

## ***Setting the Record Straight: Was the Chasam Sofer Inconsistent? A Review Essay***

**By: NOSSON DOVID RABINOWICH**

In this essay we will discuss claims made in two recent articles, published by two leading scholars, to the effect that the Chasam Sofer was inconsistent and contradicted himself. I will attempt to show that those supposed “contradictions and inconsistencies” are either simply nonexistent or can be properly explained by careful and deliberate analysis of the actual sources and the issues involved.

While my respect for Rabbi Moshe Sofer, the late “Chasam Sofer,” of blessed memory, is not merely that reserved for a great rabbi and outstanding scholar, I have endeavored to maintain a balanced and critical approach throughout. Nevertheless I feel it appropriate to note that from my perspective, Rabbi Sofer was a holy rabbi, a saint if you wish, whose towering scholarship in so many areas of Jewish studies was unmatched by his peers or by any rabbi from any subsequent generation. I do not hesitate to apply to him this popular saying:

“From R. Moshe [Ben-Maimon; Maimonides] until [R.] Moshe [Sofer] there was no one of the stature of R. Moshe [Sofer].”<sup>1</sup>

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<sup>1</sup> As the halakhic authority of his generation, he was probably more prolific than any other rabbi going back six hundred years, since the leading halakhic authority of the Golden Age in Spain, Rabbi Shlomo ben Aderet. Of R. Sofer’s peers, only Rabbi Yosef Shaul Nathanson, *She-elot Sho’el U’Maishiv*, was known to have written more responsa.

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I am, therefore, extremely uncomfortable when the Chasam Sofer is accused of inconsistencies, misrepresentations, issuing non-binding rulings,<sup>2</sup> and contradictions, without seeing careful documentation supporting such claims. It is common knowledge that the Chasam Sofer was unique among scholars and rabbis for his organizational abilities in all of his “writings” and as one of his students noted:<sup>3</sup>

“One of his most desirable traits was the unbelievable organization in all aspects of his life.”

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<sup>2</sup> Although our essay will not deal with that phenomenon, a prime example of it would be his lenient ruling regarding *mezizah be-peh*; see Dr. Sprecher’s excellent article regarding *mezizah be-peh* in *Hakirah*, vol. 3, pp. 25–40 and all the relevant sources cited. Although the recipient of this responsum, Rabbi Elazar Horowitz, claimed he received two follow-up letters from the Chasam Sofer offering the same lenient ruling as the original responsum, nevertheless “Another tactic employed is to acknowledge the authorship of Rabbi Sofer, but attenuate its import by claiming it was *Horo’at Sha’ab*—a specific ruling given only for that time (1837) and place, Vienna, and having no relevance for anyone else.” (Sprecher, *ibid*, p. 41, without quoting a source for the proponents of that “tactic.”) Of course, as Sprecher correctly notes, there is absolutely nothing within that lenient ruling to indicate that it is limited in any form or manner.

Another example of the *Horo’at Sha’ab*/Limitation approach was used vis-à-vis the controversial Last Will and Testament of the Chasam Sofer, which strongly frowns upon the study of Moses Mendelssohn’s works. (This Will is also one of the primary sources utilized by the “anti-German” and “anti-secular studies” schools of R. Hillel Lichtenstein and his son-in-law R. Akiva Yosef Schlessinger (see below, section “Resolving the Problem”). However, Rabbi Yehosef Zecharia Stern, Chief Rabbi of Siauliai, was of the view that the Chasam Sofer’s warning was only to his children as a guide to their education in their youth, so as not to confuse them at an early age or allow them to be misled, at times, by Mendelssohn’s comments contradicting the words of *Chazal* (he is quoted by R. H. H. Medini, *Sdei Chemed*, “*Kuntres ha-Kelalim*”, 1, B’nei-Brak, 1963, p. 16a). In this instance, for example, the “limitation” approach is certainly plausible because Last Wills and Testaments are usually written for the children and descendants only.

<sup>3</sup> R. Jacob Hirsch Yavetz, “Introduction,” *Mar Dror*, Vienna 1892.

A scholar of such awesome stature as the Chasam Sofer, so careful regarding organization, should not be lightly charged with writing inconsistencies and contradictions. Not only was Rabbi Sofer meticulously organized, he also, as the universally recognized halakhic authority of his generation, appreciated and understood the awesome responsibility borne by a rabbi writing a responsum, a *derosha*, *Talmudic novella* or any Torah thought. In a candid and fascinating revelation to his son, later known as the “Kesav Sofer,” Rabbi Sofer claims that “in every generation, G-d has his Jew who adjudicates all His [halachic] queries and in this generation, I am that Jew.”<sup>4</sup>

In the introduction to the Chasam Sofer’s collection of sermons, the publisher, Rabbi Y. N. Stern, quotes Rabbi Moshe Schick, universally acclaimed the leading student of the Chasam Sofer:<sup>5</sup>

“It is known what his student, the Maharam Schick, said [about his teacher’s responsa]: “Our teacher wrote his responsa for approximately fifty years<sup>6</sup> [as] *Halacha L’Moshe Mi’Sinai*”, and [I] do not see **any distinction** between his responsa written in his youth<sup>8</sup> and those written in his later

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<sup>4</sup> “Introduction *Kiryat Soferim*”, *Chasam Sofer: Derashot*, N.Y., 1961, Vol. 1.

<sup>5</sup> Ibid, “*Kiryat Chutzos*.”

<sup>6</sup> This is pretty accurate since his first halachic responsum was written in 1796 [*Even Ha’Ezer*, Vol. 2, # 164] and his last one on the fifth of Tishrei in 1839 (see his *Kovetz Teshuvot*, Jerusalem, 1989, Responsa # 85 [Rabbi Yosef Schwartz, *Zichron L’Moshe*, Oradea, 1938, p. 64 must be corrected]). Although we already find him writing responsa as early as 1786, they were not of a halachic nature but more of the Talmudic discussion genre. That the Chasam Sofer himself considered that responsum of 1796 as his first halachic responsum can be inferred from a statement he made in 1835 [see *She’elot u-Teshuvot Chasam Sofer, Kovetz*, Jerusalem, 1973, # 65], where he humbly comments that in the forty years of his writing responsa, he retracted his rulings only twice! That number of years would support our starting date of 1796.

<sup>7</sup> This dramatic statement is attempting to note the tremendous weight and authority that each responsum of the Chasam Sofer carried, similar to the totally authoritative collection of laws that Moshe received orally at Sinai, although they have absolutely no basis in the written Torah.

<sup>8</sup> See note 6.

years, since Torah truth was in his mouth<sup>9</sup> and the spirit of Hashem spoke through him<sup>10</sup> in his youth as in his later years.”

Certainly contradictions or inconsistencies would constitute a “distinction”; yet Rabbi Moshe Schick did not seem to pick up on them.

The Chasam Sofer was extremely careful with the wording of each responsum he wrote, as he himself informs us.<sup>11</sup> In fact, he personally reviewed and approved with his seal and signature most of the responsa transcribed by his scribes into his responsa collection.<sup>12</sup> We do not have similar information of such a careful approach to the writing of responsa by other leading, prolific halakhic authorities. And we have no reason to suspect that his approach to the writing of his *Derashot* or novella on the Talmud or Torah was any different from his approach to the writing of his responsa. Indeed, in another fascinating revelation, the Chasam Sofer claims that even in his social correspondence, which was usually written hurriedly, he was very careful to be as clear and decisive as possible by adding even one seemingly superfluous word in order to produce that clarity.<sup>13</sup>

## Collecting the Evidence

In a recent lengthy article, “The Hatam Sofer’s Nuanced Attitude towards Secular Learning, Maskilim and Reformers,”<sup>14</sup> Professor Aaron Schreiber frequently attributes ambivalence and inconsistency to the Chasam Sofer.

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<sup>9</sup> *Malachai* 2:6.

