

Modern Orthodoxy: A Philosophical Perspective¹

By: **BARUCH A. BRODY**

It is common to refer to some Orthodox Jews as Modern Orthodox Jews, in contrast on the one hand to Haredi Orthodox Jews and on the other hand to Conservative and Reform Jews. But when one looks at proposed definitions of this movement, they seem to be most unsatisfactory. Some definitions (e.g., they are Orthodox Jews who are less observant), are just insulting as a definition, even if often true in practice. Other definitions (e.g., Modern Orthodox Jews are those who are active in the secular modern world) neither distinguish the Modern Orthodox from many Haredi Orthodox Jews who are equally active nor offer much of a programmatic

¹ I want to thank my three sons (Todd, Jeremy and Myles) and my Rabbi (Rabbi Barry Gellman) for their encouragement and wise suggestions. My dear friend, David Shatz, supplied me with many references, penetrating thoughts and encouragement; like many others, I am greatly in his debt.

Baruch Brody is the Andrew Mellon Professor of Humanities in the Department of Philosophy at Rice University and the Distinguished Emeritus Professor of Medicine and Medical Ethics at Baylor College of Medicine. During the period 1985–2012, he also served as the Director of the Ethics Program at the Methodist Hospital in Houston, Texas. He has presented the result of his research both in bioethics and in philosophy in six original books and 105 peer-reviewed articles. This research was supported by six major grants from federal agencies (NIH, NASA, and VA) and by grants from the Ford Foundation and the Exxon Educational Foundation.

In recognition of his research efforts, Dr. Brody was elected to the Institute of Medicine of the National Academies of Sciences in 2001 and was awarded Baylor's highest research honor, the Michael E DeBakey Research Award, in 2002. Also, he was the President of the Society for Health and Human Values and served on the Board of the American Philosophical Association. Dr. Brody has switched his research efforts to the Philosophy of Religion, in general, and to Philosophical Issues in Judaism, in particular. He hopes that this essay will be the first of many in those fields.

basis for a distinctive approach to being active in that world. Still other definitions, involving notions of synthesis (e.g., Modern Orthodoxy is Torah and *madda*), give no account of what *madda* means and no account of how the two are to be combined. Some have simply turned to talking about Centrist Orthodoxy. This move is reinforced by concerns about possible misuses of the concept of being modern. The trouble is that just about everyone is in the center, as long as you choose the right groups at the extremes. Agudat Yisrael is a centrist organization as it is somewhere between Religious Zionism and Neturei Karta.

This lack of a good definition may simply reflect the indifference to ideology among many Modern Orthodox Jews. My impression is that many have adopted Modern Orthodoxy as a comfortable way of living, combining a desire to live a Jewish life with a desire to live a normal modern life, and have done so without much reflection about the standards for the combination.² But can you transmit to a future generation a desire to be part of a movement when you can't even tell them what the movement stands for? I cannot prove this, but I suspect that the much-discussed drift to the right in Orthodoxy, especially among many who spend the post-high school year in Israel studying in a yeshiva or a seminary (and who have been exposed to a more clearly articulated and less modern ideology), results from a lack of understanding of what Modern Orthodoxy is combined with a suspicion that Modern Orthodoxy really is just less observant Orthodox Jews.

This paper is an attempt to remedy this situation by offering an outline of a comprehensive philosophical account of Modern Orthodoxy. My account is prescriptive rather than descriptive. I do not claim that the ideology I describe is one that is explicitly held by most Modern Orthodox Jews. What I want to suggest is that it is an ideology that makes philosophical sense as an ideal while fitting well with the practices and implicit beliefs of many Modern Orthodox Jews. My plan is to offer a historical overview of my approach, then to develop it in greater detail, and finally to attend to the tensions and problems that arise given this definition.

Three methodological points: (1) To give further content to my account, I will offer contrasts to both the Conservative/Reform world and the Haredi world. These contrasts should not be taken by themselves as criticisms of those worlds; they are presented merely to help better explain the position I am advocating; (2) In presenting the contrasts, I am well aware that actual belief and/or behavior in the Modern Orthodox world often falls short of the ideals I am advocating, sometimes mimicking

² This impression was reinforced by reading R. Yosef Kanefsky's "What's 'Modern' about Modern Orthodoxy," *The Jewish Journal* (March 2, 2010).

Haredi behavior and ideals and sometimes mimicking the behavior and ideals of Conservative and Reform Jews. All I am claiming is that the ideals of the Modern Orthodox worldview should differ in many respects from the ideals of those other world views; (3) in developing my account, I often present a Modern Orthodox position on a given topic to illustrate a methodological or substantive point. It is the point that is crucial to my definition of Modern Orthodoxy, not the specific position. Other Modern Orthodox thinkers, while accepting the point, might have a different position than mine on the given topic.

The contrast with the Conservative and Reform ideology is straightforward. Orthodox Judaism, whether Modern or Haredi, involves a full-fledged commitment to the Jewish tradition by (a) an acceptance of the Halakhah as it has developed over the centuries and of the classic Halakhic process for its future development and (b) a commitment to the beliefs and values articulated in the non-Halakhic classic texts of the Jewish tradition. Naturally, this definition leaves room for considerable diversity of belief and practice within Orthodoxy, as these sources contain considerable diversity, but it is hardly vacuous. Considerable diversity is not the same thing as anything goes. The acceptance of patrilineal Jews as full-fledged members of the Jewish community or the acceptance (as opposed to toleration) of driving to *shul* on Shabbat clearly goes beyond these boundaries as it violates (a), and the watering down, if not outright rejection, of the belief in a personal resurrected afterlife goes beyond these boundaries as it violates (b). Even if it is true that there is room for more diversity in Jewish belief than is normally recognized,³ this is one that the Mishnah has made definitive.⁴ Many more examples of violations of (a) and (b) can be found in most versions of Reform and Conservative Judaism, especially those versions that primarily involve a commitment to a few values such as *tikkun olam* and the observance of some selected rituals. So the contrast with these other movements is relatively clear and I will not spend much time on it in the rest of this essay.

There is clearly a return to traditional ritual practices in some portions of these movements and a growing desire to insure that the children in these movements receive a more intense Jewish education involving the study of classical texts. From an Orthodox perspective, this is a very desirable development. As we shall see below, these developments

³ This is the main result emerging from Marc Shapiro's "The Limits of Orthodox Theology" (Littman, 2004).

⁴ This ruling is found in Sanhedrin 10:1. Interestingly, the Mishnah also insists that one believe that resurrection of the dead is a biblical doctrine.

strengthen the respect that Orthodox Jews should show to those involved in this return, even if they are clearly not Orthodox.

Part One: A Brief Overview of Modern Orthodoxy

The real issue is, then, how to define Modern Orthodoxy in contrast to other forms of Orthodoxy. What does the adjective ‘modern’ add? That is obviously the crucial question to which the rest of this essay is devoted. My own approach is to take the concept of modernity seriously and favorably and to say that a Modern Orthodox Jew is one who also accepts (*pro tanto*⁵) the values and teachings of modernity. But what are those values? I do not mean whatever values are fashionable at the current moment in “advanced circles.” What I do mean is the values embodied in the major events that shaped the development of the modern outlook, whether or not these values are currently in fashion. The events and values are these:

Event	Associated Values(s)
The Renaissance	1) The value of human worth and dignity and of human individuality. 2) The value of beauty for its own sake.
The Reformation	3) The value of individual conscience in interpreting G-d’s law. 4) The value of toleration (? respect) of diversity.
The Scientific Revolution	5) The value of inquiry even into long-established truths. 6) The tentative acceptance of the results of scientific inquiry as true.
The Enlightenment	7) The value of reason. 8) The belief in cumulative human progress.
The Great Revolutions	9) The rule of law, derived from the consent of the governed, that binds all citizens equally (the British).

⁵ A *pro tanto* belief is a belief that may be overridden by other stronger considerations.

	10) The principle of fundamental human rights held equally by all (the American). 11) The values of liberty, equality and fraternity (the French). 12) The importance of nationality (the Italians, the Greeks, etc.).
--	--

Presenting such a table is hardly presenting a philosophical account of Modern Orthodoxy. The table is just an outline to be amplified in the remaining sections of this paper. In the first, I will discuss more fully each of the values that should, I believe, structure Modern Orthodoxy. In the following sections, I will discuss the issues that arise as you try to adopt and synthesize both Orthodox values and the values of modernity. Those sections really comprise my account.

But before doing so, I need to consider a fundamental objection to my approach. The objection runs as follows: a commitment to modernity is superfluous if the values in question have already been articulated in Jewish tradition or just wrong if they have not, because Orthodox Judaism as defined above is meant to be a comprehensive value system. To put the objection another way, there are no legitimate values except those articulated in the classic texts of Judaism. A full response to this objection is beyond the scope of this paper, but let me make just a few observations in response to it:

- One might believe that these values of modernity are already found within Jewish tradition, but that stressing those values is not superfluous. There will be many occasions on which questions will arise within the tradition and alternative plausible answers will be suggested. In such cases, the commitment to modernity becomes a *pro tanto* commitment to choose the answers that are supportive of the values of modernity. We will offer many examples of this later in this paper.
- Alternatively, one might challenge the objection's presupposition that Judaism is meant to be a comprehensive value system. Why should we presuppose this? Consider the following alternative: our tradition has laid down certain beliefs, values and actions that are normative. But there are in addition a whole variety of questions about beliefs, values and actions about which alternative answers are acceptable. This may be the easiest way to understand the legitimacy of both H^asidut and Mitnagdut. Both approaches are compatible with what is normatively required by Judaism, but differ on other

matters. Modernity may provide one set of answers to a new set of questions not discussed in the tradition, although other approaches may offer a different set of answers. As an example, consider the recently much-discussed question⁶ of intergenerational justice as it applies to ecological issues. The tradition's opposition to waste, even of one's own resources, is clear cut, as is its commitment to insuring that no one is left destitute. But suppose that there is an issue that involves no waste but where one policy favors greater use of non-renewable resources for the benefit of the current generation at a cost to future generations, while another policy favors preserving the resources for the future generation at a cost to the current generation. Both policies involve each generation having a basic amount of the resources available. How much sacrifice must the current generation make to ensure a higher standard of living for future generations?

