

Alexander Fidora

ICREA-Universitat Autònoma de Barcelona

**Textual Rearrangement and Thwarted Intentions:
The Two Versions of the Latin Talmud¹**

In October 2014 the ERC Research Project “The Latin Talmud and Its Influence on Christian-Jewish Polemic” (CoG 613694, FP7/2007-2013) started working at the Universitat Autònoma de Barcelona under the direction of Alexander Fidora. Over the next four years, we will study the reception of the Talmud in the Latin Middle Ages and its place in Christian-Jewish polemic. The members of the team are Dr. Ulisse Cecini (Medieval Latin), Dr. Óscar de la Cruz Palma (Classical Philology) and Dr. Eulàlia Vernet i Pons (Jewish Studies) as well as two doctoral students who shall join the project in October 2015. In addition, Prof. Harvey J. Hames (Beersheba) and Dr. Gorge K. Hasselhoff (Dortmund) will spend one year each at the project in Barcelona as visiting fellows.

As is well known, one of the most significant moments for the more intensive engagement by the Christian world with the Talmud is the approach made by a Jewish convert, Nicholas Donin, to pope Gregory IX in 1239 with a list of 35 articles against the Talmud. The immediate result of this was the inquisitorial process against the Talmud which took place in 1240 in Paris under king Louis IX and which led to the burning of the Talmud in 1241/42. These events constitute the context of the very first translation into Latin of hundreds of citations from the Talmud aptly entitled *Extractiones de Talmud*. This extraordinary collection, extant in at least eight manuscripts, was fundamental for future Christian usage of the Talmudic literature; it is not only the first but also the largest corpus of Latin Talmud translations; hence its edition and study are at the core of our research project.

¹ The research leading to these results has received funding from the European Research Council under the European Union’s Seventh Framework Programme (FP7/2007-2013) / ERC Grant agreement n° 613694 (CoG: “The Latin Talmud”).

The first to draw attention to the *Extractiones de Talmud* and the materials that accompany it was Isidore Loeb.² In a series of articles entitled “La controverse de 1240 sur le Talmud”, he analysed the different components of one of the most important of the manuscripts that preserve the text, namely ms. lat. 16558 of the Bibliothèque nationale de France. To this, Chen Merchavia added a detailed examination of the Latin Talmud, identifying all its Talmudic passages, which are drawn, for the most part, from the Bavli.³ More recently, Gilbert Dahan has also paid attention to the Latin Talmud.⁴ However, many questions remain regarding this ground-breaking document and its history, such as its authorship, the relation among the two different versions in which the text has come down to us, and, of course, its exact place in the series of events I have just sketched.

Having addressed the question of authorship elsewhere,⁵ today I would like to present some thoughts on the specific role, or rather I should say roles in plural, which the two versions of the Latin Talmud have played in the of events of the 1240s. The first of these two versions offers the Latin passages from the Talmud according to the order of the Talmudic tractates themselves; the second one arranges this material according to the purportedly blasphemous doctrines found in the Talmud. For the sake of brevity I shall call the first of one the sequential and the second the thematic translation.

Internal evidence from the manuscript, which has gone unnoticed so far, tells us that the first of these translations was prepared 5 or 6 years after Nicholas Donin’s approach to the Pope in 1239.⁶ This information is remarkable, since it takes us to the years 1244 or

² I. Loeb, “La controverse de 1240 sur le Talmud”, *Revue des études juives* 1 (1880), pp. 247-261; 2 (1881), pp. 248-270; 3 (1881), pp. 39-57.

³ C. Merchavia, *The Church Versus Talmudic and Midrashic Literature (500-1248)* (Hebrew; Jerusalem: Bialik, 1970), in particular pp. 364-418.

⁴ G. Dahan, “Les traductions latines de Thibaud de Sézanne”, in Id./É. Nicolas (eds.), *Le brûlement du Talmud à Paris 1242-1244* (Paris: Cerf, 1999), pp. 95-120, see also Id., “Un dossier latin de textes de Rashi autour de la controverse de 1240”, *Revue des études juives* 151 (1992), pp. 321-336.

