

## Halacha, Ethics and Aesthetics<sup>1</sup>

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### I. INTRODUCTION

**R.** *Hama bar R. Hanina asked, "What means the verse: 'You shall walk (teilchu) after the Lord your God'? Is it possible for a human being to walk after the Shechina; for has it not been said, 'For the Lord thy God is a devouring fire'? Rather [the verse means] that one is to walk after the attributes of the Holy One, blessed be He. As He clothes the naked... so too you clothe the naked. The Holy One, blessed be He visited the sick... so too you visit the sick. The Holy One, blessed be He comforted mourners... so too you comfort the mourner. The Holy One, blessed be He buried the dead... so too you bury the dead. (Sotah 14a)*

To walk after God then is to walk in His ethical ways. Indeed Judaism provides a guide for one to "walk" after God known by the same root word as "walk" – Halacha. Halacha is the legal body of thought which seeks to guide man's every action toward personal fulfillment, self-transcendence, and ultimately *deveikut*, by morally refining his actions in an attempt to connect man with God through *imitatio Dei*.<sup>2</sup> As such, we expect to find halachic literature filled with ethical pronouncements designed to direct man's actions toward this end. What is, however, somewhat startling, is to find a plethora of halachic directives regarding the aesthetic. Starting with the Talmud and continuing through the medieval commentaries, halachic literature is filled with statements defining and directing one's appreciation of the aesthetic.

The Talmud<sup>3</sup> in numerous places extols the beautiful, as for example: "a beautiful house, a beautiful wife and beautiful things expand the mind of man" (Berachot 57b).<sup>4</sup> However, beyond mere appreciation of the aesthetic, the Talmud (Shabbat 133b) concretized it into action, specifying that mitzvot are to be performed in a beautiful manner as an expression of our close relationship with the Creator. On the verse, "This is my G-d, *ve'anveihu* – and I will adorn Him with beauty" (Ex. 15:2), the Braita explains that one is to beautify the mitzvot, [for example:] build a beautiful *succah*, [wave] a beautiful new *lulav*, [blow] a beautiful shofar, [wear] beautiful *tzitzit*, [write] a beautiful *Sefer Torah*..."

The Braita engendered the halachic requirement known as *hiddur mitzvah*, whereby one is to perform the mitzvot in an aesthetically pleasing manner.<sup>5</sup> Furthermore, the Talmud (Baba Kamma 9b) declared that one is to spend up to a third more than one might in order to fulfill the mitzvah in an aesthetically pleasing manner.<sup>6</sup> Mishnah Berurah (Oreh Hayim 673:3:28) goes even

<sup>1</sup> This article is dedicated to my mother, Becky Navon Gellmann, who instilled in me the values of ethics and aesthetics. I would also like to acknowledge my wife Deena for her critique of this paper.

<sup>2</sup> This statement should not be misunderstood to imply that halacha is some self-serving system of improvement, for the ultimate achievement of transcendence is obtained only by following halacha with hok-like acceptance – *lishma* – for its own sake. (See R. Soloveitck, *Reflections of the Rav*, Vol. 1, p. 105; R. P. Bulka, *Logotherapy and Judaism – Some Philosophical Comparisons*, Tradition, Vol. 12, No. 3-4, Winter-Spring, 1972, p.82)

<sup>3</sup> Examples of beauty in clothing: Zevachim 18b, Shabbat 23b. Talmudic praise of beauty in people: Hullin 134b, Avoda Zara 20a, San. 22b, San. 100b, Baba Batra 58a, Baba Metzia 84a, Sotah 10b, Nedarim 66a.

<sup>4</sup> R. Kook (Ein Ayah, *ibid.*) and Anaf Yosef (Ein Yaakov, *ibid.*) note the positive value of these things, the Maharsha (Ein Yaakov, *ibid.*), on the other hand, does not. R. Aviner uses the statement to explain





further in regard to a Hannuka menorah stating that one should have a menorah “as beautiful as his means allow,” implying a purchase well over a third of what a nominal menorah might cost.<sup>7</sup>

Another important example in the Talmud (Menachot 39a) is brought in the name of Rav who taught that when tying *tzitzit* there is an ideal ratio of braided to un-braided sections that must be maintained solely based on aesthetic consideration – referred to in Hebrew as *noy*. What cannot be emphasized enough here is that Rav, by imposing the halachic demand that one employ specific physical dimensions because they express beauty, is claiming that such beauty is universal; for if not, he could have said that each individual should employ a ratio he personally found to be aesthetically pleasing. No less remarkable than Rav’s proclamation is the unanimous acceptance of his demand by the Talmud, and later commentators; his statement being codified as normative halacha in Shulhan Aruch (Oreh Hayim 11:4).<sup>8</sup>

