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The Trial and Condemnation of the Talmud

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THE TRIAL AND CONDEMNATION OF THE TALMUD

By Robert Chazan*

Abstract:

In 1239, Pope Gregory IX, alerted to purportedly intolerable material in the Talmud by a convert from Judaism to Christianity, ordered the ecclesiastical and secular authorities of Europe to confiscate, examine, and—if the apostate’s charges proved true—burn the Talmud. The extant documents—both Christian and Jewish—enable reconstruction of the dramatic and threatening trial of the Talmud that took place in Paris in the early 1240’s. The diverse materials provide rich evidence of the accusations leveled by the Church authorities against the Talmud, of full Jewish awareness of these accusations, and of the Jewish lines of defense against these anti-Talmud allegations.

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Introduction

In 1240 in Paris, the Talmud was put on trial before a papally commissioned jury of university scholars, with a former Jew presenting the charges and the evidence and a set of northern-French rabbis serving as witnesses for the defense. At the end of the proceedings, the Talmud was found guilty of at least some of the charges leveled against it, and two years later large quantities of Talmud manuscripts—each painstakingly copied by hand—were consigned to the flames in one of the major squares of the French kingdom's capital city. As a result of the trial, the French monarchs over the ensuing decades prohibited their Jews from possessing and utilizing the Talmud (how effective such a prohibition might be is not at all clear). Interestingly, the popes—who had set the trial in motion—broke with the French prohibition of the Talmud and established a different policy subsequent to the trial and condemnation, urging the rulers of western Christendom to have the Talmud manuscripts in their domains subjected to scrutiny and rigorously censored to remove offensive passages.

All this was on the formal ecclesiastical and political levels. The trial of the Talmud also had impact on the popular level as well. By the 1240's, increasingly damning anti-Jewish imagery had been percolating across northern Europe for almost a century. This imagery projected profound Jewish hatred of Christianity and Christians; it began with the conviction that Jews regularly blasphemed the sacred objects of the Christian faith; it proceeded to allege that Jews regularly killed Christians, whom they despised for the simple fact of their adherence to Christianity. Coming in the midst of this proliferating imagery of Jews as militantly and aggressively anti-Christian, the trial of the Talmud—with its highlighting of talmudic passages that seemed to blaspheme Jesus, Mary, and the Church and other talmudic statements that seemed to condone or even require Jewish anti-Christian behaviors—added further substance to the accelerating sense of Jewish enmity and malevolence.

The trial of the Talmud and its condemnation, with complex ramifications on both the formal and popular levels, struck at the very heart of Jewish life in medieval western Christendom. As Jewish communities began to emerge across Christian Europe during the tenth and eleventh centuries, Judaism had increasingly been defined in the great Middle Eastern centers of Jewish population and culture as rooted in the Talmud. Jews from east to west sought to fulfill the divine-human covenant as clarified and

detailed in the Talmud, which had become the guide to Jewish living, the repository of Jewish wisdom, the focus of the advanced Jewish curriculum, and the key to leadership in the Jewish community.

Jewish life in the Christian sectors of thirteenth-century Europe—especially its northern sectors—was still comparatively young. In western Christendom, where the Catholic Church stood at the very center of civilization, its leadership had long ago promised Jews the right to live according to their own laws and practices, and as a result talmudic Judaism had a firm hold in the older Jewish communities of southern Europe (most of which had previously flourished under Muslim rule and had then been transferred to Christian hegemony) and formed the basis for Jewish living in the new Jewish communities of the north. The assault on the Talmud of the 1240's threatened the very foundations of Jewish life throughout Christian Europe.

In the face of this very serious threat, the Jews of Christian Europe mobilized to defend their heritage and their way of life. Efforts to counter the trial and condemnation of the Talmud rapidly took shape. The most significant of these efforts involved interventions with the leadership of the Catholic Church. Jewish leaders argued to Pope Innocent IV that total prohibition of the Talmud—the stance of the clerical leadership in Paris and the pious King Louis IX of France—represented abrogation of the traditional Church policy of toleration of Judaism, since there could be no practice of Judaism without the Talmud to guide and direct it. Thus, prohibition of the Talmud meant a break with well-established Church policy, bequeathed from antiquity. When Pope Innocent IV accepted this argument and decreed censorship of the Talmud, rather than outright prohibition, the impact of the trial and condemnation of the Talmud was mitigated significantly. By the late 1240's, the worst of the danger had passed.

The precise details of the trial, its verdict, and its aftermath are by no means entirely clear. Fortunately, we are provided with a range of source materials, emanating from both the Christian and Jewish sides; unfortunately, many of these sources are not as detailed as we would wish them to be and leave significant gaps in our knowledge. Especially useful is the fact that our sources emanate from both the Christian camp and the Jews. The disparities between the Christian and Jewish perceptions of events remind us powerfully of the reality of alternative perspectives on all human issues and

events. Thus, the trial and condemnation of the Talmud—besides its intrinsic importance—offers an intriguing challenge in historical reconstruction.

Curiously, the trial and condemnation of the Talmud have not been the focus of an extended monograph in English. They have been mentioned regularly in a wide range of works on medieval Jewry, but without full-scale analysis in English.¹ The two richest treatments are in Hebrew and French. In 1970, Chen Merhavia published in Hebrew *Ha-Talmud be-Rei ha-Nazrut (The Talmud in the View of Christianity)*, a study of Church views of the Talmud from 500 through the condemnation of 1248. The first half of the Merhavia book is devoted to tracing Church awareness of the Talmud from 500 through the 1230's; the second half is devoted entirely to the assault of the 1230's and 1240's, with a focus on the materials in the lengthy Paris manuscript to be discussed shortly.² In the wake of an international conference held in Paris and Troyes in May 1994, a valuable volume of papers was published in 1999 under the title *Le brûlement du Talmud a Paris 1242-1244*, edited by Gilbert Dahan. The volume includes a number of papers devoted to the sources for the events and an especially important article by Andre Tuilier on the proceedings.³ The present volume is long overdue for an English reading audience; it benefits from the combination of an overview essay and the key sources—Christian and Jewish—in English translation.

The Prosecution

The case for the prosecution in the trial of the Talmud begins with the papal letters of 1239. In these letters, Pope Gregory IX alerted the ecclesiastical and secular leadership of Europe to the hitherto unsuspected problems associated with the Talmud. In order to do so, the pope had to depict in at least limited fashion the nature of these purported problems. To be sure, the first step in the campaign projected by Gregory IX

¹ These works include: Judah M. Rosenthal, "The Talmud on Trial: The Disputation of Paris in the Year 1240," *Jewish Quarterly Review* 47 (1956-57):58-76 and 145-169; Jeremy Cohen, *The Friars and the Jews: The Evolution of Medieval Anti-Judaism* (Ithaca: Cornell University Press, 1982), 51-76; Joel Rembaum, "The Talmud and the Popes: Reflections on the Talmud Trials of the 1240's," *Viator* 13 (1982), 203-223; Robert Chazan, "The Condemnation of the Talmud Reconsidered, 1239-1249," *Proceedings of the American Academy for Jewish Research* 66 (1988):11-30; Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999), 317-363.

² Ch. Merhavia, *Ha-Talmud be-Rei ha-Nazrut* (Jerusalem: Mossad Bialik, 1970).

³ Gilbert Dahan (ed.), *Le brûlement du Talmud a Paris 1242-1244* (Paris: Les Editions du Cerf, 1999). The Tuilier essay can be found there, 59-78.

involved checking these allegations through scrupulous examination of the Talmud. Nonetheless, some sense of the suspicions that had moved the pope to initiate the confiscation and investigation of the Talmud had to be communicated, and they were.

This means that the papal letters were, in a manner of speaking, indictments of the Talmud, that is to say allegations sufficiently weighty to warrant full jury investigation. The allegations reflected in the papal letters begin as follows: “For not content, as we have heard, with the old Law, which the Lord gave in writing through Moses, indeed completely neglecting the same, they maintain that the Lord also proclaimed another law, which is called the Talmud, i.e. teaching; and they falsely claim that it was passed on orally to Moses and inserted in their minds and preserved for a long time without being written down, until certain people came along, whom they call sages and scribes, who rendered it in writing so that it would not slip from men’s minds through forgetfulness, the book of which exceeds the text of the Bible in size. In it are contained so many falsities and offensive things that they are a source of shame to those who repeat them and horror to those who hear them.” The letter then moves to the ensuing set of actions the pope was demanding, which are introduced by: “Since, therefore, this is said to be the main reason that keeps the Jews stubborn in their perfidy ...”⁴

Specified here are two papal assertions, which formed the core of the pope’s concern and were to be investigated, with an eye to possible burning and prohibition of the Talmud. These assertions involve the very nature of the Talmud as a replacement for the law of Moses and the “many falsities and offensive things” in it. We should note that, according to the papal indictment, the Talmud contains teachings that are both false and offensive. Thus, we might expand our sense of the papal indictments to include the very nature of the Talmud as an unwarranted replacement for the genuine divine revelation in the Written Torah, its false teachings, and its offensive teachings.

Curiously, the papal letters do not spell out the nature of these false and offensive teachings. It is the first papal assertion—which focuses on the very nature of the Talmud—that is spelled out in detail in the papal letters of 1239. Jews believed that

⁴ These letters are currently available in Solomon Grayzel, *The Church and the Jews in the XIIIth Century* (2 vols.; Philadelphia and New York: Dropsie College and Jewish Theological Seminary, 1933-89). This citation can be found in #'s 96, 97, and 98.

their Oral Torah was organically and synergistically linked to the Written Torah, “which the Lord gave in writing through Moses,” in the same way Christians believed that their New Testament was organically and synergistically linked to the Old Testament.⁵ The first papal assertion dismisses this Jewish belief, attacking it in multiple ways. According to Gregory IX:

- (1) Thirteenth-century Jews are not content with the old Law. i.e. the one divinely delivered through Moses. This seems to root the Talmud in Jewish perversity, rather than in divine fiat.
- (2) In fact, they completely neglect the old, divinely dispensed Law.
- (3) These Jews maintain that the Lord also proclaimed another law, which is called the Talmud.
- (4) They falsely claim that it was passed on orally to Moses and inserted in their minds and preserved for a long time without being written down.
- (5) Eventually, according to the Jews, certain people came along, whom they call sages and scribes, who rendered it in writing so that it would not slip from men’s minds through forgetfulness.
- (6) The book of the Talmud exceeds the text of the Bible in size.

What precisely is wrong with these Jewish beliefs? In the first place, given the shared Christian and Jewish conviction of the divine origin of the Written Torah, then Jewish neglect of the law dispensed by God through Moses was in fact disrespectful of God himself. Jews—in this view—have abandoned the truly divine law in favor of a new law that they “falsely claim was passed on orally to Moses.” The false claim and neglect of the truly divine law constitute flagrant disrespect toward the God revered by both Christians and Jews. In addition, the Jewish claim that this new law was “preserved for a long time without being written down” is projected as ludicrous, and one of the charges against the Talmud (as we shall see) was its teaching doctrines that are absurd.

