

Modern Orthodoxy and Halakha: An Inquiry

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In his book, *The Perspective of Civilization*, Fernand Braudel utilizes a concept that he calls “world-time.” Braudel notes that at any given point in history, all societies are not at the same level of advancement. The leading countries exist in world-time; that is, their level of advancement is correlated to the actual date in history. However, there also are countries and civilizations which are far behind world-time, whose way of life may be centuries or even millennia behind the advanced societies. In this year of 5745, for example, the advanced technological countries exist in world-time while underdeveloped countries lag generations behind; some societies are still living as their ancestors did centuries ago. In short, everyone in the world may be living at the same chronological date, but different societies may be far from each other in terms of world-time.

Braudel's analysis also can be extended to the way people think. Even though people may be alive at the same time, their patterns of thinking may be separated by generations or even centuries.

The characteristic of Modern Orthodoxy is that it is modern, that it is correlated to the contemporary world-time. Being part of contemporary world-time, it draws on the teachings of modern scholarship, it is open to modern philosophy and literature, and it relates Jewish law to contemporary world realities. On the other hand, “non-modern” Orthodoxy does not operate in the present world-time. Its way of thinking and dealing with contemporary reality are pre-modern,

generations behind contemporary world-time. Thus, there are deep mental gulfs of time between such Orthodox people as Rabbi Joseph Soloveitchik and the Satmar Rebbe, or between many members of the Rabbinical Council of America and many members of the Agudath haRabbanim. It is not that one is more Orthodox than the other: their belief in God, Torah min haShamayim (divine revelation of the Torah) and the sanctity of the Written and Oral Law are shared commitments. The differences between so-called right-wing Orthodoxy and Modern Orthodoxy are not differences in sincerity or in authentic commitment. Rather, the differences stem from different world views, from living in different world-times.

A Modern Orthodox rabbi does not wish to think like a medieval rabbi, even though he wishes to fully understand what the medieval rabbi wrote and believed. The Modern Orthodox halakhist wishes to draw on the wisdom of the past, not to be part of the past.

The philosophy of Modern Orthodoxy is not at all new. Rather, it is a basic feature of Jewish thought throughout the centuries. In matters of halakha, for example, it is axiomatic that contemporary authorities are obligated to evaluate halakhic questions from their own immediate perspective, rather than to rely exclusively on the opinions of rabbis of previous generations. Rambam (Hilkhot Mamrim 2: 1) writes: "A great court—bet din gadol—when interpreting the Torah with one of the hermeneutic principles, found that the law on a certain matter was such-and-such, and then another court came afterward and found a reason to reject the ruling of the first court—the second bet din rejects the ruling of the first bet din and rules according to what it deems correct. As it is said (Devarim 17:9) 'To the judge who will be in office at that time'—you are not obligated to go except to the bet din of your generation." The well-known phrase that "Yiftah in his generation is like Shemuel in his generation" (Rosh haShanah 25b) expresses the need to rely on contemporary authorities, even if they are not of the stature of the authorities of previous generations. We are obligated to be "Modern Orthodox," to recognize present reality and to participate in contemporary world-time.

Rabbi Haim David Halevy (Aseh Lekha Rav, 2:61) deals with the case of a judge who had reached a certain halakhic conclusion and gave a ruling on it. The judge then learned that another judge greater than he ruled on the same case but came to another conclusion. Should the first judge change his decision and rely on the authority of the greater one, or is he obligated to maintain his own position if he truly believes it to be correct? Rabbi Halevy quotes Rambam (Hilkhot Sanhedrin 23:9), who states the principle that En leDayan ella mah sheEnav ro'ot—a judge

has only what his eyes see. Rabbi Halevy states that the decision of a judge must be based solely on his own understanding of the case he is considering. "And no legal precedent obligates him, even if it is a decision of courts greater than he, even of his own teachers." Later in the same responsum, Rabbi Halevy writes: "Not only does a judge have the right to rule against his rabbis; he also has an obligation to do so (if he believes their decision to be incorrect, and he has strong proofs to support his own position). If the decision of those greater than he does not seem right to him, and he is not comfortable following it, and yet he follows that decision (in deference to their authority), then it is almost certain that he has rendered a false judgment (din sheker)."

