

Responsa that changed Jewish History: Topic 5: Chatam Sofer's Approach to Reform

R' Mordechai Torczyner – torczyner@torontotorah.com

1. Chatam Sofer 1 Orach Chaim:191 – 15 Adar I 5565 (1805)

It is clear in Yosif Ometz regarding the miracle in Frankfurt Am Main on the 20th of Adar I, which they established as a day of joy for their generations, and as I also saw from my mentor HaGaon Rav Natan Adler of blessed memory, who was born there, and as we practice after him even though we are far from there... Still, I am strict and I conclude a sefer on that day, so that the meal will be permitted, without any challenge.

2. Chatam Sofer 1: Orach Chaim 197 – 12 Elul 5578 (1818)

All of the halachah which is contained in the Shulchan Aruch is that which was given equally to all Israel, with no one excluded. However, he who possesses only Torah does not even possess Torah (see Yevamot 109b), for then his performance becomes trained habit, and that which fathers pass on to sons (Yeshayah 38:19). Therefore, he who would act piously with his Creator would be recognized by his deeds – that which his heart originates for the sake of heaven, to vow as a nazirite in whatever manner his heart desires. In this matter no two individuals have the same style, because no two people love Gd in the same way.

3. Chatam Sofer 1: Orach Chaim 122 – 21 Adar I 5570 (1810)

Even according to our view that a custom which has not spread through all of Israel may be nullified by a minor beit din, still, there are many reasons one cannot apply that argument here. First, in my humble opinion the sages who enacted this intended for it to spread not through all of Israel, but only for the people of Ashkenaz, for they found the gap there and fenced it in, and there their decree has truly spread and been accepted. Therefore, it is as though this had spread through all of Israel, and repealing it would require a major Beit Din, specifically. This idea is recorded in Tosafot Gittin 36b אלא. It is clear that we do not have a major Beit Din opposite those Gaonim.

Further, the Rambam wrote (Hilchot Mamrim 2:3), "Anything which is a fence for the Torah may not be annulled, even by a great beit din."

Further, even had it not spread, so that a minor Beit Din could annul it, one may not nullify the practice of early sages without a reason. Just the opposite, we are obligated to add fences and barriers, and the generation has not improved...

Further, a third point: It appears, in my humble opinion, that even were there reason to permit, that would be with a gathering of all or most of the sages of the lands of Ashkenaz, who had initially accepted the decree. These lands are all as one city for this matter, since they were equal in accepting the decree... The Pri Chadash wrote along these lines in Kuntrus Minhagei Issur #5...

Further, even via regret and cancellation of a vow it still appears to me that one could not permit it, for several reasons. First, it is an enactment designed as a fence and border for the Torah... and the Shulchan Aruch ruled in Yoreh Deah 228:28 that an agreement which is a fence and border cannot be nullified...

4. Chatam Sofer 6: Likkutim 84 – 1 Tevet 5579 (1819-1820)

His honor reached me, weakened me and shocked me, sating me with bitter herbs, informing me that people who do not respect the yoke of heaven have set out to annul the covenant with plots for new religions which have arisen of late, with one plan: For their synagogues to be closed all week and open only on Shabbat. Would that they would be closed on Shabbat as well, for they have changed the text of prayer received from the Great Assembly and the sages of our Talmud and our holy ancestors, and they have added and subtracted from the text based on their own imaginations, and they have rejected several of the morning blessings which are explicated in the ninth chapter of Berachot, including – it should not be mentioned! – the sprouting of the power of the anointed King David, and the construction and perfection of Zion and Yerushalayim, the holy city! And young Christians stand and play before them on harp and guitar for the song, 'Praise Gd from the heavens,' on the holy Shabbat, which is prohibited for us. And most of their prayer is in German, specifically.

Blessed is our Gd, who, in His great generosity and goodness never abandoned us, even when we were slaves in our slavery, and He gave us favor before the kings of the lands and the officers of each city, may their honor grow, as

well as the officers of Hamburg. Your letter reached me in the evening, requesting of me to know whether it could be appropriate to speak and pray in such a way, or not... he asked me to be an adjunct to the lions, the powerful ones of our time, who fence in the gap of the generation, and voice my opinion.