<sup>10</sup> See *II Samuel* 23:2.

<sup>11</sup> *She’elot u-Teshuvot Chasam Sofer* (here on: *Chasam Sofer*), Jerusalem, 1970, *Choshen Mishpat* # 199 and # 76.

<sup>12</sup> *She’elot u-Teshuvot Chasam Sofer*, Munkacz, 1912, Vol. 7, # 112: “[He] surely transcribed his responsum before sending it since that is the correct and appropriate way.” Cf. Chasam Sofer “*Orach Chaim*”, # 117. Indeed, the first five volumes of his responsa were published directly from that responsa collection.

<sup>13</sup> *She-elot u-Teshuvot Chasam Sofer*, Jerusalem, 1970, “*Even Ha’ezer*,” Vol. 2, # 49.

<sup>14</sup> *The Torah u-Madda Journal*, N.Y. (11/2002–03), pp. 123 ff.

He says at the outset of his article:<sup>15</sup>

“I will argue that such examination discloses a much more variegated and nuanced attitude—even, at first glance, ambivalence. His views appear to have changed over time, progressively becoming more stringent, especially in the last few years of his life.”

In the middle of the article, Schreiber writes:<sup>16</sup>

“R. Sofer’s writings with regard to secular studies and preaching in German do not appear to be consistent. They range from selective approval to hostility, especially in the last few years of his life, his views appearing to have changed over time....”

At the conclusion of his article he still seems to be of the same opinion:<sup>17</sup>

“Of course, all human beings manifest inconsistencies. Nevertheless, we have identified in Hatam Sofer principled reasons behind his seeming ambiguities during his very active and long life...But we must confront the fact that the overall record—including his writings and actions—seems inconsistent.”

In the article Professor Schreiber first brings evidence to determine both the Chasam Sofer’s halakhically binding rulings and his general “Torah views” vis-à-vis three burning issues of the day: (i) secular studies, (ii) knowledge of German and its use by rabbis in sermons, and (iii) the proper attitude toward the Reformers. When presenting this material, Professor Schreiber relies on “four different kinds of evidence” to establish the Chasam Sofer’s position:

- A) “Hatam Sofer’s own actions, including written approbations”;

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<sup>15</sup> P. 124.

<sup>16</sup> P. 132.

<sup>17</sup> P. 149.

- B) “Testimony regarding his attitude by those who were personally close to him...his children, grandchildren, leading disciples and confidants”;
- C) “Attitude of those relatives and confidants themselves”;
- D) “R. Sofer’s writings, including his responsa, *derashot* and letters.”

### **Evidence of Inconsistency:**

“Evidence” belonging to the two middle categories of “evidence” (pages 128–132) described by Professor Schreiber cannot reliably establish the Chasam Sofer’s positions on various matters, let alone establish a claim of “inconsistency.”

Professor Schreiber’s statements introducing those two categories, such as, for example:

“It is generally assumed that R. Avraham Binyamin adopted his father’s view fully” (p. 130)

or:

“It can be assumed that the views of the Hatam Sofer’s relatives and confidants, since they revered him, regarding him as their role model, reflect his own” (p. 125)

demonstrate how weak such ‘evidence’ really is. We do not have quotes from the Chasam Sofer, but only inferences based on positions held by his relatives. Furthermore, the presentation of those positions of the Chasam Sofer’s closest relatives tends to be one-sided. For example, Professor Schreiber’s first “piece of evidence” in his third category is that “R. Shimon Sofer, the son of the Chasam Sofer, later rabbi of Cracow, served as a delegate to the Reichstadt in Vienna and spoke fluent German” (page 129). Schreiber, along with most scholars who have dealt with this issue, neglects to mention the strongly worded 1881 letter written by that very same R. Shimon Sofer (*Igros Soferim*, Section 3, Letter #2, page 3) to his son advising, in no uncertain terms, all communities to refrain from appointing a German-speaking rabbi, even if he “has been tested ten times,” unless there is government pressure to do so. Another example may be found in the very same section on page 130, where Professor

Schreiber, continuing to adduce speculative evidence from relatives, attempts to draw conclusions from various recommendations and approvals of the Kesav Sofer, the Chasam Sofer's eldest son. Professor Schreiber neglected to even mention at least three "anti-foreign language" sermons and, to a lesser degree, "anti-secular studies" letters written by the "Kesav Sofer" (*Igros Soferim*, Section 2, Letters #2, 15 and 34; pp. 3, 18 and 52). Thus it would appear that inferences drawn from the selected positions of relatives presented by Professor Schreiber are inadmissible as proof of the Chasam Sofer's halakhic positions and his "Torah views."

The only evidence that should be utilized when making such a critical analysis is that contained in the first and last categories of evidence described by Professor Schreiber (pp. 125–128; 132–137). But with proper analysis, it can be shown that the evidence in those two categories does not necessarily reveal any contradictions or inconsistencies. If we were to carefully search for the "controversial" material offered in those two categories, we would find only two halakhic rulings of the Chasam Sofer vis-à-vis the use of German and secular studies in two of his responsa written in 1839<sup>18</sup> ("...The Rabbi should not be one who reads secular books and [delivers sermons in] foreign languages, because it is forbidden to receive Torah from such a Rabbi's mouth. [Appointing such a Rabbi] is like setting up an...in the sanctuary of Hashem"; "...And in my opinion, the ancients were also versed in foreign languages but deliberately distorted these languages because of the eighteen decrees [whose purpose was to distance Jews from their non-Jewish surroundings] in Yerushalmi Shabbat, chapter 1, ... 'and concerning their language'"), his Last Will and Testament written in 1836<sup>19</sup> ("...And only appoint

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<sup>18</sup> *She'ailot U'teshuvot Chasam Sofer*, (hereon: Chasam Sofer), Pressburg, 1859, *Choshen Mishpat*, # 197, Vienna, 1862 (a responsum to the Tzelem community that was very lax in Torah observance regarding a ritual slaughterer who was also the cantor, who was accused of major transgressions. The Chasam Sofer cleared him of all the charges but threatened him with excommunication, invalidation of any slaughter he performs and loss of cantorial position if he reads secular books) and *Even Ha'Ezer* 2, # 11 (a responsum to R. Loeb Schwab and his *Beit Din* in Pest mentioning his dismay upon seeing their signatures in Latin on various documents).

<sup>19</sup> A. Y. Schlesinger, *Na'ar Ivri*, Jerusalem, 1924, p. 196.

a rabbi who is a renowned *Talmid Chacham*...who does not study heretical books and who does not sermonize in a foreign language because he [who indulges in these] will not have a long life...”) and reaffirmed in 1839, and, in addition, some of his homiletical *derashot*.<sup>20</sup> These two responsa, his Last Will and these non-halakhic homiletics, all of which seem to prohibit or seriously frown upon secular studies and sermons in the German language, are the only writings that appear to contradict the overwhelming evidence produced by Professor Schreiber pointing to a contrary position held by the Chasam Sofer.

### Resolving the Problem:

In order to remove the “inconsistencies” and “contradictions,” I do not feel it necessary to accept Schreiber’s hypothesis offered on page 148 (although it may have some credibility):<sup>21</sup>

“...the spread of Reform, Haskalah and the German language exerted a pronounced effect on R. Sofer’s worldview, particularly in his later years. Thus, it was in 1839, the last year of his life, that Hatam Sofer expressed his most extreme views on these matters. He may also

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<sup>20</sup> Those *Derashot*, frowning upon secular studies and the use of German, or any foreign language for that matter, would include but are not limited to: (a) *Derashot Chasam Sofer*, Grosswardein, 1929 (reprinted in New York, 1971), Vol. I, 27a, 51b 81a, 82b, 112b; (b) *Torat Moshe*, Jerusalem, 1972, *Bamidbar* 13b (idem. *Derashot*, II 229b) and 78b; *Devarim* 6a (idem. *Derashot Chasam Sofer* II, 339a; (c) *Derushim V’Agados Chasam Sofer from MSS*, Jerusalem, 1998, p. 195. The problems with secular studies and the German language, raised in those *Derashot* by the Chasam Sofer, are touched upon by Prof. Schreiber on pp. 133–134. A typical comment of his found in his *Drashot* is:

“If he sermonizes in a foreign language and dresses the words of Torah in sackcloth and ashes, even if they will be good words and said for heaven’s sake, those words, dressed in sackcloth, will not enter the hearts of his listeners.”

