

## Papers

Alexander Fidora

# Textual Rearrangement and Thwarted Intentions. The Two Versions of the Latin Talmud

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**Abstract:** The *Extractiones de Talmud*, i.e. the largest corpus of Latin Talmud translations, has come down to us in two versions, which were produced in Paris in the 1240s. While one version arranges the translated texts according to the sequence of the Talmudic tractates, the other organizes them thematically according to subjects of controversy. By means of a philological analysis, this article explores the relationship between the two versions of the *Extractiones de Talmud*, suggesting that the thematic rearrangement of the text was the result of a clash of interests between pope Innocent IV's call for a revision of the decision of the Paris Talmud trial from 1240 and the local ecclesiastical authorities, headed by Odo of Châteauroux, who intended to reinforce this inquisitorial procedure.

**Keywords:** Anti-Jewish polemic, Latin Talmud translation, *Extractiones de Talmud*, Innocent IV, Nicholas Donin

## 1 Introduction

While both Peter Alfonsi and Peter the Venerable had already acknowledged the importance of the Talmud for refuting the Jewish faith, Christian awareness of both its danger and polemical potential would not reach its apex until the thirteenth century. Hence, when the Jewish convert Nicholas Donin approached Gregory IX in 1238/1239 with a list of thirty-five articles against the Talmud, the result was the process against the Talmud which took place in Paris in 1240 with the support of king Louis IX and which eventually led to the burning of the Talmud in 1241.<sup>1</sup>

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<sup>1</sup> For a thorough discussion of the date of the burning of the Talmud in Paris see ROSE 2011.

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**Corresponding author: Alexander Fidora**, ICREA/Universitat Autònoma de Barcelona, Bellaterra, Spain, E-mail: alexander.fidora@icrea.cat

The events in Paris constitute the historical context of the Latin translation of hundreds of texts from the Talmud known as the *Extractiones de Talmud*. Preserved in at least ten Latin manuscripts, this collection, which is not only the first but also the largest corpus of Latin Talmud translations,<sup>2</sup> articulated a rethinking of the place of Jews in Christian society and contributed to redefining Christian-Jewish polemic. The first modern scholar to draw attention to the *Extractiones de Talmud* and the materials that accompany it was Isidore Loeb.<sup>3</sup> In a series of articles entitled “La controverse de 1240 sur le Talmud”, he analyzed 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 passages, which are drawn, for the most part, from the Babylonian Talmud.<sup>4</sup> More recently, Gilbert Dahan has also paid attention to the Parisian manuscript and the texts it contains.<sup>5</sup>

Yet, many questions remain regarding this ground-breaking document and its history, such as its authorship, the relationship between the two different versions in which the text has come down to us, and, of course, its exact place in the series of events referred to above. Having addressed the question of authorship elsewhere,<sup>6</sup> here I will present some thoughts on the specific role, or rather the roles, which the two versions of the Latin Talmud played in the events of the 1240s. The first of these two versions offers the Latin passages from the Talmud according to the sequential 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, we shall refer to the first one as the sequential and to the second as the thematic version.

Internal evidence from the manuscripts shows that the sequential version was prepared five or six years after Nicholas Donin’s approach to pope Gregory IX in 1238/1239.<sup>7</sup> This information is remarkable, since it places the

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<sup>2</sup> The second most important Latin Talmud corpus of the thirteenth century is contained in Ramon Martí’s slightly later *Capistrum Iudaeorum* and his *Pugio fidei*: RAIMUNDUS MARTINI *Capistrum Iudaeorum*; RAIMUNDUS MARTINI *Pugio fidei*.

<sup>3</sup> LOEB 1880–1881.

<sup>4</sup> MERCHAVIA 1970, in particular p. 364–418.

<sup>5</sup> DAHAN 1992; DAHAN 1999.

<sup>6</sup> FIDORA 2015b.

<sup>7</sup> Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 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 Iudaeum quemdam

redaction of the Latin Talmud around the years 1244 or 1245, which means that the Talmud translation was not part and parcel of the process against the Talmud in 1240; it even post-dates the burning of the Talmud in 1241. In fact, the Talmud translation was carried out after the death of Gregory IX (d. August 22, 1241) and belongs to the pontificate of Innocent IV (crowned June 25, 1243).