What can I reply? It is known and publicized that Daniel "recited his blessings thrice daily, and prayed and thanked before Gd as he had always done. (Daniel 6:11)" It is thus clarified that even before this, before the Babylonian decree, he prayed thrice daily, and not only on Shabbat. The sages said (Berachot 31a) that 'before this' means even during the time of the Beit haMikdash, asking, "Could it be that this began in the exile?" But, at the least, we should learn from there that even before he was in trouble, he prayed thrice daily... And then, the Talmud explains that when the second Beit haMikdash was built and they brought korbanot, the kohanim prayed eighteen blessings and recited the blessings of Shema in their service, as we do. Further, they prayed for the sprouting of the strength of King David even though they had the reign of the Hasmoneans and Herod, as it seems from Yoma 53b [regarding the prayer of the kohen gadol] that they prayed, 'that power not leave the house of Yehudah.' The mishnah of Rabbi Yehudah haNasi, and the two Talmudim which were composed after the destruction, are full of the laws of daily prayer.

This makes sense; since Gd instructed us to stand and serve before Him in His Temple daily with the korban tamid and the korban musaf, then after the destruction anyone who acknowledges that prayer is the desired service between man and Gd must pray daily in place of the physical service, since Gd wishes for us to serve Him daily.

I am shocked at those men who pray twice on Shabbat, once before the Torah reading and once after, in a text they invented. I would ask them to inform me: What is the nature of these two prayers in one day? Were they to say that on Shabbat our ancestors brought two kinds of offerings, one the daily offering and the other the *musaf*, as is clear in their text of prayer, then they should pray daily in place of the daily offering!...

It is known that during [since?] the second Beit haMikdash the Jews sat in their land and had authority and honor for some of those centuries, and they had great sages whose entire involvement was in Torah, the sages and their students in thousands and myriads, in great and beautiful study halls, better than all of the universities of our day. They had a Sanhedrin making fences and decrees, and after them were thousands and myriads of students and students' students, until Rabbi Yehudah haNasi composed the mishnah. Only a small number of those sages were mentioned in the mishnah and braita, as is explained in the Rambam's introduction to mishnah, and from the words of those sages of those several centuries only a small number of statements from each were mentioned... How, now, could the words which left the mouths of sages and wise people, whose [collective] heart was as broad as the entrance to the Beit haMikdash, words which were filtered repeatedly over hundreds of years from thousands of sages, and which were established in the heart of the nation for close to two thousand years without anyone uttering a word of [rejection] or waving a wing [in opposition] – how could small foxes, darkened by exile, stand up to break their walls and ruin their barriers and change the texts of their prayers and blessings and change the time they established for us? And if they would debate this on legal grounds, no court can annul the words of another court unless it is greater in wisdom and number; even if the reason is void, the enactment is not void. This is especially true regarding prayer, which has spread in all of Israel, even in texts which vary from place to place; this is still considered to have "spread through all of Israel," since originally one text was established only for Ashkenazim and it spread among them without dissent, and another text was established for Sephardim and it spread among them without dissent, as Magen Avraham wrote (Orach Chaim 68) in the name of the Talmud Yerushalmi...

And if one will say that the reason to pray for the growth of the strength of David and the return of the service is cancelled, for we already live in a settled and quiet way among the nations, I have already written that even during the second Beit haMikdash they prayed for the monarchy of the house of Yehudah, when all of us will merit, together, to see the beauty of Gd. We do not need to eat the fruit and be sated of the goodness of the land, such that one might challenge and say that we could find this among the nations and do not need the land of Israel and the Beit haMikdash, Gd-forbid. We do not pour out our speech in lifelong anticipation of this imagined existence. And this [anticipation] is no insult to the king and officers in whose shade we shelter and under whose wings we live; they also hope to inherit the city of their messiah's grave. Nechemiah was second to the king, with honor and great wealth, and his face was "bad" because the graves of his ancestors were in ruins and the gates of the city were consumed in flame, and it was not wrong in the eyes of the king, such that it might cause him to say, "You have wealth and assets and honor with me, and yet you seek this?"...