<sup>21</sup> Schreiber’s dismissal of his hypothesis because of the Chasam Sofer’s “letter in defense of Rappaport,” see end of quote, is not convincing. There is no evidence that the Chasam Sofer considered Rappaport a member of the “Reformers’” camp; see below, footnote 59.



have been particularly disturbed in that year when Abraham Geiger, a leading Reform theoretician, was invited to head a prominent Reform congregation in Breslau. In that year, R. Sofer wrote a responsum in which he maintained that speaking foreign languages was an ancient prohibition, one of the “eighteen matters” adopted during the second Temple era. In that responsum, he criticized the signing of one’s name in Jewish legal or religious documents, using Latin letters instead of Hebrew. Moreover, it was in that same year that he penned the responsum in which he directed a lax community to hire a rabbi who would not preach in German and mandated the *shobet*-cantor, who had been accused of serious religious violations, to stop reading secular books. In that same year, he reaffirmed the provisions of his last Will and Testament in which he asked his children to maintain a distance from secular works, and wrote against preaching in German. In that very year, 1839, however, he wrote yet another letter in defense of Rappaport. It therefore appears that his concern with Reform was not the decisive consideration in all circumstances.”

Nor do I deem it necessary to fully accept a second and much weaker hypothesis of Schreiber, which he himself rejects, offered on page 137:

“It might be argued that R. Sofer’s seeming ambivalence regarding secular learning and the use of German might be explained by distinguishing between his theoretical views and his acts. Thus, philosophically, he may have opposed secular learning, unless this was derived from the study of Torah, itself. Operationally, however, he acted otherwise. This explanation, however, is not satisfying since R. Sofer has been universally regarded as a very principled person, who acted in accordance with his deep convictions.”

It would seem that what we have here is an “interpretation dispute” between two disciples of the Chasam Sofer—R. Hillel Lichtenstein of Kolomyja<sup>22</sup> and R. Moshe Schick of Chust—

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<sup>22</sup> R. Hillel Lichtenstein was the major force behind the controversial Michalowitz resolutions of 1866 (see M. K. Silber, “The Emergence of

concerning their Master's teachings. Rabbi Lichtenstein did not hesitate to claim that the Chasam Sofer was completely opposed, on halakhic grounds, to a rabbi sermonizing in a foreign language. In fact, if one finds himself in a synagogue where such a sermon takes place, he must leave immediately.<sup>23</sup> And, in this dispute, for many obvious reasons,<sup>24</sup> we should completely rely on the interpretation

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Ultra-Orthodoxy: The Invention of a Tradition," *The Uses of Tradition*, ed. Jack Wertheimer [New York–Jerusalem, 1992], pp. 37–40, 50–59, for a discussion of that conference and its nine resolutions). The first resolution deals with sermons in a foreign language. Before convening the conference he wrote a letter to many Northeast-Hungary rabbis requesting their agreement to nine very stringent resolutions he wanted "passed" at the conference. This "famous" letter of Rabbi Lichtenstein, written the twenty-fourth of Tammuz, 1865 (see his Introductions to his *Maskil El Dal*, Ungvar, 1871, vol. 4) and his *Shirei Maskil* (rep., New York, 1963) was also sent to Rabbi M. Schick. The responsum quoted below, written on the second of Av, 1865, is Rabbi Schick's response to R. Lichtenstein's letter. Rabbi Lichtenstein's extreme position can also be found in his collection of responsa: *She'ailot U'Teshuvot Beit Hillel*, Satu-Mare, 1908, #34, #35, #39 and # 133. Prof. Schreiber mentions R. Lichtenstein on page 132.

<sup>23</sup> In his letter, see above note, in resolution # 1, he quotes the Chasam Sofer's two responsa from 1839, see above note 18.

<sup>24</sup> Those reasons would include:

(a) R. Schick's clear understanding of the Chasam Sofer's positions can be borne out by most of the "evidence" presented in Prof. Schreiber's middle two categories mentioned earlier. He was considered throughout the rabbinic world the major student and successor of the Chasam Sofer, even more so than the Kesav Sofer!

(b) Rabbi Lichtenstein studied under the Chasam Sofer for only five years, from the age of seventeen, from 1832 until 1837, when he received ordination; he had the possibility of only two more years of contact with the Chasam Sofer, if, indeed, they had contact, after he left the Yeshiva. Maharam Schick, on the other hand, had a very close relationship with the Chasam Sofer that lasted for almost twenty years, from the age of fourteen, when he was accepted into the Pressburg Yeshiva, until the Chasam Sofer died in 1839.

(c) R. Lichtenstein, as J. Katz (*A House Divided*, Brookline, 1998, pp. 60–62) explains, "had from his youth been extreme in his religious demands and independent in determining their nature and parameters." One of his more stringent rulings was his fierce opposition to the

and understanding of R. Schick, universally considered the leading disciple among the Chasam Sofer's thousands of students. Although I previously rejected Schreiber's second category of evidence: "Testimony by Those who Knew R. Sofer Intimately," none of the disciples quoted by Schreiber (pages 128–129) claim to be actually explaining the Chasam Sofer's halakhic positions supposedly set forth in the three sources quoted earlier. They merely report that the Chasam Sofer had a favorable attitude toward secular knowledge if acquired either from a gentile or a "believer" and not as one's primary occupation. That testimony is unhelpful and, perhaps, irrelevant in establishing a clear halakhic guideline for the specific issues under discussion. That is not the case with R. Schick. In a very revealing responsum to R. Lichtenstein (and its major arguments repeated again in a second responsum),<sup>25</sup> R. Schick deals directly with

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leniency to use goose fat. Although the geese were force-fed before their slaughter and, perhaps, that process caused the piercing of the gullet, all the leading authorities, including his teacher, the Chasam Sofer (*Chasam Sofer, Yoreh Deab*, # 46), permitted the use of goose fat. They only insisted that the gullet be examined after the slaughter and found whole. "The fact that his master and teacher, the Chasam Sofer, had not challenged the leniency was of no import to him." (Katz, *ibid*, p. 61.) There is ample reason to believe that R. Lichtenstein's extreme religious views and uniquely independent nature influenced his interpretation of the Chasam Sofer's position. See two important biographies about this very controversial zealot: R. Heller; *Sefer Beit Hillel*, Munkacz, 1890 (republished with notes by Y. Weinberger, *Beit Hillel ba-Shalem*, Tirnau, 1941) and H.Y. Lichtenstein, *Toldot ve'Zichronot*, Satmar, 1931.

(d) R. Schick claims that his interpretation of the Chasam Sofer's halakhic positions is not merely his own but that he actually had heard it from his teacher. (Prof. Schreiber also notes that point on page 128 in his discussion of testimony by the Chasam Sofer's disciples.) R. Lichtenstein cannot make that same claim.

