leibowitz.⁵²

Now we have, of course, argued that the aesthetic features of halakic experience do in fact serve a purpose—that of relating to God, as well as sanctifying the world, “to bring transcendence down into this valley of the shadow of death” (*HMN* 40). But in both cases, halakhah acts as a constitutive rather than instrumental “means” to these ends. It is not that one performs these acts in order to achieve a relationship with God that exists independently of the practice itself. Rather, as we have seen, the aesthetic features of the practice both mediate and constitute that relationship, which cannot be “siphoned off” propositionally from the experience. Moreover, the sanctification or holiness “created” by the halakic act is not some strange independent property that the acts create. Soloveitchik dismisses the idea that holiness is “something objectively inherent in an object ... a metaphysical endowment which persists irrespective of man’s relationship to the object,” as bordering “on fetishism and primitive taboos” (*FR* 64). Holiness is, rather, “deeply rooted in the physical layers of his existence, in his carnal drives, in his being integrated into the kingdom of nature” (*FR* 74). Indeed, more generally for Soloveitchik, halakic man

is not at all concerned with a transcendent world. ... The receiving of reward is not a religious act; therefore, halakic man prefers the real world to a transcendent existence because here, in this world, man is given the opportunity to create, act, accomplish ... (*HMN* 32).

⁴⁹ *Ibid.*, 84.

⁵⁰ I am grateful to Michael J. Harris for drawing my attention to this.

⁵¹ See, for example, Gary Iseminger, “The Aesthetic State of Mind,” in *Contemporary Debates in Aesthetics and the Philosophy of Art*, ed. Matthew Kieran (Oxford: Blackwell, 2006), 98–110.

⁵² Leibowitz, “Lishmah and Not-Lishmah,” in *Judaism, Human Values, and the Jewish State*, 61–78.

We see here that mitzvot are not treated instrumentally, as a means to an end, but as an opportunity to continue to act and create in the world.

One additional matter of note. Similarly to Gardner earlier, Jeffrey Church has argued that while for Nietzsche art itself acts to justify existence, “Nietzsche also sees the lives of exemplary individuals as beautiful and hence as aesthetically justificatory.”⁵³ Even if one is wary of being over reliant on Nietzsche’s much misunderstood (and oft misinterpreted) *übermensch*, there is little question that the idea of noble human “exemplars,” whose lives manifest a secular redemptive ideal, figure prominently in his thought.⁵⁴ Taking a closer look, according to Church there are three marks of Nietzsche’s aesthetic justification:

1. Truth: [that] our lives must be devoted to a higher ideal that is not mythic ...
2. Significance: ... our lives must have significance ... [and] play some instrumental role in bringing about a higher ideal ...
3. Self-determination: ... we must autonomously devote ourselves to an ideal.⁵⁵

Phenomenologically speaking, on Soloveitchik’s account, the halakhic life is clearly experienced as the apotheosis of devotion to a higher ideal that gives significance to the lives of its practitioners, or at least those of its highest exemplars. Some may balk at the idea that this way of life is not “mythic,” but as we have seen, Soloveitchik’s Judaism eschews myth at every turn, our earlier example of his view of holiness being a case in point.⁵⁶ Moreover, while the idea that submission to the halakhic life could reflect “autonomous devotion” is often mocked, not least by Soloveitchik’s critics,⁵⁷ this is only an issue if one takes an overly cognitive approach to halakhah and to Soloveitchik’s discussions of it, instead of focusing on his phenomenological account of halakhic man’s *experience* of halakhic life as “an *experience* of total freedom—as if the commandment were identical with the demands of the creative rational consciousness” (*UM* 81, emphases added).

But Church makes two further observations that speak directly to our halakhic aesthetic. First, Church believes it to be essential “under modern demands for truth” that those living these lives “know that life really is worthwhile.”⁵⁸ This would appear to outstrip the capacity for illusion to act as the aesthetic justification that Nietzsche desires, and thus would be an issue for the interpretation we have been giving up to now.