The key principle here is that each judge must make a decision based on what his own eyes see. Obviously, a judge will want to understand the reasons why the greater rabbis and courts came to their conclusions. Perhaps by studying them, he will realize that he has erred and subsequently change his opinion. However, if after all his studying and analyzing the previous decisions he still maintains that his opinion is the correct one, he is then obligated to rule according to his own conclusion. He is not bound by precedent or by the weight of greater authorities. One of the weaknesses of contemporary Orthodoxy is that it is not "modern" in the sense just discussed. There is a prevailing attitude that teaches us to revere the opinions of the sages of previous generations, and to defer to those contemporary sages who occupy a world-time contemporary with those sages. Who is addressing halakhic questions today on the basis of what his own eyes see? Who are the sages of the present world-time, who absorb the contemporary reality, the contemporary ways of thinking and analyzing?

It is a common lament among Modern Orthodox Jews that Modern Orthodoxy lacks courage. Modern Orthodoxy is intimidated by the so-called right-wing, by the group of Jews that is pre-modern. Modern Orthodox scholars are reluctant to express their opinions and rulings for fear of losing religious stature in the eyes of the more fundamentalistic Orthodox Jews. When a Modern Orthodox scholar does express his own opinion, he often is criticized sharply by the pre-Modern Orthodox, and he is not adequately supported by the Modern Orthodox. The spiritual climate of today makes it very easy to remain quiet rather than risk lonely spiritual battle against forces that are more militant and more vocal.

We need to understand that the difference between Modern Orthodoxy and pre-Modern Orthodoxy is not one of religious validity. And we also must understand that being Modern Orthodox or pre-Modern Orthodox does not make our decisions necessarily right or wrong. To be Modern Orthodox Jews means to accept our

limitations, but it also means that we must accept our responsibility to judge according to what our own eyes see, according to our own understanding. It means to have the self-respect to accept that responsibility.

Modern Orthodoxy and pre-Modern Orthodoxy do not engage in intelligent dialogue because they operate on separate time waves. They follow different assumptions.

In a recent discussion concerning the adoption of a pre-nuptial agreement to avoid the agunah (abandoned wife) problem, a pre-modern opinion has been expressed that we should not initiate a new procedure, since this would seem to imply that we are more sensitive and creative than the sages of previous generations who did not initiate such a procedure. This kind of argument cannot be countered with a reasonable discussion. This is an argument from a different world-time. The argument, which is fairly widespread, is essentially ludicrous. Throughout the centuries, our sages have initiated takanot (corrective decrees) in their communities to meet the contemporary needs of their people. Did they think it was an insult to their predecessors to be responsive to contemporary needs? Did Rabbenu Gershom slander all previous generations of rabbis by instituting his takanot?

The fact is that rabbis in all generations have had to face the serious responsibility of leading their communities in the ways of Torah. They have drawn on the wisdom and holiness of our sages of previous generations, but they ultimately have had to rely on their own judgment and on what their own eyes saw. The sages of each generation are influenced by the social and political realities of their time. If many of our sages believed in demons and witches, if they thought that the sun revolved around the earth, or if they assigned inferior status to women and slaves—we can understand that they were part of a world that accepted these notions. We do not show disrespect for them by understanding the context in which they lived and thought. On the contrary, we are able to understand their words better, and thus we may determine how they may or may not be applied to our own contemporary situation. It is not disrespectful to our sages if we disagree with their understanding of physics, psychology, sociology, or politics. On the contrary, it would be foolish not to draw on the advances in these fields that have been made throughout the generations, including those of our own time.

There is no sense in forcing ourselves into an earlier world-time in order to mold our ways of thinking into harmony with modes of thought of sages who lived several hundred or even several thousand years ago.

Modern Orthodoxy requires us to live in the present world-time, knowing full well that many of the notions which we consider true and basic may become discredited in future centuries. We do not want those future generations of rabbis to be limited in their thinking to what we are thinking and teaching today. We want them to be respectful of our teachings and to consider our words seriously; but it is they who must lead their generation. Our time is now, and only now. The Torah, which is eternal, requires Jews to go to the judge living and serving in their own time.

Specific Examples

If we take Modern Orthodoxy seriously, then we will study talmudic passages and halakhic sources with an eye to understanding their historical and intellectual context. Sometimes we will come across texts that have broad halakhic implications but whose application to the contemporary situation is problematic. The following are several specific examples of the conflict that arises.

Shabbat Desecrators

There is a well-known rabbinic dictum: “One who desecrates the Shabbat in public is as an idol worshipper” (Hullin 5a). This statement underscores the importance of Shabbat in Jewish thought and practice. To desecrate Shabbat publicly is an open statement that one denies that God created the world in six days and ceased working on the seventh. By extension, one who blasphemes God as Creator by desecrating Shabbat is indeed like an idol worshipper, i.e., he does not recognize the one true God, Creator of heaven and earth (see Rashi, *ad loc.*).