It is likely that these opening assertions in the papal letter were intended to serve a further function as well. This relatively detailed statement about Oral Torah might have been intended to serve as the foundation for judging the “falsities and offensive

⁵ Many major Jewish thinkers over the ages examined carefully the linkage between the two Torahs and—not surprisingly—disagreed on the details.

things” in the Talmud that Gregory IX wanted investigated. If Jewish views of Oral Torah were correct, i.e. if the Oral Torah is of divine origin, then whatever is in it can hardly be designated “false and offensive,” should not be investigated by an ecclesiastical panel, and should under no circumstances be subjected to burning and prohibition. If on the other hand the Oral Torah is a human creation, as suggested by the pope, then the steps projected by Gregory IX become reasonable and appropriate. Viewed this way, the rather full papal depiction of the Talmud—based on Jewish sources, but projected from a Christian perspective—might have been intended as both a charge to be examined in its own right and as the basis for further aspects of the investigation that was to take place—an investigation of a human contrivance that was in addition guilty of erroneous and harmful teachings and worthy of condemnation on these grounds as well.

The next source to be analyzed is the list of thirty-five articles found in the well-known Paris manuscript that contains the key Christian documents related to the trial of the Talmud. These thirty-five articles are introduced by the editor of the Paris manuscript as composed by Nicholas Donin, as presented by him to Gregory IX, and as thus intimately linked to the papal letters just now analyzed. According to the editor of the Paris manuscript, Donin “approached the Apostolic See and revealed to Pope Gregory of happy memory in the twelfth year of his pontificate the impious wickedness of the aforesaid books and described in particular certain articles about which he obtained papal letters for the kings of France, England and Spain to the effect that if it happened that such things were found in the said books, they should have them consigned to the fire.”⁶ Thus, the thirty-five articles seem to have formed the backdrop to the papal thinking presented in the letters and must therefore be studied carefully.

Inspection of the thirty-five articles shows that they are indeed closely related to the papal letters, albeit far more detailed. In fact, the language of the opening assertion of the Pope Gregory IX’s letter seems to have been taken directly from the first nine of Donin’s thirty-five accusations against the Talmud.

⁶ These thirty-five articles were edited by Isidore Loeb, “La controverse de 1240 sur le Talmud,” *Revue des études juives* 2 (1881): 252–270 and 3 (1882): 39–55, accompanied by a French translation. Rosenthal, “The Talmud on Trial,” translated the accusation headings into English and provided the talmudic passages adduced by Nicholas Donin for each of the accusations. This passage can be found in Loeb, 2:252.

- Articles 1 through 9: Jewish claims about the Talmud, presented from rabbinic sources, but formulated to prove that the Talmud is a human contrivance and that the Jews favor it over the genuine Torah delivered by God to Moses.
- Articles 10 through 14: Talmudic condoning or even requiring anti-Christian behaviors, including extensive arrangements for the breaking of oaths, making Jews untrustworthy in their relations with Christians.
- Articles 15 through 25: Talmudic teachings about God that are blasphemous in their inanity.
- Articles 26 and 27: Talmudic teachings that blaspheme Jesus and Mary.
- Articles 28 through 30: Talmudic teachings about the Church and its leaders that are likewise blasphemous.
- Articles 31 through 33: Talmudic teachings that promise blessings to Jews and the opposite to Christians in the world to come.
- Articles 34 and 35: Talmudic teachings that say foolish things about key biblical figures.⁷

The first of the papal assertions—that the Talmud is a human contrivance that Jews prefer to the genuine divine revelation—is detailed in the first nine of the thirty-five articles. Clearly, the extended treatment of this issue in the papal letters is rooted in these first nine articles. The claim that Jews were neglecting the Written Torah in favor of a human/Jewish contrivance projects these Jews as stunningly disrespectful toward God and his genuine revelation. If this allegation were proven true, it would weigh heavily in the decision as to the fate of the Talmud. Again, these initial nine allegations may well have been intended additionally as a foundation for all the subsequent allegations, since none of the purportedly erroneous or harmful views contained in the Talmud was—according to Donin—of divine origin.

The closing twenty-six of the thirty-five articles expand our sense of what was involved in the papal assertion of “false and offensive” talmudic teachings. They include teachings purportedly harmful to Christians and to Jewish-Christian social interaction;

⁷ Ibid., 2:253-270 and 3:39-55.

blasphemous statements about God, Christ, and the Church; offensive reflections on Jewish and gentile fate in the afterlife; and inane doctrines. These four broad categories—along with the opening allegation that the Talmud is in and of itself disrespectful of God—formed the basis for the investigation of the Talmud that Pope Gregory IX initiated in 1239.

We have three sources that reflect the trial of the Talmud, based on the thirty-five accusations leveled by Nicholas Donin at the papal court and provisionally accepted by Pope Gregory IX. There are two brief Latin documents that are purportedly confessions uttered by French rabbis called as witnesses. These are not narrative accounts, but resumes of what the rabbis allegedly acknowledged, intended to show the Talmud and its Jewish defenders in a negative light of course. The third source is the far lengthier Hebrew narrative account of the proceedings. While it purports to be a narrative record of the interrogation of Rabbi Yehiel, the most distinguished of the French rabbi/witnesses, it is addressed to a Jewish audience and has multiple objectives. It sets out to identify the anti-Talmud thrusts, to portray effective rebuttals of these anti-Talmud allegations, and to reassure Jewish readers in a variety of ways. It too cannot be fully trusted as an objective account of the trial proceedings. However, combining these three disparate sources enables us to gain some sense at least of what took place before the Paris tribunal convened in order to investigate the allegations leveled initially by the convert from Judaism and forwarded to the ecclesiastical leadership in Paris by the pope.

Let us move from the briefest of these sources—the purported confessions of Rabbi Judah of Melun—to the lengthiest. According to the Latin document, Rabbi Judah acknowledged six anti-Talmud charges. The first two purported confessions involve the charge that the Talmud blasphemes Jesus. According to the Latin “confession,” Rabbi Judah denied that the Jesus mentioned in the Talmud is the Christian Jesus, but the Christian author notes succinctly with regard to this Jewish claim that it is a lie. It is of course significant that this is the first item that the Christian author chose to feature in his reportage on Rabbi Judah. The third of Rabbi Judah’s “confessions” involves the allegation that talmudic teachings demean God. The example advanced is the well-known talmudic statement about God’s pleasure at a dispute between rabbis that highlighted their unwillingness to accept the testimony of a voice

from on high, but instead shows their reliance on human reasoning. The notion that God might have said with pleasure something to the effect that his children had bested him was projected by the author of these “confessions” as blasphemous to the deity. The remaining three “confessions” revolve around the initial charge that Jews prefer the Oral Torah to the genuine divine revelation contained in the Written Torah.⁸

The purported confession of Rabbi Yehiel is far lengthier than that of Rabbi Judah and involves eighteen separate items, organized in somewhat haphazard fashion. Interestingly, the first of these items notes that: “The aforesaid Master Vivo was in no way willing to swear an oath.”⁹ As we shall see, this same issue of swearing an oath is introduced at much greater length at the beginning of the Hebrew narrative. On the one hand, the demand for an oath by Rabbi Yehiel suggests the seriousness of the questioning of the rabbis and deepens the sense of a genuine trial—along the lines of an inquisitorial proceeding—against the Talmud. At the same time, since one of the allegations against the Talmud was that it allowed or even encouraged Jews to break their vows, Rabbi Yehiel’s refusal to take an oath served to rebut this allegation by indicating the seriousness with which this particular Jew viewed oath-taking.

The remaining seventeen items in the confession of Rabbi Yehiel cover all the five elements we have noted in Donin’s thirty-five articles—that the Talmud is a human contrivance that supersedes divine law; that it promotes anti-social attitudes and behaviors toward Christians; that it blasphemes God, Jesus, Mary, and the Church; that it presents offensive doctrines about the afterlife; and that it includes teachings that are inane. These five elements are not dealt with in an orderly fashion, but every one of the categories we have identified is represented in Rabbi Yehiel’s alleged confessions.

At the same time, there is an obvious focus on the first and third of the anti-Talmud allegations—that the Talmud is a human contrivance that supersedes divine law and that it blasphemes God, Jesus, Mary, and the Church. With regard to the latter, the second of the substantial “confessions” is a lengthy statement about talmudic blasphemy of Jesus. Like Rabbi Judah, Rabbi Yehiel also is depicted as claiming that the Jesus of the Talmud “was different from our Jesus.” To this, the Christian author adds: “But he

⁸ These “confessions” were likewise edited by Loeb, “La controverse de 1240 sur le Talmud,” 3:55-57. The “confession” of Rabbi Judah can be found there, 56-57.

⁹ *Ibid.*, 55.

was unable to say who he [the Jesus of the Talmud] was, hence it is quite clear that he was lying.”¹⁰

The Hebrew narrative account of the trial is far fuller, projects a rich set of characters, and creates a palpable sense of drama.¹¹ As depicted in the Hebrew account, the trial took place in a royal palace, with Nicholas Donin serving as prosecutor in the case against the Talmud. According to the Jewish author, while a number of prominent rabbis were brought as witnesses for the Talmud, Rabbi Yehiel emerged as the primary Jewish spokesman in its defense.¹² The Hebrew account begins with a number of challenges raised by the rabbi, in an effort to discredit the trial and—if possible—to close it down. Each of these challenges is interesting, as are the reactions they evoke. While the rabbi was ultimately unsuccessful in these efforts, the depiction of these Jewish claims—which may or may not have actually been allowed in the trial setting—were of great didactic value for Jewish readers of this Hebrew narrative, who were to learn a number of strategies and lessons from them.

Although the proceedings were clearly initiated and organized by the Church leadership in Paris in response to the papal order, Rabbi Yehiel is portrayed as opening the trial, which is probably not a realistic portrait of how the proceedings began.¹³ He is made to say: “About what do you dispute with me, and what do you wish to ask?” Donin is said to have replied: “I would query you about an old matter, as I will not deny that the Talmud is over four centuries old.” This leads the rabbi to counter-claim: “[It is] more than fifteen centuries [old].”¹⁴ Thus, Donin is portrayed as arguing that the Talmud is relatively recent, having been composed in the ninth century, while Rabbi Yehiel pushes the Talmud back into the pre-Christian era. Clearly, the rabbi was not suggesting that the Talmud in its final form was that old; he was obviously referring to the teachings collected in the Talmud and urging their very ancient origins. This difference in dating is significant, with Donin suggesting that the Talmud was very much a recent innovation and Rabbi Yehiel disagreeing sharply. Since antiquity was a value

¹⁰ Ibid

¹¹ This Hebrew narrative—the *Vikua Rabbenu Yehiel*—was edited twice, first by Samuel Grunbaum (Thorn: 1873) and then by Reuben Margulies (Lwow: s.d.). It will be cited as *Vikuah* (ed. Grunbaum) and *Vikuah* (ed. Margulies).

¹² This seems to be reflected in the length of the Latin “confession” accorded to Rabbi Yehiel.

¹³ Note the parallel in Nahmanides’s narrative account of the 1263 Barcelona disputation.