⁵³ Jeffrey Church, “The Aesthetic Justification of Existence: Nietzsche on the Beauty of Exemplary Lives,” *Journal of Nietzsche Studies* 46, no. 3 (2015): 290.

⁵⁴ As Came writes, for Nietzsche “an alternative (secular) salvation is possible through the project of ‘becoming the poets of our lives’ and ‘turning ourselves into works of art’” (Came, “The Birth of Tragedy and Beyond,” 218). More generally on “secular redemption,” Giles Fraser writes: “Nietzsche is obsessed with the question of human salvation ... And despite the fact that he becomes an atheist, he continues passionately to explore different ways in which the same basic instinct for redemption can be expressed in a world without God.” Giles Fraser, *Redeeming Nietzsche: On the Piety of Unbelief* (New York: Routledge, 2002), 2.

⁵⁵ Church, “The Aesthetic Justification of Existence,” 291.

⁵⁶ See also in this regard the naturalism of *EEM*, where he rejects the “almost dogmatic assertion that the Bible proclaimed the separateness of man from nature and his otherness” (*EEM* 6) and claims instead that man “does not occupy a unique ontic position” in the cosmos, but “fits into the schemata of naturalness and concreteness” (*EEM* 12).

⁵⁷ See, for example, the review of *Halakhic Man* by David M. Gordis in *Journal of Law and Religion*, 7, no. 1 (1989): 244; and Elliot N. Dorf, “Halakhic Man: A Review Essay,” *Modern Judaism* 6, no. 1 (1989): 95.

⁵⁸ Church, “The Aesthetic Justification,” 295. Gardner similarly wishes to argue against the idea that for Nietzsche the “Aesthetic State lacks truth” (Gardner, “Nietzsche’s Philosophical Aestheticism,” 617).

Second, his exemplars act such as to “redeem existence by ennobling existence itself. Exemplars demonstrate that human life can be led not slavishly and meaninglessly devoted to animalistic desires, but rather can be consecrated to an eternal ideal.”⁵⁹ The exemplary figures thus can do more than simply experience their own lives as justified. By redeeming “existence itself,” it appears that they may provide a way for others to vicariously experience *their* own lives as justified.

Whether either of these additional specifications are accurate renderings of Nietzsche’s view is certainly open to question.⁶⁰ But Church’s ideas can be adapted well to Soloveitchik’s insights regarding the halakhic life as a form of aesthetic justification. First, given the revelational context, the halakhic types do experience their lives as “really worthwhile,” but importantly, they do so *without* denying that the dialectic at the heart of existence is “irreconcilable” (MH 25). Thus, they can live in a way that is really meaningful, but without appeal to metaphysical truths about this-worldly reality beyond the intrinsic value of the halakhic experience. Second, it is also the case for Soloveitchik that “Religious perception is enriched by spiritual geniuses and great thinkers” who are set apart from the masses given their “unique personality, with great sagacity and extensive knowledge” (UM 58). So regardless of whether such thinkers would meet Nietzsche’s threshold for genius, could it be, for Soloveitchik, that the manner in which halakhic exemplars live their lives provide some form of “justificatory” aesthetic experience for the masses?

This brings us to an interesting if peculiar advantage to the aesthetic reading—its potential explanatory power for those who experience halakhah in a less optimal, even life-denying, manner. For we have been presenting the phenomenology of Soloveitchik’s exemplary types, but one cannot—and he would not—deny that many do not experience halakhah this way, instead experiencing it as entirely heteronomous and burdensome. Though of course the connection is far from necessary, these types are more likely to approach halakhah from the perspective of guilt and punishment, in the hope of an escape from this life and expectation of another one. Ironically though, an aesthetic account can help us here.