As I see it, they are the ones who flatter the nations, saying, "We are like you," while putting thorns in their eyes by taking a Christian to sing in their synagogues and to play the organ. Could a Christian, ruler of the land, be a servant playing music in a Jewish synagogue, which is not of their faith? This would be like Samson the captive being made by the Philistines to play music in their temples against his own rage. They should be concerned lest the nations say that the Jews are mocking them! Further, from our own side this arrangement is not possible, for the Christian youth is not of our faith; how could this song be accepted before Gd, and how could this song, "Praise Gd from the Heavens," which concludes, "The children of Israel, His close nation," be sung by a Christian who believes that Jews are distant, that they were once close and became distant? It would be like "Singing songs with a bad heart. (Mishlei 25:20)" And if the Christians will say that this is only the deed of a monkey, and Gd desires the heart, then we will place enmity between us and the nations.

Further, we have seen that our ancestors who instituted the prayers did not enact musical instruments even though song emerged from among us in the service in the Beit haMikdash. Our ancestors abandoned it; we see that they felt it inappropriate, because there is no joy before Gd since the day the Beit haMikdash was destroyed. I have already written elsewhere that, in my humble opinion, the wording, "How can we sing the song of Gd on foreign soil," as opposed to "before foreigners," comes to exclude even doing this before Gd, since we are on foreign soil. Even if we are somewhat permitted to gladden people, the groom and bride, that is because they are despondent in exile and we are permitted to gladden them, but there is no joy before Gd in the house of Gd.

Further, music is rabbinically prohibited on Shabbat. We cannot create a mitzvah which the early ones did not anticipate, from our hearts, especially a mitzvah we could do without, and use it as justification to permit that which the sages prohibited. Gd forbid, such shall not be in Israel. [Further:] Pesachim 51a records that one may travel while wearing *kurdikisin* [loose shoes] on Shabbat, but not in Beiri. Once, Yehudah and Hillel, sons of Rabban Gamliel, travelled on Shabbat wearing *kurdikisin* and people spoke ill of them... and they removed the *kurdikisin* and gave them to their servants. They did not wish to inform the population that this was permitted! How, then, could people publicly permit this music in synagogues, when our ancestors and their ancestors prohibited it?

As far as their omission of the Haftorah: This is an explicit mishnah, "And we read the haftorah from the Prophets," and no court can cancel it, as we have discussed. Bottom line: In this, too, they fall into the net of not listening to the words of the sages.

The same is true regarding public prayer in a language other than the holy tongue; this is impossible in any form. Granted that we learn (Sotah 7:1), "These may be said in any tongue," and the list includes prayer, saying that one may fulfill his amidah in any language, but that only refers to doing so occasionally. To do this regularly, and to appoint a chazan in public to pray perpetually in the language of the nations – if one could do this then the Great Assembly would not have enacted prayer in the holy tongue, polished and clear. In their days, half the nation already spoke Ashdodit; see Rambam Mishneh Torah, Hilchot Tefillah 1:4. [If this were possible, then] it would have been better for them to have created the amidah in Aramaic, the language with which everyone was accustomed. In Ezra it says, "They read the scroll of the Torah of Gd, explicitly," and the sages explained that this was translation, which teaches that the nation of that time did not understand the holy tongue and required a translator to explain the Torah. If so, why did they not enact prayer in translation? It must be that the sages knew what they were enacting, and it is not possible to contend that one may pray in any language...

As far as concern that the rank and file will not understand what they say in Hebrew, it would be easier to enact that each person learn the meaning of the prayers, and pray in Hebrew, than to enact prayer in a foreign tongue. They do not practice thus before mortal kings; one who speaks with the king must do so in the king's tongue, as is recorded regarding Achashverosh, "speaking the language of his nation," and it is not protocol to speak one's own tongue even if the king understands it. Ramban wrote that "the holy tongue" is the language with which Gd speaks to His prophets, and the sages said that the universe was created with this holy tongue... and this is Gd's tongue, with which He gave His torah, and one cannot speak before Him in our tongues, with which we are accustomed, but only in His language, set aside for His holy words. It appears that this is why the Great Assembly enacted the text of prayer and blessings in the holy tongue, and one who would do differently has the lower hand, and one who holds on to the words of the sages and our ancestral custom has the upper hand, and will be blessed...