- Finally, and perhaps most controversially, the values of modernity may lead one to say that certain laws, even those found in the Torah, were concessions to human frailties that should now be transcended. Two standard examples of this are the Torah's laws of slavery and of women taken as captives in war.⁷ Modern Orthodox Jews should adopt the position that these laws are no longer to be invoked because they were just concessions to human frailty (*hilkhot eishet yephat toar keneged yetzer bara*) and incompatible with the ideals that we aspire to achieve. (Ironically, however, the modern world is full of the continued practice of slavery and misuse of women in times of warfare). Certainly, this point can be overused and abused, but that should not prevent us from using it as appropriate.

My own view is a combination of these three approaches. In some cases, the issues have not been discussed within the tradition at all. In such cases, the commitment to modernity is a *pro tanto* commitment to resolve these issues in accordance with the values of modernity. In other cases, the tradition has discussed these issues and conflicting opinions have been put forward. In such cases, the commitment to modernity is a *pro tanto* commitment to settling these disputes within the tradition in accordance

⁶ This problem of intergenerational justice was raised to philosophical prominence in John Rawls's "Theory of Justice" (Harvard University Press: 1971), particularly Section 44, who proposed the adoption of a just savings principle. The recognition of this problem is one of the bases for the interest in sustainable development.

⁷ I am not the first to make this point, using these examples. See, for instance, David Shatz's important essay "Ethical Theories in the Orthodox Movement" in Dorff and Crane, *The Oxford Handbook of Jewish Ethics and Morality* (Oxford University Press: 2012).

with the values of modernity. And in some cases, the commitment to modernity and its values is a *pro tanto* commitment to give up the use of certain practices that the Torah allowed as a concession to human frailty.

Part Two: Clarifying the Values

I. The Renaissance

The Renaissance reintroduced into Western Europe the philosophy of humanism. I have always seen that philosophy as affirming the value and dignity of human beings and the value of their individuality. Humanism is today often associated with a naturalistic world view, but that association need not exist. Both historically and philosophically, religious humanism is a legitimate way of thinking.⁸ Modern Orthodox Jews should be religious humanists.

To affirm the value of human beings is to reject any doctrine of the inherent fallen or corrupt nature of human beings, a doctrine that would lead one to shun any situation that is potentially corrupting because we are unable as fallen creatures to avoid being corrupted. Because we are not fallen or corrupt, human beings do not necessarily need to do this. They have to judge whether there is sufficient benefit from participating in those situations, and whether it is possible to do this while avoiding the corrupting influences. By affirming this value of human beings, Modern Orthodox Jews should reject the Haredi strategy of living in religious enclaves and minimizing contact with the larger world. There may be times when that strategy is appropriate, because the surrounding environment is so corrupting and the benefits of increased contact are so low. For example, why should anyone of sound values choose to participate in the bar dating scene? But it should not become the standard default approach.

To affirm the dignity of human beings is to believe that all human beings, as human beings, are entitled to be treated with basic respect (respect for their rights, of course, but also respect for their sensitivities and feelings). This universality of respect is, of course, perfectly compatible

⁸ R. Aharon Lichtenstein's writings on this topic have raised awareness of this possibility in Orthodox Jewish circles. I am much indebted to them, especially "Mah Enosh" *Torah u-Madda Journal* (2006), even if my definition of humanism and the conclusions I draw about humanism are not necessarily the same as his. I attribute part of these differences to his being a student of English Literature and my being a student of analytical philosophy.

with respecting some people more than others because of their achievements and/or the positions they have attained.⁹ Therefore, Modern Orthodox Jews should reject forms of religious and moral conflict where the goal is to demonize those who disagree with you. This practice is all too common in the Haredi world, but I fear that it is increasingly true in the Modern Orthodox world as well. Even the sharpest disagreements can be carried out while respecting one's opponent's sensitivities and feelings.

Much as dignity calls for treating all humans with respect, it also calls for all humans to contribute to the flourishing of society and to avoid unnecessary dependence upon others. Dignity is just as much a matter of obligations as it is a matter of respect. Kant¹⁰ recognized this when he claimed that individuals who did not develop themselves were violating their own human dignity. I am only making clear that the developments in question should be of the right sort, ones that contribute to society and lead to non-dependency. When a Haredi member of Knesset recently remarked that Haredim have the right to be poor because they do not have gainful employment, but should receive ample governmental subsidies, he was, without realizing it, denigrating the dignity of those who follow that path.¹¹

To affirm the individuality of each person is to encourage each person to form their own values and to structure their lives in ways that they find satisfying. Conformity in even such minutia as style of hats or color of tablecloths, much stressed in the Haredi world, is not a virtue. While some

⁹ S. Darwall, "Two Concepts of Respect" *Ethics* (1977).

¹⁰ This is one of his four examples, in "The Critique of Practical Reason," of the use of the categorical imperative.

¹¹ He was also contradicting the emphatic emphasis of the Rambam on the religious significance of such work. In *Hilkebot Talmud Torah* 3:10, the Rambam accuses such people of profaning the name of G-d and bringing the Torah into contempt. Even conceding that some people need support for full-time Torah study if we are to have scholars and leaders for future generations, this is no excuse for making this into a general practice. Contemporary events in Israel illustrate the deep insight of the Rambam about what brings the Torah into disrespect.

An even more telling example is the film "The Human Face of Poverty in the Holy Land," shown at the recent convention of the Agudat Yisrael, describing in a very poignant fashion the human meaning of government cutbacks in support for Haredi families. While acknowledging that much of the poverty is due to fathers engaged in full-time Torah study even after they have 5-6 children, there is no suggestion that the fathers go to work (and certainly no suggestion that they should have received a better education to prepare them for higher-earning jobs).

conformity to group practices may be helpful in fostering group identity, pervasive conformity represents an attempt to stifle individuality, and that is bad. The world, as well as the individuals involved, benefits from a rich fabric of diversity.¹² Modern Orthodoxy should affirm this value of diversity and encourage its members to see which alternatives (within, of course, the boundaries of Halakhah) most contribute to their sense of well-being and to their contribution to the world.

The Renaissance also introduced an appreciation of beauty for its own sake. Religious people had often sought to add beauty to religious buildings and ritual objects, but their goal in doing so was to glorify G-d and to express their appreciation for his presence in their lives through beautifying his houses of worship and the objects used in his worship. There is, of course, nothing wrong with that; it should indeed be encouraged. But there are also works of art (and natural objects) that are beautiful or awesome in and of themselves and the experience of which brings special value into one's life. Modern Orthodox Jews should adopt this Renaissance attitude towards these aesthetic objects, keeping in mind, of course, the relevant Halakhic strictures. This last reminder distinguishes the Modern Orthodox from a wide variety of aesthetes from the Greeks to Oscar Wilde and Bloomsbury.

In short, Modern Orthodox Jews should reject a philosophy of enclavism, should be zealous in respecting the dignity of even their most fervent opponents, should expect all to be contributing non-dependent members of society, should encourage individuality of thought and lifestyle and should strive to introduce beauty into their lives. These are positive and attractive values, and they certainly need to be stressed in any Modern Orthodox ideology.

II. The Reformation

One of the main themes of the Reformation was its rebellion against the Magisterium, against the whole structure (popes, bishops, councils, priests and especially confessors) that told believers what they should believe and what they should do. In his doctrine of the priesthood of all believers, Luther taught that an individual must act according to the dictates of his or her own conscience, guided and formed by the study of sacred texts. While individuals should give in their deliberations due importance to consultation with those who had more carefully studied and thought

¹² This is the core argument in chapter 3 of J.S. Mill's "On Liberty," where he argues that individuality is one of the elements of well-being both for individuals and for society.

about the texts, in the end, the individual must choose which, if any, expert to consult and whether or not to follow what the expert says.¹³ This is, to my mind, the point at which the authority of individual conscience and the primacy of individual autonomy came into modern culture. Belief in a magisterium is not unique to Catholicism. Haredi Jews may today be among the most fervent believers in that concept, although they certainly disagree about the identity of the proper magisterium. They emphasize following authority rather than encouraging individual choice. By contrast, Modern Orthodox Jews should accept this belief in individual autonomy. To the extent that they can, Modern Orthodox Jews should consult sacred texts to find answers to their questions.¹⁴ To the extent that they feel the need, they should consult the experts on the texts. This is particularly important in the case of complex questions, where there is considerable disagreement among the texts. Individuals need to think, in light of the common disagreement, what type of expert support is required before adopting a particular position. The common strategy of adopting a single expert authority as one's authority and following their views in all cases seems to me to be an abdication of individual responsibility. In the end, the choices individuals make are their choices. This is a message both of freedom and of responsibility; you cannot have one without the other. Modern Orthodoxy is both liberating and responsibility assigning.¹⁵

The Reformation taught the western world another lesson, although it was a lesson learned more from experience than from teaching. I like to call it the Treaty of Westphalia lesson, although some countries had learned it before that treaty. After thirty bitter years of warfare, people concluded that it was better to tolerate your opponents holding different opinions than to attempt to coerce them into following your opinions. Later developments of this theme would expand it in two directions: (1) tolerance should be practiced within a state, and not just between states;

¹³ To quote Luther, discussing the powers of religious authorities: "they have no right to exercise power over us ... except insofar as we may have granted it to them." "Prelude Concerning the Babylonian Captivity of the Church," *Weimar Ausgabe* 6, 564.6–14.