For Soloveitchik, one issue with the aesthetic is that “the experience of the beautiful and the graceful ... becomes boring,” and needs to be redeemed, ultimately “by relating the aesthetic to the numinous” (WH 79). Elsewhere, he speaks of how aesthetic activity can become hypnotic, such that “the pleasure-drunk person becomes an addict to the hedonic way of life. He acts involuntarily and by the sheer force of habit” (EEM 111). Within the halakhic life, one does find those for whom it has become a deadening routine. But given Soloveitchik’s characterizations, this is easily explained as the negative aesthetic experience of either, 1) “poor artists,” lacking the aesthetic creativity of the halakhic exemplars who can “‘give style’ to [their] character” (GS §290); or 2) poor “art critics” who lack the capacity to fully appreciate halakhah’s aesthetic properties. Either would view halakha as a legal form of Socratic rationalism, ending up with what Franz Rosenzweig criticized as “the pseudo-juristic

⁵⁹ Church, “The Aesthetic Justification,” 292.

⁶⁰ I for one would reject the “truth” condition, in agreement with Gemes and Sykes who argue that even with his more “metaphysical” sounding pronouncements in *BT* Nietzsche is “not thereby committing himself to any substantive metaphysical claim about an underlying reality which the phenomenology might track” (Gemes and Sykes, “Nietzsche’s Illusion,” 92). On the other hand, regarding the exemplary types, as Leiter states, it might well be that “spectacles of genius” such as a Beethoven or a Goethe could indeed “attract us to life, and *perhaps* lead us to affirm it” (Leiter, “The Truth is Terrible,” 167).

theory of its power to obligate, theories which Hirsch's Orthodoxy made the foundation of a rigid and narrow structure, *unbeautiful despite its magnificence*" (emphasis added).⁶¹ Nonetheless, the relation of halakhah to the numinous is something that they recognize, if only formally rather than experientially, and this matters to Soloveitchik. In Judaism "religion belongs to everyone," since "man's right to commune with Eternity and to acquire it is clearly not given only to the elite" (UM 58). The exoteric behavioral nature of halakhah allows some form of contact with God for everyone, however limited it might be in certain cases.

However, Church's approach also opens up an alternative, more charitable account of the aesthetic halakhic experience of those that do not reach the heights of Halakhic Man. As the earlier quotation implies, there does exist an elite, and they approach God "out of individuality, aspiration, and originality of will" (UM 59). There we find Soloveitchik's life-affirming types, who experience the aesthetic grandeur of halakhic practice, investing their lives with heightened aesthetic and religious value. In this way we return to the highly Nietzschean idea that "the (real) 'work of art' is a *state* of the artist, or a construction within the artist's subjectivity."⁶² To return to Rosenzweig, what they live is "really Jewish law, the law of millennia, studied and lived, analyzed and rhapsodized, the law of everyday and the day of death, petty and yet sublime, sober and yet woven in legend,"⁶³ and that restores their attraction to, and even love for, *this* life for all its very real and ineliminable challenges.

Drawing on Church's second additional condition, then, one could argue that non-exemplars with some capacity for aesthetic appreciation can gain an experiential attraction back to life vicariously through their contact with these halakhic exemplars. That is, they gain aesthetic pleasure from what Leiter terms "the 'spectacle of genius,' that is, the spectacle of human achievement that induces aesthetic pleasure."⁶⁴ What the halakhic exemplars create for those of lesser stature to appreciate are "living structures, which because they confer meaning upon their constituents, offer at least the prospect of redemption."⁶⁵ So Soloveitchik's highest halakhic exemplars might seduce back to life those who do not reach such heights and even create a form of contact with God for them.⁶⁶

There would be different categories within these "non-exemplars." We could find those whose appreciation of such genius is sufficiently nuanced to be parsed

⁶¹ Franz Rosenzweig, "The Builders," in *Franz Rosenzweig: On Jewish Learning*, ed. Nathan N. Glatzer (Madison WI: The University of Wisconsin Press, 2002), 80.

⁶² Gardner, "Nietzsche's Philosophical Aestheticism," 612.

⁶³ Rosenzweig, "The Builders," 77.

⁶⁴ Leiter, "The Truth is Terrible," 167.

