

Shnayer Z. Leiman, an Associate Editor of *Tradition*, is Professor of Jewish History and Literature in the Department of Judaic Studies at Brooklyn College, and Visiting Professor of Bible at the Bernard Revel Graduate School of Yeshiva University.

DID RABBI AZRIEL HILDESHEIMER LABEL RABBI ZECHARIAH FRANKEL “AN APOSTATE”?

I. THE PROBLEM

One of the preeminent leaders of Orthodoxy’s confrontation with modernity was Rabbi Azriel Hildesheimer (1820-1899).¹ As founder and dean of the Rabbiner-Seminar in Berlin, he was responsible for the training of virtually all the Orthodox rabbis in Germany during the last quarter of the nineteenth century. The Rabbiner-Seminar functioned from 1873 until 1938. During that period, some 275 rabbis were ordained by the faculty of the Rabbiner-Seminar.²

Hildesheimer’s primary rival in the training of rabbis was Rabbi Zechariah Frankel (1801-1875), founding dean of the Juedisch-Theologisches Seminar in Breslau.³ Although Frankel died only two years after Hildesheimer founded the Rabbiner-Seminar in Berlin, the rabbinical seminary he shaped—the Juedisch-Theologisches Seminar—would function from 1854 until 1938. During that period, some 250 rabbis were ordained by the faculty of the Juedisch-Theologisches Seminar.⁴

Hildesheimer and Frankel never met. The deep tensions that kept these two rivals at a distance from each other were palpable indeed. Hildesheimer viewed Frankel with suspicion already in 1839, when Hildesheimer was all of 19 years old!⁵ In 1839, Frankel publicly took to task R. Moses Sofer—the leading rabbinic authority in Europe—for his

Dedicated to the memory of Rabbi Dr. Walter W. Wurzbürger, admired as much for his warm friendship and consummate scholarship as for his unwavering commitment to truth. It was at his invitation that I became an Associate Editor of *Tradition* some 25 years ago. May this brief essay prove to be an appropriate tribute to his memory.

stance in the Alexandersohn affair.⁶ Hildesheimer's suspicion was compounded when, in 1842, Frankel publicly embarrassed *Hakham* Isaac Bernays—Hildesheimer's teacher—by condescendingly referring to him in print as “Mr. Bernays.”⁷ With the publication of Frankel's *Darkei ha-Mishna* in 1859, Hildesheimer's suspicions were transformed into stark reality. Frankel's views seemed to threaten the underpinnings of Orthodoxy. The ensuing controversy, which involved Rabbis Samson Raphael Hirsch and Solomon Judah Rapoport among others, came as no surprise to Hildesheimer, who stood firmly on the side of Hirsch and against Frankel.⁸ Despite these negative feelings, Hildesheimer never questioned Frankel's scholarship or his genuine commitment to Judaism. In a personal letter written in 1879 (four years after Frankel's death), Hildesheimer wrote the following about Frankel: “Even those who opposed Dr. Frankel, of blessed memory, had to admit that he was a distinguished rabbinic scholar.”⁹

In 1987, David Ellenson published an important scholarly essay in a volume of essays devoted to the theme of Jewish apostasy.¹⁰ The essay addresses nineteenth century rabbinic attitudes toward nascent Reform, Conservative, and secular Jews, and toward Jewish apostates to Christianity. In his analysis of Hildesheimer's stance regarding these matters, he writes:

In an 1873 responsum concerning Zacharias Frankel's *Darkei Ha-Mishnah* (1859), Hildesheimer began with the words, “Therefore, concerning the book of the *meshummad* [apostate] Frankel. . . .” Lest it be supposed that the use of this term was either accidental or hyperbolic, Hildesheimer continued by noting explicitly that the term *meshummad* identified the individual as a graver heretic than if he were labeled an *apikoris* [*sic*], a simple unbeliever.