As the papal correspondence shows, Innocent's attitude towards the Talmud was much more tolerant – in the literal sense of the word – than that of his predecessor.<sup>8</sup> While it is true that he reissued the condemnation of the Talmud in a letter dated May 9, 1244,<sup>9</sup> the pope's correspondence during the following years betrays more and more understanding for the Jews, to the point that he wrote to both the king of France and the bishop of Tusculum and legate of the Apostolic See, Odo of Châteauroux, asking them to revise the condemnation of the Talmud. For, as the pope explains, some Jews had approached him – maybe after his arrival in Lyon at the end of the year 1244 –<sup>10</sup> claiming that they were unable to practice their religion without the Talmud.<sup>11</sup>

It seems that, during the mid-1240s, the Jews of France were making significant representations before the pope and before the Parisian authorities to obtain a reappraisal of the Talmud or substantial parts thereof. At least with

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nomine Nicolaum Donin 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<sup>o</sup> [sc. 1238/1239], praedictorum librorum nefandam detexit malitiam et quosdam specialiter expressit articulos ...”.

**8** See the fundamental article on this question: REMBAUM 1982. Also see MÜLLER 2009, who seems to be unaware of Rembaum's study.

**9** Edited in GRAYZEL 1966, p. 250–253 (with facing English translation).

**10** As already suggested by LOEB 1880, p. 294: “... le 29 novembre 1244, Innocent IV vint demeurer à Lyon, et il est probable que peu de temps après les Juifs de France intercédèrent auprès de lui et essayèrent de faire lever l'interdit qui pesait sur le Talmud, afin de rentrer en possession des exemplaires qui n'avaient pas été détruits ou de pouvoir se servir librement de ceux qu'ils avaient gardés cachés.”

**11** Letter from Innocent IV to Louis IX dated August 12, 1247, ed. GRAYZEL 1966, p. 274–281, here p. 276 and 278: “Sane magistris Iudaeorum regni tui nuper proponentibus coram nobis et fratribus nostris quod sine illo libro, qui hebraice Talmud dicitur, bibliam et alia statuta suae legis secundum fidem ipsorum intelligere nequeunt”. English translation, *ibid.*, p. 275: ‘The Jewish masters of your Kingdom recently asserted before us and our brothers that without that book which in Hebrew is called Talmud, they cannot understand the Bible and their other statutes and laws in accordance with their faith’.

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.’<sup>12</sup>

## 2 The Two Versions of the Latin Talmud

It is very likely that it was the Jewish pressure, along with Innocent’s favourable 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, he did so more nolens than volens, and with little or no intention to obey the pope, as I would like to show by means of a comparison of the two versions of this Talmud translation, extant in at least ten Latin manuscripts.<sup>13</sup>

Two manuscripts offer both versions, i.e. the sequential and the thematic one, namely:

- P Paris, Bibliothèque nationale de France, Ms. lat. 16558 (thirteenth century)
- Z Paris, Bibliothèque Mazarine, Ms. 1115 (end of the seventeenth century, a direct copy of P)

Four contain only the sequential version:

- W Wrocław, Biblioteka Uniwersytecka, Ms. I Q 134 a (thirteenth century, fragment)<sup>14</sup>
- G Girona, Arxiu Capitular, Ms. 19b (thirteenth/fourteenth century, incomplete)
- C Carpentras, Bibliothèque Inguimbertaine, Ms. 153 (fourteenth century)
- B Berlin, Staatsbibliothek Preußischer Kulturbesitz, Ms. Theol. lat. fol. 306 (fifteenth century, incomplete)

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<sup>12</sup> Ibid., p. 280: “Venerabili fratri nostro episcopo Tusculano, Apostolicae 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 Christianae iniuria viderit tolerandos ... et magistris restituat supradictis”. English translation, *ibid.*, p. 275, 277 and 279.

<sup>13</sup> For the manuscript tradition of the *Extractiones de Talmud*, see FIDORA 2015a.