<sup>25</sup> *Likutei Teshuvos* # 82 in "Letters" section and *She'ailot U'Tshuvot Maharam Schick, Orach Chaim*, # 70. It is noteworthy that whereas in the first responsum to R. Lichtenstein, the Maharam Schick zeroes in on the Chasam Sofer's halakhic position, in the second, undated responsum, written to his student, Reb Wolf Zusman Sofer of Zalaszentgrot, some time after the first responsum, he does not even mention the Chasam Sofer. The probable explanation of that omission

two of the three primary sources mentioned earlier<sup>26</sup> and clearly explains that although use of the German language is to be frowned upon, the Chasam Sofer never meant to prohibit it outright. In fact Maharam Schick, in this initial responsum to R. Lichtenstein<sup>27</sup>

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is that R. Lichtenstein in his famous letter, see above note 22, specifically quoted the Chasam Sofer as his primary source (although in the official Michalowitz Proclamation, the “Chasam Sofer source” was, for some reason, omitted). Rabbi Schick, therefore, in his responsum to R. Lichtenstein, answered in kind and focused on his interpretation of his teacher’s rulings as opposed to that offered by R. Lichtenstein.

<sup>26</sup> It is somewhat surprising that he does not deal with his Master’s Last Will and Testament, one of the three primary sources listed above, in any of the three major responsa he wrote regarding these issues. Is it possible that R. Schick felt that the Will was never intended for the general public at large but only specifically for the Pressburg community to whom that part of the Will was addressed? (Prof. Schreiber mistakenly makes a similar suggestion [p. 136] and claims that the Will specifies at the outset that it was written: “for you, my sons and daughters, my sons-in-law, my grandchildren and their children.” His suggestion might be true for the first part of the Will, but not for our issue, which is found in the second part of the Will, addressed to the entire community!) Indeed, R. Lichtenstein, surprisingly, also does not mention the Will as a primary source either in his initial letter, see above, note 22, or in the Michalowitz Proclamation. He does, however, discuss the Will in at least three responsa published in his responsa collection, *Beit Hillel*; see above, note 22. This discrepancy requires further research.

<sup>27</sup> See note 25. In addition to these three “major” responsa, the Maharam Schick wrote two more responsa regarding this issue. On *erev Succot*, 1867, he responded to a second request from his student, Reb Wolf Zusman Sofer, obviously still confused about R. Schick’s position in his first responsum to him. This fascinating second letter/responsum to R. Sofer has been published by Y. Y. Grunwald directly from the original ms., which he received from R. Sofer’s son (see *Liflagot Yisrael B’Hungaria*, Devau, 1929, page 66; “*Igros Gedolei Yisrael mai’Hungaria*,” *Sinai* 18 (1946), page 331 [the date 1897 given there in Hebrew must be changed to 1867]; *Le’Toldot Ha’Reformatzjon Ha’Datit b’Germania v’Hungaria*, (repr.) Jerusalem, 1972, page 69 and by M. M. Pollack in his Introduction to *Derasbot Maharam Schick*, Klausenberg, 1937, page 15b. Maharam Schick subsequently wrote a fourth responsum regarding this issue, in approx. 1871, to a Rabbi Yaakov Fisher (M. Hildesheimer,

explaining his unwillingness to be a signatory on the Michalowitz Proclamation, proves from the Chasam Sofer's responsum # 287 in *Yoreh Deah* that he himself would not even have protested a certain behavior or conduct that is treated as "permissive" and cannot be ascertained to be halakhically prohibited. And in a third responsum regarding this issue<sup>28</sup> the Maharam Schick also claims that based upon certain episodes with which he is directly familiar, it is perfectly clear that the Chasam Sofer never prohibited outright the use of foreign languages in sermons. Although the Chasam Sofer believed the prohibition against German was justified—since it constituted a barrier to the study of the secular studies, which, experience had taught, brings about a weakening of faith and laxity in the observance of the commandments—it certainly did not apply to a learned Rabbi who had already withstood the test and desired to use the knowledge of languages and secular studies "in order to expand the limits of holiness and to draw the frivolous to God's Torah and to fear of Him." In his first responsum, Rabbi Schick states:<sup>29</sup>

".....those that study secular studies and languages, not for the purpose of enhancing their knowledge, for Torah is their only priority, but they have indulged in these studies in order to address the licentiousness of the generation and to remove the wicked from the land; for them, [these studies] will cause no harm and are not forbidden to them."

Similarly, the Maharam Schick continues, regarding the German language:

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*Tzfunot*, [see note 29], pp. 94–95). This last responsum offers a new angle to his granting permission to being present in a synagogue when the sermons are delivered in German. It is worth posing the following query: Was it intentional that of those five crucial responsa, only the second one, written to his student R. Wolf Sofer, was published in R. Schick's responsa collection?

<sup>28</sup> See below note 31.

<sup>29</sup> For my translation, I have also relied on an original manuscript of this responsum that was published by M. Hildesheimer, "*She-ailot U'Tshuvot Maharam Schick*," *Tzfunot* 6 (Tevet, 5750), p. 92.

“For those that are forced to deliver sermons in German due to licentiousness of the generation or in order to attract those with poor knowledge about Torah and serving Hashem, the words of our teacher were never meant and in my mind this was the certainly the intention of our teacher [the Chasam Sofer].”<sup>30</sup>

In that responsum to R. Lichtenstein, in his second responsum to his student and, even more so, in a third letter of clarification to R. Menachem Einstadter of Ungvar,<sup>31</sup> R. Schick deals head-on with the two primary sources mentioned earlier and offers his clear and unambiguous interpretation of his teacher’s intentions.

If we accept R. Schick’s interpretation, which seems to be supported by the Chasam Sofer’s closest colleague, R. Daniel Prossnitz, head of the Pressburg Beth Din,<sup>32</sup> and by most of the

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<sup>30</sup> Indeed, in that third responsum (see following note) to R. Menachem Einstadter, who questioned his loyalty to the Chasam Sofer by not signing the Michalowitz Proclamation, R. Schick stresses repeatedly his unwavering loyalty to his master, the Chasam Sofer. He expresses major disappointment that R. Einstadter would even contemplate anything but total and complete loyalty on his part to his master’s teachings. In fact, the reason that the Maharam Schick was opposed to the “foreign language” resolution was essentially because of R. Lichtenstein’s claim: “that it was based on the authority of the Chasam Sofer, as if the ruling was simply a corollary of the great Rabbi’s statement. Maharam Schick cites the words of the Talmud (BT Berokhot, 27b): ‘Someone who says something which he did not hear from his teacher causes the Shekhina to depart from Israel.’ He considered the decision to be more stringent than the Chasam Sofer’s directive.” (J. Katz, *ibid.* [See note 24], p. 82.)

<sup>31</sup> That letter is dated Shevat 1867, a half year after his responsum to R. Lichtenstein. The letter was first published by M. Hildesheimer in *Tzfunot* (see above note 29) pp. 92–94. Prof. Schreiber could have mentioned that responsum in his note 17.

<sup>32</sup> See *Igrot Soferim*, “*Kitvei Ha’Ketav Sofer*,” Vienna-Budapest, 1928, p. 2, where Rabbi Prossnitz writes to the “Kesav Sofer” that “in a time of need it was possible to recommend a rabbinical candidate who was adorned with the virtues of Torah and the fear of heaven, as well as being a master of German and well-versed in secular sciences.” (M.

Chasam Sofer's disciples<sup>33</sup>—including his son, R. Avraham Shmuel Benjamin Sofer (the “Kesav Sofer”)—as Professor Schreiber showed very convincingly in his middle two sections of evidence mentioned earlier, we can easily resolve any “contradictions” or “inconsistencies” in the Chasam Sofer's “actions” or “writings.” For example, in every single approbation given to either a work written in German or a work of secular knowledge written in Hebrew, the Chasam Sofer clearly testifies to and stresses the “fear of God” and respect for “tradition” that the author possessed.<sup>34</sup>

Our very uncomplex and simple resolution of any “inconsistency” found in the Chasam Sofer's writings, completely based upon R. Schick's interpretation of the Chasam Sofer's two crucial 1839 responsa, can also help explain his 1821 recommendation of R. Aaron Joshua Hertzfeld of Rawitz for the position of rabbi in Furth, discussed by Professor Schreiber on page 127. The Chasam Sofer felt that R. Hertzfeld was qualified since he was a scholar and a “gaon” endowed with a deep fear of heaven, as well as being a master of the German language.

