

“*Hechadash assur min haTorah b’chol makom*” – That which is new is biblically forbidden in all places.

This statement, found in *mishnayot Masechet Orlah* (3:9), refers to “new” grain - grain harvested from plants which took root after the 16th of *Nisan* (the second day of Passover.) It is forbidden to consume this grain until the 16th of *Nisan* the following year, after the *Omer* offering was brought.

One of 19th century European Jewry’s leading rabbis, the *Chatam Sofer*, used a pun on this mishnaic dictum to convey his fierce opposition to the *Haskalah* and Reform movements. Rather than translating *chadash* in the classic sense of meaning “new grain,” he chose instead to render the word *chadash* as “innovation.” Thus, the *Chatam Sofer* stated categorically that “innovation is biblically forbidden” – the rules and tenets of Judaism had never before changed and cannot ever change in the future. This motto, “*chadash assur min hatorah*” has become the rallying cry of those Jews who are opposed to all that is modern and innovative.

How, as Jews in the 21st century, do we reconcile our beliefs with the *Chatam Sofer’s* statement? Indeed, how did the *Chofetz Chaim* justify his responsum permitting Sarah Schenirer to establish the *Beis Yaakov* educational system for girls, an innovative idea in 1917, in light of the *Chatam Sofer’s* contention that innovation was absolutely forbidden?

One of the major issues dividing Hungarian Jewry during the 19th century was a disagreement over whether rabbis should give their sermons in German and Hungarian, or in Yiddish. The *Chatam Sofer’s* followers, basing themselves on “*chadash assur min hatorah*,” sided with the Yiddish-only camp. However, today most rabbis give their sermons in the vernacular rather than in Yiddish, and English translations of the *Chumash* and other sacred texts are widely available.

Rather than proceeding from the assumption that the *Chatam Sofer* was, G-d forbid, misguided or wrong, I think that we can find a way to harmonize the *Chatam Sofer’s* valuable idea with modern thinking. In order to do so, let us digress for a moment and examine the nature of *matan Torah*.

I suggest that even *Moshe Rabbenu*, who learned Torah directly from *Hashem*, had areas within Torah where his understanding was incomplete. There are a number of sources that support this idea.

1. A well-known *midrash* is brought down in the *Gemara, Masechet Menachot* (29b). Rabbi *Yehuda* said in the name of *Rav*: When *Moshe* ascended on high, he found G-d sitting and tying crowns onto the letters [of the Torah]. *Moshe* said to G-d: Master of the universe! Who is the

cause of this delay? [in giving the Torah – it is complete, what purpose do the crowns serve?] G-d said to *Moshe*: There will be an individual at the end of a number of generations, and *Akiva ben Yosef* [Rabbi *Akiva*] is his name. He will expound on each point of each crown heaps and heaps of laws. *Moshe* said to G-d: Master of the universe! Please show him to me! G-d said to *Moshe*: Turn around. *Moshe* did so and went to sit in the 8th row [of Rabbi *Akiva*'s study hall.] *Moshe* was unable to follow anything that was being said, and became upset. When he [Rabbi *Akiva*] came to a particular issue, his students asked him “how do you know this” and he answered “*halacha l'Moshe Misina*” – it is a law given to *Moshe* at *Har Sinai*. *Moshe*'s mind was then at ease.

2. Towards the end of the weekly portion of *Balak*, we learn about an incident where *Zimri* and a *Midianite* woman have relations in public defiance of *Moshe* and *Hashem*. *Rashi* (25:6) comments on this incident that the reason that *Bnai Yisrael* were crying was because *Moshe* seemed to be unsure about what to do in response to *Zimri*'s brazen act. We see that the law concerning relations with a gentile woman was concealed from *Moshe*.
3. In the weekly portion of *Pinchas*, *Tzelofchad*'s daughters approach *Moshe* with their concerns about losing their deceased father's share in the land of Israel because there were no sons in the family. *Moshe* needs to consult with *Hashem* before making a decision because the law was concealed from him (see *Rashi* on 27:4).

Based on these three examples, we can make the argument that the corpus of Torah is infinitely large and no individual can ever aspire to encompass it all – even *Moshe Rabbenu* – and that learning Torah is a lifelong endeavor that has no end.

I think that this idea is also an explanation for the purposeful juxtaposition of *Matan Torah* with *Yitro*'s advice to *Moshe* concerning delegation of authority. The *pshat* of *Yitro*'s statement that “*ki kaved mimcha hadavar, lo tuchal asohu levadecha*” – the job is too big for you, you cannot do it all yourself – is that *Moshe* is unable to adjudicate all of *B'nai Yisrael*'s disputes single-handedly. An additional meaning is that “*hadavar*” refers not to the job of judging, instead, it refers to the corpus of Torah. (It is interesting to note that “*davar*” has the same root as “*dibrot*”.) Thus, another message in *Yitro*'s statement is that Torah is too big for a single individual to comprehend it all.

Chazal teach that every Jewish soul was spiritually present at *matan Torah*. Reflecting on the idea of the infinite depth of meaning within Torah, it makes sense that in order for the message of Torah be relevant to us in the 21st century,

each and every one of us **had to be** present at *matan Torah*, since it was otherwise impossible for mere humans to transmit Torah in any complete way, let alone in a way where we would be able to see it as relevant to us now.

Let us now apply these ideas back to the *Chatam Sofer's* statement that "*chadash assur min hatorah*." I suggest that the *Chatam Sofer* uses *chadash* in the same sense that it used in *Megillat Kohelet* – "*ain chadash tachat hashemesh*" – there is nothing new under the sun. *Kohelet* is speaking about the gamut of human experience – what we think of as new and innovative has already been around for time immemorial and *Hashem* has already anticipated it and addressed it within the Torah. I think that the *Chatam Sofer's* argument is not per se with the idea of innovation – rather, it is with those who claim that innovation is necessary because Torah is no longer able to address a particular situation and that it is no longer relevant. In other words, innovation itself is not heretical – what is heretical is the claim that *Hashem* was so shortsighted when he gave us the Torah that he did not properly allow for Torah to adapt to the challenges facing Jews in every generation.

Perhaps, then, we can see that the *Chatam Sofer's* dictum that "*chadash assur min hatorah*" is not necessarily inconsistent with innovation. As long as we retain our firm commitment to the centrality of Torah and *halacha* in all areas of human endeavor, we can be secure with the knowledge that we are engaged in the holy task of continuing the process of revelation that was begun at *Har Sinai*.

Since we have already established that we were all present at *matan Torah*, and that Torah is too big for any one human to encompass, it is not a stretch to say that each and every one of us, out of necessity, came away from *matan Torah* with our own unique Torah viewpoint.

Let us this *Shavuot* strengthen our belief that the Torah contains within it the answers to the challenges facing us in each generation. Let each of us approach all of our fellow Jews with the perspective that we have something to learn from their unique viewpoints, and let each of us be successful in effectively discharging our obligation to share our own unique Torah viewpoints with each other and with the world at large.

Chag Sameach

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