<sup>14</sup> Edited in KLAPPER 1926.

The remaining four offer the thematic version:

- S Schaffhausen, Ministerialbibliothek, Ms. Min. 71 (thirteenth/fourteenth century)
- M Stuttgart, Hauptstaatsarchiv, SSG Maulbronner Fragment (thirteenth/fourteenth century, fragment)<sup>15</sup>
- Y München, Bayerische Staatsbibliothek, clm 21259 (thirteenth/fourteenth century, adapted short version)
- L London, British Library, Add. 19952 (fifteenth century, adapted short version)

To these Latin manuscripts one can add the three-volume Hebrew Talmud from Florence, Biblioteca Nazionale Centrale, Ms. II I, 7–9 with Latin quotations related to the *Extractiones de Talmud* in its margins.<sup>16</sup>

My hypothesis is that the sequential Talmud translation preserved in manuscripts P, Z, W, G, C and B was indeed a direct result of the more lenient climate in the mid-1240s under Innocent IV; 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, contained in manuscripts P, Z, S, M, Y and L, can be considered both in form and in content a clear re-enactment of the Talmud trial and the condemnation of the text under Gregory IX.

As to its form, it is obvious that the thematic version of the *Extractiones de Talmud* emulates the list of errors that Nicholas Donin submitted to pope Gregory IX in 1238/1239, that is, the list which prompted the entire procedure against the Talmud. As it has come down to us, this list consists of thirty-five 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 quoted which are meant to substantiate the error. These thirty-five errors can be classified as follows:<sup>17</sup>

- 1–9 Jewish claims about the authority of the Talmud
- 10–14 Teachings condoning or even requiring anti-Christian behaviour

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<sup>15</sup> Edited in HASSELHOFF/DE LA CRUZ PALMA 2015.

<sup>16</sup> On this manuscript see MERCHAVIA 1965–1966, and the more recent description in BEIT-ARIE e. a. 2006, p. 46–49. The Latin texts appear in volumes 2 and 3, which have been dated to the thirteenth/fourteenth century (ibid. p. 49).

<sup>17</sup> I follow the classification proposed by Robert Chazan in *The Trial of the Talmud*, p. 46. At p. 102–125 the reader will find an English translation of the thirty-five articles. An edition of the list, from Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 211va–217vb, was published by LOEB 1880–1881, p. 253–270 n° 2 and p. 39–57 n° 3.

- 15–25 Blasphemous teachings about God
- 26 sq. 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 sq. Foolish things concerning biblical figures

These items can be compared to the thirteen 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  
 De Messia  
 De stultitiis  
 De turpitudinibus et immunditiis  
 De fabulis

There can be little doubt that the formal structure of the thematic version of the Latin Talmud is modelled on Nicholas' thirty-five errors, while it also takes into account, as Isidore Loeb has pointed out,<sup>18</sup> the articles of the Parisian process against the Talmud, which elaborated on Nicholas' material.

Yet, the influence of Nicholas' list on the thematic version of the *Extractiones de Talmud* goes further than this, since it transforms the text itself, i.e. it influences its content. To make this point, I suggest comparing a passage from Avodah Zarah 3b in both versions. It deals with what occupies God for twelve hours of each day and reads as follows in the two texts:<sup>19</sup>

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**18** LOEB 1880–1881, p. 252 n° 1.

**19** In this and the following quotations, italics are mine, whereas the underscoring is from the manuscript.

Sequential version	Thematic version (De blasphemiiis contra Deum)
“Dicit rby luda: .xii. horae sunt diei.	“Dicit rbi luda: .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, gallice <i>audecot</i> , 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 <i>vel regit</i> 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. Unde 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?
Sedet et docet pueros, sicut scriptum est: ‘Quem docebit scientiam? Quem intelligere faciet auditum? Ablactatos a lacte, avulsos ab uberibus’ [Is 28, 9]”. <sup>20</sup>	Sedet et docet pueros de domo magistri, <i>id est qui decesserunt dum adhuc docerentur parvuli</i> , sicut scriptum est: ‘Quem docebit scientiam et quem intelligere faciet auditum? Ablactatos a lacte, avulsos ab uberibus’ [Is 28, 9]”. <sup>21</sup>

The most striking difference between the two versions is probably the doublet “*vel a rinocerote usque ad pulices*” (in italics) by which the thematic version expands the original phrase “*a cornibus bubalorum usque ad ova pediculorum*”, offering an alternative translation for the Hebrew “*re'em*”, which is usually rendered as ‘horned buffalo’, as in the sequential version and also in Ramon Martí’s *Pugio fidei*.<sup>22</sup> The unusual rendering of “*re'em*” as ‘rhinoceros’

<sup>20</sup> Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 186ra.