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Hildesheimer, “The German Language and Secular Studies”, p. 35; see below note 51).

<sup>33</sup> In fact, in Maharam Schick's responsum to R. Einstadter, he essentially claims that R. Einstadter, a leading student of the Chasam Sofer, agreed with his interpretation of the Chasam Sofer's position in his initial correspondence to him.

<sup>34</sup> Indeed, the Maharam Schick, in his responsum to R. Lichtenstein, brings, as proof to his interpretation, the Chasam Sofer's approbation to Ber Frank's German work, *Machaneh Yisroel*, Vienna, 1836; see Schreiber, page 128. Prof. Schreiber, throughout his article, lists all the books that received these approbations:

a) K. Schwerloss, *Parpara'os Le'Chochma*, Vienna, 1814.

b) Leib Duchas, *Chamisha Chumshei Torah Im Ha'Ataka Ashkenazit*, Prague, 1833.

c) E. M. Pinner, *Talmud in German*, 1834. (This approbation was later retracted; see below, note 50.)

d) S. Bloch, *She'avilei Olam II*, Zolkowe, 1828.

e) Ber Frank, *Machaneh Yisroel*, Vienna, 1836.

The following approbation, however, was omitted by Schreiber:

f) Zvi Hirsch Oppenheim, *Einei Hada'as*, Offen, 1829. (It was also omitted in *Likutei Teshuvos*, *ibid.* “Approbations Section.”)

Similarly, we can now appreciate why the Chasam Sofer encouraged his children to gain proficiency, as he had, in the German language.<sup>35</sup> His student, R. Chezekiah Feivel Plaut, informs us<sup>36</sup> that his master, the Chasam Sofer, had engaged a teacher who taught his sons and daughters German, including its grammar, so that they might be able to read newspapers and be trained to write letters and documents. The Chasam Sofer obviously felt that his children were extremely “G-d-fearing” Jews who would not misuse their knowledge of the German language for secular studies or unsuitable material.

### ***Chovos Ha-Levavos* and Secular Learning**

Some of Prof. Schreiber’s proofs require a major stretch of the imagination. In the first section of his article entitled “Actions,” which serves as his first category of ‘evidence,’ he writes:<sup>37</sup>

“Moreover, throughout his life R. Sofer studies the classic medieval work on Jewish concepts and ethics, *Hovot ha-Levavot* by R. Bahya Ibn Pekuda, and urged his disciple to study it regularly. This may be further indication of a positive attitude to secular learning, as R. Bahya presents a favorable attitude to the study of nature at the beginning of Chapter Two.”

It is quite a stretch indeed to suggest that R. Sofer’s enthusiastic study of *Chovos Ha-Levavos*, “which presents a favorable attitude to the study of nature at the beginning of Chapter Two,” indicates a positive attitude on his part to secular learning in the nineteenth century.

In a similar vein Prof. Schreiber suggests that the Chasam Sofer’s consent to the establishment of a vocational school in Pressburg (i.e. carpentry, construction, weaving, etc.) constituted an act “which reflects a favorable attitude towards secular learning.” That school, however, was specifically intended to train students who were not capable of handling a Yeshiva curriculum. In their case,

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<sup>35</sup> See Schreiber, p. 127.

<sup>36</sup> *Likutei Chaver Ben Chayim*, Pressburg, 1880, vol. 3, p. 46.

<sup>37</sup> Page 125.



“secular learning” would not “detract” from the study of Torah and Talmud, the main concern of the Chasam Sofer.<sup>38</sup> More important, “secular learning” meant studying languages, philosophy and the sciences, but certainly not vocational training.<sup>39</sup>

### **The Chasam Sofer’s Imaginary Approbation**

In the same section (p. 153, note 17), Prof. Schreiber offers proof from “one source, which is admittedly of doubtful validity.”<sup>40</sup> I find it very strange that Professor Schreiber even quotes Shlomo Schick, who is known to be unreliable.<sup>41</sup> In the case at hand the fabrications are open and glaring. Schick is obviously of the opinion that since the Chasam Sofer and R’ Moshe Teitelbaum (the “*Yismach Moshe*”, first Chassidic Rebbe in Hungary;) gave their consent to R. David Katz (of Friesenhausen<sup>42</sup>)’s book, “*Mosdos Tevel*,” they automatically agreed with all Katz’s proposals contained in the book, including the establishment of Rabbinical seminaries all over Central Europe! Not only would such a conclusion be very weak, but, in truth, those two great rabbis never gave their consent to Katz’s book! On page 13a of his book, R. Katz simply publishes a personal letter of

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<sup>38</sup> This is apparent from many of his *derashot* frowning upon secular studies; see above note 20.

<sup>39</sup> Perhaps, due to the great need that the Chasam Sofer felt this school was addressing, we find him, uncharacteristically, personally involved in the by-laws of the governing organization; see “Fatherland Notices,” *Bikkurei ha-Itim*, Pressburg, 1932, p. 180.

<sup>40</sup> *Mi’Moshe Ad Moshe*, Munkacz, 1903. It is simply mind-boggling that Schreiber does not hesitate to quote this “doubtful source” twice more as his “first testimony” in his second category of evidence entitled: “Testimony by Those Who Knew R. Sofer Intimately” on p. 128 and then a fourth time on p. 130!

<sup>41</sup> See the remarks about his untrustworthiness in R. M. Winkler’s *She-ailos U’Teshuvos Lerush Mordechai*, Budapest, 1924, vol. 2, # 8 and R. Chaim Elazar Shapiro’s *She-ailos U’Teshuvos Minchas Elazar*, Munkacz, 1907, vol. 2, # 49.

<sup>42</sup> Friesenhausen was the name of Katz’s birthplace, not his family name, as misunderstood by Prof. Schreiber.

recommendation<sup>43</sup> that he received from the Chasam Sofer a year prior to the book's publication.<sup>44</sup> R. Teitelbaum, too, offers only a letter of recommendation concerning the author without mentioning any book.<sup>45</sup> It is highly probable that those two rabbis never laid eyes on R. Katz's book and thus were never even aware of his proposal to establish rabbinical seminaries in Hungary, Galicia, Bohemia and Moravia. Shlomah Schick then stretches the fabrication further and claims that he asked his cousin, R. Moshe Schick of Chust (hereafter "Maharam Schick"), how it transpired that the Chasam Sofer agreed to the establishing of Rabbinical seminaries. According to Shlomah Schick, his cousin told him that: "although, initially, he indeed agreed to these seminaries, the Chasam Sofer regretted his initial approval of Rabbinical seminaries."<sup>46</sup> In addition to his own convincing argument against the veracity of that quote,<sup>47</sup> Prof. Schreiber could have easily seen through Shlomah Schick's *shpiel* by carefully reading the three supporting sources to that supposed "retraction" of the Chasam Sofer in Maharam Schick's collection of responsa that Shlomah Schick references in his notes.<sup>48</sup> In two of those sources,<sup>49</sup> Maharam

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<sup>43</sup> This very letter is referenced by Schreiber in a different discussion in note 23 of his article. How is it that Schreiber did not realize that this letter also serves as the so-called approbation, according to Shlomah Schick?

<sup>44</sup> The letter was written on the 18<sup>th</sup> of the Omer, 1819, while the book seems to have been completed in mid-Iyar, 1820; see D. Katz, *Mosdos Tevel*, Vienna, 1820, page 2.

<sup>45</sup> See page 13b of Katz's book. M. Eliav, in his excellent article about R. Ezriel Hildesheimer's turbulent years in Hungary in *Zion*, 27 (1962), Jerusalem, p. 67, note 30, also misrepresents R. Teitelbaum's letter. It is noteworthy that R. Katz did not return the favor in kind to my grandfather, R. Teitelbaum, the "*Yismach Moshe*." Both in his Introduction, page 3, and further on in a section of the book entitled "Instructions to my Sons," pp. 77–79, he unashamedly attacks R. Teitelbaum, the "*Yismach Moshe*," although he admits they were once "friends," as is apparent from R. Teitelbaum's letter.