¹⁴ I believe one can say this, even while accepting the significance of traditions orally transmitted from one generation to the other which is stressed in H. Soloveitchik's "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition*, 28 (1994) 64–130.

¹⁵ These remarks are just a summary of my views. A fuller explanation and defense of them would require a separate essay that would begin with an analysis of the views of R. Aharon Lichtenstein in "Legitimization of Modernity" reprinted in volume 2 of his *Leaves of Faith* (Ktav: 2004).

(2) tolerance should be treated as a virtue and not just as a necessity to avoid war, a virtue related to respecting individual autonomy. Modern Orthodox Jews should be committed to the practice of tolerance towards other Jews and towards Gentiles. Tolerance does not mean accepting their beliefs as legitimate alternatives. Modern Orthodox Jews must be committed to the truth of their beliefs and to the validity of their practices. As a result, they should feel free to engage in *kiruv* work designed to get others to accept their beliefs, so long as it does not involve deception or exploitation of vulnerabilities. This should also include promoting the observance of the seven Noahide laws by Gentiles. But they should oppose the use of coercive force or social pressure to impose their beliefs and practices on others. This obviously separates them from the Haredi world, which uses intense social pressure (if not more) to compel conformity. Unfortunately, this has also spread to sectors of the Modern Orthodox world. As Mill pointed out a long time ago,¹⁶ social pressure can be as coercive as the state's threat of punishment. I will have more to say about this point in the last section of this paper.

There is an important connection between a belief in the priesthood of all believers and a belief in tolerance. Even if you are totally and sincerely convinced of the truth of the dictates of your conscience, you understand that others are equally sincerely convinced of the truth of the dictates of their conscience and have often come to their beliefs in a process that is very similar to yours. Seeing this similarity naturally suggests a policy of tolerance. There is an important issue that follows from this that I will discuss later in this paper. This is the question of respect both for those who differ from you and for their differing beliefs. Respect requires more than mere tolerance.¹⁷ Tolerance is merely allowing others to hold their views and live by them. Respect requires adopting positive attitudes while still disagreeing. Respect is, I believe, the virtue that Modern Orthodox Jews should practice. But is it respect (i) for the others even though they have come to different conclusions or is it (ii) respect for their beliefs? Defining how respect goes beyond mere tolerance, and answering the question of respect for believers versus respect for their beliefs are crucial tasks for Modern Orthodox virtue theory, and I will return to them in the last section of this paper.

¹⁶ Op. cit., footnote 11.

¹⁷ This point has been emphasized in Martha C. Nussbaum, "Liberty of Conscience: In Defense of America's Tradition of Religious Equality" (Basic Books: 2008).

III. The Scientific Revolution

The Scientific Revolution of the 16th and 17th centuries rested on two major assumptions. The first was that long-accepted beliefs (e.g., the earth is the center of the solar system) might be false and need to be reexamined in light of new evidence. The second was that the results of scientific investigation should be accepted for now, even while it is clear that new evidence might challenge those results. The first was central to the scientific revolution, which was a revolution precisely because it overthrew long-standing beliefs. The second was not accepted by all, for some were led by the Revolution to be skeptics, but it was certainly the upshot of the Revolution for most thinkers. Modern Orthodox Jews should accept both of those assumptions.

Modern Orthodox Jews understand that living things are not generated spontaneously from dead matter, and that babies born in the eighth month of pregnancy are not more vulnerable to die than babies born in the seventh month of pregnancy even if these beliefs were long held to be true. I mention these examples because certain halakhot seem to rest upon the truth of those now discredited beliefs. We will later in this essay discuss the difficult question of what is the proper attitude towards those halakhot. For now, I just want to say that it is central to Modern Orthodoxy that any discussion of that issue must begin with the clear recognition that these beliefs are just false. This differs, of course, from the Haredi view which often, although certainly not always, disregards these scientific truths or denies them.¹⁸ There can be no special pleading for the truth of scientifically discredited beliefs on the grounds that they have long been believed to be true or even on the grounds that a halakhah seems to depend upon their truth. In the Middle Ages, some¹⁹ theologians supported a double truth theory; there were religious truths and scientific truths. But none ever explained how both could be truths, even when they contradict each other, and none ever explained what the world was actually like given these conflicting truths. Some were even driven to deny realist accounts of truth and to advocate something like contemporary

¹⁸ For some extreme examples of this denial, see the discussion of continuing Haredi opposition to Copernicus in Jeremy Brown, “New Heavens and a New Earth” (Oxford: 2013) pp. 266–73.

¹⁹ Siger of Brabant and some other Latin Averroists are the most prominent examples of this strand of thought. See Y. Dodd, “The Life and Thought of Siger of Brabant, Thirteenth-Century Parisian Philosopher: An Examination of His Views on the Relationship of Philosophy and Theology” (E. Mellen Press: 1998).

perspectivalist views. Modern Orthodox Jews should reject any form of double-truth theories.

One of the fields of enquiry that must be kept in mind as we reflect on this commitment is history. Serious historical studies (including archeological studies) may challenge long-held traditional beliefs and may require revisions of them. As a simple example, the traditional belief that the Second Temple stood for only 420 years, even if supported by traditional texts (such as the *Seder Olam Rabbah*), is just false. The much-documented²⁰ tendency of rewriting history to support traditional theological views is just spreading falsehoods. Modern Orthodox Jews need to reject double-truth theories as they apply to historical truths.

Modern Orthodox Jews are also committed to accepting the second assumption. While scientific discoveries are all, to varying extents, open to revision, that is not a reason to doubt their veracity. On the contrary, as Popper²¹ emphasized, the falsifiability of scientific discoveries is one of their strengths. If they have survived the challenges to their truth, that should strengthen our belief in them. You will often find in Haredi discussions of evolution the claim that all scientific evidence that seems to discredit a literal reading of the account of creation in Genesis can be disregarded because scientific findings are all tentative and open to revision. That they all are tentative to some degree may be true, but Modern Orthodox Jews do not believe that they can be disregarded. The issue of how to formulate a Modern Orthodox approach to the creation of the universe and the emergence of humanity is a difficult issue, and cannot be resolved merely by rejecting literalism. We will discuss this issue below. But any formulation must, at least for now, be based upon the acceptance of some form of Big Bang cosmology and of evolutionary biology.

Let me be clear about one point. I fully understand that the acceptance of the scientific method and of its result poses serious challenges to both the beliefs and practices of Orthodox Judaism. We will discuss below strategies for dealing with those conflicts. All I am saying for now is that Modern Orthodox Jews should reject the strategy for dealing with these conflicts based on simply rejecting well-established scientific findings.

²⁰ Marc Shapiro has played a major role in documenting this practice. His book, "Changing the Immutable: How Orthodox Judaism Rewrites its History," is now announced for publication in the fall of 2014.

²¹ In his classic "The Logic of Scientific Discovery" (English translation published by Huteson and Company: 1959).

IV. The Enlightenment

The Enlightenment was a complex movement with many components. But in this essay, I want to stress two: the commitment to human reason and the belief that through the use of reason, humanity would make continued process.

The Enlightenment stressed the importance of human reason as a source of knowledge. For some of the more radical Enlightenment figures (e.g., Diderot and d'Holbach) this meant a denial of traditional religious beliefs, claiming that those beliefs had no basis in reason. This led them to a philosophical naturalism, one that has grown quite common in our age. For other more conservative thinkers, it meant nothing of the sort. They either maintained that there was a basis in reason for religious beliefs²² or maintained that reason itself supported the legitimacy of faith on certain topics that lay beyond the reach of reason.²³ But all of the Enlightenment figures stood in opposition to a wide variety of superstitions that had no basis in reason. There was an obvious connection between this aspect of the Enlightenment and the acceptance of the scientific method

Modern Orthodox Jews share this belief in the importance of human reason. As believers, they reject the naturalism of the more radical Enlightenment thinkers. They understand, of course, that this puts upon them the burden of providing a rational support for their beliefs. They can either attempt to support their beliefs by rational arguments establishing their truth or adopt the Jamesian view that reason supports holding certain beliefs on faith. There is much to be said²⁴ for the latter approach, but at this point, both approaches should be noted. But what should unite Modern Orthodox Jews is a rejection of superstitions, even those that have worked their way into the tradition and appear in some of the texts we hold as sacred. This means the rejection of demons and demonic possession, the evil eye, magical amulets and red threads, to mention just a few. To use a more personal example, my great grandfather wrote a book²⁵ in which he collected a wide variety of cures found in rabbinic books. I was surprised to discover that the book had recently been reprinted and shocked to be told by a bookseller in a Haredi neighborhood that he sold

²² This view was held by Kant, with his moral argument for G-d, and Paley, with his teleological argument for G-d.

²³ James, "The Will to Believe."

²⁴ See my book, "Beginning Philosophy" (Prentice Hall, 1977), for a defense of this view.

²⁵ Y. Rosenberg, "*Refael ha-Malaki*" (Yedid ha-Sefarim: 2000). As an example, he recommends freshly milked milk from an animal that has not been milked for three days, as a treatment for kidney stones.

several copies each week to Haredim who wished to consult it for cures. Clearly, the Haredi world in this, and many other ways, has not rejected such superstitions. This is true even though, at the same time, many important rabbis in that world help their constituents identify top physicians to treat their medical problems and Haredi Halakhah often puts great credence upon what physicians say.