<sup>21</sup> Ibid., fol. 16va/vb.

<sup>22</sup> See RAIMUNDUS MARTINI *Pugio fidei* 1687, p. 930.

raises the question as to the origin of this specific translation. In order to give an answer, a second observation is pertinent: for not only is “a rinocerote usque ad pulices” 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 version, 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 this common source is not difficult to identify: it is the thirty-five articles against the Talmud that Nicholas Donin had submitted to Gregory IX. Thus, the passage from Avodah Zarah 3b is neatly translated in Article XXII of Nicholas’ list, which addresses the purported 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 perec, 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 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].<sup>23</sup>

**23** Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 215va/vb. Edited in LOEB 1880–1881, p. 44 n° 3. English translation in *The Trial of the Talmud*, p. 114 sq.: ‘One reads this in *Yeshuot*, Tractate Avodah Zarah [3b] (which means cult of the pagans), in the first chapter, where it says, There are twelve hours in a day; in the first three God sits and *myaude* (i.e. studies) the Law; in the second three he sits and judges the whole world; when he sees that the whole world is guilty (*taudecoz*, in French), he rises from the seat of justice and sits upon the seat of mercy; in the third he sits and rules (i.e. feeds) the whole world, from the rhinoceros down to the fleas; in the fourth he sits and sports with the Leviathan, as it says in the Psalm, ‘That Leviathan You formed to sport with it’ (Ps 103, 26). Aha asks Rav Nachman, From the time of the destruction of the Temple, there has been there no laughter before the Lord. From whom [do we know this]? As Rabbi (Isaac) says, As it is written, ‘And



Nicholas Donin's rendering seems to be the origin of the translation "a rino-cerote usque ad pulices",<sup>24</sup> which, absent from the sequential version, is introduced in the thematic version. Likewise, many of the remaining differences between the thematic and the sequential version of the passage in question can be accounted for on the grounds of Nicholas' rendering, such as 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, for many passages which feature in both Talmud translations as well as in Nicholas' list of errors occur in the very same way, that is, the thematic version tends to add material to the sequential version which is taken from Nicholas' list.<sup>25</sup>

For some passages, the thematic version of the Latin Talmud goes even further and incorporates texts from Nicholas' list of accusations which are absent from the sequential version. Such is the case of error VI in Nicholas' list according to which the rabbinical authorities gathered in the Talmud can even abolish biblical rulings, which is reproduced in its entirety on fol. 11va–12ra of the Paris manuscript.<sup>26</sup> Thus, in the section "De sapientibus et magistris" the thematic version reproduces almost literally the passages from tractates Yevamot, Sukkah, Rosh HaShanah and Makkot translated by Nicholas.

The following table offers the beginning of this section which draws on Yevamot 89b–90b in order to support the claim that rabbinic teachings can abolish biblical rulings if they were not to command active infringement of these rules but only omission thereof:

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on that day did the Lord God of hosts call to weeping and lamentation', etc. (Is 22, 12). [If that is so, then,] in the fourth three hours what does he do [now]? He sits and teaches children in the house of the master (i.e. those who die young while they were still being taught), as it is written, 'Whom shall he teach knowledge and whom shall he make to understand what he has heard? Those who are weaned from the milk, those strong from the breast' (Is 28, 9).'

**24** He may have been inspired by the Vulgate: Iob 39, 9 translates "re'em" as "rhinoceros". I owe this observation to Ursula Ragacs.