<sup>46</sup> Shlomah Schick's explanation, offered on page 38b of his book, for the reasoning behind this "retraction" is somewhat unclear.

<sup>47</sup> See his note 17 on p. 153.

<sup>48</sup> Page 38b, notes 5 and 6 of his work: *Mi' Moshe Ad Moshe* (see above note 40).

Schick, indeed, discusses a retraction of an approbation the Chasam Sofer once gave, but it has absolutely nothing to do with R. Katz's "Rabbinical seminaries" proposal. It concerns the well-known retraction of the Chasam Sofer's approbation to Dr. Efraim Pinner's German translation of the Talmud.<sup>50</sup> Obviously, by referencing those two sources in his Seminary discussion, Shlomo Schick was attempting here to fool us into thinking that Maharam Schick was discussing the Chasam Sofer's retraction of an agreement to Katz's proposal to establish seminaries.<sup>51</sup> The facts are, however, very clear: not only was there never any retraction by the Chasam Sofer of any approval to establish seminaries, there never was such an approval.

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<sup>49</sup> *She'ailos U'Teshuvos Maharam Schick*, Munkacz, 1880, *Orach Chaim*, #s 306 and 307.

<sup>50</sup> The language of the opening line of the retraction quoted by Maharam Schick matches the exact text of this retraction; see following note. R. Schick's mention of tremendous pressure placed on the Chasam Sofer to retract also conforms with other documentation about such pressure, see S. Sofer, *Igros Soferim*, *ibid.*, Letters # 66 and 69, and *Likutei Teshuvos Chasam Sofer*, London, 1965, "Letters Section," # 38. An earlier version of this retraction was published in Hamburg as would appear from Letter # 66 in *Igros Soferim*, and from R. Naftali Benet, *Imrei Shefer*. Pressburg, 1840, p. 26. It is inconceivable that Shlomo Schick was unaware of all those sources.

<sup>51</sup> This blatant misrepresentation of those two responsa of Maharam Schick was repeated two years later by Shlomo Schick in his responsa collection, *She'ailos U'Teshuvos Rashban, Even Ha'ezer*, # 157, published in 1905. This intentional misrepresentation (this is certainly the case since Shlomo Schick must have seen the retraction that was published in Hamburg; see above note) and the imaginary "approbation" of the Chasam Sofer to the Seminary proposal, were, surprisingly, subsequently accepted as factual by Y. Y. Gruenwald, *Otzar Nechmad*, New York, 1912, page 78. I thank the eminent scholar M. Hildesheimer, "The German Language and Secular Studies, Attitudes Towards Them in the Thought of the Hatam Sofer and his Disciples," *PAAJR* (1996), note 119, for alerting me to that biographical confusion. Unfortunately, on page 157 of that article, it seems he fell into the same trap as Gruenwald and Schreiber vis-à-vis the imaginary "approbation" and "retraction" of the Chasam Sofer to R. Katz's seminary proposal.

In his second section of “evidence” (my quotes), Schreiber again quotes from the unscrupulous Shlomah Schick :<sup>52</sup>

“R. [Moshe] Schick also stated that ‘all who merited to go in his [R. Sofer’s] shadow, know that since his youth, he loved both Torah and secular learning and that he encouraged his relatives and students to learn writing, language, and whatever was necessary.’”

In this instance, Prof. Schreiber has, unfortunately, misunderstood Shlomah Schick. The above is not a quote from Maharam Schick about the Chasam Sofer but is Shlomah Schick’s personal observations about Maharam Schick, his relative and teacher! I wonder how Prof. Schreiber did not realize the correct attribution and function of this quote when it is so obviously clear from the end of the passage.<sup>53</sup> Consequently, Schreiber’s quote “from R. Moshe Schick” is completely irrelevant to this first section of “evidence” but would be more appropriate in Schreiber’s third section,<sup>54</sup> if not for its total lack of veracity.

### **Rabbis Wolf Heidenheim and Moshe Mintz: *Maskilim?***

In a section in his article, entitled: “Hatam Sofer’s Attitude Towards *Maskilim* and Reformers” (pp. 137–138), Professor Schreiber places both *Maskilim* and Reformers in the same basket. That is perhaps, unfair, since it was only the Reformers of whom the Chasam Sofer said:<sup>55</sup>

“If we would have the power, it would be my view to expel them (the Reformers) from our borders...and their

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<sup>52</sup> Page 38b.

<sup>53</sup> “...And he was the person that did not want to agree with the ruling promulgated by the pious in Michalowitz.” He is obviously talking about Maharam Schick. The Chasam Sofer died twenty-five years before the Michalowitz gathering!

<sup>54</sup> “The Attitude of the Hatam Sofer’s Children, His Closest Associates and Disciples.”

<sup>55</sup> Schreiber’s translation on p. 124 of *Chasam Sofer*, *ibid*, responsa 6:89.

community would be like the community of Zadok, Bietas, Anan and Shaul.”<sup>56</sup>

A more serious flaw with Schreiber’s approach in this section of his article is the set of conclusions he draws from the Chasam Sofer’s correspondence “with a number of well-known *Maskilim*.” How does a mostly scholarly or personal correspondence<sup>57</sup> with *Maskilim* shed light on his position vis-à-vis Haskalah? Almost every one of the rabbis/*Maskilim* Schreiber lists in this section and in the following section of his article<sup>58</sup> can certainly not be considered

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<sup>56</sup> In note 92, Schreiber makes the following claim, completely relying on Dr. Moshe Samet (see below notes 64 and 74):

“There is no doubt that one can discern in the personality of Rabbi Moshe Sofer internal struggles, hesitations, doubts and even internal contradictions. These were possibly caused by the time, that is, whether earlier or later in his life; possibly caused by place, that is, the city or the events...Nevertheless, even the perspectives which he expressed in his later years, when the spread of Reform became more troubling to him, do not seem to be consistent and show considerable ambivalence.” (Moshe Samet, *Kavim Nosafim*, note 1:66 ff).

Some of the examples cited by Samet are: In 1810, Hatam Sofer rejected the notion of placing a ban on Reform Jews (Responsa *Hatam Sofer* O. H.: #122). In or about 1819, however, R. Sofer said that if he could, he would separate the Reformers from the Jewish community and forbid intermarriage with them. Responsa 6: # 89.

Here, too, we have no proof of “internal contradictions.” Nowhere in the earlier responsum (# 122) is a “ban” even discussed. The issue was whether the Chasam Sofer should make a “public” protest regarding a very controversial halakhic ruling of the Westphalian Consistory. At that point in time, there were no “Reformers” as a group, or even as individuals, “to separate from the Jewish community”! On the contrary, the Chasam Sofer made a serious effort to understand, from a halakhic viewpoint, the permission issued by the Westphalian Consistory to eat legumes on Passover; see *Safra V’Saiifa*, page 3.

<sup>57</sup> This would include approbations of books and letters of recommendation.

<sup>58</sup> “Cordial Relations between Prominent Rabbis and *Maskilim*” (pp. 138–139).

“Reformers,”<sup>59</sup> even if one uses the very wide definition of the term “Reformer” prevalent in the first thirty years of the 19<sup>th</sup> century.