¹⁴ *Vikuah* (ed. Grunbaum), 2; *Vikuah* (ed. Margulies), 12.

highly prized in medieval society, the age of the Talmud was intrinsically important, with the relatively short history of the Talmud proposed by Donin an index of its insignificance and the antiquity of the Talmud posited by the rabbi a mark of its greatness.

In fact, the issue of dating the Talmud had important ramifications beyond greater or lesser respectability. Rabbi Yehiel is portrayed as turning to the queen, i.e. the Queen Mother Blanche—mother of King Louis IX, a major figure in French governance at this time and renowned for her dedication to the Church—and asking to end the discussion. “If you please, my ruler! Do not compel me to answer his discourse, inasmuch as he admitted that this is an ancient matter and until now no one has challenged it. Behold, Jerome, the tonsured one, knew all of our talmudic law, as is recognized by all of the Dominicans. If there were anything damaging in it, it would not have been overlooked until now.”¹⁵ Given the rabbi’s claim of the hoary antiquity of the Talmud, he argues that any case against it makes no sense, since major and authoritative figures in the history of the Church were aware of the Talmud and did not lodge complaints against it. The campaign against the Talmud is thus an unwarranted innovation, is attributed by the rabbi to the personal animus of Nicholas Donin toward the Talmud and rabbinic Judaism, and does not deserve to be pursued.

Rabbi Yehiel concludes this effort to deflect the proceedings with an impassioned statement about Jewish commitment to the Talmud: “His [Donin’s] effort against it [the Talmud] is hopeless, for we will die for it, for he who touches it touches our very eye.” In fact, argues the rabbi, the Talmud is revered by Jews the world over and is thus indestructible: “This Talmud is found in Babylonia, Media, and Greece and among Ishmael and among the seventy people on the far side of the river of Ethiopia.”¹⁶ Christendom may assault the Talmud, but its ubiquity throughout the known world will insure its survival. Thus, the attack on the Talmud is unwarranted, will be fiercely resisted by Jews, and—no matter what the immediate outcome—will ultimately produce no lasting results. Despite what was being illegitimately attempted in Paris and what pain the Jews of France might have to bear as a result, the Talmud will outlast this assault and will continue to anchor the religious beliefs and behaviors of the Jewish

¹⁵ *Vikuah* (ed. Grunbaum), 2; *Vikuah* (ed. Margulies), 12-13.

¹⁶ *Vikuah* (ed. Grunbaum), 2; *Vikuah* (ed. Margulies), 13.

people. Once again, the narrator has made an important case, at least to his Jewish readers.

The rabbi is made to conclude this impassioned statement by saying summarily: “Our bodies are in your power, but not our souls.”¹⁷ This is again an assertion of Jewish commitment to the Talmud and willingness to suffer on its behalf. However, it leads in a striking direction. The author portrays a member of the royal court—not the ecclesiastical hierarchy—calling out: “No man will touch you.” The rabbi’s assertion that Jewish bodies lie in Christian power elicits an insistence on the traditional Church doctrine of the safety of Jews in Christendom. Rabbi Yehiel is portrayed as rejecting this reassurance and thereby angering the queen, who says: “Do not speak again in such words. For it is our intention to protect you and all that is yours. All who do harm to you incur sin and iniquity. So it is in our legal writing and likewise in the instructions of the pope.”¹⁸

This is at first blush a strange exchange, but it in fact points in an important direction. The trial conducted in Paris was a formal ecclesiastical affair, conducted at the highest Church level. Its outcome was to be exoneration or condemnation of a book—the Talmud. However painful condemnation of the Talmud might be to Jews, it should ostensibly have had no implications for their physical safety. Rabbi Yehiel, however, was pointing to social realities. While presenting publicly the charges against the Talmud was intended to be an ecclesiastical court trial only, with a set of books and their teachings as the defendants, Rabbi Yehiel was pointing to the extra-legal ramifications of the proceedings. Christians apprised of the Donin charges would surely be enraged by many of the allegations, especially the charges of blasphemy against Jesus and Mary and the condoning or even encouraging of anti-Christian attitudes and actions. Against this extra-legal backlash—insists Rabbi Yehiel—the royal authorities would ultimately be impotent, incapable of protecting Jews endangered by the inflammatory anti-Talmud charges made by Donin. This is advanced as yet another reason to disband the tribunal, in view of the likelihood of untoward popular reactions dangerous to Jewish security.

¹⁷ Ibid.

¹⁸ Ibid.

According to the Hebrew narrative, the diverse efforts of Rabbi Yehiel at having the court disbanded were unsuccessful. Thus, Nicholas Donin at this point took control of the proceedings, asking Rabbi Yehiel if he believed in the Talmud. Once again, this depiction rings somewhat hollow, since the purported opening broad question elicits a lengthy statement from the rabbi about the nature and importance of the Talmud. While again unlikely to have been countenanced by the ecclesiastical court, this statement once more provides important guidance to Jewish readers and will be analyzed in the following section.

Yet one further preliminary issue remains in the Hebrew narrative, and that involves the demand for an oath by the rabbi. Unlike the prior preliminary exchanges, the demand for an oath seems likely to have actually taken place. Such a demand is reflected in both the longer of the two Latin “confessions” and the Hebrew narrative. To be sure, the Hebrew account is far more detailed, however the essentials are parallel and thus suggest that sparring over an oath did in fact occur at the beginning of the ecclesiastical court proceedings. The initial request for an oath is described by the Jewish narrator as made by Donin and seconded by members of the ecclesiastical tribunal. Rabbi Yehiel refuses to do so, claiming that nowhere in the Torah is such oath-taking required.

At this point, the Queen-Mother again intervenes and requests the oath. Rabbi Yehiel once again refuses, but this refusal is more fully humanly explained. “My ruler, never have I taken an oath and I shall not begin swearing now.... There is no need [for an oath]. I will not hide from you that what is a mystery to me is understood by others, for there are those greater than I by twice. And I am the youngest of all of them. But they are not experienced in appearing before the clergy as am I.” Rabbi Yehiel says in effect that he had never taken an oath and was thus loathe to do so under the present circumstances. He also indicated that at worst he might well be guilty of error, with the obvious implication that he would, however, not lie. In the wake of this assurance, the Jewish author quotes the queen assaying: “Since this is such a difficult act for him, and as much as he has never taken a false oath, set aside my request.”¹⁹ Thus, both the Latin

¹⁹ *Vikuah* (ed. Grunbaum), 3; *Vikuah* (ed. Margulies), 14.

resume and the Hebrew narrative agree that an oath was requested, but that the request was ultimately dropped.

At this point, the actual questioning of the rabbi by Nicholas Donin commences. This interrogation occupies almost 85% of the Hebrew narrative and is extremely detailed. Donin buttresses his questions with copious citations from the Talmud, and Rabbi Yehiel's responses are likewise lengthy and full. Strikingly, however, the number of exchanges are not all that numerous, adding up to a total of only nine. In these exchanges, the first issue in the thirty-five articles (that the Talmud is a human contrivance that denies the genuine divine revelation) and the fourth issue (talmudic misstatements about the afterlife) make no appearance at all. The Jewish author may well have felt that he had said enough about the first issue in his depiction of the rabbi's lengthy statement about the Talmud, its halakhic component, and its aggadic component to obviate the need to describe exchanges on this issue. The focus of Donin's attack, as depicted in the Hebrew narrative, was on the allegations of talmudic injunctions to anti-Christian thinking and behavior, on blasphemies against God and Jesus, and on rabbinic inanities. There is one new thrust, which does not appear in the papal letters, the thirty-five articles, and the Latin "confessions," as we shall see shortly.

The Donin attacks on the three issues indicated break no new ground in terms of content. What is strikingly different is the fullness of the assault and the citation of multiple rabbinic sources. Rabbi Yehiel does not challenge the authenticity of these sources or claim that Donin has radically misunderstood them; he does argue regularly that these sources do not mean what Donin suggests they mean.²⁰ For example, the second thrust of Donin's interrogation involved the allegation that the Talmud repeatedly blasphemes Jesus and Mary. In support of this contention, Donin advances a sequence of citations from the Talmud, which the rabbi must acknowledge as authentic. With authenticity established, the rabbi then proceeds to argue that the cited passages do not refer to the Christian Jesus. While the Christian "confessions" note this line of Jewish defense, they dismiss it out of hand; the Hebrew narrative quotes the rabbi's arguments in great detail and urges their reasonability.

²⁰ This is in striking contrast to the Hebrew narrative describing the Barcelona disputation, in which Rabbi Moses ben Nahman depicts himself as regularly challenging the texts and the friar's ability to understand them.

There is, strikingly, one new issue raised in the Hebrew narrative—an issue we have not encountered in the prior Christian sources cited thus far. About midway through the Hebrew narrative, the Jewish author has Nicholas Donin, say the following: “Did not many thousands of you fall by the sword in Brittany and Anjou and Poitou? If you are a treasured people, as you have said, where are the signs and wonders which your God performed for you?”²¹ The reference is to a near-contemporary event, the violent but sparsely documented popular crusading assaults on Jews in northwestern France in the mid-1230’s. Pope Gregory IX (the same Pope Gregory IX who set the attack on the Talmud in motion) depicted sympathetically Jewish suffering from these assaults and demanded that the authorities provide redress for this suffering.²² The exchange is brief, with Rabbi Yehiel providing one of the standard medieval Jewish responses to this Christian challenge, i.e. that this suffering was divinely predicted and that the ultimate redemption of the Jewish people—likewise divinely predicted—will undoubtedly take place as well. Both suffering and redemption have been predicted; the former has taken place and the latter will surely also eventuate.

There remains one last set of data on the case against the Talmud. Pope Innocent IV, successor to Gregory IX, continued to occupy himself with the issue of the Talmud, initially reaffirming in 1244 the findings of the Paris jury that supported the allegations of Nicholas Donin and Gregory. However, three years later, Pope Innocent IV changed course in a striking way—altering the policy initiated by Gregory IX and executed in Paris and in the process rejecting some of the findings of the Paris jury. The papal change of course elicited from the papal legate in Paris, Odo of Chateauroux, spirited objection. The two letters of Innocent IV and the rejoinders of Odo to the second provide our final insights on the case of the prosecution in the trial and condemnation of the Talmud.

In 1244, Innocent IV addressed a letter to King Louis IX of France, commending him for the important role he had played in the condemnation and burning of the Talmud and urging continuation of the effort. In the course of this letter, Innocent identifies clearly his understanding of the grounds of the condemnation and burning of

²¹ *Vikuah* (ed. Grunbaum), 10-11; *Vikuah* (ed. Margulies), 22.