As a final, telling, example of the importance that beauty plays in the halachic experience, Shulhan Aruch (Oreh Hayim 472:2) stipulates that on Pesah one is to set a beautiful table with beautiful wares. Mishnah Berurah (ibid., 6) explains that, apart from the holiday, “it is good to minimize” the use of beautiful wares based on the somber ethic of “*zecher l’mikdash*.” He then brings a seemingly superfluous anecdote that, however, demonstrates the extent to which the aesthetic plays a role in man’s religious observance: Maharil was a pawn broker and once a year, on Pesah, he would set on display the beautiful wares in his possession in order to delight at their sight – in fulfillment of the command to rejoice in the freedom obtained on Pesah. No amount of emphasis can be spared in underscoring the extraordinary significance of bringing such a story in a text dedicated to promulgating halacha!

## II. THREE ASPECTS

Having seen selected examples of halachic demands based on the aesthetic, it is the contention of this paper that the areas of ethics and aesthetics are not as dissimilar as might at first appear. On the contrary, the two together serve the ultimate goal of “walking after God.” Using R. Hirsch’s<sup>9</sup> elucidation of the verse, “And God made every tree grow out of the soil, delightful to the sight, and good for food...” (Gen. 2:9), three distinct aspects of how the aesthetic serves this objective can be distinguished.

On the simplest level, an aesthetically pleasing environment facilitates the development of one’s ethical potential. R. Hirsch (Gen. 2:9), in explaining the beauty found in the world, reasons:

that one is to “feel-good and comfortable” (<http://www.daat.ac.il/daat/mishpach/hatsna-2.htm>).

5 For an in-depth discussion of the nature of this mitzvah see S. D. Rosen, *Hiddur Mitzva: The Commandment to Beautify Mitzvot*, Alei Etzion, Vol. 11.

6 There are numerous opinions on what one is to apply the “third” – see fn. 5.

7 Be’er Heteiv (ibid., 13) goes further stating that one should, if he can afford it, buy a silver menorah, evidently for its beauty.

8 For a thorough review of this halacha see: R. Shlomoh Taitelbaum, *Shnei Shlish*, [www.tekhelet.com/pdf/ShneiShlish.pdf](http://www.tekhelet.com/pdf/ShneiShlish.pdf)

9 R. Samson Raphael Hirsch, *The Pentateuch, Genesis*, [Judaica Press, Ltd., Gateshead, 1989], pp. 58-59.





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*[T]his beauty of nature showered in every form all over the world, and the sense of enjoyment which Man derives from it, is one of the first means to protect Man from complete brutalisation. Joy in the beauties of Nature and the beauties of form, which God lavished especially on the plant world, forms the bridge towards what is spiritually and morally beautiful. In surroundings where no consideration is given to harmony and beauty, Man too easily grows up wild and unruly.*

On a deeper level, our judgments of the aesthetic inform our judgments of the ethical and vice-versa. R. Hirsch (Gen. 2:9) explains:

*The feeling which gives one joy in harmony and order is related to the feeling for order and harmony in the sphere of morality, so much so that evil and bad appear to us as “ra” (from re’uah – to break into pieces, I.L.)<sup>10</sup> as something broken, the harmony disturbed, where one single thought no longer rules the whole.*

Finally, just as the ethical provides a path to “walk after God” so too does the aesthetic serve as an indispensable complementary means to reach the Divine. R. Hirsch (Gen. 2:9) emphasizes the great importance of this aspect of appreciating the aesthetic as follows:

*[The description of the trees in the Garden of Eden as, first and foremost, “delightful to the sight”] gives justification for, and dedication to, the aesthetic, the sense of appreciating beauty, and this too, may confirm the higher stage designed for Man. The abundance of beauty of every kind which we are given in this, our world, and the fact that – as far as we know – Man is the only creature that had been provided with the ability to enjoy beauty for itself, proves what value the Creator lays on this aesthetic sense for the spiritual-moral calling of Man.*