**25** Cf., e.g., the three renderings of Yevamot 63a in Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 197ra (sequential version), 70ra (thematic version) and 217va/vb (Nicholas' list), where again material from Nicholas' list is transferred to the thematic version.

**26** See Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 212va–213ra. Edited in LOEB 1880–1881, p. 258–261 n<sup>o</sup> 2. English translation in *The Trial of the Talmud*, p. 105 sq.

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**Thematic version (De sapientibus  
et magistris: Verba ...)**
**Nicholas Donin, error VI**


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“Quod sapientes vel scribae verba legis scriptae destruere potuerunt sic probatur:

Legitur in libro Nassym, in macecta levamot, in perec, i.e. capitulo, Haissa scalat, quod interpretatur mulier qui ivit: ‘Nonne conveniunt ad eradicandum verbum legis?’ Et infra: *Sede et non facias* eradicatum est.

Glossa Salomonis: ‘De praeceptis faciendi, i.e. affirmativis, possunt sapientes praecipere quod homo sedeat et non faciat, quia non est eradicatio faciundo, sed omittendo, per se enim eradicantur.’<sup>27</sup>

“Et verba legis scriptae destruere potuerunt.

Hoc legitur in cezer Nassym, in macecta levamoz, in perec Haissa sehalach, quod interpretatur mulier qui ivit, ibi dicitur: ‘Nonne conveniunt ad eradicandum verbum legis?’ Respondit et probat quod sic; postea pluries quaerit et pluries probat; in fine dicit sic: ‘*Sede et non facias* variatum est.’

Glossa Salomonis: ‘Quia de praeceptis faciendi, i.e. affirmativis, possunt scribere [lege ‘scribae’] praecipere quod sedeat et non faciat, quia non est ibi eradicamentum faciundo, sed omittendo, per se enim eradicantur.’<sup>28</sup>

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Leaving aside the correct interpretation of this passage, it is clear that the thematic Talmud takes this fragment, which does not occur in the original sequential version, from Nicholas’ list. For even though there are some minor differences (such as “sapientes” for “scribae”) along with rather insignificant copy errors (e.g. “eradicatum” for “variatum”), the similarities between both texts (e.g. the explanatory “i.e. affirmativis”) are such that there can be little doubt that the thematic version draws on Nicholas’ rendering of the Talmudic passage and Rashi’s gloss.

This interdependence becomes even clearer as both texts go on to quote the Talmud with seven (hypothetical) counterarguments, which, as their proponent immediately admits, do not, in fact, outweigh the aforementioned explanation:

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<sup>27</sup> Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 11va.

<sup>28</sup> Ibid., fol. 212va. Edited in LOEB 1880–1881, p. 258 n° 2. English translation in *The Trial of the Talmud*, p. 105: ‘And they were able to overturn the words of the written Law. One reads this in *Seder Nashim*, Tractate Yevamot [89b–90a], in the chapter *Haisha She Halakh* (which means a woman who has gone away); there it says, ‘Are they not allowed to overturn the word of the Law?’ It [the Talmud] responds and proves that this is so; after it raises several questions and provides several proofs, at the end it says as follows, ‘Sit and do not act, it is different.’ – Solomon’s gloss: ‘Because concerning the commandments of acting (i.e. the positive ones) the scribes can command one to sit and not act, since there is no overturning of the Law through action, but through omission, for they are overturned by themselves.’

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**Thematic version (De sapientibus  
et magistris: Verba ...)**

“Sequitur in Talmut: ‘Volui tibi ostendere vii modis’, quorum unus est de lege qua praecipitur quod iubilent prima die mensis septimi, et scribae prohibuerunt quod die sabbati non fiat hoc. Dicit enim Raba quod fortassis obliviscerentur portare tubas in synagogam et sic oporteret eas quaerere et portare per vicos, quod esset grande peccatum, ut legitur in libro Mohed, in macecta Tuca, in capitulo, perec lupal [lege ‘Lulab’].

Alius modus est milab [lege ‘lulab’], i.e. palma, quam prohibet idem Raba accipere eadem ratione xv<sup>a</sup> die mensis vii, scilicet in festo Tabernaculorum, quod tamen praecepit lex.