²² Grayzel, *The Church and the Jews*, #'s 87-88.

the Talmud, which follows along the lines laid out by Nicholas Donin and Pope Gregory IX. He highlights the fact that “they [the Jews] disregard or despise Mosaic Law and the prophets and follow certain traditions of their elders, for which the Lord rebukes them in the Gospel, saying: ‘Why do you transgress God’s commandment and make it void for the sake of your traditions, teaching the doctrines and precepts of men?’” Here, Pope Innocent IV adds a new element to the prior case against the Talmud —Jesus’ own dismissal of the Jewish traditions, which he projects as the precepts of men. In Innocent’s eyes the Talmud’s disregard and in fact obscuring of divine revelation keeps Jews obstinate in their Jewishness. “In such traditions,... they teach and bring up their children and make them thoroughly estranged from the teaching of the Law and the prophets, fearing that they be converted to the faith and return humbly to their Redeemer, since the truth that is found in the same Law and prophets clearly offers proof of the only-begotten Son of God who would come in the flesh.” Additionally, Innocent returns to the further issues in the Donin/Gregory IX indictments. The Talmud “is a great book among them, exceeding the text of the Bible in size, in which there are manifest blasphemies against God and his Christ and the blessed Virgin, convoluted tales, erroneous insults and unheard-of foolishness.”²³ Reflected here is Innocent’s sense that the entire set of Donin/Gregory IX allegations—beginning with the claim that the Talmud is a human contrivance that demeans divine revelation—had been upheld by the Paris jury, with the Talmud burned and prohibited as a result.

Pope Innocent IV had a change of heart in 1247 and ordered his legate in Paris to organize a new commission that was to reexamine the Talmud and to return to the Jews non-offensive materials. This order was grounded by Innocent in the claim of the Jews that, without the Talmud, they could not practice their religious faith and that Christianity had long taken the position that Jews had the right to practice Judaism under Christian rule.²⁴ This 1247 position indicates clearly that Innocent IV had re-conceptualized the Paris findings against the Talmud. While he understands that the Paris jury had found the Talmud guilty of containing intolerable materials and deals with this finding by ordering censorship of the Talmud, it is equally obvious that—at least in Innocent’s eyes—the core of the Paris condemnation did not include the first

²³ Ibid., # 104.

²⁴ Ibid., # 119.

nine allegations in Donin's thirty-five articles, viz. that the Talmud is a human contrivance that leads to subverting divine revelation. It is of course curious that in 1244 Innocent highlighted this aspect of the Paris findings and in fact buttressed it with a Gospel citation and then in 1247 reversed course in both theory and practice. Ordering return of the Talmud to the Jews indicates that Pope Innocent IV in 1247 no longer viewed the initial Donin/Gregory allegation as central to the earlier Paris condemnation, since return of the Talmud to the Jews would make no sense if one of the major elements in the condemnation had been that it is an unacceptable deviation from the true revelation in the Bible and therefore demeaning to God himself.

The importance of this shift in papal theory cannot be overstated. The stance enunciated by Nicholas Donin, Pope Gregory IX, the Paris jury, and Pope Innocent IV in 1244 ultimately constituted a reversal of prior Christian policy. The Church had long taken the position that Judaism—which necessarily meant rabbinic Judaism—was legitimate for Jews to practice, even though it was from the Christian perspective erroneous. The initial allegations of the Donin/Gregory/Paris attack on the Talmud took the innovative position that rabbinic Judaism was more than wrong—it was in and of itself blasphemous repudiation of the true revelation that God had given to the Jewish people. This meant in effect that—as a blasphemous repudiation of God—rabbinic Judaism was intolerable in a Christian society. The revised position articulated by Pope Innocent IV in 1247 in fact re-established the right of Jews to practice rabbinic Judaism in western Christendom. Innocent continued to accept the Paris findings as to the intolerable contents within the Talmud and established procedures for excising these intolerable contents. However, in 1247 he rejected the charge that the Talmud was in and of itself unacceptable in Christian society as a deviation from divine revelation.

The response of the papal legate to the papal order was understandably extremely negative. Odo wrote back to the pope and reviewed the events from 1239 through the mid-1240's, highlighting the stance of Pope Gregory IX and the findings of the panel of distinguished scholars that had found the Talmud guilty as charged, which meant *inter alia* guilty of being a human contrivance and a deviation from true revelation. Odo summed matters up as follows: “Furthermore, when a diligent examination was subsequently made, it was found that the said books were full of errors, and a veil has been placed over their hearts to such an extent that these works turn the Jews away not

only from a spiritual understanding but even from a literal one and toward fables and fictions.” In his response, Odo highlights the position taken by Nicholas Donin, Pope Gregory IX, and Pope Innocent IV himself in 1244: The Talmud is a man-made work, whose teachings contravene the true revelation delivered by God through Moses and the prophets of Israel. “Hence it is obvious that the masters of the Jews of the kingdom of France recently lied to Your Holiness and the venerable fathers, the lord cardinals, when they said that they are unable to understand the Bible and other provisions of their Law according to their faith without those books that are called in Hebrew the Talmud. Indeed, when the aforesaid examination was made and all the masters of theology and canon law as well as many others deliberated, in accordance with the apostolic mandate all the aforesaid books that could be found at that time were then burned in a bonfire.”²⁵ According to Odo, the Talmud had been found guilty of all the charges leveled against it, including the charge that is it a human contrivance that constitutes blasphemy toward God and his genuine revelation and had been burned as a result. The new papal position ran counter to all the foregoing steps and was thus utterly unacceptable.

The final document related to the anti-Talmud campaign is the condemnation issued by Odo in 1248, and it is a striking and somewhat puzzling decree. While Odo had in 1247 rejected Pope Innocent IV’s dismissal of the charge that the Talmud was inherently blasphemous toward God, in this new condemnation Odo does not introduce this charge. Instead, he focuses on the intolerable contents of the Talmud. “Because we found them [the books of the Talmud] to contain innumerable errors, insults, and offensive things that are a source of shame to those who repeat them and horror to those who hear them, to such a degree that the aforesaid books cannot be tolerated in the sight of God without damage to the Christian faith, after consultation with good men whom we had specially summoned for this purpose, we proclaim that the aforesaid books must not be tolerated nor should they be restored to the masters of the Jews.”²⁶ In a sense, Odo seems to have capitulated to Innocent IV’s sense of the Talmud as not inherently blasphemous. To be sure, he remained opposed to Innocent’s conclusion that an excised Talmud could be returned to the Jews. According to Odo and his colleagues, the

²⁵ Ibid., p. 278.

²⁶ Ibid., p. 279.

erroneous and harmful teachings in the Talmud were of such magnitude that the book was intolerable.

The case against the Talmud was drafted by Nicholas Donin, supported by Pope Gregory IX, and ratified by the Paris jury. The case was wide-ranging and damning. It began with the claim that the Talmud is in and of itself blasphemous toward God and his true revelation, which meant in effect that the rabbinic Judaism practiced by the Jews of western Christendom was intolerable. It included the older allegation that the Talmud contained inane doctrines, but introduced new information that purported to show that it also included slurs against Jesus, Mary, and the Church and condoned or even encouraged anti-Christian behaviors. Eventually, the charge that the Talmud was in and of itself blasphemous and intolerable was dropped by Pope Innocent IV and seemingly even by Odo of Chateauroux. To be sure, both agreed that some of the content of the Talmud was intolerable, with the pope urging censorship of this material and Odo contending that there was too much intolerable material for censorship and that the entire Talmud should be burned and prohibited. These were the charges to which Jews had to respond.

The Defense

The wide-ranging charges against the Talmud, first drafted by Nicholas Donin, gained a hearing in the papal court, were supported by Pope Gregory IX, were heard by a papally commissioned jury in Paris, were ratified by that jury, and occasioned the burning of the Talmud and its prohibition in Paris in the early 1240's. The jury trial, the burning, and the prohibition took place in royal France only, but the danger of condemnation of the Talmud elsewhere in Europe was real. Jewish leaders in France had to defend the Talmud against the Donin charges, but Jewish leaders elsewhere had to be fully aware of what was happening in Paris and prepare themselves for similar onslaughts. While the rabbis in Paris were initially unsuccessful in defending the Talmud, the Hebrew narrative that depicts the exchanges between Donin and Rabbi Yehiel served the important purpose of clarifying for Jewish readers the dangers facing them and conveying suggested lines of defense. It is the critical source for probing Jewish responses to the Donin charges.

As we have seen, the Donin attack was multi-faceted and extremely well documented. The allegations included that the Talmud was in and of itself disrespectful toward God and his true revelation and that it included teachings purportedly harmful to Christians; blasphemous statements about God, Christ, and the Church; offensive reflections on Jewish and Christian fate in the afterlife; and inane doctrines. The fourth of these allegations (offensive reflections on Jewish and Christian fate in the afterlife) was not at all prominent in the proceedings in Paris or its aftermath, and the fifth (inane teachings) was already well known. Thus, the key charges to which Jewish leaders in Paris had to respond were the first three: that the Talmud was in and of itself disrespectful toward God and his true revelation; that it included teachings purportedly harmful to Christians; and that it contained blasphemous statements about God, Christ, and the Church.

Of these three charges, the first was in many ways the most damaging, since acceptance of this allegation meant in effect prohibiting rabbinic Judaism in western Christendom. At the same time, the two further allegations were in their own right extremely destructive—both on the official level and on the popular level. On the official level, Odo of Chateauroux—seemingly abandoning eventually the claim that the Talmud was inherently blasphemous toward God—nonetheless contended that the remaining charges involving the contents of the Talmud were sufficiently weighty to require ongoing burning and prohibition. This was the position adopted by the French authorities from the mid thirteenth century down through the end of Jewish life in France in the late fourteenth century. These charges also caused grave damage to the Jews on the popular level. The burgeoning sense of Jewish malevolence and harmfulness, which had been gaining strength in popular circles from the middle of the twelfth century onward, received considerable reinforcement from the new knowledge of the Talmud. This new knowledge suggested that Jewish malevolence and harmfulness were not accidental or social in origin; rather, they inhered in the religious literature of the Jews and were incumbent upon Jews *qua* devotees of Judaism.

One line of Jewish response was useful in addressing all the charges brought against the Talmud, and that response involved its antiquity. We have noted the opening jousting between Rabbi Yehiel and Nicholas Donin reported in the Hebrew narrative—disagreement as to the age of the Talmud. Rabbi Yehiel insisted on the great

antiquity of the Talmud, in part as a matter of its respectability as a venerable religious literature. More important, the antiquity of the Talmud meant that for many centuries—perhaps even for a millennium—the Talmud and/or the material in it had been known to major figures in the Church. At no point during this lengthy period of time had Church leaders raised the kind of issues that Donin was now raising. The notion that an insignificant convert from Judaism to Christianity would bring new insight into the Talmud and initiate a destructive new campaign was—for Rabbi Yehiel—ludicrous. Donin was utterly inconsequential in comparison with the Church greats of many past centuries and was in fact moved simply by personal animus toward his former fellow-Jews. The lengthy record of Christian knowledge and acceptance of Jewish use of the Talmud was decisive. While the Jewish author of the Hebrew narrative indicates that this ploy on the part of the rabbi was quickly dismissed during the Paris proceedings, the argument was in fact a potent one and was undoubtedly invoked by Jewish leaders in settings other than Paris.

In fact, the argument that Pope Innocent IV cited as decisive in his decision to reconsider the allegation that the Talmud is inherently blasphemous toward God is related to this opening and broad claim purportedly advanced by the rabbi in Paris and rejected by the Paris jury. The rabbis who met with Innocent IV argued that stripping Jews of their Talmud was tantamount to prohibiting Judaism. Put differently, Jews had for centuries been permitted by the Christian authorities to practice rabbinic Judaism, grounded in the Talmud. Changing the rules governing Jewish life in Christendom would constitute an unacceptable innovation. The argument that—according to our Jewish author—failed to convince the Paris jury eventually did sway Pope Innocent IV.