Hildesheimer's reference to Frankel as a *meshummad* is an outgrowth of the canons he inherited from the tradition. After all, Frankel, the head of the Jewish Theological Seminary in Breslau, was a strictly observant Jew and an active leader in communal matters. He was hardly, by any reasonable definition, beyond the bounds of the community. In his *Darkei ha-Mishna*, however, he expressed the view that the Mishnah, the earliest code of the Oral Law, had developed in history. He also maintained that the Talmudic phrase “*halakha le-Moshe mi-Sinai*” referred to a law of such great antiquity that it was as if it had been revealed to Moses at Sinai. This was in direct opposition to the ahistorical approach the Orthodox leadership of his day took to the issue of revelation. They believed that Jewish law had been delivered in its total-

ity to Moses at Sinai and savagely attacked Frankel in the Orthodox press for his deviation from dogma. They contended that the phrase “*halakha le-Moshe mi-Sinai*” could only be understood in its literal sense, “as a law given to Moses at Sinai.” Frankel’s rejection of these views and his insistence that Jewish law had developed over time were sufficient to allow Hildesheimer to label him a *meshummad*. Frankel, as a non-Orthodox Jew in matters of belief, had, in the eyes of the Orthodox, somehow stepped beyond the boundaries of the religious Jewish community. As late as 1873, an Orthodox leader thus felt constrained to utilize a term of apostasy to describe the leader of another religious viewpoint. Hildesheimer’s use of *meshummad* to characterize Frankel is a direct result of the legacy he received from his medieval rabbinic forbears on this issue. As such, it reveals the limitations inherent in this approach, even from the perspective of a Hildesheimer, in the changed circumstances of the nineteenth century.¹¹

Ellenson would later publish an even more sharply formulated account of Hildesheimer’s responsum in his *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy*.¹² It reads:

Hildesheimer wrote a responsum in 1873, in which he declared that Frankel’s book should not be treated with respect. He stated that were it not that God’s name appeared in the work, “then perhaps it would be considered a commandment [*mitsva*] to burn it.” He asserted that the *Darkei Ha-Mishnah* was the work of a *meshummad*, an apostate, who literally seeks to destroy the Jewish religion and the Jewish people, “a more severe category than *apikoris [sic]*,” a heretic who simply denies the fundamental principles of the Jewish faith for himself.¹³

Ellenson’s discovery that Hildesheimer had labeled Frankel an apostate did not go unnoticed. It managed to find its way into *Tradition*, among other places.¹⁴

Ellenson’s discovery is astonishing indeed. First, as reported above, in 1879 Hildesheimer referred to Frankel “of blessed memory,” hardly the way one refers to a deceased Jewish apostate. Second, the source of the claim is a halakhic responsum by Hildesheimer. In the responsum, Hildesheimer spells out the halakhic ramifications of being identified as an apostate. Such a responsum can only treat halakhic categories, not “labels,” or “name-calling,” or wishful thinking. If the responsum in fact refers to Zechariah Frankel, then it would appear that Hildesheimer ruled halakhically that Frankel was an apostate. Is it conceivable that Hildesheimer actually believed that Frankel—a committed and strictly

TRADITION

observant Jew who never dreamt of converting to Christianity—was halakhically an apostate?

II. THE RESPONSUM

Hildesheimer's responsum was published in Tel Aviv in 1969.¹⁵ It reads:¹⁶

[תרל"ג. לרי"א כהן בק' אוריך]

אשיב על א' א'.

א) הצוואה בלה"ק שנכתב שם שם הוי"ה, אינני יודע לו תקנה, דהרמ"א כתב בי"ד סוף סי' רע"ו דאסור לכתוב שם לכתחילה שלא בספר דיכול לבוא לידי בזיון ש"מ דאסור להביאו לבזיון אם נעשה.