Flowing from this statement are a host of halakhot. A *mehallel Shabbat* (Shabbat desecrator) is disqualified from serving as a *shohet* (ritual slaughterer). Even if he slaughters an animal entirely in accordance with Jewish law, the meat may not be eaten by Jews (Rambam, *Hilkhot Shehitah* 4:14). A *mehallel Shabbat* may not serve as a witness, since he is in the category of *rasha* (evildoer). If he touches wine, we may not drink it, just as if the wine were touched by an idol worshipper. Rabbi Haim David Halevy (*Aseh Lekha Rav*, 5: 1) discusses whether a *mehallel Shabbat* may be counted as part of a *minyan*. He quotes the *Peri Megadim*, who stated that “a *mumar* (willful transgressor) to *avodah zarah* (idol worship), one who desecrates Shabbat, or one who violates any commandment *lehakhis* (willfully), behold he is as an idolater and is not included (in the *minyan*).” Moreover, following this principle to its conclusion, a *mehallel Shabbat* may not be given an *aliya* to the Torah, just as we may not call an idolater to the Torah. There are several options available to us on how to deal with this set of halakhot

and the principle on which they are based.

We may accept the statement at face value that in fact a mehallel Shabbat is like an idolater, and is subject to the aforementioned disqualifications. To hold this position, we must posit that the talmudic statement and the halakhic development of that statement transcend all generations, and are as applicable now as when first stated. Consequently, we should maintain the ancient standard without compromise, regardless of ramifications. If the talmudic characterization of a mehallel Shabbat is equally applicable to our time, then we should fight heroically to defend the principle and the laws based on it. This is essentially the opinion of the “pre-modern” Orthodox.

The Modern Orthodox position is that this statement simply cannot be taken at face value in our time. The number of Jews who violate Shabbat far exceeds the number of those who observe Shabbat.

One approach is to express loyalty to the original statement while finding extenuating circumstances so that the implications of the original statement need not be fully applied. For example, Rabbi Haim David Halevy was asked a question (Aseh Lekha Rav. 5:1) that posed the problem of a small synagogue that had a minyan only if Shabbat desecrators were included. Should the Shabbat desecrators be counted for minyan, even though this would be against the basic law? Or should the synagogue be closed due to a lack of a proper minyan? Rabbi Halevy writes. “It is incumbent upon us to find a way of being lenient.” It bothers him that a synagogue should have to close because of the technicality of the mehallel Shabbat. He offers several arguments to justify his position. As an extra point, he gives the following analysis:

A mehallel Shabbat in public who is disqualified from being counted into a minyan of ten—this refers only to those early days when they understood and valued the seriousness of the prohibition [of Shabbat] and also nearly everyone was scrupulous in observing Shabbat according to the law, so that one who ‘breaches the fence’ was disqualified. But this is not true in our time. Our eyes see a multitude of Shabbat desecrators, and the overwhelming majority do not understand and do not realize the seriousness of the prohibition. Behold: they come to the synagogue and pray and read in the Torah, and do not understand and do not realize—they walk in darkness—and afterwards they desecrate the Shabbat. And perhaps such as these are as a tinok sheNishbah (a child who was captured and then grew up among heathens, and is not held accountable for his transgressions, for he never knew any differently).

In another responsum (Aseh Lekha Rav, 3:16) Rabbi Halevy deals with the question whether a Bar Mitzvah and his family may be called to the Torah, if they come to the synagogue on Shabbat in a car. His answer is that we must try to bring the young boy and his family closer to the Torah, and not reject them. He quotes his own earlier work, Mekor Hayyim haShalem, (vol. 3, 122:20), where he wrote that according to the technicality of the law, those who desecrate Shabbat in public should not be called to the Torah; yet, if there is a fear that this will cause bad feelings, then such people should be called to the Torah as hosafot (those called to the Torah beyond the required seven). This is so “since in our generation, an orphan generation, it is proper to be lenient in such circumstances, and it is our obligation to bring them closer and not to push them further away, and God in His goodness will have mercy on us.”

