***Responsa Hatam Sofer*, Orah Hayyim, no. 28**

I set the Lord before me always.[[1]](#footnote-1)

Pressburg, Tuesday, 7 Adar 5590[[2]](#footnote-2)

Peace and all good things to my dear friend, the famously outstanding, sedulous, and erudite rabbi and genius (*ga’on*), the honorable Torah scholar, my teacher R. Moshe Perles (may God watch over him), head of the rabbinical court in the holy community of Eisenstadt (may God protect it).

I have received your precious letter concerning the dismantling of the old synagogue by members of the holy community and the expansion of a new building, so as to elevate the house of God. They want to place the podium (*bima*) from which the Torah is read at the front[[3]](#footnote-3) of the synagogue near the holy ark instead of in the middle, as it had been originally.[[4]](#footnote-4) They claim that it will be more aesthetically pleasing and spacious in the synagogue than when it had been in the middle. This good man has asked if this change is proper or not.

***Answer:*** That which is hidden has been revealed to Your Honor, so the crowning scholar need not be consulted.[[5]](#footnote-5) He has written well that the Rambam[[6]](#footnote-6) states explicitly that we build the podium (*teva*) in the middle of the synagogue so all can hear equally. And so wrote the Tur,[[7]](#footnote-7) and the Rema[[8]](#footnote-8) in a gloss on *Shulhan ‘Arukh*, end of [*Orah Hayyim*]section 150—whosoever deviates has little support.[[9]](#footnote-9) However, see the *Kesef Mishne*[[10]](#footnote-10) who tried to find justification for the construction of the podium at the front of the synagogue in some of their communities, writing that they[[11]](#footnote-11) held this opinion specifically in their time when there were many people [in the synagogue] and they could not hear the voice of the reader, but today, on account of our many sins, we have small communities with few people and so can hear even when the podium is at the front of the synagogue. Note that the *Kesef Mishne* did not provide the source used for the ruling that the podium ought to be in the middle of the synagogue, but it is a straightforward Talmudic passage in *Sukka* 51b about the residents of Alexandria.

 The *Kesef Mishne* should be commended for trying to find a justification for those communities whose practice contravened the Talmud. But with all due respect to him, I believe that these communities muddled things, for there is an *a fortiori* to the contrary! In Alexandria, they had to wave scarvesbecause not everyone could hear, yet they still kept the podium in the middle and did not move it to the front,[[12]](#footnote-12) despite the fact that people could see the scarf just as well from the front as from the middle, and two scarves could have been used if one were not enough. The only conclusion to be drawn is that it would have been improper to do so.

I would also say the following based on logic.[[13]](#footnote-13) We consider the podium on which we read the pericopeof the sacrifices as tantamount to the altar, which is why we circle the podium on the Festival of Sukkot in the same manner that they would circle the altar. That altar, which stood in the Holy before the Holy Ark, was the incense altar, and it was placed in the middle, equidistant to the menorah and to the table (as explained by Rashi on the Torah reading of *Teruma*,[[14]](#footnote-14) and as is clear in the Talmud[[15]](#footnote-15) and the Rambam[[16]](#footnote-16)). Since our podium stands inside like the inner altar did, it is proper that it be situated in the middle of the synagogue so it can resemble the Temple as much as possible. One should not make changes to our minor Temple![[17]](#footnote-17)

 Even according to the *Kesef Mishne*, who offers a justification for those communities, we have none. Did our ancestors who built this synagogue not build [the podium] in the middle, indicating that in this way they wanted everyone to hear? And, thank God, instead of dwindling our community has only increased, in which case even if they had originally built it at the front on account of their small number, we would without a doubt need to build it in the middle now. In any case, Heaven forfend that we should deviate from what was before.