There is an even more profound implication of this belief in reason for the Modern Orthodox Jew. It involves the proper attitude towards secular education. Reason comes in many forms: mathematical reasoning, scientific reasoning, social reasoning, and humanistic reasoning, among others. To believe in reason is to believe in acquiring a good education in all of these forms of reasoning. The purpose of this education is not merely vocational; it is also to acquire abilities and knowledge that gives one important understandings for conducting one's life and for developing deeper appreciations of the good in the world. The Haredi world is opposed to this way of thinking about secular education. For some, it means rejecting all secular education, or all that is not absolutely required by the local government. For others, it means accepting only those forms of secular education that are necessary to equip one for earning a decent living. Modern Orthodox Jews should reject this minimization of the importance of secular education.

The Enlightenment thinkers also believed in human progress based on reason and the rejection of superstition. They rejected the idea of the fall of humankind (whether in its Christian form or in a non-religious belief in a Golden Age of the past). Instead, they affirmed a belief in a better future in a world shaped by human reason. Today, in a world that has lived through the horrors of the 20th century (two world wars, the Holocaust, the gulags, the killing fields, etc.), Modern Orthodox Jews, like others, may be less sanguine about this inevitable progress. But they should share with others, who still have a belief in human reason, the hope that human beings can use their reason to improve the world and the human condition within it. The skepticism of Post-modernism is not an acceptable position for Modern Orthodox Jews. Also, and crucially, they should have no belief in sticking to the ways of the past, just because they are the ways of the past. The past is often a bad guide for the future.

If one had to identify a single phrase that characterizes the Haredi world, I think it should be the famous quip of the Hasam Sofer in rejecting innovation that "what is new is prohibited by the Torah." It is this that explains so many phenomena, ranging from the continued use of Yiddish in everyday life as opposed to English or contemporary Hebrew

to the insistence of oral suctioning of the wound after circumcision, despite the real possibility of transmission of disease. The former's only basis is adherence to tradition. The latter's basis is shaky, although many have argued that it is halakhically required or preferable, some even claiming that it is a Sinaitic tradition,²⁶ but I am certain that it is reverence for tradition that drives their opinion. Modern Orthodox Jews, as followers of the Enlightenment, should reject this reverence for the past just because it is the past. This rejection is, of course, perfectly compatible with great reverence for earlier practices and authorities, and I will say more about how that is to be understood in a later part of this essay.

V The Great Revolutions

The great political upheavals that so fundamentally shaped the modern era were not merely political events. Those who led those revolutions did so in the name of certain values, although those values were not necessarily implemented as a result of those revolutions. Those values also shaped what we mean by modernity. I will now consider a series of these revolutions and the values they embodied.

The British had two great revolutions, one that got rid of the earlier Stuarts and one that got rid of that dynasty permanently. A lot of this conflict reflected a Protestant-Catholic split. But for our purposes, I want to stress two other issues: the rule of law and the consent of the governed. King James and King Charles saw themselves as unbound by the law. This is what lies behind the confrontation between King James I and Lord Coke.²⁷ Coke had asserted that the law protects the king, clearly asserting the supremacy of the law and the subordination of the king to the rule of law. This is why he constantly issued writs annulling royal proclamations. James replied that the king protects the law, that the law is subordinate to the king who is not bound by it. Part of what the first English revolution stood for is the claim that all are bound by the rule of law. The second revolution addressed the issue of the source of law and the respective power of the king and parliament. Whatever one thinks about the vexing question of the actual historical relation between Locke's *Second Treatise*

²⁶ The issue is discussed extensively in Steinberg's "Encyclopedia of Medicine and Halakhah" in the entry on Milah. This entry provides extensive citations to the discussion since the beginning of the 19th century.

²⁷ See Catherine Bowen, "The Lion and the Throne" (Little Brown, 1990), for a dramatic account of the confrontation and of its importance for the development of the rule of law.

and the Glorious Revolution, that Revolution came to be seen as embodying Locke's idea that legitimate power must grow out of the consent of the governed.

Modern Orthodoxy should accept these two crucial ideas that legitimate authority comes from the consent of the governed and that even legitimate authority is bound by the rule of law. Moreover, despite the differences in roles, qualifications and stature, they should be applied not merely to political authorities but to religious authorities as well. When my congregation set out to appoint a new rabbi, we first defined our own values and priorities and we then sought a rabbi who believed in those values and who could lead us in their implementation and in our better understanding of them. We chose our leader, and from time to time, we have reaffirmed his leadership by ever lengthier contracts. His leadership grows out of the consent of the members based upon their respect for him and for his enrichment of our understanding and practice of those values. However, his power is far from absolute. This is certainly true in financial and administrative matters, where the rule of law in our congregation assigns authority on those matters to lay leaders. There are, however, some ways in which his authority can be checked even in spiritual and halakhik matters. For example, the rabbi might want to introduce certain innovations that he judges to be halakhically permissible, although not required. The community might not agree, saying that they are not ready for these innovations, even while accepting his view that these innovations are halakhically sound. The relation between the authority of the laity and the authority of rabbinic leadership is a complex issue, and different Modern Orthodox congregations may define it differently, but they should all accept these fundamental values. Some see this approach as demeaning to spiritual leaders, but Modern Orthodox Jews should applaud it as the embodiment of legitimate values of modernity.

The spirit, and often the letter, of these two principles is widely disregarded in the Haredi world. Earlier spiritual leaders appoint their successors (and that is true not only in the Chassidic world). There is even a Halakhic view that communal rabbinical authority should be inherited.²⁸ To be sure, followers may vote with their feet, and decide to become part of some other community with different leaders, but their consent in advance is not sought. More troubling, those who are the leaders assert their unbounded authority in all matters. This seems to be the idea behind the

²⁸ For a discussion of this issue in the rulings of the Hasam Sofer, see J. Katz, "Divine Law in Human Hands" (Magnes: 1998) pp. 438-9.

doctrine of *da'at Torah*,²⁹ a doctrine that Modern Orthodox Jews should reject.

The American Revolution and its immediate aftermath embodied these values, but an additional value came to have special emphasis. That is the value of rights held equally by all people. The opening portion of the second paragraph of the Declaration of Independence affirmed that “we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness.” Of greater importance is the listing of what are some of these rights in the Bill of Rights. This emphasis on human rights was reaffirmed by the French Declaration of the Rights of Man and further affirmed and expanded in the United Nation’s Universal Declaration of Human Rights. There certainly are ambiguities in this tradition about what these rights mean and there are legitimate concerns about the tendency, especially in the United Nation’s Declaration, to increase the number of rights claimed to be universal. But the existence of fundamental rights possessed by all people equally is one of the central themes of modernity.

The Haredi world has not recognized these crucial values. Consider the French Right #11 that: “The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.” We have witnessed in the Haredi world all too many examples of challenges to that freedom, ranging all the way from the opposition to “The Making of a Gadol” to the banning of the writings of Rabbi Slifkin. These well-publicized examples are only the tip of the iceberg in the way that world controls the expression of dissenting opinions. Also consider the way in which the notion of equality of rights has been challenged in the *Dati Le’umi* world, especially in its Haredal subworld. When confronted with the challenge of Israel’s character as a Jewish state versus a democratic state (with the issue really being one of the equal rights of citizens from minority groups), too often their response has been to reject the latter.

Modern Orthodox Jews, already committed to the value of tolerance of diversity, need to be more insistent about affirming these rights. To use the first of the two issues just discussed as an example, we need to affirm the right of freedom of expression to controversial thinkers who wish to remain part of our community, whether or not we agree with some of

²⁹ On the emergence of this concept, see Lawrence Kaplan, “Daas Torah: A Modern Conception of Rabbinic Authority,” *Rabbinic Authority and Personal Autonomy*, ed. Moshe Z. Sokol (Jason Aronson, 1992), 1–60.

their views and actions. It is difficult to precisely define the limits of community membership, but in general they should not be defined narrowly. To use the second of the examples, Modern Orthodox Jews also need to support the equal basic rights of all residents of the State of Israel, even when it is difficult to specify how this is to be implemented in connection with those whose loyalty to the State is highly questionable. On a more domestic level, they need to be more concerned with important remaining inequalities in basic human rights in U.S. society.

The French Revolution also introduced into modern thought one of its most challenging ideals, the ideal of fraternity. I think of fraternity as the value of feeling concern towards the well-being of one's fellows—the well-being of the one is a concern of the other. I also think of fraternity as a commitment to the common enterprise of a civilized society, a commitment that is in part reflected in obedience to the laws adopted in that society (especially if they are the product of a democratic process). This is an ideal that is fraught with difficulties. I want to focus on one, viz., the question of with whom should one stand in a relation of fraternity. It might be, as I think it was for the French, one's fellow citizens. It might be, as it is for the cosmopolitans, all of humanity. Or it might just mean the members of one's own religious or ethnic group. All of these conceptions of fraternity call upon the individual to go beyond pure self-interest. It seems, however, that a healthy pluralistic civil society requires a serious sense of fraternity among its citizens, but one that allows for deeper feelings of fraternity with one's family or one's religious community. Some feeling like fraternity seems necessary for a civil society to exist as something more than a mere conglomeration of self-serving egoists.

Developing such feelings among Jews is not always so easy. The historical Jewish experience with the civil societies in which they lived has often, and maybe mostly, been a negative experience. Moreover, and most crucially, the experience of those German Jews who thought that they were Germans of a Mosaic faith but who discovered during the Holocaust that they were not, is not a historical memory that encourages a sense of fraternity with one's fellow citizens. These attitudes have certainly been imported into the United States by many of the Haredi groups that arrived during and after WWII.