⁶⁵ Aaron Ridley, "Nietzsche and the Arts of Life," in *The Oxford Handbook of Nietzsche*, eds. Gemes and Richardson, 420. And contra Nietzsche's general view of the Judeo-Christian tradition, Soloveitchik's halakhic exemplars do this in the life-affirming manner of Nietzsche's "artist-creators" (See the "Conclusion" section of Gemes and Sykes, "Nietzsche's Illusion.").

⁶⁶ This can even garner rabbinic support from the classical commentator Rashi, who, citing the midrash (Sifrei), comments on Deuteronomy 11:22: "AND TO CLEAVE TO HIM [God]—Is it possible to say this? Is He not 'a consuming fire' (Deuteronomy 4:24)? But it means: *cleave to the scholars and sages, and I will account it unto you as though you cleave to Him* (Sifrei Deut. 49:2)" (emphasis added). I am grateful to Michael J. Harris for reminding me of this source in this connection. It also maybe draws out the kernel of truth that is reflected in certain hasidic accounts of the tzadik, or more prosaically just the classic rebbe-talmid (rabbi-disciple) relationship. While halakhic man is not seen as a literal "intermediary" between the common man and God, he can be seen as one who lives a life in relationship to God that gives aesthetic pleasure to non-exemplars, restoring the affective attachment to life.

aesthetically. When they “encounter things that show this transfiguration and plenitude, [their] animal existence responds with an *arousal of the spheres* where all those states of pleasure have their seat.”⁶⁷ In this category, some may even be so inspired that it would raise the “prospect of realizing that beauty in himself.”⁶⁸ Or we may find those for whom this admiration simply devolves into a form of fan worship as they “can receive absolutely nothing of art, because he does not have the primordial artistic force.”⁶⁹ Either way, a fully developed aesthetic model, it seems, may have the capacity to account for a whole continuum of halakhic types and experiences.

Conclusion

We can summarize the results of our main discussion as follows:

1. The experience of the halakhic life plays a life-affirming function for noble halakhic personalities, allowing them to face—and not deny—the “antimonic and antithetic” nature of religious life.
2. It is the aesthetic element of halakhic practice that explains how it can provide an experience that “restores and maintains an affective attachment to life.”
3. This halakhic aesthetic yields an experience of holiness for exemplary halakhic practitioners, enabling them to relate to a God who cannot be comprehended propositionally.
4. Non-exemplary halakhic practitioners can also maintain an aesthetically mediated attachment to life, and a lesser form of holiness and relationship with God, either via the hypnotic effect of the halakhic aesthetic, or via varying types of aesthetic admiration for the exemplary practitioners.

While we have barely scratched the surface of a full aesthetic understanding of halakhah, and there is much more to be done here in order to clarify the nature and workings of the aesthetic aspects of halakhic practice, one hopefully begins to see from our programmatic discussion how an aesthetic approach might inform our understanding of the halakhic life. Further planks in the aesthetic life raft might include treating biblical God-talk from a literary aesthetic perspective—as a fictional representation of a real character—the detailed account of which would require thorough explorations of questions of truth in fiction and the relationship between art and morality (given that the God of the Hebrew Bible does not always cover himself in glory morally speaking ...). The basic suggestion, though, is that Soloveitchik’s observations about the aesthetic might be the jumping off point for a new aesthetic path within Jewish philosophy.⁷⁰

⁶⁷ Nietzsche, “Notebook 9, autumn 1887,” *Writings from the Late Notebooks*, ed. Rudiger Bittner, trans. Kate Sturge (Cambridge: Cambridge University Press, 2003), 160.

⁶⁸ Ridley, “Nietzsche and the Arts of Life,” 424.

⁶⁹ Nietzsche, “Notebook 9, autumn 1887,” 160.

⁷⁰ I am grateful to Samuel Fleischacker, Ken Gemes, Michael Harris, and Steven Kepnes for helpful comments on an earlier draft of this essay. All errors remain mine. Should they suffer upon reading them, I hope that they will ultimately find it life-affirming.