Rabbi David Tzevi Hoffmann (Melammed Leho'il, no. 29) deals with the question of whether a mehallel Shabbat in public may be counted in a minyan. He first lists sources that forbid such a man from being counted. Then he goes on to say: “In our time it is customary to be lenient in this, even in Hungary, and certainly in Germany.” He mentions the case of a man who kept his business open on Shabbat who wanted to serve as the sheli'ah tsibbur (leader of public prayer services) during his period of mourning. He was allowed to do this in a synagogue even though the gabbai (one in charge of delegating responsibilities during services) who let him lead the service was a learned and God-fearing man. Rabbi Hoffmann asked the gabbai why he did not prevent the man from leading the service. The gabbai answered that it had long been the custom not to prevent such people from leading services. Since the rabbis of that synagogue were outstanding scholars and they allowed this practice, Rabbi Hoffmann concludes that they must have had a good reason. He suggests that perhaps they relied on a responsum of Binyan Tziyyon haHadashot, no. 23, which stated that “Mehallelei Shabbat in our time are considered somewhat like a tinok sheNishbah, since—due to our great iniquities—the majority of Jews in our country are mehallelei Shabbat, and it is not their intention to deny the basic tenets of our faith.”

Rabbi Hoffmann then writes that he was told by Rabbi Meshulam Zalman Hakohen in the name of the author of Sho'el uMeshiv, who wrote: “The people in America are not disqualified because of their hillul Shabbat, since they are as tinok sheNishbah.” Although it would be better to pray among Jews who were all Shabbat-observant, there is enough precedent to be lenient in this matter.

Rabbi Hoffmann concludes by offering the following analysis:

In our time, such people are not called mehallel Shabbat in public, because the majority of Jews violate the laws of Shabbat. If the majority of Jews were observant and a few of them were arrogant enough to violate Shabbat, then this minority would be guilty of denying the Torah and of committing a disgraceful act and of removing themselves from the community of Israel. [This is obviously the original context of the talmudic statement.] However, since the contemporary reality is that the majority of Jews violate Shabbat, the individual does not think that violating Shabbat is such a terrible crime. His public transgression today is equated to beTsinah (transgressions of the Shabbat done in private).

Rabbi Hoffmann concludes by lamenting that in our times, those who observe Shabbat are considered separatists, while the transgressors are considered to be following the normal pattern.

Rabbi Hoffmann's concluding discussion makes it clear that the original context of the talmudic statement equating a Shabbat violator with an idolater cannot be applied to the contemporary situation. We cannot judge someone to be a desecrator of Shabbat if he does not realize the true sanctity of the day. There are a great many Jews who transgress Shabbat laws, but who consider themselves to be perfectly upright Jews. They do not view themselves as denying God as Creator or as repudiating the basic principles of our faith.

The challenge of Modern Orthodoxy is to review the true status of Jews who violate Shabbat today. If someone had been religious and had studied the laws of Shabbat—and then consciously decided to violate Shabbat as a sign of rebellion against the Torah—then such a person may fit into the talmudic category and should be penalized accordingly. If, however, a person never understood the sanctity of Shabbat, his violation of the laws of Shabbat does not reflect heresy or hatred of Torah. On the contrary, it reflects his ignorance and his being part of a Jewish community that largely does not observe Shabbat properly. Such a person is like a tinok sheNishbah, and should not be subject to the penalties accorded to a true mehallel Shabbat in public. This position is stated not as a compromise with the authentic halakha; this is the actual halakha. The Talmud simply was not referring to the situation we have today. And we must judge according to the present world-time, according to what our own eyes see.

Another insight into this question may be drawn from the laws of shehitah. Rambam (Hilkhoh Shehitah 4:14) rules that a mehallel Shabbat is disqualified from serving as a shohet. Even if he performs the shehitah perfectly in accordance with halakha, and even if there are reliable religious Jews overseeing his shehitah, the meat is still not considered to be kosher. In halakha 4:16, though, Rambam rules

that a Sadducee or another person who denies the Oral Torah may not serve as a shohet; but if he does slaughter an animal in the presence of a trustworthy Jew, then the meat may be eaten. The Sadducee is not totally disqualified from performing shehitah. Yet, a problem arises. According to us, a Sadducee is definitely a mehallel Shabbat. Sadducees do not accept the Oral Torah; since many of the laws of Shabbat are known only from the Torah sheBe'al peh, it is inevitable that a Sadducee will not observe Shabbat as we do. He will be transgressing rules that we consider basic to Shabbat observance.

It seems, then, that a Sadducee—though he violates the laws of Shabbat in public—does not become disqualified as a desecrator of Shabbat. His lack of observance is based on a lack of knowledge, or on misguided teachings he has received. But he does not perceive himself at all as one who desecrates the Shabbat, even though from our point of view he is violating many laws. The rulings pertaining to a mehallel Shabbat are applied only to an individual who recognizes the severity of his actions and who desecrates Shabbat as a sign of his rejection of God and Torah.