⁵ Cf. A. Fidora, “The Latin Talmud and its Translators: Thibaud de Sézanne vs. Nicholas Donin?”, *Henoch. Historical and Textual Studies in Ancient and Medieval Judaism and Christianity* (in press)

⁶ Cf. MS Paris, BnF, lat. 16558, f. 211rb: “Quoniam in ore duorum vel trium testium stat omne verbum [Mt 18,16, Dt 19,15] ad maiorem praecedentium firmitatem et certitudinem, quaedam repetere, quaedam superaddere utile iudicavi quae ex ore alterius interpretis sunt translata quinque vel sex annis prius, licet hic ponantur posterius. [...] Anno enim ab incarnatione Domini .mccxxxvi. circiter, Pater misericordiarum iudaicum quemdam nomine Nicolaum dictum de Rupella vocavit ad fidem, in hebraeo plurimum eruditum etiam secundum testimonium iudaeorum, ita ut in natura et grammatica sermonis hebraici vix sibi similem inveniret. Hic accessit ad sedem apostolicam et bonae memoriae Gregorio Papae [sc. Gregorius IX, 1227-1241], pontificatus eius anno xii° [sc. 1239], praedictorum librorum nefandam detexit malitiam et quosdam specialiter expressit articulos [...]”

1245, which means that the Talmud translation was not part and parcel of the Talmud trial in 1240; it post-dates even the burning of the Talmudim in 1241/42. In fact, the Talmud translation was carried out after the death of pope Gregory IX (d. August 22, 1241) and belongs to the pontificate of Innocent IV (starting June 25, 1243).

As one can learn from the papal correspondence, Innocent's attitude towards the Talmud was much more tolerant – in the medieval sense of the word – than Gregory's.⁷ While it is true that he reissued the condemnation of the Talmud in a letter from May 9, 1244,⁸ the pope's correspondence during the following years betrays more and more understanding for the Jews and their deeply compromised situation, to the point that he writes to both the king of France and the bishop of Tusculum and Legate of the Apostolic See, Odo of Châteauroux, asking them to have the condemnation of the Talmud revised. As the pope explains, some Jews had approached him – maybe after his arrival in Lyon at the end of the year 1244 –⁹ claiming that they were unable to practice their religion without the Talmud.¹⁰

During the mid 1240s the French Jews were thus making important efforts before the pope and certainly also before the Parisian authorities to obtain a conditional reapproval of the Talmud or substantial parts thereof. And at least with regard to the pope they were successful, as his following directive shows: “We directed our letters to our venerable brother, the bishop of Tusculum, Legate of the Apostolic Throne, ordering him to cause the Talmud as well as other books to be shown to him, and to have them carefully inspected; of these he should tolerate such as he will find may be tolerated [...] and he shall restore them to the Jewish masters.”¹¹

⁷ See J. E. Rembaum's fundamental article on this topic: “The Talmud and the Popes: Reflections on the Talmud Trials of the 1240s”, *Viator* 13 (1982), pp. 203-223.

⁸ Edited in S. Grayzel, *The Church and the Jews in the XIIIth Century*, vol. I (New York: Jewish Theological Seminary, 1966), pp. 250-253 (with English translation).

⁹ As already suggested by I. Loeb, “Bulles inédites des papes”, *Revue des études juives* 1 (1880), pp. 293-298, here p. 294.

¹⁰ Letter from Innocent IV to Louis IX from August 12, 1247, ed. S. Grayzel, *The Church and the Jews in the XIIIth Century*, vol. I., pp. 274-281, here pp. 276, 278 (with English translation): “Sane magistris Judeorum regni tui nuper proponentibus coram nobis et fratribus nostris quod sine illo libro qui hebraice Talmut dicitur, bibliam et alia statuta sue legis secundum fidem ipsorum intelligere nequeunt.” (English translation, p. 275).

¹¹ Letter from Innocent IV to Louis IX from August 12, 1247, *ibid.*, p. 280: “Venerabili fratri nostro episcopo Tusculano, Apostolice Sedis legato, direximus scripta nostra ut tam ipsum Talmut quam alios sibi faciens exhiberi libros, ac eos inspici et inspiciens diligenter eosdem toleret in his in quibus secundum Deum sine fidei Christiane injuria viderit tolerandos [...] et magistris restituat supradictis.” (English translation, pp. 275, 277, 279).