Perhaps this is easier for Modern Orthodox Jews. Despite earlier European groups that are often identified as precursors of Modern Orthodoxy, Modern Orthodoxy is primarily an American phenomenon. While the American experience has not always been a good experience for Jews, it has certainly been one of the very best experiences in Diaspora Jewish history. Modern Orthodox Jews should, and usually do, feel a great sense of gratitude towards the U.S. and their fellow citizens, a sense of gratitude

that promotes a sense of fraternity. All of this is made even easier by a unique feature of the United States. Not only is it a country that has no established religion, it is a country composed of many distinct peoples (not just WASPS, but African Americans, Hispanic-Americans, Asian Americans, Irish and Italian Americans, Jewish Americans, etc.) rather than one people. Feeling a sense of fraternity with one's fellow American citizens does not require one to renounce one's sense of peoplehood as a Jew. Modern Orthodox Jews in America are not "Americans of the Mosaic persuasion"; they are Jewish Americans who feel a sense of fraternity both with their fellow Jews wherever they are and with their fellow Americans. That explains the widespread celebration of July 4 and Thanksgiving in the Modern Orthodox community; these are holidays that we share in common with fellow Americans. This is certainly not true in the Haredi community. When I was studying in Chaim Berlin, the *mashgiab* made it clear that absence on Thanksgiving was a serious offense that might lead to expulsion. (I cannot, however, vouch for current practice in that and other yeshivot.)

This leads us to the nationalistic revolutions of the nineteenth century, particularly the revolutions in Italy and Greece. The Greeks are a people, and their revolt against the Ottoman Empire to secure their independence was an affirmation that a people deserves, where possible, an independent nation of its own. The Italians are a people, and their revolt against a wide variety of rulers (some Italian, some not) to create a unified Italy was an affirmation that a people deserves, where possible, a unified nation of its own. Zionism's revolutionary insight was that, applying the nationalistic principle to the Jewish people, Jews needed and deserved a state of their own. Of course, some saw such a state merely as a place of refuge and safety for Jews persecuted elsewhere. But others³⁰ saw such a nation-state as a place for the regeneration of Jewish value and culture (although they disagreed about what that was), and values and culture are a major component of peoplehood that can best be promoted in a nation-state.

The Haredi world (with the exception of the Haredal wing), while certainly accepting the concept of a Jewish people, has never really accepted this 19th-century value of a people deserving a state of its own, and that is why the State of Israel is at most supported by them as a place of refuge for persecuted Jews and as a good place for intense Torah learning and living (especially in light of generous subsidies). There are many roots to

³⁰ Two classic examples, although very different from each other, are R. Kook and Ahad Ha'am,

this failure to accept and many versions of it. There was the ideological argument, based upon a Talmudic passage³¹ that G-d had sworn the Jewish people not to storm the wall (return to Israel) and not to rebel against the nations of the world. Even more of this opposition was based upon the irreligiousness of the early pioneers and the succeeding leaders of the Zionist state and upon the fact that the state of Israel is not a state governed by the Halakhah. At an even more fundamental level, however, there was no recognition of the principle that a people deserves a state of its own, and members of that people need to support that state and feel a sense of fraternity with the citizens of that state, even if they are disappointed with many of the policies of that state. Rabbi Kook understood that principle and accepted the resulting obligation of fraternity with the pioneers, and for this he was roundly condemned.

As part of their acceptance of modernity, Modern Orthodox Jews should, and usually do, affirm that principle and are ardent Zionists. The extent of that commitment is displayed by the significant number of Modern Orthodox Jews making *aliyah*, although that has other roots (e.g., the cost of Jewish education) as well. But there is a note of caution that needs to be stressed here. In the minds of many Modern Orthodox Jews, this strong Zionism is associated with the picture that the founding of the State of Israel is the beginning of the Messianic redemption. We can certainly hope and pray that it is, but I am troubled by the affirmation that it surely is, an affirmation that has become part of the standard prayer for the State of Israel in the United States, but not in some other modern Orthodox communities.³² Whether or not it is the beginning of that era, the nationalistic principle provides an ample basis for the ardent Zionism of the Modern Orthodox community. Additional religious content to that Zionism without a Messianic component can be found in the Six Knocks section of Rabbi Soloveitchik's classic essay "*Kol Dodi Dofek*."³³

Part Three: Conflicts and Possible Resolutions

If Modern Orthodoxy involves both a commitment to tradition and a commitment to the values of modernity, it has built into its very nature the potential for internal inconsistency. There will, no doubt, be many cases in which tradition and modernity share the same beliefs and values. The right of all human beings to be treated with basic respect and not to be demeaned is an excellent example. It is both part of the humanism that

³¹ *Ketubot*, 111a.

³² The version of the prayer in Great Britain is a good example.

³³ "*Kol Dodi Dofek*: Listen—My Beloved Knocks" (Ktav: 2006).

is characteristic of modernity and the correlate of many Halakhik obligations, including the Halakhik obligation not to embarrass another individual in public. Many more examples of this harmony can be given. But there will be many examples in which this harmony does not exist. For example, an acceptance of the truth of the results of scientific enquiry seems to require the (at least) tentative acceptance of both Big Bang cosmology and an evolutionary account of the origin of human beings, but neither seems to fit with the account of creation of the world and of human beings given in the opening chapters of *Bereshit*. As another example, consider the acceptance of the value of personal liberty in matters of sexuality, so prevalent in modern societies, which is in direct conflict with clear Halakhik norms forbidding numerous forms of sexual behavior. What should be the response of the Modern Orthodox Jew in such cases?

Let me outline four possible strategies that might be employed, in each case offering examples, presenting them in an order that most preserves the truth of tradition. But before doing so, let me once more reiterate the point made earlier that it is the strategies that are crucial, not necessarily my particular use of them:

1. **Reject the implications of modernity.** It needs to be remembered that the Modern Orthodox Jew has a *pro tanto* commitment to modernity, and it is the very nature of *pro tanto* commitments that they can be overridden by other considerations. In these cases, the overriding consideration is the teaching of tradition. This seems like the obvious thing to say, for example, about the possibility of miracles. Miracles are central to Jewish thought and practice and no commitment to Jewish tradition can challenge their existence. However, the laws of science, to which we are committed by our commitment to modernity, describe what happens in the universe and seem to leave no room for miracles. This has led to attempts to find a naturalistic explanation of these miracles, attempts that are both scientifically implausible and theologically suspect, or to a simplistic acceptance of violations of the laws of nature. The better approach is to reject the assumption that the universe is a closed physical system. The very concept of a miracle, an act directly caused by G-d, presupposes that the physical universe is not entirely a closed physical system. So if modernity involves the rejection of the possibility of miracles, Modern Orthodox Jews can and should reject that implication of modernity. This is because they understand that the laws of nature do not describe what happens when an external force impacts upon the otherwise-closed physical universe. Consider, as a second example, the modern commitment to the value of personal liberty in sexual behavior. "There is nothing wrong with any form of sexual behavior that two adults voluntarily

and authentically agree to engage in” might correctly be seen as the modern sexual ethic. The Modern Orthodox Jew must reject that commitment and its resulting ethic. This rejection does not, of course, mean the rejection or demeaning of those individuals who engage in the disputed forms of sexual behavior,³⁴ any more than it requires rejection or demeaning of others who violate Halakhic norms. Nor does it require support of any legal limitations in a pluralistic society on the behavior and rights of such people. It requires only moral opposition to such behavior. How such opposition should be expressed, especially in rabbinic teaching or counseling, is an important question that lies beyond the scope of this paper.

This strategy is, of course, available in every possible case of conflict, but several crucial points need to be noted:

- a. This strategy is dependent upon the fact that that the commitment to modernity is only a *pro tanto* commitment. The possibility of this strategy is built into the very definition of Modern Orthodoxy, and that makes it very attractive. The other strategies we will identify are not based directly upon the definition of Modern Orthodoxy.
- b. If used too often, it results in the minimization of the difference between Modern Orthodox Jews and Haredi Jews. The commitment to modernity would have an impact only upon those cases in which the tradition really says nothing, and the Haredi world behaves in one way while the Modern Orthodox world differs. Haredim might insist on white tablecloths for Shabbat while Modern Orthodox Jews might allow other colors. These differences are trivial differences, and there is no point to developing a theology for a movement that only trivially differs from the rest of Orthodoxy.
- c. To be most plausible, this strategy seems to call for an explanation as to why the values of modernity are not all-things-considered appropriate in these cases. One might simply say that the overriding value is just the teachings of tradition, but unless one wants the commitment to modernity to become insignificant, something more must be said, where possible, as to why the values of modernity are trumped in these cases. In the case of miracles, the explanation just is that modern supporters of scientism have inappropriately assumed, with no evidence, that the universe is a closed physical system. It is scientism, and not science, that is being rejected. In the

³⁴ Acceptance of these individuals in a respectful and caring manner is, I believe, independent of the question of whether their sexual behavior is a product of genes or of choice. It is just part of the value of respecting the dignity of all human beings, a value common to Orthodoxy and modernity.

case of sexuality, the best explanation I can think of (others may have better ones) is that sexual activity is seen by Judaism as one of the most powerful human forces, designed to give special unity to those in long-term relations from which families spring, and not only as a form of pleasurable activity and satisfaction (even if it certainly is also that).