 It also seems to me that even according to the *Kesef Mishne* it was only when those communities were building a new synagogue where there been none previously, but once one had been built there the old synagogue could not be altered. For it says in the *Pesiqta*: “‘You shall erect the Tabernacle according to its law (*mishpato*) that you were shown on the mountain’ (Ex. 26:30)—is there a law for the beams? Rather, the beam that merited being placed in the north shall not be changed to the south.”[[18]](#footnote-18) Maharil inferred from this about the boards from which one makes a sukkah.[[19]](#footnote-19) Although we may add onto the city [of Jerusalem] and the courtyards,[[20]](#footnote-20) which would entail a shift, it seems to me that it would not mean moving somethingfrom the north to the south, or moving what was in the middle out of place. Was not the Second Temple bigger than the First,[[21]](#footnote-21) yet the placement of the implements—the altar, menorah, table—was not changed from the middle? Although the current building plan puts the middle farther in than it had been in the old synagogue, nevertheless, the podium of that synagogue merited being in the middle, like the beam that merited being placed in the south etc. The rule is: whatever is new is always forbidden by the Torah.[[22]](#footnote-22) May the place of Your Honorbe mentioned for good,on account of protesting strongly to keep the sanctum in its place, so that everyone can find peace.

With blessings for the welfare of the honorable Torah scholar,

 The insignificant Moses Sofer of Frankfurt-am-Main

1. Ps. 16:8. [↑](#footnote-ref-1)
2. 2 March 1830. [↑](#footnote-ref-2)
3. Heb. *sof*, lit. “end,” and so below. [↑](#footnote-ref-3)
4. Aramaic *mi-qadmat dena*. As a commonplace rhetorical flourish it means “previously,” but R. Sofer most likely also intends the sense of “originally,” since time immemorial. He is invoking Ez. 5:11: “We are the servants of the God of heaven and earth; we are rebuilding the house that was originally (*mi-qadmat dena*) built many years ago” (NJPS translation). [↑](#footnote-ref-4)
5. Cf. *‘Eruvin* 53b. [↑](#footnote-ref-5)
6. R. Moses Maimonides in his *Mishne Torah*, “Laws of Prayer,” 11:3. [↑](#footnote-ref-6)
7. R. Jacob b. Asher in his *Arba‘a Turim*. [↑](#footnote-ref-7)
8. R. Moses Isserles in his glosses on R. Joseph Caro’s *Shulhan ‘Arukh*. [↑](#footnote-ref-8)
9. In monetary law, heb. *yado ‘al ha-tahtona* means one is at a disadvantage and does not have the upper hand. [↑](#footnote-ref-9)
10. R. Joseph Caro’s commentary on Maimonides’ *Mishne Torah*. [↑](#footnote-ref-10)
11. Earlier authorities. [↑](#footnote-ref-11)
12. Presumably there would have been strong pressure to move it forward in order to make more space for the fantastically large congregation described by the Talmud. [↑](#footnote-ref-12)
13. That is, a non-textual argument. [↑](#footnote-ref-13)
14. R. Solomon Yitzhaqi, *Commentary on the Torah*, Ex. 26:35. [↑](#footnote-ref-14)
15. *Yoma* 33b. [↑](#footnote-ref-15)
16. *Mishne Torah*, “Laws of the Temple,” 1:7. [↑](#footnote-ref-16)
17. See *Megilla* 29a. [↑](#footnote-ref-17)
18. See the Talmud Yerushalmi, *Shabbat* 12.3. [↑](#footnote-ref-18)
19. R. Yaakov ha-Levi Moelin, *Sefer Maharil: Minhagim*, ed. Shlomo Shpitzer (Jerusalem: Machon Yerushalayim, 1989), 362. The ruling is that one ought to mark the boards used in constructing the sukkah so that they are placed in the same arrangement every year. [↑](#footnote-ref-19)
20. See *Shevu‘ot* 14a. [↑](#footnote-ref-20)
21. See *Bava Batra* 3a. [↑](#footnote-ref-21)
22. The mantra of R. Sofer, which is based on *Qiddushin* 38b. [↑](#footnote-ref-22)