ב) אכן ע"ד הבוך של המשומד פרענקעל, שנמצאו שם שמות הקדושים כתובים בל"א, יש להקל עכ"פ שלא לנהוג בו קדושה ואולי אף מצוה לשרוף. ואף דמה שנכתבו בל"א לא מעלה ולא מוריד, דאף להש"ך בסי' קע"ט ס"ק י"א אין דין קדושת השם על שמות שבלשון חול, היינו אם המלות הם חול כמו Gt, אבל לא שמות הקדושים שנכתבו באותיות חול. אבל מטעם אזכרה שכתבה אפיקורס, משומד גרע מאפיקורס, דדינו שישרף כבי"ד ריש סי' רפ"א, ואף דבתפילין פסק המחבר דרק יגנז, כבר חלקו האחרונים, יעויין באור"ח סי' ל"ט סעי' ד' ובב"ח ובמג"א ובלבושי שרד ושאר אחרונים. עכ"פ אין קפידא שלא לנהוג בהם בקדושתם ובפרט אם הדפיסו מכתב עמל שלו כבר לאחר השתמדותו, דאם כתבו קודם לכן, פקפק בנוב"י הוב"ד בשר"ת תשובה מאהבה ח"א סי' קי"ב אות ג', דאם הי' רק נחשד אין לשרפו כ"א לגונזו.

ואסיים וכר

[(5)633, To Rabbi Y.A. Cohn in the community of Aurich]¹⁷

I'll answer each question in sequence.

A. Regarding the last will and testament written in Hebrew, which had the Tetragrammaton written in it, I know of no solution [that will render it non-sacred]. R. Moses Isserles rules at *Yoreh De'ah* 276, end,¹⁸ that *ab initio* it is forbidden to write a divine Name¹⁹ except in a Biblical book, lest it lead to desecration [of the Name]. We derive from this, that after the fact [of a divine Name being written outside a Biblical book], it is forbidden to allow it to become desecrated.

B. Regarding the *Buch* of the apostate Fraenkel, in which were discovered holy Names written in German, one can be lenient at least with regard to not treating it as holy. It may even be considered obligatory

to burn it. The fact that the Names are written in German has no bearing on the case. Although R. Shabbetai ha-Kohen ruled at [*Yoreh De'ah*] 179, note 11²⁰ that no holiness attaches to Names written in foreign languages, he was referring to divine Names that were actually translated into a foreign language, such as *G[ot]/t*, but he did not mean [Hebrew] divine Names that are transliterated in foreign characters. Rather, the reason [for leniency] is because it comes under the category of a divine Name written by a heretic. Indeed, an apostate is worse than a heretic, the rule being that they [i.e., the divine Names] should be destroyed by fire, as recorded in *Yoreh De'ah* 281.²¹ Even though regarding phylacteries, the author [of the *Shulhan Arukh*] ruled that they are merely to be stored away, the later authorities disagreed with his ruling. See *Orah Hayyim* 39:4 and the comments of *Bayit Hadash*,²² *Magen Avraham*,²³ *Levushei Serad*,²⁴ and other later authorities. In any event, there are no qualms whatsoever with the ruling that they [i.e., the divine Names in Fraenkel's *Buch*] need not be treated as sacred. This is especially the case if his insidious treatise was published after his apostasy. For if he authored it prior to his apostasy, then *Noda bi-Yehuda*,²⁵ cited in *She'elot u-Teshuvot Teshuva me-Ahava* 1:112, section 3,²⁶ raised doubts about the status of one [merely] under suspicion [of heresy], suggesting the likelihood that they [i.e., the divine Names written by such a person] be stored away rather than be destroyed by fire.

I will close with

III. ANALYSIS OF THE RESPONSUM

Alas, the responsum leaves much unsaid. It does not clearly identify either the apostate or the title of his book. That is precisely why Ellenson was able to read the responsum as referring to Zechariah Frankel's *Darkei ha-Mishna*. Nonetheless, there are sufficient hints strewn throughout the responsum that will enable us to reconstruct a profile of the apostate and his book. A careful reading of the responsum yields the following information.

1. Despite Ellenson's claims, nowhere in the responsum is there any mention of Frankel's *Darkei ha-Mishna*.

2. The apostate is identified as פּרענקעל, the Hebrew surname equivalent to German Fraenkel or Frenkel. But Zechariah Frankel always spelled his surname פּראַנקעל, i.e., the Hebrew equivalent of German Frankel.²⁷ (In German, he always spelled his surname Frankel, not Fraenkel or Frenkel.) It is highly unlikely that a knowledgeable native-

TRADITION

born German rabbi, such as Hildesheimer, would have confused Frankel with Fraenkel or Frenkel.