What is somewhat shocking, however, is the fact that R. Heidenheim “had approved in writing the religious reforms instituted by the Jewish Consistory at Kassel headed by the trailblazing radical Reformer, Israel Jacobsohn, in his forward to R. Menachem Mendel Steinhardt’s *Divrei Iggeret*, Roedelhiem, 1812,” as Schreiber notes on page 138. In very clear, unambiguous language, R. Heidenheim, in his forward to this work, seems to support and agree with the religious reforms promulgated by Jacobsohn and the Consistory and even claims that they are all well-grounded and based upon the Talmud and halakhic authorities. As is well-known, those reforms were not just limited to the total abrogation of the *kitniyot* prohibition. Some of the more drastic reforms included:

- A) Abrogation of Chalitzah obligation upon a woman whose brothers-in-law were serving in the army
- B) Chupah ceremonies were not to be performed under the sky
- C) Drastic reduction of *Piyutim* including the “avengeful” *Av Harachamim*
- D) Introduction of Confirmation ceremony.

That might help explain the Chasam Sofer’s singular use of the title “*Chacham*” and not his usual Rabbinical titles in the ten times he mentions R. Heidenheim in his writings,<sup>60</sup> the same title with which he addresses Moshe Mendelssohn.<sup>61</sup> How are we to

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<sup>59</sup> Schreiber’s description of R. Shlomo Yehudah Rappaport as one “who published Reform-oriented views” is both unfair and vague. There is absolutely no clear evidence, to the best of my knowledge, that R. Rappaport, in any manner or form, “tampered” with halakha, a definite “prerequisite” to qualify as a “reformer.” In fact, I should have protested his inclusion in a list of *Maskilim*/Reformers created by Raphael Halperin, *Toldot Am Yisrael mi-Beriat ha-Olam ve-ad Yamenu: Atlas Etz Chaim* [Tel-Aviv, 1980] vol. 3, as I did vis-à-vis R. Chayes; see note 62.

<sup>60</sup> See the references in M. A. Z. Kinstlicher, *Chasam Sofer U’bnei Doro*, Bnei-Brak, 1993, page 91.

<sup>61</sup> *Chasam Sofer, Yoreh Deah*, # 338. I am somewhat uncomfortable with Kinstlicher’s omission of Mendelssohn in his excellent work (see above

understand this forward of R. Heidenheim in the light of the great esteem with which he is held by all Orthodox German Jews to this very day?

Even if we accept Schreiber's packaging of Rabbi Zvi Hersh Chayes of Zolkiwe<sup>62</sup> as Rabbi/*Maskil*, in itself a questionable issue,<sup>63</sup> the application of this "derogatory honorific" to R. Moshe Mintz of Ofen (Budapest), the very popular Hungarian Halakhic authority, is unacceptable. Schreiber relies here, as he does too often throughout his article when categorizing and cataloguing rabbis, on the often speculative scholarship of Moshe Samet.<sup>64</sup> The respect, titles and glorious praises the Chasam Sofer heaped upon R. Moshe Mintz in over twenty responsa to him cannot be readily found in his other responsa. As for Samet's claim that "R. Mintz initially supported Aaron Chorin, the zealous Reformer," a simple reading of R. Mintz's detailed description of his troubled and tragic relationship with Chorin<sup>65</sup> cannot possibly prove that he willingly "supported" him. Samet's other proof that "R. Mintz wrote an approbation for one of Chorin's books" is also invalid since R. Mintz openly admits that he never saw the book!<sup>66</sup> In fact, the publishers of *Eleh Divrei ha-Brit*,<sup>67</sup> which was primarily directed against R. Aaron Chorin, requested R. Moshe Mintz to participate in the project.<sup>68</sup>

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note), which records the name of every person mentioned in the Chasam Sofer's thousands of responsa.

<sup>62</sup> Re: R. Chayes, see *Maharatx Chayes*, Jerusalem, 1972 but cf. my *Binu Shnot Dor V'Dor*, Jerusalem, 1986, pp. 407–408.

<sup>63</sup> The very fact that the Chasam Sofer corresponded with him regarding halakhic issues should perhaps in itself be enough evidence that the Chasam Sofer did not consider him a '*Maskil*'; See B. David, *The Dual Role of Rabbi Zvi Hirsch Chajes: Traditionalist and 'Maskil*,' UMI, Michigan, 1971 for the definitive discussion.

<sup>64</sup> I am referring specifically to his "*Ha-Shinnuyim*" (see below note 74) and his "*Kavim Nosafim Le'Biografyah shel Ha-Hatam Sofer*," *Torah Im Derech Erez*, ed. Morderchai Breuer, Jerusalem, 1987, pp. 65 ff.

<sup>65</sup> *She'ailot Chasam Sofer*, 6:93 and in *Safra V'Saifa*, *ibid*, pp. 114–121.

<sup>66</sup> *Safra V'Saifa*, *ibid*, p. 119.

<sup>67</sup> See Schreiber, p. 138 for a short summary of the book.

<sup>68</sup> *Safra V'Saifa*, *ibid*. p. 162. See also my discussion there p. 112, note 39.

## Is “*HaChacham Mendelssohn*” a Laudatory Title?

In the following section entitled: “Cordial Relations between Prominent Rabbis and Maskilim,” Schreiber makes the following observation (page 139):

“R. Sofer himself did not object to the inclusion of letters from a number of noted *Maskilim* in *Eleh Divrei Ha-Brit*...a collection of letters against the Jewish reforms in Hamburg in 1818. The collection included a letter by R. Shmuel Bernstein that proclaimed reverence, in oversized, bold print, for Moses Mendelssohn and Wessely<sup>69</sup>... Still more arresting, R. Sofer himself addressed a responsum to R. Bernstein in 1819 one month<sup>70</sup> after R. Bernstein’s laudatory titles. By that time, R. Sofer presumably had seen Bernstein’s letter in R. Sofer’s copy of *Eleh Divrei ha-Brit*.”

First, there does not seem to be any evidence that the Chasam Sofer had any major influence on the inclusion or exclusion of letters in *Eleh Divrei ha-Brit*.<sup>71</sup> More importantly, nowhere does R. Bernstein “proclaim reverence” for or “praise” Mendelssohn and Wessely.<sup>72</sup> It is clear from the passage in front of us that R. Bernstein is simply claiming to the “Reformers” that even distinguished *Maskilim* (he is even careful to call each “*Chacham*” [“Wise Man,” the exact same title the Chasam Sofer uses for Moshe Mendelssohn and R. Heidenheim<sup>73</sup>] but not “Gaon,” the term he uses in his effusive

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<sup>69</sup> Schreiber’s point in the following two sentences is simply unclear to me and I have omitted them.

<sup>70</sup> This time frame assumes, without any documentation, that the book was first published in mid-Tammuz. The publishers themselves, however, hint to a publication date of around *Rosh Chodesh Iyar*; see *Safra V’Saiifa*, p. 164.

<sup>71</sup> See R. Sofer’s own statement re: this issue in *Safra V’Saiifa*, page 186.

<sup>72</sup> The oversize, bold print was used only to emphasize the names of the leading *Maskilim*, as is R. Bernstein’s style of “emphasis” throughout his letter/responsum. It was not utilized to glorify the *Maskilim*!

<sup>73</sup> See above notes 60 and 61. This is the term always used by the Chasam Sofer when he was unwilling to address his respondent with the usual rabbinical titles. Schreiber’s claim and proof offered on p. 140, that the



praise of R. Mordechai Benet **in the very same passage**), such as Mendelssohn and Wessely, would have opposed the Hamburg reforms. Thus the inclusion of R. Bernstein's letter in *Eleh Divrei ha-Brit* is weak proof that the Chasam Sofer had cordial relations with *Maskilim*, even if we assumed that R. Bernstein was a *Maskil*, which Schreiber asks us to accept as factual without any supporting documentation.<sup>74</sup>

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### **Marc Shapiro's "Aspects of Rabbi Moses Sofer's Intellectual Profile"**

It would be very difficult even to attempt to summarize Dr. Shapiro's analysis of seven aspects (namely Chassidut, Mussar study, Torah Lishmah, reasons for the Commandments, philosophy, theology and Kabbalah) of R. Sofer's intellectual profile in the framework of this review. I will, therefore, limit my comments to all the so-called contradictions and misrepresentations that Dr. Shapiro has "discovered" in the writings of the Chasam Sofer.