It is very likely that it was the Jew's pressure, along with Innocent's very receptive response, that forced Odo of Châteauroux to re-open the case against the Talmud by commissioning the Latin translation of large portions of the text, i.e. the *Extractiones de Talmud*. Yet, as I would like to show in what follows by means of a comparison of the two versions of this Talmud translation, he did so more *nolens* than *volens*, and with little or no intention to obey the pope.

My hypothesis is that the sequential Talmud translation was indeed a direct result of the climate in the mid of the 1240s; but this apparently revisionist move was immediately thwarted by the thematic rearrangement of the text. In fact, the thematic rearrangement of the sequential Talmud translation must be considered both in form and in content a clear re-enactment of the Talmud trial and the condemnation of the text under Gregory.

Before going into more detail, let me briefly present the eight manuscripts containing one or another version of the Latin Talmud translation.

Two offer both translations, that is the sequential and the thematic one, namely:

P: Paris, Bibliothèque nationale de France, lat. 16558 (13th c.)

Z: Paris, Bibliothèque Mazarine, lat. 1115 (end of the 17th c., a direct copy of *P*)

Four contain only the sequential translation:

W: Wrocław, Biblioteka Uniwersytecka, ms. I Q 134 a (13th c., fragment)¹²

G: Girona, Arxiu Capitular, ms. 19b (13th/14th c., incomplete)

C: Carpentras, Bibliothèque Inguimbertine, lat. 153 (14th c.)

B: Berlin, Staatsbibliothek, Ms. theol. lat. fol. 306 (15th c., incomplete)

The remaining two offer the thematic translation:

S: Schaffhausen, Ministerialbibliothek, Min. 71 (13th/14th c.)

M: Stuttgart, Hauptstaatsarchiv, SSG Maulbronner Fragment (13th/14th c., fragment)¹³

¹² Edited in Joseph Klapper, "Ein Florilegium Talmudicum des 13. Jahrhunderts", *Literaturwissenschaftliches Jahrbuch der Görres-Gesellschaft* 1 (1926), pp. 3-23.

Now, what takes to me to consider the thematic version contained in *P*, *Z*, *S* and *M* as a clear re-enactment, in form and content, of the Talmud trial? As to the form, the answer is obvious: the *Extractiones de Talmud* emulate the list of errors that Nicholas Donin sent to pope Gregory in 1239, that is, the list which had prompted the entire procedure against the Talmud.

Nicholas's list consists of 35 purported errors of the Talmud, each of which is introduced by the general formulation of the error in question, as a kind of heading, under which Talmudic proof texts are included which are meant to substantiate the error.

As to their content, Nicholas's 35 errors can be classified as follows:¹⁴

- 1-9 Jewish claims about the authority of the Talmud
- 10-14 Teachings condoning or even requiring anti-Christian behaviours
- 15-25 Blasphemous teachings about God
- 26-27 Blasphemous teachings about Jesus and Mary
- 28-30 Blasphemous teachings about the Church
- 31-33 Teachings that promise blessings to Jews and the opposite to Christians in the world to come
- 34-35 Foolish things about biblical figures

As compared to the 13 headings of the thematic Talmud translation:

- De auctoritate Talmud
- De sapientibus et magistris
- De blasphemiiis contra Christum et beatam virginem
- De blasphemiiis contra Deum
- De malis quae dicunt de goym, id est christianis
- De erroribus
- De sortilegiis
- De somniis
- De futuro saeculo

¹³ An edition will appear soon: Görge K. Hasselhoff/Óscar de la Cruz, "Ein Maulbronner Fragment der lateinischen Talmudübertragung des 13. Jahrhunderts", *Zeitschrift für Württembergische Landesgeschichte*.

¹⁴ I follow the classification proposed by R. Chazan in J. Friedman/J. Connell Hoff/Id., *The Trial of the Talmud: Paris, 1240* (Toronto: PIMS, 2012), p. 46. At pp. 102-125 the reader will find an English translation of the 35 articles. An edition of the list, from ff. 211va-217vb of MS Paris, BnF, lat. 16558, was published by I. Loeb, "La controverse de 1240 sur le Talmud", 2 (1881), pp. 253-270, and 3 (1881), pp. 49-57.