Alii similiter v modi sunt praecepta faciendi quae magistri fieri prohibuerunt: ‘Modo quod mihi respondisti? Sede et non facias non est eradicare? Omnia haec sunt Sede et non facias.’

Glossa: ‘Ex quo respondisti mihi quod sapientes prohibere possunt praecepta faciendi, quoniam Sedes et non facias non est eradicare, omnia quae volebam tibi obicere talia sunt, unde Sede et non facias est in illis, propter quod non possum ista tibi obicere.’”<sup>29</sup>

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**Nicholas Donin, error VI**

“Dixit ei: ‘Volui tibi obicere vii modis’, quorum unus est de lege qua praecipitur quod iubilent prima die vii mensis, et scribae prohibuerunt quod die sabbati non fiat hoc. Dicit enim Rava quia fortassis obliviscerentur portare tubas in synagoga et sic oporteret eas quaerere et deferre per vicos, quod esset grande peccatum, ut legitur in libro Mohed, in macecta Chuca, in perec lupal [lege ‘Lulab’] vaharava.

Alius modus est vulab [lege ‘lulab’], i.e. palma, quam prohibet idem Rava accipere eadem ratione xv<sup>a</sup> die mensis vii, scilicet in festo Tabernaculorum, quod tamen praecepit lex [in margine ‘Lev xxiii’].

Alii vque modi similiter sunt praeceptorum faciendi quae magistri fieri prohibuerunt: ‘Modo quod mihi respondisti? Sede et non facias eradicare non est? Omnia haec sunt Sede et non facias.’

Glossa est: ‘Ex quo respondisti mihi quod sapientes prohibere possunt praecepta faciendi, quoniam Sedes et non facias non est eradicare, omnia quae volebam tibi obicere talia sunt, unde Sede et non facias est in illis, propter quod non possum ista tibi obicere.’”<sup>30</sup>

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<sup>29</sup> Paris, Bibliothèque nationale de France, Ms. lat. 16558, fol. 11va/vb.

<sup>30</sup> Ibid., fol. 212va/vb. Edited in LOEB 1880–1881, p. 258–259 n<sup>o</sup> 2. English translation in *The Trial of the Talmud*, p. 105 sq.: ‘He [his opponent] replied to him, ‘I meant to make seven kinds of objections to you’, one of which is about the law by which it is commanded that they sound the trumpet on the first day of the seventh month, but the scribes forbade this because this should not be done on the day of Sabbath. For Rabbah says that perhaps they forgot to carry trumpets to the synagogue [ahead of time], and thus it was necessary to look for them and carry them through the streets, which would be a serious sin, as one reads in the book *Moed*, Tractate Succah, in the chapter *Lulab Ve’araba*. Another is the *lulab* (i.e. palm) that the same Rabbah for the same reason forbids receiving on the fifteenth day of the seventh month, namely on the feast of Tabernacles, which the law nevertheless commands (Lev 23). The other five kinds belong likewise to the commandments of acting that the masters have forbidden to be done.’

In this case, it is not only the almost complete verbal coincidence of the two passages that yields overwhelming evidence for the close relation of both texts; in addition, also the specific arrangement of the Latin Talmud passages, which combine Yevamot 90b with Sukkah 29a, while embedding a gloss, clearly demonstrates the strict dependence of the thematic version on Nicholas' composition.

There are further examples of passages which, being absent from the sequential Talmud translation, are incorporated into its thematic rearrangement on the basis of Nicholas' list.<sup>31</sup> Hence, there can be no doubt that the thematic version of the Talmud was prepared by someone who compared the original sequential version with the thirty-five articles by Nicholas Donin. Not only did he emulate Donin's model by formally rearranging the sequential Talmud translation according to subjects of controversy, but at the same time he incorporated textual elements and even longer sections from Donin's list into the thematic version that he was putting together.

### 3 Conclusion

What can be described on the philological level as a classic case of textual contamination is highly significant in light of the historical events: the original intention of a Christian reassessment of the Talmud, as expressed by Innocent IV, 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*, or more precisely the thematic remake thereof, represent a vigorous and intransigent re-enactment of the Talmud trial in 1240.