2. **Reinterpret the teachings of tradition so that the conflict disappears.** The claims of tradition, it could be said, need to be understood differently than they have been understood in the past. Once reinterpreted, the conflict disappears. This is the strategy often used in the apparent cosmological and anthropological conflicts. Big Bang cosmology and an evolutionary account of the origins of human beings represent a literal answer to questions of origins. The Biblical account, by contrast, represents a non-literal representation of certain fundamental metaphysical and ethical truths (e.g., the metaphysical truths that the universe is a product of God's creative act and that it is a good creation and the ethical truths that all humans are created in the image of G-d and that killing a human being is like destroying the whole universe).³⁵ This must be distinguished from forms of concordism that attempt to make the text express the scientific account when properly understood.³⁶ It is literalism, but not Orthodoxy, that is challenged by these theories, and our tradition has long denied the need for literalism. Once more, there are cautionary notes to be made about this strategy:
 - a. If used too often, it results in the minimization of the commitment to tradition, for then it is modernity that defines the teachings of tradition. What tradition teaches is what modernity teaches, and the difference is just in the mode of presentation. The only cases in which tradition has independent teachings are those cases about which modernity has nothing to say. This would be a trivialization of the commitment to tradition and Modern Orthodoxy must reject it.
 - b. To be most plausible, some reason needs to be given as to why traditional teachings need to be reinterpreted in these cases. To avoid trivializing the commitment to tradition, the reason must be more than just that the reinterpretation is required to harmonize traditional teaching with modernity. In the case we are considering, an

³⁵ For an excellent philosophical presentation of this type of position, see Peter van Inwagen, "Genesis and Evolution," in his *God, Knowledge and Mystery* (Cornell University Press: 1995), 128–62. It should be noted that this position works better in this case than in others (e.g., the antediluvian lifespans).

³⁶ For a discussion of this approach, see David Shatz's classic article "Is There Science in the Bible? An Assessment of Biblical Concordism" (*Tradition*: 2008).

explanation might be that the metaphysical and ethical teachings of the Torah were hard to present as part of a literal answer to questions of origins, and so a non-literal presentation was required.

- c. We must always be sensitive to the possibility that this strategy inadvertently eliminates part of what is taught by the traditional accounts understood literally, thus hiding a residual conflict. Consider the biblical account of the creation of human beings. This account seems to teach that human beings have a special place in the creative order, a special place that is expressed, for example, in the prohibition of killing humans, but not animals, for food. This is, of course, not part of standard evolutionary theory, so we need to make sure that this teaching is maintained.³⁷
3. **Separate the true teachings of tradition from the applications of those teachings to particular situations, where the application depended upon false assumptions made by the traditional authors.** Let us consider two examples, in one of which this strategy leads to Halakhic leniencies and in the other of which it leads to Halakhic stringencies. The first example involves babies born in the eighth month of pregnancy. The clear-cut Halakhic ruling in the Talmud³⁸ and in the *poskim* is that “they are like a stone,” which means that they cannot live. This ruling has many implications, including the implication that it is forbidden to violate the Sabbath to save their lives. But, of course, we know today that they can live. The obvious way to handle this conflict is to say that the rabbis were right in their principle about not violating the Sabbath for those who were born without the capacity to live, but were wrong about the viability of children born in the eighth month. It is obligatory, and not merely permitted, to violate the Sabbath to save their lives. The second example involves the killing of lice on the Sabbath.³⁹ The Talmud and the *poskim* permit it, claiming that they do not reproduce sexually

³⁷ Some might even claim that this teaching is irreconcilable with evolutionary theory, in part because the driver of evolution is random mutation and in part because evolutionary change is about developments in material objects, and not the emergence of persons with souls. See Alvin Plantinga, “Where the Conflict Really Lies: Science Religion and Naturalism” (Oxford University Press: 2011) for an attempt to deal with these issues. He invokes the idea of guided evolution, of G-d stepping in at crucial points in the evolutionary process. An alternative would be to suppose that G-d planned all of this at the time of creation. I hope to return to this issue in a future essay.

³⁸ For a full discussion of this topic see chapter nine of N.M. Gutel, “Change of Nature in the Halakhah” (Hebrew) (Jerusalem: 1995).

³⁹ The controversy about this example dates back to the 18th century. See chapter nine of David Ruderman’s “Jewish Thought and Scientific Discovery in Early Modern Europe” (Yale University Press: 1995).

(literally, they are born from the dust), and there is no prohibition to kill such animals. Once more, the rabbinic principle that it is forbidden to kill on the Sabbath only animals that reproduce sexually remains valid, but the application to lice was just wrong.

- a. Once more, many observations are in place about this strategy. It is based upon the assumption that the Orthodox Jew's commitment to the Halakhah is a commitment to its principles, which comprise the Oral Law. It is not a commitment to the factual assumptions that are required to apply the principles to actual cases. These are not part of the Oral Law; they are just the beliefs of the rabbis in question. Earlier authorities, even Talmudic authorities, can be wrong about factual assumptions; these assumptions are just not part of the Oral Law to which Modern Orthodox Jews are committed. This point goes beyond the factual assumptions that lie behind certain halakhot. It applies to a large number of factual beliefs found in traditional texts, ranging all the way from demonic possession to the cures in my great-grandfather's book.
- b. There are many who want to come to the same conclusion but who don't want to say that these factual assumptions were wrong. They invoke instead the idea that nature has changed, a principle that was widely used⁴⁰ by traditional authors for many purposes. I question the intellectual integrity of that move in these cases, even if it might be acceptable in some other cases. The mode of reproduction of lice has not changed and spontaneous generation of animals is not, and never has been, possible.
- c. Some have said that this move is acceptable in the case of premature babies because what have changed are the medical capacities to treat them, and not their independent viability. This would require as a consequence that if the newly developed medical capacities are not present, it would be forbidden to intervene with older interventions, and this has apparently been the view of some authorities.⁴¹ But since most are not prepared to accept that limitation on medical interventions, they would have to say that independent viability has changed, and that is no more plausible than the claim that the mode of reproduction of lice has changed.
- d. This strategy of accepting the principle but denying the application seems attractive in cases of biological or physical claims. But what

⁴⁰ The historical use of this technique is the topic of the Gutel book cited in fn. 37.

⁴¹ Gutel, p. 76, reports that this was the position of R. Shaul Yisraeli, as opposed to the position of the Hazon Ish.

about cases of psychological or sociological claims? Much of the Halakhah is based upon these types of assumptions.⁴² To choose just two examples from the just-cited listing, the assumption that a person would not deny in front of the lender that he owes him money leads to the person denying the debt being believed, and the assumption that witnesses do not sign on a document until they read it leads to the acceptance of the document as valid. Yet neither of these assumptions sounds plausible in the contemporary world. Jewish law would be in a chaotic state if we rejected many of those assumptions. This is another difficult issue that I hope to address in a future essay.

- e. For those who accept the falseness of these empirical assumptions, whether biological or sociological, but who want the Halakhah to remain unchanged, there is another option.⁴³ They can say that authority to determine the Halakhah resided in the Talmudic sages. Even if they made their rulings based upon false factual assumptions, the Halakhah remains unchanged. This is necessary, they claim, to maintain sufficient stability in the Halakhah.
4. **Invoke the diversity of traditional positions.** In recent years, it has been common to talk about “the Jewish view of x,” as though there was only one traditional Jewish position on a given topic. This impression has been fortified by the very popular handbooks on various topics, books that often present only one viewpoint. This may be understandable as a way of avoiding confusion among lay people, but it is also a distortion of the truth. This tendency is worsened by the fact that the authors of these handbooks often present the most stringent views on a given topic as though they were the only legitimate view. It needs to be remembered that there are legitimate alternative traditional Jewish views on a wide variety of topics, and that needs to be understood and taken into account. It is good to remember at this point the statement of the

⁴² There is an extensive listing of such assumptions on pp. 693–714 of vol. 13 of the *Encyclopedia Talmudit*.

⁴³ This opinion is stressed by the Ḥazon Ish. See the discussion of this view when dealing with the laws of *terefah* on pp. 637–42 of B. Brown, “The Ḥazon Ish” (Magnes: 2011). Notice, however, that the Ḥazon Ish accepts the modern scientific views when dealing with testimony about the illness of the husband, thus not allowing a woman to remarry on the basis of evidence of his illnesses, preferring the scientific views to the Talmudic views about when the husband could not live.

*Arukh ha-Shulhan*⁴⁴ that these contrapuntal voices are part of the very beauty of halakhic discussions.

Let me give some examples of the importance of this point to the development of a Modern Orthodox viewpoint. One of the fundamental values of modernity is the value of equality. Now there are some forms of inequality that are simply part of the basic fabric of the Halakhah and must be accepted by those who consider themselves to be Orthodox Jews. Considering just the issue of gender equality, women do not, for example, count for a *minyan*. For Haredi Jews (and unfortunately for an increasing number of Modern Orthodox Jews), this is taken to be illustrative of a larger theme of inequality in the sphere of Jewish ritual and communal life. We have seen recently a ban on women serving as synagogue presidents. This led to a great controversy about the membership in the Young Israel movement of one branch that had elected a woman president.⁴⁵ This ban is based upon the Rambam's ruling about women serving in positions of leadership.⁴⁶ But the Rambam's principle is arguably disputed by many significant *Rishonim* and there are important distinctions between the positions he is discussing and synagogue presidents (they are elected, they have limited power, the position is only for a limited period of time and it cannot be inherited).⁴⁷ Why shouldn't Modern Orthodox Jewish synagogues have women presidents?