### III-I. ENVIRONMENT

On the most fundamental level, aesthetically pleasing surroundings are indispensable in fostering the kind of environment conducive to promoting ethical growth. This can be seen in the Talmudic observation, “Sound, sight and scent put a man’s mind at ease,” (Berachot 57b), which emphasizes the importance of sensually pleasing environment. The Maharsha explains this to mean that if one is distressed or anguished these things serve to relieve him. Similarly is this notion supported by the Talmudic pronouncement quoted earlier: “a beautiful house, a beautiful wife and beautiful things expand the mind of man” (ibid.). Rav Kook (Ein Ayah) notes that the statement on “sound, sight and scent” immediately precedes the one on “house, wife and things.” As such, he explains that there is a need, firstly, for the satisfaction of the senses through the natural, and then through those attained by man’s effort – both afford man the means to elevate himself spiritually.

<sup>10</sup> I.L. refers to the insertion of the translator Isaac Levy, as appears in the original text.



The converse is equally true. That is, unaesthetic environments will inevitably produce undesirable, indeed unethical behavior. In a research report entitled, "Physical Environment and Crime" published by the U.S. National Institute of Justice<sup>11</sup> it is noted that, "Physical deterioration [in neighborhoods], in all probability, not only influences cognition and behavior of potential offenders but also shapes how residents behave and what they think about other residents." Furthermore, "Physical changes appear to precede crime changes. Using groupings of Los Angeles census tracts and studying them for several decades, researchers found that patterns of owner-to-rental conversion, land use changes, and abandonment predicted the emergence of hardened high-crime areas. The connection remained after controlling for changes in the types of people living there."

### III-II. JUDGEMENT

Aesthetics, however, plays a more significant role in man's development than simply providing an environment for ethical behavior. As mentioned, our judgments in the ethical realm are impacted by our judgments of the aesthetic. That is, our thoughts about the ethical and those about the aesthetic are integrated, overlap and bear on each other.

To appreciate the profound interaction between the two realms I refer to the analysis of this subject by Professor of Philosophy Sam Fleischacker who bases himself on eighteenth century philosopher Immanuel Kant.<sup>12</sup> He explains that in order to appreciate the beauty in, for example, a Jackson Pollock<sup>13</sup> painting, one must use the cognitive tools of interpretation to bring order to the confusion. However, one's conceptual tools will be found lacking, their being overwhelmed by the abundance of sensory input. Nevertheless, the faculty of understanding will repeatedly attempt to satisfy the query of the imagination, in continuous activity known as "the free play of the faculties." This interaction between the imagination and the understanding, this "play," is at the core of aesthetic pleasure, and as will be explained, is at the core of ethical, indeed all, thinking.

Each stage in which the understanding applies a concept to define something that the imagination is contemplating is called a "determining judgment." The process of refining and reinterpreting our determining judgments is known as "reflective judgment." What distinguishes reflective judgment from determining judgment in particular is its accountability, on the one hand, to satisfy man's intrinsic need for order – which is the basis for knowledge itself – and yet, on the other hand, to remain true to the data being analyzed, to remain responsible to the evidence being examined. Fleischacker explains that this kind of thinking is learned from aesthetic interpretation and is applied and integrated with all our other thinking:

11 R. B. Taylor and A. V. Harrell, U.S. Department of Justice, January 1996, (<http://www.ncjrs.gov/pdffiles/physenv.pdf>).

12 For a discussion of this idea see Sam Fleischacker (A Third Concept Of Liberty, [Princeton University Press, 1999], ch. 2) who provides a novel interpretation of Kant.

13 Fleischacker notes that it is twentieth century modern art in particular that serves to illustrate Kant's aesthetic theory.





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[Aesthetic interpretation] is interwoven with our other thinking. Not only does reflective judgment consist in a play between concepts and intuitions: it participates in an interplay with determining judgment as well. ...The determining judgments of science and morality play into the interpretations we come up with of, say, a Tolstoy novel, while our interpretations of the novel inform the way we then use some terms in science and morality. Concepts have a definite meaning insofar as we have a definite set or system of scientific and moral determining judgments, but such systems must be constantly scrutinized for responsibility to evidence, to the facts of our lives, and that means that our determining judgments, and the concepts they define, must always stand open to being re-interpreted, re-shaped into a new system, by reflective judgment. The play in reflective judgment, and between reflective and determining judgment, is what keeps our concepts honest, our beliefs responsible to the world around us.