De Messia
 De stultitiis
 De turpitudinibus et immunditiis
 De fabulis

There can be little doubt that the formal structure of the thematic version is modelled on Nicholas's 35 errors, while it also takes into account, as Isidore Loeb has pointed out,¹⁵ the charges of the Parisian Talmud trial, which elaborated on Nicholas's material.

Yet, the influence of Nicholas's list on the thematic version of the *Extractiones de Talmud* goes further than this, since it concerns and conditions the text in itself. To make this point, I suggest comparing a passage in both versions. The passage in question, Avoda Zara 3b, deals with God's occupation during the twelve hours of the day; it reads as follows in these two texts:

Sequential version	Thematic version (De blasphemiiis contra Deum)
Dicit rby Iuda: .xii. horae sunt diei.	Dicit rbi Iuda: .xii. horae sunt diei.
In tribus primis sedet sanctus – benedictus sit ipse – et studet in lege.	In tribus primis sedet Deus et studet in lege.
In secundis tribus sedet et iudicat totum mundum. Quando videt quod totus mundus reus est, surgit a sede iudicii et sedet super sedem misericordiae.	In tribus secundis sedet et iudicat totum mundum. Et quando videt quod totus mundus reus est, <u>gallice audecot</u> , surgit a sede iudicii et residet super sedem misericordiae.
In tribus aliis sedet et pascit totum mundum, <i>a cornibus bubalorum usque ad ova pediculorum.</i>	In tribus aliis sedet et pascit <u>vel regit</u> totum mundum, <i>a cornibus bubalorum usque ad ova pediculorum vel a rinocerote usque ad pulices.</i>
In tribus ultimis sedet et ludit cum leviathan, sicut scriptum est: "Draco iste quem formasti ad ludendum in eo" [Ps 103,26].	In tribus ultimis sedet et ludit cum leviathan, sicut scriptum est: "Draco iste quem creasti ad ludendum in eo" [Ps 103,26].
Dicit rab Naaman: A die qua templum destructum fuit, non fuit risus coram Deo. Vnde habetur hoc, quia scriptum est: "Et vocavit Dominus, Deus exercituum, in die illa ad fletum" etc. [Is 22,12]. In tribus ergo ultimis, quid facit?	Quaerit rbi Aha a rab Naaman: A tempore destructionis domus sanctuarii, a quo non fuit risus coram Deo – unde habetur hoc, sicut scriptum est: "Et vocavit Dominus, Deus exercituum, in die illa ad fletum et ad planctum" [Is 22,12] –, quid facit in tribus quartis ultimis horis?

¹⁵ I. Loeb, "La controverse de 1240 sur le Talmud", 1 (1880), p. 252.

¹⁶ MS Paris, BnF, lat. 16558, f. 186ra. Italics are mine.

Sedet et docet pueros, sicut scriptum est: “Quem docebit scientiam? Quem intelligere faciet auditum? Ablactatos a lacte, avulsos ab uberibus?” [Is 28,9]. ¹⁶	Sedet et docet pueros de domo magistri, <u>id est qui decesserunt dum adhuc docerentur parvuli</u> , sicut scriptum est: “Quem docebit scientiam et quem intelligere faciet auditum? Ablactatos a lacte, avulsos ab uberibus?” [Is 28,9]. ¹⁷
---	---

The most striking difference between the two versions is probably the doublet introduced in the thematic translation “a cornibus bubalorum ... vel a rinocerote” (in italics) to render or explain the Hebrew *re'em*, which is usually translated as “horned buffalo”, as the sequential translation and also Ramon Martí have it.

This raises the question as to the origin of this peculiar translation. In order to give an answer to this question, a second observation is pertinent: for not only is “a rinocerote usque ad pulices” (in italics) absent from the sequential Latin Talmud, but also other expressions are missing or differ in this translation, in particular all those which appear as underlined in the text of the thematic translation, i.e. the vernacular gloss “gallice audecot” explaining the Latin “reus est”, and the additions “vel regit” and “id est qui decesserunt dum adhuc docerentur parvuli”. It seems plausible to maintain that the differences between the two Talmud translations go back to a common source; and as a matter of fact this common source is not difficult to identify, it is the 35 articles against the Talmud that Nicholas Donin had sent to pope Gregory.