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Chasam Sofer referred to Moshe Mendelssohn with a title of esteem, is simply not valid.

<sup>74</sup> Once again Schreiber blindly follows M. Samet's lead; see his note 96. In addition to the above so-called "praise" of Mendelssohn and Wessely, Samet, *"Ha'sbinuim" be-Sidrei Beit ha'Knesset: Emdat ha'Rabbanim Keneged Ha'Mehadshim' Ha'Reformim*, *Assufot* 5 (Jerusalem, 1991), page 378, can only offer R. Bernstein's participation in the popular *Haskalah* journal *"Me'asef"* as proof of R. Bernstein's *haskalah* leanings, a weak proof indeed.

## **Torah *Lishmah***

In a recent article, Dr. Marc B. Shapiro quotes the Chasam Sofer's various discussions regarding the concept of "*Torah Lishmah*" and then makes the following statement:<sup>75</sup>

"It seems that Sofer was not consistent in his views, something not unexpected with such a prolific writer."

I fail to see how offering different, purely aggadic interpretations of the very undefined and non-Halakhic concept of "*Torah Lishmah*," in various homelitical contexts, shows an inconsistency. I do not see Dr. Shapiro ascribing any inconsistency to R. Chaim Volozhin, who according to Shapiro was "the advocate of the cognitive definition par excellence" [of *Torah Lishmah*] i.e. the purpose of Torah study is intellectual comprehension, but who at the same time "also stressed other values in Torah study."<sup>76</sup>

## **Chovot Ha'levavot**

On page 295 of his article, Dr. Shapiro has the Chasam Sofer misrepresenting R. Bachya ibn Pakuda:

"In summarizing Bahya's opinion, Sofer actually seems to misrepresent the former's view, for Bahya's opinion still requires one to concentrate on practical halakah. It is only the outlandish that need not be of concern. However, Sofer quotes Bahya as saying something very different. In Sofer's words:

"לאפוקי ממ"ש ח(ובות) ה(לבבות) ז"ל, והזהיר מהיות כל עסקנו בדיעת הדינים הנכרים ושאלות הזרות, כגון דיני גטין

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<sup>75</sup> "Aspects of Rabbi Moses Sofer's Intellectual Profile," *Be'erot Yitzhak*, Studies in Memory of Isadore Twersky (ed. Jay M. Harris), Harvard, 2005, p. 291.

<sup>76</sup> See Prof. N. Lamm, *Torah for Torah's Sake* (New York, 1989), chap. 6 and 7.

ובדומה, אלא יהי' כל עסקנו בעיוניות, ולכשיבוא שאלה כזו לדינו נעיין בה.

“Sofer has Bahya including in the category of “strange laws and unusual customs” the laws of divorce and unspecified related matters. In actuality, Bahya says nothing of the kind. He never includes the laws of divorce among the strange laws but merely writes about “a strange case in divorce law.” That is, it was the strangeness of the case that aroused Bahya’s wrath, not divorce law per se.”

There is absolutely no doubt that the Chasam Sofer was not attempting to misrepresent R. Bachya as Dr. Shapiro would have us believe. The standard Ibn Tibbon translation of *Chovot Ha'Levavot* has the following:

ונשאל אחד מן החכמים על שאלה נכרית מענין דין הגרושין, והשיב את שואלו: אתה האיש השואל על מה שלא יזיקנו אם לא ידענו, הידעת כל מה שאתה חייב לדעתו מן המצוות, אשר אינך רשאי להתעלם מהן ואין ראוי לך לפשוע בהן, עד שנפנית לחשוב בשאלות נכריות, אשר לא תקנה בהן (בידיעתן) מעלה יתירה בתורתך ואמונתך ולא תתקן בהן (בה) מעוות במידות נפשך. והנה אני נשבע, כי מחמש ושלישים שנה אני מתעסק במה שצריך לי ממצוות תורתך, ואתה יודע רוב טרחי בעיון ורוב הספרים אצלי, ולא פניתי לבי למה שפנית לבך לשאול עליו!

This is the text that the Chasam Sofer used, and he certainly understood R. Bachya no differently than did Dr. Shapiro. This is simple nit-picking at its worst. Additionally, the Chasam Sofer could not possibly have understood R. Bachya to be saying “that all one’s efforts should be devoted to the ‘duties of the heart.’ ” R. Bachya repeatedly insists in this passage and in previous passages that one must first study all the basic laws of the Torah. It is only after he has mastered those laws that he should “devote all his study time to the ‘duties of the heart’ ” and not to the study of “strange” halakhic scenarios. And finally, R. Sofer’s passionate and enthusiastic description of the rewards one reaps for the study of Talmudic dialectic without any practical application whatsoever can certainly be

reconciled with his standard halakha-oriented approach.<sup>77</sup> Nowhere here does he give precedence to the non-practical areas of Talmud study as Shapiro claims.<sup>78</sup> He is merely suggesting that one who studies Torah without concern for practical applications can attain great spiritual “highs” on many different levels.

### ***Ta’amei Ha’Mitzvot***

Dr. Shapiro, in a subsequent discussion, makes the following observation:<sup>79</sup>

“Despite his forceful statements in opposition to study of *ta’amei hamitzvot*, Sofer actually contradicts himself, for he also writes that it is obligatory to attempt to understand the reasons for the commandments; the danger of antinomianism exists only when one focuses on these reasons while actually performing a *mitzvah*. Elsewhere he argues that in halakhic matters the reasons for the commandments are to be taken into consideration and can have practical implications in the direction of greater religious stringency. Although internal inconsistencies and contradictions are perhaps to be expected with a writer as prolific as Sofer, the magnitude of this contradiction, in

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<sup>77</sup> And not as Dr. Shapiro suggests in his note 50: “Admittedly it is hard to reconcile this passage with Sofer’s halakha-oriented approach discussed earlier.

<sup>78</sup> Loc. cit. It is totally unclear to me as to why, when discussing the Chasam Sofer’s strong critique of R. Bachya, Dr. Shapiro writes:

“Although Sofer’s paraphrase is thus not completely accurate, it does show that he was **sensitive** to the stance of moderate anti-Talmudism that Bachya assumed in the *Hovot ha-Levavot*.”

Yet, in note 40 of his article, when he mentions a mere question that the Chasam Sofer posed concerning a certain position of the Rambam, Shapiro writes:

“See also *Torat Moshe*, Vol. 2, 58b for a **criticism** of Maimonides’ view that advanced scholars need not study Bible or *Mishnah* intensively.”

At what point, in Shapiro’s lexicon, is a strong argument no longer considered a “criticism” but a “show of sensitivity” to the (opposing) position?

<sup>79</sup> Page 299.

such a central area of Jewish religious thought, is quite surprising. It shows how Sofer struggled without arriving at a consistent solution.”

Truth be told, the only item I find surprising here is the magnitude of Dr. Shapiro’s desire to find “contradictions” in the Chasam Sofer’s writings. The Chasam Sofer discouraged finding reasons and rationale **only** for the *Chukim*, as Shapiro correctly documented on page 298 and note 59 of his article. Nowhere did he ever discourage the pursuit of *ta’amim* for *mitzvos* that are not *Chukim*. There is absolutely no contradiction here!

## **Conclusion**

In conclusion, we have two excellent, well-researched and well-documented articles. One is Professor Schreiber’s, which focuses specifically on the three “burning” issues of the day: secular studies, sermons in a foreign language other than Yiddish, and relations with *Maskilim* and Reformers. Dr. Shapiro’s article gives us an almost complete picture of, at least, seven aspects of the Chasam Sofer’s intellectual profile. My small and specific contribution to both of those wide-ranging and informative discussions is that claims of inconsistencies, contradictions and misrepresentations against a rabbi of such awesome stature as the Chasam Sofer must be analyzed and scrutinized very carefully. ❧