And indeed, this process of reflective judgment whereby we take the determining judgments of the objective law and apply them to a subjective case at hand is what defines the halachic process, what defines how Judaism promulgates ethical law. Rabbi Eliezer Berkowitz<sup>14</sup> explains that on the one hand, objective moral definition is essential to mitigate the negative consequences inherent in a relativistic subjectivism; on the other hand, human subjectivity is necessary in the daily application of the God-given law. He writes, "The supreme principle of the law to which man is subject is theonomous, its ultimate source of authority is the will of God; the interpretation of the law and its application to the innumerable and forever-changing life situations is autonomous."

This dichotomy is exemplified in the absolute, determinate nature of the written Torah (*Torah she'bichtav*) versus the dynamic, reflective nature of the oral Torah (*Torah shebe'al-peh*). R. Chaim Eisen<sup>15</sup> explains:

*At the heart of [the] ongoing process of development in Torah is the dynamism that characterizes the growth of Torah shebe'al-peh from its inception at Sinai. Just as Nevi'im and Kethuvim essentially "were given to Mosheh from Sinai," (Berachot 5a) inasmuch as the basic truths and principles that they elaborate originate in the Torah received by Mosheh, so does every aspect of these later developments of Torah shebe'al-peh derive from basic truths and principles from Sinai. And just as Nevi'im and Kethuvim as they appear before us represent the realization of these truths and principles unfolding through history, so too does the growth of Torah shebe'al-peh represent a process of historical development predicated upon the basic truths and principles of Torah, applied and reapplied throughout time. While these truths and principles are immutable and static, their applications are dynamic and endless.*

14 R. Eliezer Berkowitz, *Not In Heaven* [KTAV, New York, 1983], p.83.

15 R. Chaim Eisen, *Mosheh Rabbeinu And Rabbi Akiva*, Jewish Thought, Vol.1, No. 2, p.85.





16 R. Soloveitchik, *Worship of the Heart* [Toras HoRav Foundation, KTAV, NJ, 2003], *The Human Condition and Prayer*, pp. 37-50, *Exaltation of God and Redeeming the Aesthetic*, pp. 51-72.

17 Soloveitchik, pp.40-42.

18 Soloveitchik, pp.42, 53.

19 Soloveitchik, p.43.

20 Soloveitchik, p.46.

21 Similarly R. Hirsch (Gen. 2:16, p.62).

22 Bartenura (ibid.) brings a view that even though one's gaze at the tree may also have been an expression of appreciation of the Divine, one is still culpable because he stopped his engagement in the intellectual/ethical. This view highlights R. Soloveitchik's explanation of the original sin in which man placed the sensuous over the intellectual/ethical. Not only is it unacceptable when one pursues the sensuous in and of itself, but even when one seeks God through the aesthetic, such a gesture cannot come at the expense of the intellectual/ethical.

23 Soloveitchik, p.51-64. Indeed, the yetzer hara itself is seen by hazal as a drive which, on the one hand is

This notion is further reflected in the halacha defining the blessing of the Torah which is pronounced numerous times each week in the public reading. Shulhan Aruch (Oreh Hayim 139:10) writes, "The concluding blessing [recited upon reading from the Torah in the synagogue] which starts '...who gave us the Torah of truth' corresponds to the written Torah, and the final words 'and set life everlasting in our midst' corresponds to the oral Torah." That is, the written Torah contains fundamentals "given" to us as immovable, determinate, truths, as opposed to the oral Torah through which "everlasting life" is earned by the effort of creative, reflective, application of the law.

### III-III. APPREHENSION

Finally, aesthetics serve as a complementary path to ethics in man's endeavor to "walk after God." To address this issue, I turn to a study on the human condition offered by Rav Soloveitchik.<sup>16</sup>

The Rav divides human experience into three "gestures": intellectual, ethical, and aesthetic.<sup>17</sup> The intellectual and ethical are teleological undertakings in which man endeavors to reach absolute truths, be they of nature or of morality.<sup>18</sup> Aesthetic undertakings, on the other hand, are not necessarily so animated. Within the *superficial* aesthetic experience, the aesthete simply strives after subjective pleasure, having no greater goal than to satisfy the self.<sup>19</sup> When man is so motivated, placing his own pleasure as the highest good, sin is the inevitable result.<sup>20</sup> It can be said then, that aesthetics is ultimately at the root of all sin, and was indeed the source of the primordial sin – Eve having decided to eat from the forbidden tree based on its aesthetic allure (Gen. 3:6).