This broad Jewish argument is circumstantial, grounded in prior Christian knowledge of the Talmud. According to the Hebrew narrative, Rabbi Yehiel proceeded from the circumstantial to the substantive. The rabbi in fact laid out a thoroughly substantive case for the legitimacy—indeed the indispensability—of the Talmud. We recall that Donin’s argument for the essentially blasphemous nature of the Talmud rested ultimately on denial of its divine roots. The third of his allegations is that the Jews “say that it [the Law of the Talmud] was handed down by the word of the Lord.”²⁷

²⁷ Loeb, “La controverse de 1240,” 2:255.

Implicitly, Donin denies this Jewish assertion. In the letter of Gregory IX, the implicit becomes explicit—“they [the Jews] *falsely* [emphasis mine] claim that it was passed on orally to Moses.”²⁸ This part of the Christian case rests ultimately on simple denial of the divine roots of the Oral Torah.

For Rabbi Yehiel to merely reject this denial would have achieved little, and in fact this is not what he chose to do. Rather, he built a meticulous argument contending that divine decisions reflected in the Written Torah necessitated an Oral Torah. This case begins with problems associated with the Written Torah. Identification of these problems was by no means intended to be blasphemous. The problems are readily identifiable, and it is obvious that God introduced these problems for his purposes and not out of divine shortcoming. The first of these problems involves seeming contradictions in the Written Torah. God was surely capable of composing a Written Torah free of contradictions, but he chose not to do so. Why this was so is beyond human understanding. Nonetheless, it was a necessary result of the divine revelation recorded in the Written Torah that the rabbis identify such contradictions and resolve them.²⁹ Likewise, the Written Torah often diffuses laws on a single important topic among numerous passages. Again, God could surely have organized these materials more efficiently, but for his own purposes chose to do otherwise. Once more, this divine decision necessitated rabbinic activity in order to allow the dictates of the Written Torah to be implemented effectively on the human scene.

Thirdly, God chose—again for his own reasons—to omit certain laws from the Written Torah corpus. Rabbi Yehiel is quoted as claiming the following: “Further, in the case of the scribal rules applying to marriage documents, these cannot be understood without [extra-biblical] tradition, as it is written, ‘If a case is too baffling for you to decide, etc.’ until ‘which they tell you to do.’³⁰ In such a case God has transmitted this tradition to the sages.”³¹ This critical biblical passage empowers the religious leadership of the community—in the biblical period the priests and subsequently the rabbis—to adjudicate issues that arise among the people and that are not clearly adumbrated in the divine revelations dispensed through Moses. This passage envisions

²⁸ Grayzel, *The Church and the Jews*, #'s 96, 97, and 98.

²⁹ Note the parallel Christian wrestling with intra-Gospel contradictions.

³⁰ Deuteronomy 17:8-13.

³¹ *Vikuah* (ed. Grunbaum), 3; *Vikuah* (ed. Margulies), 14.

the need for clarifications of the law and empowers the religious leadership of the Israelite/Jewish community to provide such clarifications. The dictates of the religious leadership must be scrupulously followed by the people. Here—in the view of Rabbi Yehiel—there is direct biblical confirmation of the authority of the religious leadership of the Jewish people, which over the ages devolved upon the rabbis. Thus, the Donin/Gregory contention that the Jews falsely claim divine authority for the Talmud is—in the view of the rabbi—clearly contravened by this crucial biblical passage.

There is yet a fourth and final line of support for the authority of the rabbis and their Talmud. Every legal system requires a set of safeguards against transgression by the common folk. In order to ensure that major prohibitions not be transgressed, it is necessary to erect barriers against such transgression. Such barriers operate in every legal system and are, according to Rabbi Yehiel, in fact authorized in the Written Torah itself. “And the support for [these laws] is found in the passage ‘You shall keep my charge...’³² meaning that you shall place your own guardian before that which I guard.”³³ Barriers to transgression of major precepts are found in all legal traditions and are specifically enjoined by the Written Torah. Thus, the grounds for rabbinic/talmudic authority are weighty. This authority does not rest on a simplistic claim of divine delivery of the Oral Torah to Moses, although such a claim is in fact made. Rather, the grounding for rabbinic authority rests firmly on the needs established by the Written Torah and is in fact mandated explicitly by the Written Torah.

Donin’s claims about the inherently blasphemous nature of the Talmud in fact revolved heavily around aggadic statements, rather than halakhic norms. Let us note some of these aggadicly grounded charges:

- that, according to the Talmud, the sages and scribes are worth more than the prophets;
- that the sages and scribes were able to overturn the words of the Written Torah;
- that, if they said left was right or vice versa, they would turn right into left
- that he ought to die who does not observe what they say

³² Leviticus 18:30.

³³ *Vikuah* (ed. Grunbaum), 3; *Vikuah* (ed. Margulies), 14.

- that they prohibit young children from studying the Bible, because it is not a virtue, as they say, to learn these things, but, preferring the teaching of the Talmud, they have promulgated certain injunctions of their own.³⁴

None of these allegations involve actual legal issues; they are all non-legal or extra-legal observations about the rabbis and the Talmud.

As noted, the Jewish author portrays Rabbi Yehiel as addressing the issue of aggadah early on, in anticipation of the fact that much of the Donin attack would be grounded in aggadic statements. Such was the case in prior criticisms of the Talmud, and such was foreseen as central to the Donin assault. Rabbi Yehiel argued that belief in aggadic statements was not mandatory, since they are speculative and imaginative. To be sure, he did not demean the aggadah, insisting on its depth and insight. Given its speculative and imaginative nature, however, aggadah had to be read differently from halakhah. This was the tack taken against Donin's citation of aggadic statements extolling the rabbis. These aggadic statements bear a weighty message, however they are by no means to be taken literally. There is a divinely mandated need for the halakhic insights of the rabbis; the aggadic statements in praise of them and their teachings must not be taken literally, as Donin proposed to do.

The defense advanced against the charge that the Talmud is inherently disrespectful to God is multi-faceted and impressive. Rabbi Yehiel is portrayed as taking a number of tacks: Circumstantially, prior Christian leadership knew and accepted the Talmud as the foundational element in Jewish religious life; Donin's attack was thus an unacceptable *novum*. Substantively, there is solid evidence of a divine mandate for ongoing interpretation of God's law, which means that the Talmud as a body of such interpretation can hardly be disrespectful. Finally, the aggadic statements marshaled by Donin are—like all aggadic statements—not to be taken in literally, but must be properly understood as literary and imaginative commendation for the rabbis and their important efforts on behalf of their followers. The claim that the Talmud is inherently blasphemous toward God is thus unsustainable, and we have seen that Pope

³⁴ Loeb, "La controverse de 1240." 2:257-263.

Innocent IV in fact retreated from this position in 1247, as did Odo of Chateauroux in 1248.

The Donin assault on the contents of the Talmud involved principally the charge that the Talmud sanctioned or even required anti-Christian behaviors and the charge that the Talmud includes blasphemous statements about God, Jesus, and the Church; these charges required a somewhat altered defense. The passages cited by Nicholas Donin are not denied by Rabbi Yehiel; rather they are interpreted carefully by him. To an extent, the circumstantial case that the Talmud had long been known to the Church could still be invoked, but it lacked the impact it had in combating the allegations of the inherent disrespectfulness of the Talmud. The seemingly blatant anti-Christian teachings and the ostensibly blasphemous statements about God, Jesus, and the Church required direct confrontation on the part of Rabbi Yehiel and on the part of other Jewish leaders encountering such claims.

Let us begin with the allegation that the Talmud contains blasphemies against God, Jesus, and Mary, which occupies less space in the Hebrew narrative account than the charge of fostering anti-Christian behaviors. In the narrative account, there are two exchanges in which Donin levels charges of blasphemy—one involving blasphemy against God and the second involving blasphemy against Jesus and Mary. The first is relatively short and focuses on only one of the many talmudic passages cited by Donin in his thirty-five articles as demeaning of God. The passage in question is from Tractate Hullin and involves a purported conversation between God and the moon, with the latter objecting to the fact that it and the sun were of equal size. In response, God diminished the size of the moon. The moon is portrayed in the Talmudic passage as complaining of being punished for raising a reasonable question. Acknowledging the legitimacy of the moon's complaint, God then sought to assuage the moon in a number of ways, but was ultimately unsuccessful. The passage concludes: "God said: 'Bring an atonement offering, because I have diminished the moon.'" Donin is portrayed in the Hebrew narrative as concluding: "Could there be another people like this, in whose law it is written that their God sinned and commanded them to bring an offering to atone for him for his sin? Should not anyone who hears this laugh?"³⁵

³⁵ *Vikuah* (ed. Grunbaum), 7; *Vikuah* (ed. Margulies), 19.

The Hebrew narrative again portrays Rabbi Yehiel as pre-empting such criticism of the Talmud very early on, in his lengthy speech about the nature of aggadic material. In that early speech, he emphasized the non-binding nature of the aggadah and the need to read it as creative and imaginative rumination, noting that the Hebrew Bible—revered by Christians—is full of such leaps of imagination. The rabbi is portrayed as responding along precisely the same lines when the issue of the talmudic passage’s purported blasphemy of God is raised. “You are distressed that the moon has spoken. Then who bestowed speech and song on the trees of the forest, who shout in the court of the King, as is written: ‘Then the trees of the forest shout for joy.’³⁶ Do you laugh because of this?”³⁷ This is precisely the tack the rabbi had taken in his earlier speech—what is legitimate and unassailable in the Hebrew Bible cannot be censured in the Talmud.

Here, however, Rabbi Yehiel proceeds further, explicating the moral lessons embedded in this imaginative midrash. He cites a number of such lessons. The first involves the sinfulness of the moon in demeaning her companion light, the sun. According to the rabbi, the imaginative midrash is addressed to a human audience, teaching the seriousness of slandering fellow-humans. Moreover, God’s behavior in the story is meant to teach the importance of bringing others to recognition of their sinfulness and of moving them toward repentance. God was in effect transmitting a lesson in repentance through his ongoing conversation with the moon and his acceptance of guilt for diminishing her. The entire passage must not be read as a misguided and ludicrous portrait of the divine; it is rather an imaginative and effective excursus aimed at conveying major moral insights.

It is interesting to note in passing a line of defense not invoked by Rabbi Yehiel. By the thirteenth century, Jews were quite well versed in New Testament stories. As a minority community in a majority Christian environment, Jews were cognizant earlier and more fully of the New Testament than were Christians of the Oral Torah. Jewish knowledge of the Gospels gave rise to literalist criticisms very much parallel to the attacks on the Talmud by Peter the Venerable and Nicholas Donin. Jewish authors cite New Testament incidents recurrently and criticize the behavior of Jesus as utterly

³⁶ Psalms 96:12.