In this sense, little or no progress was achieved in the Christian reassessment of the Talmud; instead, the argument against the Talmud became circular, as Odo of Châteauroux' uncompromising reply to Innocent's request for a revision of the procedure confirms. In a letter that might date from 1247, he

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'Now, what did you respond to me? That *sit and do not act* does not mean to overturn? All these cases are *sit and do not act*.' – The gloss is: 'Since you responded to me that sages can forbid commandments of acting because *sit and do not act* does not mean to overturn, all the objections that I proposed to make to you are of this sort. Hence, *sit and do not act* is in them, for which reason I am not able to make those objections to you.'

<sup>31</sup> Cf., among many other examples, Gittin 60b concerning the divine origin of the Talmud, which features only on fol. 5vb (thematic version) and 211rv–212ra (the thirty-five errors) of Paris, Bibliothèque nationale de France, Ms. lat. 16558, and not in the sequential Talmud translation.

warns the pope that reversing the original condemnation of the Talmud would cause considerable damage to the Church and her image, reminding him, in a surprisingly harsh tone, of Nicholas Donin's accusations and Gregory's command:

In order that the proceedings which at one time took place about the said books may not be hidden from Your Holiness, and lest it happen that anyone would be fooled in this affair by the shrewdness and falsehoods of the Jews, let Your Holiness know that at the time of holy pope Gregory of happy memory, a certain convert, by the name of Nicholas, related to the said pope that the Jews, not satisfied with the ancient Law which God had transmitted in writing through Moses, and even completely ignoring it, assert that a different law, which is called Talmud, that is Teaching, had been given by God ... In this are contained so many unspeakable insults that it arouses shame in those who read it, and horror in those who hear it ... It would therefore be an enormous scandal, and a cause of eternal shame for the Apostolic Throne, if books that had been so solemnly and justly burned ... were to be given back to the masters of the Jews at the order of the pope.<sup>32</sup>

Consequently, it comes as no surprise that, in May 1248, Odo of Châteauroux and a commission of more than forty ecclesiastics including Albert the Great, would issue another condemnation of the Talmud,<sup>33</sup> thereby definitively reversing Innocent's conciliatory intentions.

Against this backdrop, the two versions of the *Extractiones de Talmud* must be considered not only as an important witness to the anti-Jewish polemic of the thirteenth century, but as testifying to a major internal conflict between the papacy and the local ecclesiastical authorities over this very issue.

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**32** Undated letter from Odo of Châteauroux to Innocent IV, reprinted in GRAYZEL 1966, p. 276 sq., here p. 276: "Ut autem sanctitatem vestram non lateat processus quondam habitus circa libros praedictos, et ne contingat aliquem circumveniri in isto negotio astutia et mendaciis Iudaeorum, noverit sanctitas vestra quod tempore felicis recordationis D. Gregorii papae quidam conversus, Nicolaus nomine, dicto summo pontifici intimavit quod Iudaei lege veteri quam Dominus per Moysen in scriptis edidit non contenti, imo prorsus eandem praetermittentes, affirmant legem aliam, quae Talmud, id est doctrina, dicitur, Dominum edidisse ... in qua tot abusiones et tot nefaria continentur, quod pudori referentibus et audientibus sunt horrori ... Et esset scandalum non minimum, et Sedis Apostolicae sempiternum opprobrium si libri ... solemniter et tam iuste concremati, mandato Apostolico tolerarentur, vel etiam magistris Iudaeorum redderentur." The English translation is taken with only small modifications from *ibid.*, p. 277 sq.

**33** Document reprinted in GRAYZEL 1966, p. 278 sq.: "Exhibitis nobis auctoritate apostolica a magistris Iudaeorum regni Franciae quibusdam libris qui Talmud appellantur ... pronuntiamus praedictos libros tolerandos non esse, nec magistris Iudaeorum restitui debere, et ipsos sententialiter condemnamus." English translation, *ibid.*, p. 279: 'Certain books called by the name of Talmud having been presented by the Jewish masters to us ... we pronounced that the said books are unworthy of tolerance, and that they are not to be restored to the Jewish masters, and we decisively condemn them.'

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