The Status of Women

Let us move on to another area of discussion. In several places (Kiddushin 80b, Shabbat 33b) we find the statement that Nashim da 'atan kalah. Generally, this statement is translated to mean that women are temperamentally lightheaded or that women's understanding is light. We also have the remarkable statement of Rabbi Eliezer (Sotah 20a) that whoever teaches his daughter Torah teaches her tiflut (foolishness or obscenity). These statements reflect a cultural bias against women that was pervasive in ancient society, and which still can be found in less-advanced societies today. These statements reflect the world-time of their authors. From a literary or historical standpoint, it would be fairly easy to dismiss these and similar comments by arguing that they belong to a particular time and a certain way of thought.

The problem arises, though, in that these sentiments were not left merely as opinions of rabbis on the nature of women; they were incorporated into practical halakha. The following is a quotation from Rambam, Hilkhhot Talmud Torah (I:13):

A woman who learns Torah receives a reward, but not the same reward as a man, since she was not commanded (to study Torah); and anyone who does something for which he [she] was not commanded does not receive reward on the same level as someone who was commanded and who performed it, but rather receives less. And although she does have a reward, our sages commanded that a man

must not teach his daughter Torah since the intelligence of the majority of women is not geared to be instructed; rather, they reduce the words of Torah to matters of foolishness according to the poverty of their understanding. Our sages said: one who teaches his daughter Torah is as though he taught her foolishness. To what does this refer? To the Oral Torah; but as for the Written Torah, he should not teach her. If he did teach her it is not as though he taught her foolishness.

Once talmudic statements are incorporated into halakhic codes, they transcend their own original world-time and become a factor in the thinking of all later generations. The modern sensibility that accords women equal intellect with men comes into conflict not only with ancient talmudic statements, but also with practical halakha. How are we to deal with this dilemma?

We may submit ourselves to the talmudic world-time. We may argue that the statements of our sages are true and binding on all future generations. Since Rambam rules that women may not be taught Torah and that their ability to learn is poor, we should see to it that our daughters receive no formal Torah education, except in the mitzvot that concern them directly. Moreover, when we teach girls, we should treat them as being intellectually inferior compared to boys, and therefore we should have different curricula for girls and for boys. This point of view is adopted by pre-modern Orthodox.

There are schools for girls where the girls do not learn Talmud and where their curriculum is different from that in boys' schools. There is no yeshiva for girls in the same sense as there are yeshivot for boys who wish to devote their days and nights to the study of Torah.

Among the Modern Orthodox, though, there is a general recognition that our social situation is radically different from that of previous generations. The need to educate our daughters in Torah has been widely recognized, even though there is still great difference of opinion as to how they should be educated. Rabbi Ovadiah Yosef wrote a responsum (*Shanah beShanah*, 5743, pp. 157–161) in which he permitted the celebration of Bat Mitzvah for girls who have reached the age of twelve. In the course of the responsum, he quotes Rabbi Yehiel Yaakov Weinberg (*Seridei Esh*, 3:93), who wrote that it was perfectly proper to celebrate a Bat Mitzvah.

And concerning those who argue against this because this was not practiced in previous generations: this is no argument at all, since in the generations before us they did not have to engage in the education of their daughters because every Jew was filled with Torah and fear of God, and the entire environment was filled

with a pure spirit and the holiness of Judaism....But now, due to our many sins, the generations have undergone a very great change. The influence of the street destroys and uproots all attachment to Judaism from the hearts of Jewish girls. It is incumbent upon us to rally all our strength for the education of girls; and to our joy, the sages of the previous generation already took a stand and established educational institutions of Torah and understanding for Jewish girls....And if the distinction that is made between boys and girls [in terms of Bar or Bat Mitzvah] severely damages the human sensibility of the girl, it is permissible to have a party and celebration at home for girls who celebrate their Bat Mitzvah.

Since times and conditions have changed, we must adapt to the new realities.

The Modern Orthodox approach calls on us to re-evaluate the original sources and the halakhot based on those sources. We need to determine whether those statements refer to us at all. If they do then we must follow them regardless of the social consequences and implications. If they do not, then we have the freedom to deal with the reality before us without having to apologize.

The idea that women's intelligence is inferior, that girls should not learn Torah because it is too complicated for them—this is a notion that generally is discredited among intelligent people in our world-time. What possible value can there be in arguing in defense of untenable attitudes?