³⁷ *Vikuah* (ed. Grunbaum), 7-8; *Vikuah* (ed. Margulies), 19.

inappropriate to a divine figure.³⁸ In a different environment, Rabbi Yehiel might have been tempted to adduce the New Testament along with the Hebrew Bible in asserting the imaginative and educational significance of talmudic tales. He might well have pointed to New Testament stories of the divine Jesus acting in a decidedly human manner. Clearly, however, the Paris circumstances precluded this line of defense entirely.

Criticism of the Talmud for its flights of fancy and suggestions that such flights of fancy were ultimately demeaning to God did not represent a new and truly dangerous thrust on the part of Nicholas Donin. Citation of talmudic materials that seemingly blasphemed Jesus directly was innovative and extremely dangerous. Flights of fancy might be laughable, and they are often portrayed that way. Deprecating depictions of Jesus did not elicit laughter; they elicited outrage. Donin's thirty-five articles introduce a number of talmudic passages that make seemingly blasphemous observations about the figure whom Christians adored as redeemer and deity. In the Hebrew narrative account of the trial of the Talmud, three key passages are cited by Donin, and the rabbi has to adopt alternative tactics for rebutting these three allegations.

The first of the three passages cited is from Tractate Gittin. It involved a potential proselyte to Judaism investigating through a necromancer the fate of a number of enemies of the Jewish people in the netherworld, in order to ascertain the punishments meted out for anti-Jewish activities. The first of these figures is the Hebrew Bible Balaam, who sought to curse the Israelites. Balaam is portrayed as immersed in boiling semen in the netherworld, and the rabbi explains the symbolism of this purported punishment. The next figure is a Jesus, who is portrayed as immersed in boiling excrement, which is cited by Donin as a profoundly blasphemous statement about the figure revered by the Christian majority. Here, there can be no recourse to the argument that this is an aggadic statement and must not be taken literally. On whatever level this passage is approached, it seemingly reflects profound Jewish hostility to and verbal abuse of Jesus.

Rabbi Yehiel begins his response by acknowledging the existence of this passage in the talmudic corpus. "Yes, this is in the text. I will not disavow it because of dread of you." However, the rabbi proceeds immediately to reject the charge of blasphemy

³⁸ See Robert Chazan, *Fashioning Jewish Identity in Medieval Western Christendom* (Cambridge: Cambridge University Press, 2004), Chap.13.

against Jesus by asserting that the figure so depicted is not the Jesus whom Christians venerate. “Indeed, it [the passage] is not about the God of the gentiles of whom we have spoken in this way, but of a certain Jesus who mocked the words of the sages and did not accept their interpretation, but [accepted] only the Written Torah alone.” We have noted Christian awareness of this line of defense in the “confessions” attributed to Rabbi Yehiel and Rabbi Judah. In both cases, the Christian author of the “confessions” cannot refrain from designating this line of defense a lie.

In the Hebrew narrative, Rabbi Yehiel is portrayed as offering proofs for his contention that the talmudic passage is concerned with another Jesus. “You should know that this is the case, for you see that ‘Jesus of Nazareth’ is not written, rather merely ‘Jesus.’ Further, if it did refer to him [Jesus of Nazareth], [that Jesus] did more than what is written here [i. e., merely rejecting the interpretations of the sages]. [Jesus of Nazareth] incited and caused Israel to stray and made himself a deity and repudiated the central doctrine [of the Torah, i.e. the belief in one God only]. Rather, it is evident that [this passage] refers to another [Jesus], who did not deny both the Written Torah and the Oral Torah and was merely called a heretic.”³⁹ This is a rather audacious line of defense. Rabbi Yehiel, in order to bolster his claim that the talmudic passage does not refer to Christianity’s Jesus, argues that it refers to a heretical Jesus whose divergence from Jewish belief was milder than that of Jesus of Nazareth. In the process, the rabbi makes a number of damning allegations about the seriousness of the offenses of the Christian Jesus. Clearly, Rabbi Yehiel concluded that the offensiveness of his own portrayal of Christianity’s Jesus was warranted by the objective of dismissing the incriminating passage in question. Judging from the reaction of the Christian author of the “confessions,” the dangerous ploy was not very successful in convincing the Christian audience gathered in Paris that the Jesus of this talmudic passage was not their Jesus.

The second talmudic passage cited by Donin identifies the figure in question as Jesus of Nazareth, thus there can seemingly be no Jewish argument that another Jesus is involved. The passage is portrayed as depicting the Jewish condemnation of Christianity’s Jesus in the following terms: “When Jesus came out to be stoned, the herald preceded him by forty days, saying: ‘Jesus of Nazareth goes forth to be stoned,

³⁹ *Vikuah* (ed. Grunbaum), 4; *Vikuah* (ed. Margulies), 15.

because he practices magic, incites, and leads all who know of him to go astray. Let any who have favorable knowledge come forth and testify favorably on his behalf.” Donin concludes: “Thus, indeed they have called him a magician and an inciter and an insurgent.”

Rabbi Yehiel makes no suggestion at this juncture that this passage refers to a figure other than the Christian Jesus. To be sure, there are a number of details in the passage that diverge markedly from the New Testament accounts of Jewish culpability for Jesus’ death. Here, the death is supposedly by stoning, and the process is a prolonged one, with forty days elapsing during which defense of the incriminated Jesus is solicited. Despite these discrepancies, the rabbi initially makes no effort to deny the talmudic evaluation of Christianity’s Jesus as “a magician and an inciter and an insurgent.” Indeed, according to the Hebrew narrative, Rabbi Yehiel himself had leveled such charges in the prior exchange, highlighting the fact the Jesus depicted in the netherworld was a different Jesus, guilty of far less heinous infractions than the Christian Jesus.

The rabbi offers multiple observations in defense of this passage. He begins by saying: “Did they not stone him? And you absolved us of this inasmuch as we were not there.” This line of defense is a bit murky. Rabbi Yehiel seems to be suggesting that the charges against Jesus were leveled by the Jewish leadership in first-century Jerusalem and that subsequent Christian authorities absolved latter-day Jews from culpability for these first-century Jewish views. Thus, the Talmud is merely reproducing first-century Jewish perceptions of Jesus from which later Jews—including the rabbis of the Talmud—had been absolved. Indeed, Rabbi Yehiel himself had previously depicted Jesus in similar terms, ostensibly citing the first-century perceptions, which later Jews did not share.

To this, the rabbi adds a further—again somewhat curious—line of defense. “And it is certainly a wonder that, according to this tale, they had to stone him, and yet they did not mention him frequently thereafter. And they did not refer to him at all in the Talmud, except briefly on the occasion of this incident. For they apparently had a vision through the holy spirit that you were destined to inquire and to examine us about this

matter, and for this reason they did not mention is again.”⁴⁰ Here, the claim is that the Talmud includes a citation of first-century Jewish thinking about Jesus, but then refrains from any further mention of him. This buttresses his prior contention that the previous talmudic passage about a Jesus in the netherworld refers to a different Jesus, a claim that the rabbi will shortly make about yet another talmudic tale. Thus, the Talmud makes only one reference to Jesus. In this one reference the first-century perspective of those Jews who condemned him is cited, but that implies no culpability for later Jews, who have been specifically absolved of sharing that first-century assessment.

The third talmudic passage cited by Donin focuses on the venerated figure of Mary, rather than Jesus. Donin asks about yet another passage, this time in Tractate Sanhedrin. “Concerning what hanging victim did they speak whom they referred to as ‘the son of a *sotah*?’⁴¹ For thus is it written at the end of the Chapter Four Kinds of Death: ‘And so they did to ben Stada in Lod. They hung him on the eve of Passover.’” The Talmudic passage proceeds to identify the mother of this hanged figure. “Who was the husband of Stada? The cohabitor was Pandira, while the husband was Papos ben Yehuda. This says that his mother was Stada, but his mother was Miriam the dresser of women’s hair, as the men of Pumbaditha say: ‘For she deserted her husband, and for this she was called a *sotah*.’”

Interestingly, this talmudic tale elicits immediate crowd reaction, which is not reported for the prior quotations of talmudic material seemingly hostile to Jesus. “The crowd became very angry and called out: ‘Why have you spoken about Miriam? What did she do to you?’” This crowd reaction seems to reflect the broad veneration for Mary in mid-thirteenth-century France. It also seems to reflect the sense that Jews might well have a quarrel with Jesus, but that all the anti-Jesus allegations have no relevance to the pure and saintly image of Mary.⁴²

Rabbi Yehiel is quick to respond to the crowd anger and to deny vigorously any Jewish animus toward Mary. “Know that you [the crowd] have spoken correctly [in asking what Jews have against Mary]. For we have nothing to say against her, for what

⁴⁰ *Vikuah* (ed. Grunbaum), 4-5; *Vikuah* (ed. Margulies), 15-16.

⁴¹ A *sotah* is a rebellious woman and is judged harshly in biblical and rabbinic literature.

⁴² See William Chester Jordan, “Marian Devotion and the Talmud Trial of 1240,” in *Religionsgesprache im Mittelalter*, ed. Bernard Lewis and Friedrich Niewohner (Wiesbaden: Otto Harrassowitz, 1992), 61-76.

is her sin and what is her transgression? And she was, after all, of our flesh and bone. Nothing in the Talmud or narrative tradition speaks against her.” Jews have nothing against Mary; if anything, they harbor a measure of appreciation for her as a Jewess. What then of the passage introduced by Donin? “And that which he [Donin] cited concerns another [Miriam] entirely.” Once more, the rabbi claims that alternative figures from the Jewish community in Palestine are referenced. Here, the stakes are—if anything—even higher.

Again, Rabbi Yehiel does more than simply assert that a different Mary is reflected in the Talmudic passage; he marshals an extensive and detailed case for his claim. This case includes the following elements:

- The site of the hanging referenced in the passage is Lod, while everyone knows that the Christian Jesus was executed in Jerusalem;
- the name of the husband of Stada differs from the well-known name of Mary’s betrothed;
- the figure of Mary the dresser of women’s hair is cited in a different Talmudic passage, which places her four hundred years after the lifetime of Jesus.⁴³

On all these grounds then, the rabbi argues that the mother of the figure hanged in Lod could not possibly be Mary, the mother of Jesus. Jews have nothing negative to say about the Christian Mary, and the passage introduced by Donin has nothing whatsoever to do with her.

According to the Hebrew narrative, this focus on dating leads Rabbi Yehiel to himself introduce another talmudic story about a Jesus, one that is seemingly more factual. This story, found in Tractate Sotah, portrays an extended incident between a major early rabbinic figure—Joshua ben Perachia—who “pushed away Jesus with both hands.” In the story, Joshua excommunicated this Jesus, who made repeated efforts to win back Joshua’s grace. Eventually giving up on these futile efforts, this Jesus “went and set up a brick and worshiped it.” After quoting the story, the rabbi proceeds to careful reconstruction of its chronology and concludes that the Jesus of this tale lived two hundred years prior to the Christian Jesus. In fact, the rabbi now claims that this

⁴³ *Vikuah* (ed. Grunbaum), 4-5; *Vikuah* (ed. Margulies), 16.

much earlier Jesus is the one referenced in the prior story of the stoning. This leads to the altered conclusion that “in the entire Talmud he [the Christian Jesus] is not mentioned.”⁴⁴ This is a yet more radical stance than the rabbi’s initial reaction to the talmudic account of the stoning of a Jesus. Now, the rabbi claims that this tale as well involves a different Jesus. In fact, he now argues that the Christian Jesus is never cited in the Talmud.