- a. As a general rule, not every solitary opinion, even by an eminent authority, is sufficient to invoke the use of this strategy. There may be cases where that is enough, but usually there needs to be support from a sufficient number of authorities of sufficient significance to justify its use, and this is, of course, a very ambiguous standard. The example I have given clearly meets this criteria. But there will be more borderline cases where the question of whether there is enough support is harder to settle.
- b. An extremely crucial question is the extent to which the need for a new approach, in light of new circumstances and in light of a fuller

⁴⁴ He states this in the introduction to his volumes on *Hoshen Mishpat*. It is worth quoting part of the passage: "...this is the beauty of our holy and pure Torah. All of the Torah is called a song, and the beauty of a song is when the voices are different one from the other..."

⁴⁵ The end result of this was a revolt among the member chapters and a changed leadership of the movement, but this was directed primarily towards a related claim about the ownership of assets of Young Israel synagogues. Note that the Young Israel still retains its ban on women presidents.

⁴⁶ Maimonides *Law of Kings* 1:5.

⁴⁷ See the important article by Rabbis Broyde and Brody in *Hakirab* 11, "Orthodox Women Rabbis." (In the interest of full disclosure, Rabbi Brody is my son.)

understanding of the values of modernity, justifies more extensive reliance upon this strategy. An excellent example that shows how hard this question is can be found in the conversion crisis in Israel. The Jewish people have a state many of whose citizens see themselves as part of the Jewish people, and who are part of the Jewish people by standard sociological criteria, but who are not halakhically Jewish. One way to solve this problem would be to make Israel the state of the Jewish people understood sociologically, whether or not the Halakhah treats them as Jewish for religious purposes. This would presumably involve such innovations as creating a system of civil marriages (other than going to Cyprus) and a clarified set of criteria for the Law of Return. Another way to solve this problem would be to make it easier for these people to become part of the religion of Judaism through conversion. The halakhic problem with this solution is that it is dubious in many (perhaps most) cases that there is a sincere commitment to abide by the mitzvot. However, there are many minority halakhic rulings that could be invoked to support this solution, which has the great advantage from a nationalistic perspective of keeping the unity between Israel, the Jewish people and Judaism.⁴⁸ Could they be sufficient when invoked together to justify a more lenient approach to the conversion process? For the Modern Orthodox Jew, whose commitment to his religion, to his people and to the Jewish state is seen as unified, this would be highly desirable. But is that enough of a reason to rely upon these precedents?

- c. This last point raises a fundamental philosophical question about the nature of halakhic reasoning.⁴⁹ There are some, the formalists, who see halakhic reasoning as involving the non-historical and non-contextual application of fundamental categories and principles to any situation. For them, the desirability of a certain conclusion in a given historical context is irrelevant to its acceptability. By just asking this question, I am rejecting this view both as a descriptive account of the history of Halakhah and as a normative account of how the Halakhah should work. For me, the Halakhah always has, and should

⁴⁸ A useful and comprehensive discussion on these matters, citing many sources, is to be found in M. Finkelstein, *Giyur* (Bar Ilan: 1994). See also the article by R. Marc Angell, "Conversion to Judaism: Halakhah, Hashkafa and Historic Challenge" *Hakirah* 7.

⁴⁹ This question is, of course, the very question discussed in the philosophy of law of formalism versus legal realism (when these are taken as normative, rather than descriptive, positions).

be, conscious of contextual and historical factors. The only question is how far this consciousness should be taken.

- d. There is no question but that the use of this strategy in the question of conversions would widen the rift between Modern Orthodoxy and the Haredi world. As things stand now, their practices differ. But if this strategy is used, their normative Halakhic views would widen. One does not want to give the Haredi world a veto on Modern Orthodox innovation, but anyone who has a concern for the unity of the Jewish people needs to be concerned about widening an already deep rift. This is particularly true in matters of personal status. At the same time, we need to keep into account the disunity already produced by rejecting many conversions even if the requirements of immersion and circumcision are met. It is a policy issue as to which rift is of greater concern.

Part Four: Three Hard Cases

I have tried so far to identify the values of Modern Orthodoxy and the possible strategies for dealing with conflicts between its commitment to Orthodoxy and its commitment to Modernity. Much more needs to be said about each of the points I have made, but this is only a programmatic essay, rather than a comprehensive treatise. Before concluding this essay, I want to discuss a few more complex issues that seem to me to be of particular importance.

The first is the issue of toleration and respect for other religions and for other denominations of Judaism. From the perspective of modernity, tolerance and respect are fundamental virtues. But Orthodoxy says that the views of these religions and denominations are false. So what is the basis for toleration and respect? This is, of course, a much-debated issue in general philosophy of religion (the inclusivism versus the exclusivism debate).⁵⁰

As noted above, one easy way out would be to affirm that toleration of diversity of belief is a good thing because of Westphalian concerns. The world in general and Jews in particular have learned from sad experience that intolerance breeds misery and violence and that toleration of individuals with different beliefs is a necessary condition of a civil society. At most, Orthodox Jews might be concerned about the obligation to admonish others about their mistaken beliefs and actions. But the Rabbis have already taught us: “As it is a commandment to say what will be heard

⁵⁰ For a brief introduction to these theories, see the Wikipedia entry on Theology of Religions.

[obeyed], it is a commandment not to say that which will not be heard.”⁵¹ But I am looking for something more, something that leads to respect, and not merely toleration. You may tolerate something towards which you have no positive feelings, but respect, which calls for such positive feelings, requires an appreciation of at least some aspects of that for which you feel respect. I think that there is a good case to be made for such respect,⁵² although it certainly needs to be developed much more extensively than I can in this essay. The easiest case is respect for many people who are adherents of alternative world views (religious or secular). If they are led by their beliefs to highly virtuous lives, they are entitled to respect because of the lives they live. You don’t have to be Catholic to respect Mother Teresa. But the harder case, which I want to make now, is the case for respect of at least some of these alternative world views.

The starting point of my reflections is the recognition that there is a great ongoing cultural war in modern society between the believers in a naturalistic world view and the believers in a theistic world view. The emergence of the strident “New Atheism” is just one example of this cultural war, while the breakdown in many traditional moral beliefs and institutions is another example. For Haredi Jews, this cultural war is irrelevant except that it provides one more reason to live to the greatest extent possible in a religious enclave. But Modern Orthodox Jews live in the world of this conflict, and even if they choose to ignore it, they need to be concerned about its impact upon the society in which they live and especially upon their children who live in such a society. In such a situation, I believe that it is crucial to recognize commonalities between Modern Orthodoxy and other traditions, and to respect these other traditions precisely because of these commonalities. These traditions need to be seen as respected allies, rather than as errors to be tolerated. Actually, this would be true even without this great cultural conflict, but it is even more pressing in our contemporary situation.

Jews, Christians (even Trinitarian Christians insist that they are monotheists) and Muslims all believe in a single deity who is the cause of this universe, who has created human beings with a special dignity but with special responsibilities, who responds to human petitionary and penitential prayers, and who will ultimately redeem this world, rewarding the good and punishing the evil. They also share a wide variety of traditional

⁵¹ For an excellent discussion of the parameters of this rule, see the (misnamed but very valuable) essay by R. S. Yisraeli, “Religious Coercion in the Halakhah” *B-Tzomet ha-Torah v-ha-Medina* vol. 2 (Maaleh: 1991).

⁵² See Martha Nussbaum, *Liberty of Conscience* (Basic Books: 2008), for a defense of this claim.

moral principles and practices. Naturally, their understandings of these beliefs and principles differ in many respects and there are other important differences between them. Orthodox Jews insist that Judaism is right on these matters of difference and that the others are wrong. But these commonalities call for great respect. This is not a new theme in traditional Jewish thought, as some traditional authorities have noticed these commonalities and stressed their significance,⁵³ but it is a theme that has been underappreciated in the past and it has acquired new importance in the current cultural context. This respect has many implications. Here is one practical implication: I have noticed that many, even in Modern Orthodox synagogues, have reinserted into the *Aleinu* prayer the phrase that “they worship foolishness and emptiness and they pray to a g-d who will not help them.” Although understandable in the past, this phrase has no place in our current cultural context, at least as far as Christians and Muslims are concerned. We believe that they are wrong on many matters, but they do worship and pray to the single deity who is the cause of the universe. This also leads to a more theoretical implication: if we and our allies in the great cultural war are to be effective in working together, we are going to need a better understanding of where we agree and where we disagree. This leads to a need for a type of interfaith dialogue, devoted to better identifying and clarifying the beliefs and principles on which we agree rather than to trying to debate who is right and who is wrong.⁵⁴

⁵³ The authorities usually mentioned are the Rambam in his discussion of Islam and the Me’iri in his discussion of civilized religions.

⁵⁴ Even R. Soloveitchik supported interfaith efforts to improve the world and to fortify shared traditional morality. As Meir Soloveitchik said: “The Rav stressed that the two faiths can dialogue not only on such topics as “war and peace, poverty, and freedom” but also on “the threat of secularism.” This interfaith engagement, he stressed, will be based on “our religious outlooks,” in which we express our feelings “in a peculiar language which quite often is incomprehensible to the secularist,” and in which we define “morality as an act of *Imitatio Dei*”—of imitation of the Almighty. While organizational dialogue on dogma was prohibited, The Rav insisted that Jews and Christians can, and should, dialogue on the distinctly religious morality that they share. <<http://forward.com/articles/8692/how-soloveitchik-saw-interreligious-dialogue/#ixzz2nf4mVmst>>.

But contrary to his views, I believe that (a) we share a common enough set of concepts that dialogue about theological disagreement, designed to better understand where we agree and where we disagree, is possible and valuable in the current cultural context and that (b) that respect for other faiths with whom one shares many beliefs, is perfectly compatible with insisting that one’s faith is correct, and the other faiths are wrong, in matters of disagreement.