General evidence in modern education shows that girls are perfectly able to learn and to make great intellectual achievements. If women can win Nobel Prizes, if they can become doctors and lawyers and judges and engineers—why should they be unable to tackle the complexities of Talmud and halakha? Our eyes see that the understanding of women is not any lighter than that of men. We can understand why ancient and medieval rabbis wrote the way they did, because they lived in an environment where women generally were relegated to inferior status. But we cannot apply those outgrown attitudes to our contemporary life. We need to say: We are not “compromising” on halakha by educating our daughters in Torah; rather, we are establishing the halakha that women and girls must learn Torah commensurate with their abilities, which are equal to those of men and boys. (See R. Haim David Halevy, *Aseh Lekha Rav*, 2:52.)

It is difficult for Modern Orthodoxy to muster the courage to deal with such cases in a straightforward way. It is easier to surrender to an earlier world-time; or even to work out gradual compromises, which take a long time and which create much dissatisfaction. It is easier not to assume the responsibility for our generation. Because of the extreme caution of Orthodoxy not to “insult” the rabbis of

previous generations, there is a reluctance to make any changes or to move in new directions.

This paralysis may be exemplified by the well-known blessing in our Siddur “shelo assani isha.” Based on a Talmudic statement (Menahot 43b), a man is obligated to bless God each day “for not having made me a woman.” This statement has been subject to much commentary, apologetics, controversy. In trying to explicate the real meaning of the statement, we can state that the blessing is not supposed to be anti-woman; rather, it is a way of thanking God for having given men extra mitzvot that are not incumbent upon women. Granted that this statement was made with this meaning and that it intended no harm, the reality is that the statement in its present form is offensive to modern sensibilities. Trying to explain this blessing to daughters, to girls in religious school and day school, is not the easiest of tasks. In spite of all our apologetics, girls and women—if they are encouraged to think independently—resent the formulation of the blessing. Moreover, boys and men who recite the text may absorb, consciously or unconsciously, anti-female attitudes.

But once the text is in the Siddur—and has been there for centuries—who is willing to take responsibility to change it or to eliminate it? The right-wing Orthodox may believe that the statement is perfectly innocuous and reflects a genuine truth. Others may offer interpretations of the blessing to try to make it more acceptable to the modern sensibility. But isn't it ludicrous for intelligent people today to argue in defense of a statement that is quite problematic, to say the least? A true modern Orthodox position would be to change the blessing to a more suitable formula, one that does not cast negative aspersions on women. Making such a change does not imply that we are more sensitive or more intelligent than our predecessors; it only reflects the fact that we are living in a different world-time and that we are responding to the needs of our generation. “Yiftah bedoro kiShmuel bedoro.” We should not be hampered by the fact that the Conservative movement has made a change in the blessing's formulation. We should be concerned with the situation, not with labels.

The Nahem Prayer

Let us consider one further example of the dissonance between ancient texts and contemporary reality. Rabbi Haim David Halevy initiated a change in a text of a prayer for Tisha b'Av—a change that was eminently intelligent. Yet he was criticized sharply by many people. On Tisha b'Av, we have the prayer that begins Nahem, which describes Jerusalem as a destroyed, and desolate city without its children. Rabbi Halevy said that the statement is no longer true. Jerusalem is

filled with Jews, and is definitely not destroyed, humiliated, and desolate. How, therefore, can someone recite the traditional prayer when in fact the prayer is false? To recite this text would make us guilty of reciting falsehoods before God. Therefore, Rabbi Halevy changed parts of the Nahem text to the past tense, asking God to console the city that was destroyed, humiliated, and desolate (Aseh Lehha Rav, 1: 14). Rabbi Halevy defends his position eloquently (Aseh Lekha Rav, 2:36-39). It is indeed amazing that his position should have been criticized at all, since it is so perfectly sensible and understandable. Yet, such is the fear of change, that many were ready to criticize this ruling.

The same critics have no problem reciting a prayer to God that in fact includes an obvious lie: Jerusalem is not destroyed, humiliated, nor desolate of its children.

For Modern Orthodoxy to succeed in meeting its responsibility, it will be necessary for us to recognize that we are part of the contemporary world-time. We should have a blue ribbon panel composed of Modern Orthodox rabbinic scholars who will be willing to evaluate the above examples as well as so many others, and to come up with specific halakhic rulings for our generation. If we have the confidence and good sense to lead, we may be surprised to find that many people are ready to follow. It is up to us to bring Orthodoxy into the modern generation and world-time.