The Hebrew narrative is fully aware that the Paris onlookers were highly skeptical of this claim of multiple figures with the name Jesus. These onlookers are made to express incredulity at the claim, and the rabbi is portrayed as responding: “Not every Louis who is born in France is king of France. Is it not possible that two men were born in a certain city and given the same name and that both dies the same death? There must be many cases like this in the land.” Rabbi Yehiel pushed energetically this new stance that disavows any mention of Jesus in the Talmud. At this point, the queen mother is portrayed as once again entering the discussion. She seems to support the rabbi, at least as regards his claim that the opening passage, which depicts a Jesus in the netherworld, does not refer to the Christian Jesus. On the other hand, she addresses the rabbi and asks: “Do you honestly maintain that you are telling the truth?” The rabbi’s response is: “Yes, as I live and will return to my home, we have never deemed that he [Jesus] was sentenced to boiling excrement nor spoken of in such words.”⁴⁵

The author of the Hebrew narrative seems to equivocate a bit at the end of this exchange. On the one hand, he has the rabbi conclude by asserting that the Talmud contains no reference to the Christian Jesus; at the same time, the Christian prosecution and the Jewish defense is made to revolve around the most offensive of the talmudic passages cited by Donin, the one that depicts Jesus in the netherworld. In any case, the Jewish defense sketched out in the Hebrew narrative revolves basically around the claim that seeming references to a Jesus in the Talmud do not refer to the Christian figure by that name.

By far the Donin charge dealt with at greatest length in the Hebrew narrative involves a variety of allegations of the Talmud’s sanctioning of anti-Christian thinking and behavior, ranging from demeaning Christians to cursing them to the annulment of

⁴⁴ *Vikuah* (ed. Grunbaum), 6; *Vikuah* (ed. Margulies), 17.

⁴⁵ *Ibid.*

oaths to Christians to inflicting physical harm upon them. Once more, Donin had gathered copious evidence of this alleged support of anti-Christian thinking and behaviors, and the rabbi had to address carefully each of the sources cited. Again the sources cited by Donin include both halakhic rulings and aggadic statements. The rabbi had to deal with these two disparate sets of sources in alternative ways, but is regularly portrayed as fully attuned to the nature of the evidence adduced by his rival.

The mildest of the purported anti-Christian thinking and behavior reflected in the Donin allegations and in the Hebrew narrative is the claim that Jews regularly demean Christians. Donin advances this claim in the following manner: “Here it is written in your Torah that our cattle are more beloved to us than our wives, as Rabbi Yohanan said: ‘When the serpent copulated with Eve, he infused her with contamination. The contamination of the Israelites who stood at who stood at Sinai came to an end.’ Did [the contamination of the gentiles who did not stand at Mt. Sinai [also] cease?” Nicholas Donin is portrayed asking the rabbi a rhetorical question, with the obvious answer that the contamination of the gentiles did not cease. In fact, the extant citation in the Talmud makes the clear-cut assertion that the contamination of the gentiles did not cease.

The defense that Rabbi Yehiel mounts is standard for many of these allegations of anti-Christian thinking and behavior. It involves a careful examination of the meaning of the talmudic term “gentiles.” According to the rabbi, the term as used in the Talmud refers to polytheistic non-Jews, who lacked the moral restraints imposed by divine law. Whatever their religious shortcomings might be, Rabbi Yehiel distinguishes Christians from these polytheists. His formulation with regard to the demeaning of gentiles is especially sharp. “This [passage] refers to none other than the same gentiles of whom I spoke to you—the Canaanites and Egyptians who behaved lewdly and did not stand at Mt. Sinai and did not accept the Torah. But as for you, who accepted the Torah, and your god, who did not come in order to destroy our Torah and did not add or subtract from it, according to your own words, your contamination has departed from you, and the sages of the Talmud were not speaking of you.”⁴⁶ The term “gentile” in the talmudic

⁴⁶ *Vikuah* (ed. Grunbaum), 9; *Vikuah* (ed. Margulies), 20.

passage cited by Donin bears no relation to the Christians among whom medieval Jews now live. Repeatedly, Rabbi Yehiel invokes this defense.

The attack on purported talmudic support for Jewish anti-Christian behaviors next turns to the allegation that Jews regularly curse their Christian peers. This claim is grounded in a widely known section of the daily Jewish liturgy, which calls for divine wrath against opposition groupings. Donin cites this prayer and carefully parses its terminology to show that the objects of the curses are key elements in Christian society. The first group specified in the prayer—the *meshumadim*—is projected by Donin as a reference to the Christians populace in its entirety, and the second group—the *minim*—is projected as the priests. The third group—the *malkhut zaton*—is projected as a reference to the secular authorities of Christendom.⁴⁷ Donin closes on a powerful note. “Was there ever anger like this? They curse the gentiles and the friars and, with all their might, portray them detestably.”

In his response, Rabbi Yehiel once again acknowledges the reality of the prayer, but contests Donin’s reading of it. According to the rabbi, the prayer does not refer to Christians, but rather to internal Jewish dissidents, “those who believe in the Torah of Sinai, but not in the Talmud.”⁴⁸ In taking this position, Rabbi Yehiel achieves two objectives simultaneously. On the one hand, he deflects the accusation that Jews curse Christians; at the same time, he reaffirms the centrality of the Talmud within Judaism. Those who reject it read themselves out of the Jewish community and bring down upon themselves Jewish curses.

The rabbi’s defense sparks an interesting exchange. Donin cites the great eleventh-century French commentator Rashi as indicating that the deprecatory prayer is in fact intoned against Christians, suggesting that the rabbi—who surely knew and venerated Rashi—was disingenuous in this line of defense. In response, Rabbi Yehiel indicates internal disagreement among the rabbis of medieval France on a wide range of issues, noting that in generations subsequent to Rashi his views were often contested. Moreover according to Rabbi Yehiel, Rashi is actually internally inconsistent in regarding the heretics of the prayer as Christians, since heresy is regularly defined by

⁴⁷ The version of the prayer cited by Donin according to the Hebrew narrative differs somewhat from the present-day formulation of that prayer, as a result of the censorship—Christian and Jewish—that resulted from the events of the 1230’s and 1240’s.

⁴⁸ *Vikuah* (ed. Grunbaum), 11; *Vikuah* (ed. Margulies), 22.

him as disavowal of talmudic law, while Jesus and his followers did more than repudiate the Talmud. This line of argumentation is reminiscent of the distinction the rabbi drew in his discussion of some of the Jesus passages in the Talmud between internal Jewish heretics, who denied the Talmud, and Jesus of Nazareth, who denied more fundamental Jewish religious truths.

With the focus on oaths and their annulment, Donin's attack moves from anti-Christian attitudes to anti-Christian behaviors. The issue of oaths was raised at the very outset of the proceedings, with the demand that Rabbi Yehiel take a vow of truthfulness, which he refused to do. About midway through the Hebrew narrative, this issue is raised as an explicit anti-Talmud charge by Donin. The opening ploy is a bit strange. Donin begins by citing a talmudic tale that portrays God asking a rabbi to release him from an oath he had taken. This seems to be yet another allegation of Jewish blasphemy against God, but in fact Donin quickly takes another tack. "Who can gaze at you, at these words saying that the Lord regrets that he swore an oath and that they shamed Rabbah that he did not say [to God]: 'You are released?' This is your [the Jews'] way—this foolishness—that they say that everyone who vows or swears may have his friend render his oath invalid." The story of God and his request for annulment of his oath is projected by Nicholas Donin as reflective of the Jewish sense that oaths can be readily annulled, making the Jews utterly untrustworthy in their relationships to Christians.

Donin proceeds from this curious opening to a more focused set of allegations rooted in actual Jewish practice. "Each and every year on the Day of Atonement they resolve to expunge the vows and oaths that they have sworn before gentiles, and for this reason they do not fulfill a vow or oath to a gentile. Indeed, it is found in Tractate Nedarim: 'One who wishes not to uphold his vow shall stand on the Day of Atonement and recite *Kol Nidre*.' It [the Talmud] declares that three ordinary men may expunge a vow so that in this way they [Jews] need not fulfill a vow or oath to any gentile. This is a people unlike any other, for they have no integrity."⁴⁹ Talmudic laws involving oath-taking in effect make the Jews socially irresponsible in their dealings with the non-Jewish society within which they live.

⁴⁹ *Vikuah* (ed. Grunbaum), 6; *Vikuah* (ed. Margulies), 17-18.

Rabbi Yehiel opens his rebuttal with the story with which Donin had begun, which fell into the realm of aggadah. He again cites multiple biblical sources that portray God as regretting oaths he had taken, arguing once more that what is acceptable in the Bible is likewise appropriate in talmudic aggadah. Quickly, however, the rabbi shifts to the halakhic issue reflected in the aggadic tale. Donin had suggested that the aggadic story reflects the general Jewish disposition to violate oaths. The rabbi reads the tale more closely. According to the rabbi, the divine voice “said: ‘Who will annul me?’, which is to say ‘Who is able to annul me?’ None, until the end of time.”⁵⁰ Thus, the story projects the opposite of Donin’s conclusion, i.e. Jewish veneration of oaths and the Jewish sense of their inviolability.

However, the rabbi still has to deal with the upbraiding of the rabbi in the story for not annulling God’s oath. At this point, he introduces a legalistic issue related to oath-taking. According to Rabbi Yehiel, talmudic law recognizes legitimate instances of annulment of oaths. One such instance involves oaths taken in anger—such oaths may be legitimately and properly annulled. Since the prophet Jeremiah indicates that the divine decision to exile the Jews from their land was in fact taken “in anger and wrath and great rage,” it would have been proper for the rabbi to annul this ill-conceived divine oath. Again, the real issue here is Jewish attitudes toward oath-taking, and the rabbi has argued—through his reading of the aggadic tale—that Jews are deeply respectful of oaths, while stipulating that oaths taken in anger may rightly be annulled.

The legalistic approach to oath-taking reflected in the rabbi’s analysis of the aggadic story sets the stage for his grappling with the weightier issues embodied in the halakhic sources cited by Nicholas Donin. The *Kol Nidre* prayer intoned by Jews at the outset of the Day of Atonement liturgy is of course acknowledged by the rabbi as a reality, but must—he insists—be understood properly. According to Rabbi Yehiel, this prayer does not—as claimed by Donin—set in motion automatic annulment of Jewish oaths made to non-Jews. Rather, the annulment of vows for which Jews prepare in the *Kol Nidre* prayer once again involves a very specific class of vows, viz. those taken in error. As proof of his contention, the rabbi directs the attention of the Paris jury to the conclusion of the prayer. “To all the community of Israel pardon will be granted, as the

⁵⁰ *Vikuah* (ed. Grunbaum), 7; *Vikuah* (ed. Margulies), 18.

entire people has sinned erroneously.”⁵¹ Oaths taken under the influence of anger may be annulled; oaths taken erroneously may be annulled; otherwise, Jews are scrupulous in their honoring vows.