The passage from Avoda Zara 3b is neatly translated in Article 22 of Nicholas’s list, which addresses the alleged error that according to the Jews “God engages every day in study, teaching children who die without being instructed in such knowledge”. Here we read:

Hoc legitur in Iessuhot, in macecta de Avoza zara quod interpretatur servitium peregrinum, in primo pereg, ubi dicitur: .xii. horae sunt diei. In tribus primis sedet Deus et myaude, id est studet, in lege; in tribus secundis sedet et iudicat totum mundum; quando videt quod totum saeculum reum est, gallice audecoz, surgit a sede iustitiae et sedet in sede misericordiae; in tertiis sedet et regit, id est pascit, totum saeculum *a rinoceronte usque ad pulices*; in quartis sedet et ludit cum leviathan, sicut dicitur in psalmo: “Leviathan istum creasti ad ludendum in eo” [Ps 103,26]. Quaerit Aha a rab Nahaman: A

¹⁷ MS Paris, BnF, lat. 16558, f. 16va-b. The underscoring in this and the following quotations is from the manuscript.

tempore desertionis templi, a quo non fuit risus coram Domino? Sicut dicit rby Isaac: Sicut scriptum est: “Et vocavit Dominus, Deus exercituum, in die illa ad fletum et ad planctum” etc. [Is 22,12]. In tribus quartis horis quid facit? Sedet et docet pueros de domo magistri, id est qui decedunt dum docerentur adhuc parvuli, sicut scriptum est: “Quem docebit scientiam et quem intelligere faciet auditum? Ablactatos a lacte et fortes ab uberibus?” [Is 28,9].¹⁸

Nicholas Donin’s rendering seems indeed to be at the origin of the translation “a rinoceronte usque ad pulices”,¹⁹ which, absent from the sequential translation, is introduced in the thematic translation. Also many of the remaining differences between the thematic and the sequential translation of this passage can be accounted for on the grounds of Nicholas’s rendering, among them the vernacular paraphrase “gallice audecoz” or “audecot”, the addition “vel regit” and the explanation concerning infant death. There are even parallels in the underlining of some of these terms.

This is by no means an isolated case: many passages which feature in both Talmud translations as well as in Nicholas’s list of errors occur in the very same way, that is, the thematic translation tends to add material to the sequential translation which is taken from Nicholas’s list. The following text from Yevamot 63a is but one example among many.

The sequential translation has:

Dicit rby Eleazar: Quid est hoc quod scriptum est: “Hoc nunc os ex ossibus meis et caro de carne mea”? [Gn 2,23] Per hoc potestis discere quod Adam coit cum omnibus animalibus domesticis et silvestribus et non refriguit animus eius donec Eva fuit ei data.²⁰

For which the thematic translation (“De turpitudinibus et immunditiis”) has:

Dicit rby Eleazar: Quid est: “Hoc nunc os ex ossibus meis et caro de carne mea”? [Gn 2,23] Docet quod venit super omne animal domesticum et feram, id est coit cum illis, nec

¹⁸ MS Paris, BnF, lat. 16558, f. 215va-b. Edited in I. Loeb, “La controverse de 1240 sur le Talmud”, 3 (1881), p. 44. English translation in J. Friedman/J. Connell Hoff/R. Chazan, *The Trial of the Talmud: Paris, 1240*, pp. 114-115.

¹⁹ He may have been inspired by the Vulgate: Job 39,9 translates “re'em” as “rinoceros”. I owe this observation to Ursula Ragacs.