This theme has even greater validity as Modern Orthodox Jews reflect upon other denominations of Judaism. There are even more commonalities present there. Some of these are commonalities in belief and others are commonalities in practice. This increased respect is compatible with insisting that we are right and they are wrong where we differ. All too often, Modern Orthodox Jews see these alternative denominations as the great enemies. This is just a mistake!! The great enemies of Orthodox Judaism are naturalism, relativism and post-modernism. We should tolerate and even respect (if they lead a good life) the adherents of those viewpoints, but the viewpoints themselves deserve tolerance but no particular respect. This should be very different than the appropriate Modern Orthodox response to Conservative/Reform Judaism and to Haredi Judaism; even when we disagree with them, respect for their traditions, based upon our many commonalities, is appropriate.

There are two additional points that need to be mentioned: (a) this type of respect for alternative viewpoints as well as for their adherents will vary according to the extent of the commonalities. The truth in the fashionable discussion of the unity of Abrahamic religious faiths may just be that, while hardly the same, there are significant commonalities that separate them from Eastern religions such as Buddhism and Hinduism; (b) in stressing respect based upon commonalities in teachings, I have downplayed the importance of commonalities in methods of inquiry that might extend the scope of belief systems deserving respect. My own view is that these commonalities relate to the virtues of the individuals who employ them rather than to the deservingness of respect due to these other belief systems. But that is a discussion for another occasion.

Another hard issue that I want to discuss is the lessons to be learned from the modern version of the *agunah* problem (the cases of women whose husbands refuse to give them a get, not the case of husbands who have disappeared). The basis of the problem is an asymmetry in power in divorces between husbands and wives. The root of this asymmetry is the fundamental halakhic principle that husbands divorce wives, and not vice versa, and that all such divorces must be voluntary on the part of the husband, but not on the part of the wife. (This latter asymmetry was, of course, partially corrected by R. Gershom in one of his decrees.) This is a fundamental halakhic principle that Modern Orthodox Judaism, with its commitment to Halakhah, must respect. But what about the principle of equality which is a fundamental principle of modernity? For Haredim, this is no problem, since there is no commitment to this equality. Some Haredi authorities have of course been sympathetic to these *agunot* and have tried to find solutions to their problem, while others have rejected those solutions. But how should Modern Orthodox Jews approach this problem?

There was a time in which, whether through Geonic decree or through Maimonidean interpretation of the Talmudic text, women acquired the right to initiate divorces because Jewish Courts would require the husbands to give the requested divorce. Unfortunately, this approach was ultimately dropped, primarily under the influence of Rabbeinu Tam.⁵⁵ That is why we have this *agunah* problem. Naturally, new ways of circumventing the law have emerged. Various forms of prenuptial agreements have been adopted.⁵⁶ There are forms of social pressures that have been employed, forms of pressure meant to be effective, even if the husband is not, strictly speaking, being forced. Many Haredi authorities have opposed these techniques, using certain traditional texts to claim that the husband is really being coerced. But Modern Orthodox Jews have supported them, basing themselves on other traditional texts, and they should support them. The use of prenuptial agreements with provisions supporting legal enforcement is increasingly the practice in Modern Orthodox circles. More attention needs to be paid to the use of extensive social pressures that go beyond merely picketing the husband's home, such as denying him any synagogue privileges. Although their general effectiveness is unclear, I am aware of one case in my own community many years ago where they were successful. Perhaps more ingenious techniques can be developed, although I am not sure that I would go so far as to advocate as a general approach what happened in one case in which the women of the community adopted a Lysistrata technique to get their husbands to convince the recalcitrant man to give the get.⁵⁷ Still, one cannot help but feel that a comprehensive solution has not been found.⁵⁸

What are the lessons to be learned? There is a long tradition of revisiting halakhic issues by halakhically acceptable means. But how far can you take this? What are halakhically acceptable means? That is the hard issue with which I am concerned. Some have concluded that "where there is a rabbinic will, there is a rabbinic way." The thought seems to be that you can always find a way that is based on some authorities. This seems excessive, and as noted earlier in this paper, it threatens to trivialize the commitment to tradition by undermining the integrity of the Halakhic

⁵⁵ R. Shlomo Riskin "Women and Jewish Divorce" (Ktav: 1989).

⁵⁶ Perhaps the most common one is found at http://www.JLaw.com/Forms/PNA_2003.pdf.

⁵⁷ I read about this a few years ago but I still cannot find a reference for this case.

⁵⁸ It remains to be seen whether the newly announced bet din headed by R. Kraus will adopt a more comprehensive solution or will just aggressively pursue many of these traditional techniques on a case-to-case basis.

process. Some⁵⁹ have advocated that it is at least sufficient if the approach you wish to adopt was at one time the predominant approach. This would support a return to the Geonic-Maimonidean approach. But does this pay sufficient attention to the fact that this earlier approach has been rejected by the tradition? And is it relevant that there seems to be a pressing current need? Think once more of the conversion issue discussed earlier in this paper. Some, troubled by these questions, would seek to use only those circumventions that seem acceptable to most of the earlier authorities. But this threatens the significance of the commitment to the values of modernity. So we have identified a fundamental methodological problem about Modern Orthodox halakhic reasoning.

One final issue deserves attention. This is the question of gainful employment versus full-time Torah study for as long as possible for all men. Many would say that the Modern Orthodox community is committed to the former while the Haredim are committed to the latter as an ideal. How does this fit into the framework we have developed in this paper? Several points are in order:

1. There are a great many segments of the Haredi world that reject this model of every male being committed for as long as possible to full-time Torah study. This rejection is particularly common in the Hassidic sub-community and in the traditional Sephardic community. My impression is that this model is most stressed in the Lithuanian yeshiva world, and that this being a model for all even in this community is a relatively new phenomenon.⁶⁰ So this is not just a straightforward Modern Orthodox-versus-Haredi issue.
2. One immediate point to note is that the yeshiva world does not put forward this model for all of its members, only for its male members. Women are expected to be a major breadwinner, while also raising the

⁵⁹ This seems to be what R. Riskin (supra note 64) is advocating in the introduction to his book where he writes: “In this work, I hope to demonstrate...that there is no reason not to restore the means—accepted by the Geonim and the early authorities of North Africa, Spain and France—of enabling the woman to free herself from an intolerable marriage” (p. xiii). But in his conclusion, he returns to the idea of prenuptial agreements.

⁶⁰ I grew up in this community, and like many other yeshiva students at the various yeshivot in Brooklyn, I attended Brooklyn College at night while learning in yeshiva during the day. The clear understanding was that we were going to college to prepare ourselves for a full-time career once we finished our time in yeshiva. While this practice was not necessarily encouraged, it was certainly accommodated (second *seder* for college students ended at 4:30, rather than 6:00, so that we could get to college in time).

children and caring for the home. This goes against the fundamental modern value of equality. Some might say that this type of inequality is acceptable because the women in question autonomously accept this model and its implications for them. I would reply (a) that an ideal of inequality is not necessarily acceptable just because it is accepted by those involved and (b) that these may not be such autonomous decisions given the social pressures involved.⁶¹ Both of these claims need further support, but I just want for now to put them on the table.

3. Regular Torah study in the Modern Orthodox world has been revolutionized in a number of crucial ways: (a) as the Daf Yomi program, and other regular Torah learning programs, has spread throughout the Modern Orthodox world, it is clear that the ideal in that world is increasingly an “earn and learn” ideal; (b) there are an increasing number of women in the Modern Orthodox world involved in intensive Torah study, mostly during their years of education but also afterwards. Given the need for two incomes to support a Modern Orthodox lifestyle, we may be seeing the slow emergence of an “earn and learn” ideal for women; (c) there are an increasing number of Modern Orthodox youth who engage in intensive Torah study for a number of years (as in the year(s) in Israel programs, *semikha* programs, *yoetzet* programs, etc.) before taking up a career. I don’t want to put forward an idyllic picture of Torah study in the Modern Orthodox world. I just want to point out how the ideal of Torah study has become more real in that world.
4. The controversy over full-time Torah study versus earning and learning is an old controversy, already found in the Talmud.⁶² Modern Orthodox Jews have plenty of traditional support for their ideal.
5. On a more practical note, the Haredi ideal is not economically viable unless it is supported by others. There is just not enough Haredi money. In Israel, the remaining money comes from taxes paid by many who are unhappy about this, but who understand that coalition politics has usually mandated this. The degree of this unhappiness has been reflected in recent Israeli politics. In America, this money has to come from voluntary contributions, although the Haredi world has become increasingly sophisticated about using block voting as a tactic to get governmental economic support. As I have suggested above, the ideal of human dignity

⁶¹ A good starting place for thinking about these issues is Diana Myers, “Personal Autonomy and the Paradox of Feminine Socialization,” *The Journal of Philosophy*, Vol. 84 (1987), pp. 619–628.

⁶² The famous controversy between R. Yishmael and R. Shimon b. Yoḥai in *Be-rakhot* 35b is, of course, just the beginning of a long history, but it is certainly important to remember Abaye’s evaluation that many followed R. Yishmael and were successful but those who followed R. Shimon b Yoḥai were not.

is not just a right. It also involves the obligation not to be dependent on others, especially when many of those others are being coerced into supporting you by politically obtained governmental subsidies.

All pluralistic systems, systems that recognize a plurality of values as legitimate even though they may come into conflict with each other, face these complex issues. Modern Orthodoxy is no exception. One way of understanding the much-discussed slide to the right is just that it is easier to live by a system that does not face conflicting values. But easier is not necessarily better. That recognition is what legitimates and supports Modern Orthodoxy.