3. The apostate Fraenkel's book is called "*Buch*," and not by the expected Hebrew term, *sefer*. This can only mean that the apostate's book in question was written in German. Indeed, Hildesheimer specifically notes that the book contained divine Names written in German. But Frankel's *Darkei ha-Mishna* was written entirely in Hebrew! Moreover, it contains no divine Names!

4. Toward the end of the responsum, Hildesheimer raises the issue of whether the apostate authored his book before or after his apostasy. Hildesheimer surely knew that Zechariah Frankel never engaged in an act of apostasy whose date could be fixed with precision. Why would Hildesheimer raise a non-issue in a halakhic responsum?

5. It seems likely that the two separate issues raised in the responsum are related to each other. One suspects that the questioner was clearing years of accumulated clutter from an attic or basement. He found a last will and testament in Hebrew that he would have readily discarded. Unfortunately, it contained the Tetragrammaton in Hebrew letters; hence the question to Hildesheimer. Similarly, he found a book in German authored by the apostate Fraenkel, which he would have discarded with great relish, but unfortunately it contained divine Names transliterated from Hebrew into German. Almost certainly, the reference is to the Tetragrammaton, now written in German (i.e., Latin) letters and spelled much like the first word of the name of the Christian sect familiar to all of us as J——'s Witnesses. Once again, only a halakhist of Hildesheimer's stature could rule whether or not such a book could be discarded.

In the light of the above, it seems highly unlikely that Hildesheimer's responsum refers to Zechariah Frankel. We would argue, in fact, that Hildesheimer's responsum cannot be referring to Zechariah Frankel. For Zechariah Frankel never treated the divine Names lightly in any of his writings. In his Hebrew books, of course, he never printed the Tetragrammaton or any of the other divine Names. He used the standard circumlocutions used by all Jewish writers. In his German books, he never printed the Tetragrammaton either in Hebrew or in German transliteration. He ordinarily refers to God as "*Gott*." When, in a scholarly discussion, it was necessary to refer to the Tetragrammaton, he used circumlocutions such as *ado-nai*.²⁸

It follows, then, that the Hildesheimer responsum can only be referring to a genuine apostate from Judaism to Christianity, who wrote

a book in German and insisted on transliterating the Tetragrammaton and perhaps other divine Names into German.

IV. THE SOLUTION

In 1841, Wolfgang Bernhard Fraenkel (1795-1851)²⁹ published an autobiographical missionary tract entitled *Das Bekenntniss des Proselyten* (Confession of a Convert).³⁰ A year later, Fraenkel published a second volume entitled *Die Unmoeglichkeit der Emancipation der Juden in christlichen Staate* (The Impossibility of Jewish Emancipation in Christian Countries).³¹ Briefly, Fraenkel informs his readers that his name used to be Benjamin the son of Yissakhar Ha-Levi. He was a freshly minted convert (the conversion took place in 1840), who wished to persuade all other Jews to convert to Christianity. One need not look far in order to discover how Fraenkel treated the divine Names. On the title page of the first volume, the opening phrase of Exodus 15:11 appears in transliteration. The German text reads: “*Mi Camocha Beelim J—a.*” The last word, the Tetragrammaton, is printed in six German (i.e., Latin) letters that begin with “J” and end in “a”. In both volumes, he refers again and again to the Tetragrammaton, printing it precisely in the same manner. At one point, Fraenkel notes that Rabbi Samson Raphael Hirsch used the circumlocution “*Hashem*” for the Tetragrammaton. Fraenkel then explains in a footnote, that “according to the Talmud, Jews may not write or pronounce the Tetragrammaton.”³² The implication was clear. As a liberated Christian, Fraenkel could do what no Talmudic Jew would.

Almost certainly, the question addressed to Hildesheimer refers to one of the Fraenkel volumes. The questioner needed to know whether or not he could discard the volume. Hildesheimer ruled that he could do so—and more. He suggested that it may even be obligatory to consign it to the flames, especially if it was written after the apostasy. Interestingly, both volumes mentioned above were published by Fraenkel shortly after his apostasy.