Nicholas Donin had leveled a third charge with regard to Jewish oaths, viz. the claim that Jewish law makes the annulment of oaths extremely easy. Three Jews can serve the purpose of annulling a fellow-Jew’s oath. Here again, the rabbi introduces legalistic detail: “These [the oaths that can be annulled by three fellow-Jews] include only those oaths assumed by an individual upon himself and that do not affect any other person. Vows, however, between a man and his fellow no one may annul, except with the assent of his fellow.”⁵² Once more, the rabbi is suggesting that Donin has failed to grasp the niceties of Jewish law. Vows can in fact be annulled through three fellow-Jews, but again only a limited class of vows is involved—those vows that a Jew takes upon himself. Vows that include obligations toward a fellow-human can only be annulled with the assent of the fellow-human himself. Jewish law regarding vows does permit annulment of oaths, but it is scrupulous with respect to obligations undertaken toward others.

Rabbi Yehiel concludes his rebuttal of the Donin allegations by making a positive assertion of Jewish respect for oaths. “On the subject of vows, they [the rabbis] cautioned us even more than other nations. For even if an individual [Jew] swears to injure himself, he is obligated to fulfill the oath.”⁵³ Oaths taken in anger or in error or toward oneself can be annulled. Otherwise, oaths taken by Jews must be carefully fulfilled, even if the oath is costly in some way to the oath taker. Seen against the backdrop of this discussion of Jewish attitudes toward vows, the rabbi’s refusal to take an oath at the outset of the deliberations takes on heightened meaning. Rabbi Yehiel has exemplified the general Jewish reverence for oaths by his steadfast refusal to take one, since he had all through his life been careful avoid oath-taking out of his respect for the sanctity of vows.

There is a special quality to the Hebrew narrative’s portrayal of Nicholas Donin’s case for talmudic support for physically inflicting harm on Christians. The Jewish

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

author portrays a staccato burst of citations by Donin, all intended to show Jewish willingness to see harm inflicted on Christians or to allow Jews to inflict harm on their Christian neighbors. This is an especially explosive set of charges, given the societal backdrop. By 1240, the allegation that Jews gratuitously murder Christian children was a century old and had gained considerable traction in European society at large. The imaginative embellishments added to the basic theme—the allegation that these murders were carried out in ritual fashion and were actually a part of Jewish religious obligation—served to strengthen perceptions of murderous Jewish hostility. Thus, Donin’s citation of numerous sources that seem to reflect talmudic support for anti-Christian actions intended to inflict physical harm was dangerously damning.

The set of sources cited by Donin fall into two major categories—a more passive category in which Jews are seemingly enjoined to stand by as gentiles are in situations of life-threatening danger and a more active category of aggressive anti-gentile actions. One of the earliest of the sources cited illustrates the former category: “Gentile and Jewish shepherds of small cattle, we do not throw them into a pit, nor do we rescue them from a pit.’ Even when drowning in the pit, you do not obligate yourselves to bring him up.” To Donin, this is utterly reprehensible. More striking yet are the more active and aggressive statements, such as Donin’s opening salvo: “Who brought you to that which you say: “The best of gentiles shall you kill.” This latter involves more than standing by passively as gentiles face danger—here Jews seem to be enjoined to kill gentiles. Donin follows up with a sequence of talmudic statements that seemingly condone or even require killing gentiles:

- “A gentile who observes the Sabbath is culpable for death.”
- “A gentile who studies Torah is culpable for death.”
- “A gentile may be put to death [on the testimony] of one witness, without forewarning.”
- “It is permissible to rob, steal, and claim the wealth of the gentile.”⁵⁴

These are all inflammatory charges against the Talmud and against Jews who live by talmudic law.

⁵⁴ *Vikuah* (ed. Grunbaum), 8; *Vikuah* (ed. Margulies), 19-20.

Some of the lines of the rabbi's defense are by now predictable. One key is the need to define carefully the meaning of the term "gentile." Time and again, the rabbi distinguishes between the lawless polytheists of earlier times and the Christians of Europe among whom Jews now live. The former were extremely dangerous because of their lack of the most basic principles of ethical behavior; the latter can be criticized on a series of religious grounds, but their basic commitment to morality and decency is obvious. In regard to the charge of talmudic support for anti-Christian actions, Rabbi Yehiel makes his most extended and striking statement of this distinction:

I shall prove to you that every mention of "gentile" does not refer to their [Christian] custom. For see, you know that we observe the Torah with all our souls. How many stonings and burnings and drownings and murders and stranglings have we [suffered] over it? Yet all that is forbidden in the case of gentiles we do among you.

For we are taught: 'For three days preceding the holidays of gentiles it is forbidden to engage in trade with them.' Go out now into the Jewish street and see how many do business, even on the very holiday itself.

And further we are taught: 'Do not board cattle in the barns [of gentiles].' Yet every day we sell cattle to gentiles and made partnerships with them and are alone with them and entrust our infants to their households for nursing. And we teach Torah to gentiles, for see there are some friars who know how to read a Jewish book.⁵⁵

Distinguishing between pagan gentiles and Christian gentiles is—argues Rabbi Yehiel—by no means an arid and casuistic line of argumentation. The Jewish patterns of behavior in Christian Europe prove beyond a shadow of a doubt that Jews in their everyday life make this distinction. A series of talmudic prohibitions are regularly flaunted by European Jews, famed for their intense commitment to talmudic law. This can only mean that these Jews and their rabbis recognize regularly that the Christians among whom they live are unquestionably different from the earlier gentiles against whom the rabbis of Talmud legislated.

Rabbi Yehiel reinforces his argumentation by making a lengthy series of positive assertions about Jewish obligations to non-Jewish neighbors. While we have noted this tendency previously, at no point does the rabbi make as protracted a positive case as he

⁵⁵ *Vikuah* (ed. Grunbaum), 10; *Vikuah* (ed. Margulies), 21.

does with respect to Jewish relations to non-Jews. He adduces a string of talmudic teachings that attest to Jewish respect for non-Jews.

- It is prohibited to bewilder him [a gentile] with subtle arguments....
- We are further taught to support the poor of the gentiles the same as the poor of Israel.
- Furthermore, a man is obligated to greet gentiles politely first. And we are taught in the chapter *Hanezikin* that assistance may be given to gentiles on the sabbatical year, and its explanation is that we greet them politely to give assistance.
- It is further taught that we visit the sick of the gentiles along with the sick of Israel and that we bury the dead of the gentiles along with the dead of Israel.
- And we do not impede the poor of the gentiles from gleaning, [collecting the] the forgotten [sheaves, or harvesting the] corners [of the fields].
- And Rabbi Yohanan rose up before an elderly Aramean, in his honor.⁵⁶

Here, Rabbi Yehiel moves well beyond defending the Talmud against the charge of inciting anti-Christian actions to asserting that in fact the Talmud insists upon honorable behavior on the part of Jews to their non-Jewish peers.

The allegations leveled against the Talmud by Nicholas Donin before the Paris ecclesiastical jury were serious and require careful rebuttal. The Hebrew narrative shows Rabbi Yehiel providing extended and thoughtful refutation of the Donin charges. Clearly, his arguments were not well received by the clerics gathered at the trial. The Talmud was condemned in Paris and burned. Nonetheless, the efforts of the rabbi were by no means ineffective or pointless. As we have seen, the position espoused by the Paris jury and supported by the rulers of France was not shared elsewhere. As Jewish communities across western Christendom encountered these same charges, the positions articulated by Rabbi Yehiel served these Jewish communities and their leaders well in defending themselves. They could insist on the fact that great Church leaders had long been familiar with the Talmud and had expressed no misgivings about it. These Jewish communities and their leaders could invoke Rabbi Yehiel's argument that the

⁵⁶ Ibid.

anti-Talmud charges were rooted in a misreading of the talmudic citations. Great care had to be taken in understanding the identity of figures with the name Jesus in the Talmud, and great care had to be likewise exercised when encountering the term “gentile” in the Talmud. Indeed, rather than demeaning non-Jews or encouraging actions against them, the Talmud insists on the highest level of probity for Jews relating to their Christian peers.

There is yet one more message delivered by the author of the Hebrew narrative to his Jewish readers. This message moves from the terrestrial plane on which the assault against the Talmud had been launched to the divine plane. We have noted earlier the lament composed by the young Rabbi Meir of Rothenberg over the burning of the Talmud, with its anguish at the sight of the sacred pages going up in smoke and its questioning of the God who allowed this sacrilege to take place. While the focus of the Hebrew narrative is the immediate assault initiated by Nicholas Donin, the elements in that assault, and the appropriate responses to it, the Jewish author of the narrative account of the trial of the Talmud addresses the broader issue of the Talmud and its ultimate fate briefly, but significantly. Our author clearly set out to reassure his Jewish readers that the current attack on the Talmud is local and transitory only and that God’s mercy and protection have always extended and will continue to extend to his Oral Torah.

We have already noted one facet of this reassurance at the outset of the Hebrew narrative.⁵⁷ Rabbi Yehiel is portrayed as indicating very early on the indestructibility of the Talmud. “This Talmud is found in Babylonia, Media, and Greece and among Ishmael and among the seventy peoples on the far side of the river of Ethiopia.” This is a ringing statement of the universality of the Jewish people and their Talmud. There is considerably realism in this statement, despite its invocation of “the seventy peoples on the far side of the river of Ethiopia.” In the middle of the thirteenth century, world Jewish population was widely distributed, with the largest set of Jewish communities still spread throughout the vast Islamic realm. Thus, the rabbi’s claim is realistic.

Beyond this realistic observation, the author of the Hebrew narrative chooses to end his account on a more traditional note, invoking the merciful and protective God

⁵⁷ See above, in the preceding section.

who had chosen the Jews as his people and had delivered the two revelations—of the Written Torah and the Oral Torah. “As it is written: ‘The law of the Lord is perfect, reviving the soul...the ordinances of the Lord are true and righteous altogether.’ [The Torah] protects those who study it. Our God, praised be His name, the God of heaven and the God of earth, who created the sea and dry land and enabled our ancestors to cross the Reed Sea and brought them near and gave us the Torah of truth, will have mercy upon us for the sake of his name and his Torah. And he will do good for us for the sake of His love, returning to us the portion of our legacy and the pleasantness of our temple, that which we long for, the beloved of our hearts and eyes, and he will illumine our darkness and gather our dispersed to the resting place of our heritage, swiftly and soon. Amen and amen.”⁵⁸ There is truly no cause for despair. The God of Israel is still the only true God, and the Jews are his chosen people. Rabbi Yehiel is made to insist throughout on the unswerving devotion of the Jews to God’s Torah—both in its written version and its oral version. This consummate devotion cannot fail to have the desired impact on the God of the universe, who will reward his loyal Jews with the redemption for which they yearn.⁵⁹

⁵⁸ *Vikuah* (ed. Grunbaum), 16; *Vikuah* (ed. Margulies), 21.

⁵⁹ This closing note is reminiscent of the Jewish response to the First-Crusade catastrophe in the Rhineland. There too, religious leaders and thinkers emphasized that Jewish devotion to the God of Israel would undoubtedly evoke divine mercy and redemption.