Therefore, regarding your announcement in your holy synagogue against praying from their translated siddurim, and in support of praying only in the holy tongue and using the ancient texts printed before this, and against playing the

organ in the synagogue – and especially on Shabbat: You have acted according to Torah, and your hands should be strengthened. May Gd be thus with you...

5. Chatam Sofer 1: Orach Chaim 28 7 Adar 5590 (1830)

His honor reached me, regarding the old synagogue in which the men of the congregation destroyed the sanctuary and expanded a new building to elevate the house of our Gd, and they wish to establish the platform where they read the Torah at the end of the synagogue, close to the *aron hakodesh*, and not in the middle as it was before. They say it makes the synagogue more beautiful and more spacious than if the platform were in the middle. He puts his pleasing soul into his question: Is it appropriate to change, or not?

Before his greatness all hidden things are revealed, and there is no need for him to seek counsel from one who wears a crown. He wrote well in citing the Rambam's explanation that we build the platform in the center of the synagogue so that all will hear equally, and so wrote the Tur and Rama, and one who would change has the lower hand. Granted, the Kesef Mishneh justified those places in his land which built the platform at the end of the synagogue, writing that they believed that in their day, when there were many people present and they could not hear the reader other than from the middle, they centered it thus, but that in small communities with few people they can hear when the platform is at the end of the synagogue. However, the Kesef Mishneh did not identify the source of having the platform in the center; it is Succah 51b regarding the Alexandrians. He wrote well in justifying those congregations which practice differently from the gemara, but it appears to me, with all due respect, that those congregations are wrong. Just the opposite! In Alexandria they still could not hear [despite the centering], so that they needed to wave scarves, and yet they put it in the middle rather than at the end even though relocation at the end would not have affected their ability to see the scarves – and they could have set up two scarves rather than one. It must be that setting the platform at the end is inappropriate.

Logically, I would say that we treat the platform, where we read the korbanot, like the altar – such that we circle it on Succot as they circled the altar – and that altar, where incense was burned, stood in the Beit haMikdash before the Aron, in the center of the room, aligned between the menorah and the shulchan as is explained in Rashi (Shemot 26:35), Talmud (Yoma 33b) and Rambam (Mishneh Torah, Hilchot Beit haBechirah 1:7). Since our platform stands inside, like that internal altar, it is fitting to center it in the synagogue to resemble the Beit haMikdash as much as possible, and not to change it in our mini-Beit haMikdash.

Even according to the Kesef Mishneh, who justified the practice of those communities, we do not have his justification. Our ancestors built that synagogue with the platform in the middle, indicating that this was a convenient way to make it audible to the whole nation. The community has not been reduced; just the opposite, it has increased. If so, then just the opposite – even had it been built at the end of the synaogue because they were few in number, now there would be a need to build it in the middle, without a doubt. In any case, Gd-forbid to change from what was.

Further, it appears to me that even the Kesef Mishneh only states his position regarding building a new synagogue where there had never been a synagogue. Once an old synagogue exists, one may not change it, for we are taught (Yerushalmi Shabbat 12:3), “‘And you shall raise the mishkan according to its law, as you were shown on the mountain.’ Is there a law for beams? Rather, this teaches that you shall not alter a beam which merited to be placed in the north, to place it in the south.” And so the Maharil ruled regarding the beams in a succah. And it appears to me that even though we may add to Yerushalayim and the Beit haMikdash (per Shevuot 14a), which must change the design, still, that which was in the north will not be in the south, and that which was in the center will not be moved from its place, for the second Beit haMikdash was greater than the first (Bava Batra 3a) and yet the placement of the mizbeich, menorah and shulchan was not shifted from the center. So even if, per the current construction, the middle would be shifted from where the middle was in the old synagogue, still, the platform merited to be in the middle in that former synagogue – like the beam that merited to be in the south – and the rule is that the new is prohibited everywhere.

His greatness's place should be remembered for the good, to protest powerfully to establish the matter on its foundation, and this entire nation will arrive in its place in peace.