In sum, Hildesheimer never labeled Zechariah Frankel “an apostate.” Moreover, having established that the identification of the apostate in Hildesheimer’s responsum as Zechariah Frankel is imaginary, Ellenson’s framing of the Hildesheimer responsum collapses entirely. Ellenson claimed that Hildesheimer’s response to nascent Reform and Conservative Jews was an outgrowth of a medieval rabbinic mentality that did not know how to cope with the changing circumstances of the

TRADITION

nineteenth century. His proof was Hildesheimer's categorization of Zechariah Frankel as an apostate. With the evaporation of the proof, the claim remains unsubstantiated.³³

NOTES

1. See the analysis of R. Azriel Hildesheimer's confrontation with modernity in my *Rabbinic Responses to Modernity* (Kew Gardens Hills, NY: 2007), and the literature cited therein.
2. See M. Eliav and A. Hildesheimer, eds., *Beit ha-Midrash le-Rabbanim be-Berlin 1873-1938* (Jerusalem: 1996).
3. See A. Braemer, *Rabbiner Zacharias Frankel* (Hildesheim: 2000).
4. See *Encyclopaedia Judaica*, Jerusalem, 1971, s. v. "Juedisch-Theologisches Seminar, Breslau" (vol. 10, col. 465-466). It should be noted that during the lifetime of Hildesheimer and Frankel, Abraham Geiger (1810-1874) headed yet another rabbinical seminary in Germany, the Hochschule fuer die Wissenschaft des Judentums in Berlin. While officially a non-aligned academic institution, it in fact served largely as a training school for Reform rabbis. See *Encyclopaedia Judaica*, vol. 8, columns 799-801.
5. See A. Hildesheimer, "*Ha-Rav Azriel Hildesheimer zt"l al Rav Zekharya Frankel z"l u-Beit ha-Midrash le-Rabbanim be-Breslau* [in Hebrew], *Hamaayan* 1 (Tishrei 5713 [1952]), 65-73.
6. Jonathan Alexandersohn (d. 1869) was a controversial rabbi of German origin who assumed a rabbinic post in Hungary. He was fired from his post in Hungary and squandered the rest of his life seeking reinstatement. Frankel was numbered among his supporters; R. Moses Sofer was numbered among his detractors. See J. Katz, "*Parasha Setuma be-Hayyei ha-Hatam Sofer—Parashat Aleksanderzon*" [in Hebrew], *Tsiyon* 55 (1990), 83-126 (reissued in J. Katz, *Ha-Halakha be-Meitsar* (Jerusalem: 1992), 184-227; English version in J. Katz, *Divine Law in Human Hands* (Jerusalem: 1998), 444-503). Katz's account needs to be supplemented and revised in the light of the materials published in *Kerem Shelomo* 17:3 (1994), 50-60.
7. See A. Hildesheimer, "*Ha-Rav Azriel Hildesheimer*," 67.
8. For the *Darkei ha-Mishna* controversy, see A. Braemer, 355-381. For Hildesheimer's stance in the controversy, see his letter to Rabbi Wolf Feilchenfeld in M. Eliav, ed., *Rabbiner Esriel Hildesheimer Briefe* (Jerusalem: 1965), German section, pp. 25-27 and notes.
9. See A. Hildesheimer, "*Ha-Rav Azriel Hildesheimer*," 73.
10. D. Ellenson, "The Orthodox Rabbinate and Apostasy in Nineteenth-Century Germany and Hungary," in *Jewish Apostasy in the Modern World*, ed. T.M. Endelman (New York: 1987), 165-88. The essay was reissued in D. Ellenson, *Tradition in Transition: Orthodoxy, Halakha, and the Boundaries of Modern Jewish Identity* (Lanham, Md: 1989), 161-84.
11. Endelman, 172-73; Ellenson, "The Orthodox Rabbinate," 170-71.
12. Tuscaloosa, 1990.