R. Soloveitchik explains that, "What caused man's fall is his giving preference to the sensuous, delightful, and pleasing over the true, at both the intellectual and ethical levels" (Soloveitchik, p.47).<sup>21</sup> Perhaps this notion can be applied to explain the severity of the Mishnah, "One who walks by the way and breaks off his study and says, 'How beautiful is this tree...' makes his life forfeit" (Avot 3:7) – for if, when in the midst of the intellectual/ethical gesture, one stops to satisfy the aesthetic,<sup>22</sup> it is an act akin to that of Eve's which eventuated death, and thus in so doing one "makes his life forfeit." Interestingly, a subtle yet poignant parallel is drawn between the sin noted in the Mishnah and that of the first sin, in that the example of natural beauty employed by the Mishnah – a tree – is the very same object of Eve's seduction in the Garden of Eden.

The aesthetic gesture, however, is not unredeemable; on the contrary, it is essential that man harness it in service of the Divine.<sup>23</sup> Indeed, the same tree for which one made his life forfeit by gazing at in self-indulgence, or at





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the expense of the intellectual/ethical,<sup>24</sup> is actually the subject of a special blessing when appropriately appreciated as a reflection of the Divine. (Oreh Hayim 225:10)<sup>25</sup> But more profoundly, redemption of the aesthetic gesture is accomplished by applying the same teleological aspirations that make the intellectual and ethical gestures meaningful. “When the aesthete begins to wonder whether everything which is apprehended as beauty and pleasant expresses indeed genuine beauty, when he thinks that the aesthetic act can be critically examined and its worth objectively ascertained, in a manner similar to our critical attitude toward cognitive and ethical gestures, then beauty is redeemed” (Soloveitchik, p.56).

So just as the intellectual and ethical quests lead to God as the ultimate source of truth and goodness, so too does the *profound* aesthetic experience lead to God as the ultimate source of beauty.<sup>26</sup> And in so reaching God through this gesture, man can realize an ecstatic relationship unattainable through the other gestures. “Only through coming in contact with the beautiful and exalted may one apprehend God instead of comprehend Him, feel the embrace of the Creator, and the warm breath of infinity hovering over a finite creation” (Soloveitchik, p.59).

### IV. CONCLUSION

In conclusion, we have seen that aesthetics play an essential role in the ethical development of man. On the simplest level, an aesthetically pleasing environment is of vital importance to allow man the presence of mind to engage in ethical refinement. In a more profound way, the thought processes employed in aesthetic judgment are the very same ones used when making ethical judgments and thus each serves to reinforce the other. And finally, the aesthetic gesture complements the ethical gesture in that the former provides a path to apprehend the Divine, whereas the latter provides a way to comprehend God – both being indispensable elements in man’s spiritual development.

Furthermore, halacha duly recognizes and gives expression to these three levels, as alluded to in the initial examples brought in the introduction. On the simplest level, the halacha which mandates setting a beautiful table for Pesah can be seen as paralleling the beneficial influence of an aesthetically pleasing environment. The halacha which maintains that beautiful tzitzit are only to be had by implementing a specific ratio can be understood as alluding to the determining judgments at the root of all thinking. And lastly, the halachic principle of “hiddur mitzvah,” which prescribes beautification of the mitzvot as way of fulfilling the verse “This is my God, I will glorify Him,” can be seen as halacha’s way of engendering apprehension of the Divine; for indeed, this statement, “This is my God” was made by the Jewish people upon apprehending the Divine!

capable of bringing man’s downfall, is nevertheless essential for man to achieve (see R. Chaim Eisen, *You Will Be Like God*, Jewish Thought, Vol. 2, No. 1).

24 See fn. 22.

25 Indeed it is the blessing which elevates the act from one of selfish pleasure to one of appreciation of, and communion with, the transcendental. R. Soloveitchik explains that for the aesthetic experience to be meaningful it must aspire to the absolute, to the transcendent, it “must always be encountered as a reflection of Divine beauty” (Soloveitchik, p.52).

26 “God not only addresses Himself to man through the logos, by emanating wisdom and knowledge to the finite mind; not only through the ethos, revealing to natural man, driven by insensate desires and impulses, a great order of absolute values and ideals – but also through aesthesis – the immediate sensible apprehension of reality which is beautiful and grandiose” (Soloveitchik, p.57).

