

Caught in the Act: An Unknown Admission of Plagiarism

by: Dan Rabinowitz

While we have had the opportunity to discuss plagiarism on multiple occasions, it is rare in the Jewish world that a plagiarizer is caught and admits their mistake. As such I wanted to discuss such an example.

R. Yosef HaKohen Schwartz (1875-1944) was a veracious reader. Many of his responsa are devoted to notes on newly printed seforim. Indeed, the equally well-read bibliophile, R. Reuven Margoliyot, was in the habit of sending his new books for R. Schwartz's comment. Needless to say, if one wished to pick a person's books to appropriate and remain undetected, it is probably not the best strategy to pick someone who reads much of what is published. In this instance, however, that appears to be exactly what happened.

One of R. Schwartz's books is devoted to *yahrzeit* customs, *Moad Kol Hayi* (Kisvarda, 1925). It is a short book, which is made even shorter by the inclusion of a bunch of approbations, a eulogy, and a responsum. While the book in and of itself is fairly unremarkable, what happened next is. R. Tzvi Hirsch Friedling, who edited a Polish Torah Journal, *Ha-Be'ar*, published a work that was broader in scope than Schwartz's but also encompassed the same topic as Schwartz covered - *yahrzeit* customs. Specifically, Friedling, some time after 1928 published *Hayyim ha-Nitzchim* a collection of sources related to funerary customs as well as *yahrzeit*. Friedling had published similar *likut* seforim and, in part recycled some of the approbations he received on a different work, *Kiyum ha-Olam*, for *Hayyim ha-Nitzchim*, including an approbation from R. Abraham Isaac Kook. Indeed, we know that *Hayyim ha-Nitzchim* must have been published after 1928 as the approbations contain dates from 1928. It is true that there is no date given on the title page, however, as should become apparent, the first edition of Friedling's book must have been published after 1928 and before 1936.

While Friedling readily admits that *Hayyim ha-Nitzchim* is not an original work, no where does he mention R. Schwartz or Schwartz's work on *yahrzeit*. Although Schwartz is not mentioned, there is no doubt that the section of Friedling's book dealing with *yahrzeit* used Schwartz. Indeed, as one would expect, Schwartz read Friedling's book and realized that Friedling had "borrowed" material from Schwartz. In Schwartz's responsa, *Va-Yitzbor Yosef*, no. 50, Schwartz has a letter to R. Moshe Tzvi Landau discussing Landau's book *Shulhan Melachim* (Beregovo, 1931). In his comments on Landau's book, Schwartz discusses plagiarism in general and notes that he is a victim of plagiarism and specifically that Friedling had used his materials without attribution. Schwartz writes:

You should be aware that there are entire published books that were never written [by the alleged authors], that is, without changing anything except the title [people have plagiarized books] indeed I am not immune to this behavior as one Polish rabbi (and in the approbations he is referred to as a Goan and a tzaddik! what a joke) who printed a book under the title "*Hayyim ha-Nitzchim*", however, it is all mine which he stole from my small, in size, but great in content book "*Mo'ad Kol Hayi*" which I spent many years gathering and collecting all the

laws [that appear in the book], and now from the "well" [this is a play on the word *be'er* that subtly references Friedling's journal *Ha-Be'er*] the deer [a play on Friedling's name Tzvi] has drunk without my knowledge, and in doing so has destroyed a world, he [Friedling] failed to give me proper recognition, how terrible it is for a generation to have this happen in their time.

יען כי גם ספרים שלמים קובעים בדפוס אשר לא דרו ולא ילו', ובלי שינוי מעשה אף בשינוי שם בלבד, כאשר עשה אני עמי רב א' מפולין (ומתארין אותו עוד בההסכמות לגאון וצדיק! אשר הוא לשחוק) כי הדפים ס' בשם "ח'ים הנצחים", וככלו שלו הוא גנוב אותו מספרי קטן המכמות ורב האיכות "מועד כל ח'" אשר יגעתי בו הרבה שנים ללקט ולקבץ כל הדינים בזיה, ועתה מבא"ר ההוא משקה הצבי שבור העדרים בבלדי דעת, ומהריב העולם, ואת מקומי לא הערה, ואוי לדור שכך עלתה בימיו.

It seems that Friedling found out that R. Schwartz caught Friedling with his hand in the proverbial cookie jar and actually attempted to make amends. In particular, I am aware of one copy of one edition of what one assumes is a reprint of *Hayyim ha-Nitzchim* that is at the Widener Memorial Library at Harvard University. In that copy, before the section discussing *yahrzeit* customs the following admission appears:

To Admit and Reveal!

Because most of the statements that appear in this work were gathered and collected from the work *Mo'ad Kol Hayi* which was written and published by the esteemed, erudite, and well-known Rabbi **Yosef ha-Kohen Schwartz** who lives in Grosswarden (and is the author of *Tzafnat Panaech*, *Shu"t Genzei Yosef*, and *Hadrat Kodesh* and previously edited the journal *Va-Yelaket Yosef* for twenty years). And because of circumstances [beyond my control??] I forgot to mention this in the introduction of this work as I should have done, and when I publish this work a second time I will/have do so. **The Author**

בָּה

להתודע ולהגלוות!

כ' רוכ' דברים מס' הזה נלקחים ונלקטים מס' מועד כל דיו
אשר חיבר וஹיל כבוד הרוב הaging הבקי המפורסם וכו'
מייח' יוסף הכהן שווארטץ ני' רויט בקיק נראסוארדין
יצץ (בעהמאות צפנת פענה, שורת גני יוסף, והדרת קדש),
ומלפנים עורך היולקט יוסף עשרים שנה), וממחמת סיבה
נשכח להזכיר זאת בהקדמת הס' כראוי וככונן, והי' איה
בhz'זאה השנ' אוכירו לטובה ולברכה, עם הוסיף נחלות
רבות ונחותות.—

המחבר

וזיהפין לקבל הס' יובל לנטות נס אלוי. תחת האדריכל:

RABBINER JOSEF SCHWARTZ
ROMANIA ORADEA

Now, although we don't know the exact date this edition with the admission was published, we do know that it, at the very least, must have been published after 1931 and probably after 1936. This is so, as Friedling mentions three of Schwartz's other works, the last one, *Hadrat Kodesh*, was published in 1931 so this admission which makes mention of *Hadrat Kodesh*

was written after that. It is also likely that this admission was published after the appearance of R. Schwartz's *Va-Yitzbor Yosef* where Friedling is exposed. *Va-Yitzbor Yosef* was published in 1936 and therefore it is possible that this version of *Hayyim ha-Nitzchim* was published some time after that. But, as with all the editions of *Hayyim ha-Nitzchim* we don't know for certain exactly when they were published.

Be that as it may, we do have an example of a full admission of plagiarism, whether intentional or inadvertent based on this little known edition of *Hayyim ha-Nitzchim*. In fact, as I mentioned I know of only one copy of this version of *Hayyim ha-Nitzchim* housed at the Widener Memorial Library at Harvard University and have never seen it in any other copies of the book.

For more on Schwartz's biography, see Naftali ben-Menachem's article on Schwartz in *Mi-Safrut Yisrael be-Ungariah* pp. 330-70; Y. Y. Cohen, *Hakmei Translivania*, 237-40. Both Friedling and Schwartz shared a few common facts. They both edited journals and it appears that both were killed in the Holocaust.