13. Ellenson, *Rabbi Esriel Hildesheimer*, 80.
14. M.B. Shapiro, "Sociology and Halakhah," *Tradition* 27:1 (1992), 80. When apprised that Ellenson's claim was erroneous (see below), Shapiro wisely retracted his earlier view but added that he was unable to identify the apostate in Hildesheimer's responsum. This study is an attempt to identify the apostate Shapiro sought in vain. See M.B. Shapiro, *Saul Lieberman and the Orthodox* (Scranton: 2006), 4 n. 8.
15. *Shu"t Rabbi Azriel, Yoreh De'ah*, 238.
16. The editors of the volume indicate that Hildesheimer's published responsa were, for the most part, drawn from hand copies of the original responsa, made by Hildesheimer for his own records. They do not necessarily preserve the complete texts of the original responsa. Often, they preserve only the legal portions, omitting the opening and closing paragraphs. Hildesheimer noted the names of the recipients and the dates when the responsa were written. This information is bracketed at the start of each responsum.
17. Aurich, 167 kilometers west of Hamburg in the northwestern corner of Germany, was a town with a population of 300 Jews (perhaps 7% of the total population) at the time Hildesheimer's responsum was written. Nothing of significance seems to be known about Rabbi Y.A. Cohn. See K. Anklam, "Die Judengemeinde in Aurich," *Monatsschrift fuer Geschichte und Wissenschaft des Judentums* 71 (1927), 194-206.
18. *Shulhan Arukh, Yoreh De'ah*, 276:13.
19. For the list of divine Names that may not be obliterated or treated with disrespect, see *Shulhan Arukh, Yoreh De'ah*, 276:9.
20. *Shulhan Arukh, Yoreh De'ah*, 179:8. The comment appears in note 11 of R. Shabbetai ha-Kohen's commentary to this passage.
21. *Shulhan Arukh, Yoreh De'ah*, 281:1.
22. Comment to *Tur, Orah Hayyim*, 39.
23. Comment to *Shulhan Arukh, Orah Hayyim*, 39:4.
24. Comment to *Shulhan Arukh, Orah Hayyim*, 39:4.
25. R. Ezekiel Landau, referred to here by the title of his *magnum opus*.
26. The author of *She'elot u-Teshuvot Teshuva me-Ahava*, R. Eleazar Fleckeles (d. 1826), was asked regarding the status of a Torah scroll written by a scribe who was suspected of being a secret believer in Shabbetai Zevi. Ultimately, the scribe's Sabbatian affiliation was established as fact. What remained unclear was his affiliation at the time he wrote the Torah scroll. Fleckeles was inclined to rule that the Torah scroll should be consigned to the flames (see Responsum 110). But he decided to consult his teacher, R. Ezekiel Landau, who ruled otherwise. Landau's responsum is not included in the standard editions of *She'elot u-Teshuvot Noda bi-Yehuda*; it appears only in Fleckeles' *She'elot u-Teshuvot Teshuva me-Ahava*, 1:112, section 3.
27. Frankel's grandfather, Yissakhar Baer Frankel, deliberately selected the spelling "Frankel" for his surname. See Braemer, 35-36.
28. See, e.g., Z. Frankel, *Ueber den Einfluss der palaestinishen Exegese auf die alexandrinische Hermeneutik* (Leipzig: 1851), 26-30.
29. On Fraenkel, see J.F.A. de le Roi, *Die evangelische Christenheit und die Juden*, vol. 2 (Berlin: 1891), 240-41; A. Bernstein, *Some Jewish Witnesses for Christ* (London: 1909), 219; and the entry in *Jewish Encyclopaedia*, vol.

TRADITION

- 5 (New York: 1912), 482.
30. Elberfeld, 1841.
31. Elberfeld, 1842.
32. *Die Unmoeglichkeit der Emancipation der Juden in christlichen Staate*, 72, note. This appears at the start of a long critique (71-91) of the early writings of R. Samson Raphael Hirsch that has largely gone unnoticed.
33. I am deeply grateful to Professor Richard C. Steiner for his careful reading of an earlier draft of this essay. The errors that remain are my own.