²⁰ MS Paris, BnF, lat. 16558, f. 197ra.

refriguit animus eius donec Eva fuit ei parata. Glossa Salomonis: Hoc nunc, ergo aliis vicibus servivit, id est coiiit, et non ascenderunt in animum eius.²¹

Again, the differences of both versions can be explained very satisfactorily by considering Nicholas's list, Article 34 of which reads as follows:

Dicentes Adam cum omnibus brutis et serpentem cum Eva coisse. De Adam legitur in libro Nassym, in macecta Ievamot, ibi dicit rby Eleazar: Quid est quod scriptum est: "Hoc nunc os ex ossibus meis et caro de carne mea"? [Gn 2,23] Docet quod venit super omne animal et feram, nec fuit reffrigidatus eius animus donec fuit ei parata Eva. Glossa Salomonis: Hoc nunc, ergo aliis vicibus servivit, coiit cum illis, et non ascenderunt in animum eius, id est non placuerunt ei.²²

The vague phrase "Per hoc potestis discere quod Adam coiit..." from the sequential translation is replaced in the thematic translation by the more assertive "Docet quod venit super omne animal domesticum et feram, id est coiit cum illis" from Nicholas, "Eva data" becomes "Eva parata", as in Nicholas, and the gloss by Rashi from Nicholas is incorporated into the thematic Talmud translation as well. Again, there are coincidences in the underlining in Nicholas's list and the thematic translation of the Talmud.

It is obvious, therefore, that the thematic translation of the Talmud was prepared by someone who compared the original sequential version with the 35 articles by Nicholas Donin. Not only did he emulate Donin's model by rearranging the sequential Talmud translation according to subjects of controversy, but at the same time he incorporated textual elements from Donin's list into the thematic translation that he was putting together.

What can be described on the philological level as a classical case of textual contamination, is highly significant in the light of the historical events: the original

²¹ *Ibid.*, f. 70ra.

²² *Ibid.*, f. 217va-b. Also in I. Loeb, "La controverse de 1240 sur le Talmud", 3 (1881), p. 54. English translation in J. Friedman/J. Connell Hoff/R. Chazan, *The Trial of the Talmud: Paris, 1240*, p. 120.

intention of a Christian reassessment of the Talmud was clearly reversed when the newly translated *Extractiones de Talmud* were adapted to the very document that had triggered the whole Talmud trial and its burning: rather than a revision, the *Extractiones de Talmud*, and more precisely the thematic version, are therefore a vigorous re-enactment of the first Talmud trial.

Thus, little or rather no progress was made in the Christian reassessment of the Talmud; instead, the argument against the Talmud becomes circular, as Odo of Châteauroux's uncompromising reply to Innocent's request confirms. In a letter that may date from 1247, he warns the pope that the reapproval of the Talmud would cause great damage to the church, reminding him in a surprisingly harsh tone of Nicholas Donin's accusations and Gregory's mandate.²³ It comes as no surprise that in May 1248 Odo of Châteauroux and a commission of 44 theologians, among which Albert the Great, would issue another condemnation of the Talmud,²⁴ thereby definitely reversing Innocent's conciliatory intentions.

Against this backdrop, the two versions of the *Extractiones de Talmud* can be read as a witness not only to the anti-Jewish polemic of the 13th century, but also to the inner-church conflicts between the papacy and the local authorities which surrounded this polemic.

²³ Undated letter from Odo of Châteauroux to Innocent IV, reprinted in S. Grayzel, *The Church and the Jews in the XIIIth Century*, vol. I, p. 276: "Ut autem sanctitatem vestram non lateat processus quondam habitus circa libros predictos, et ne contingat aliquem circumveniri in isto negotio astutita et mendacii Judeorum, noverit sanctitas vestra quod tempore felicis recordationis D. Gregorii pape quidam conversus, Nicolaus nomine, dicto summo pontifici intimavit quod Judei lege veteri quam Dominus per Moysen in scriptis edidit non contenti, imo prorsus eandem pretermittentes, affirmat legem aliam, que Talmud, id est doctrina, dicitur, Dominum edidisse [...] in qua tot abusiones et tot nefaria continentur, quod pudori referentibus et audientibus sunt horri. [...] Et esset scandalum non minimum, et Sedis Apostolice sempiternum opprobrium si libri [...] solemniter et tam juste concremati, mandato Apostolico tolerarentur, vel etiam magistris Judeorum redderentur." (English translation, pp. 277-278).

²⁴ Document reprinted *ibid.*, pp. 278-279: "Exhibitibus nobis auctoritate apostolica a magistris Judeorum regni Francie quibusdam libris qui Talmud appellantur [...] pronuntiamus predictos libros tolerandos non esse, nec magistris Judeorum restitui debere, et ipsos sententialiter condemnamus." (English translation, p. 279).