

## Chapter 1

### Introduction

In the spring of 1240, Rabbi Yehiel of Paris and Friar Nicholas Donin confronted each other in formal religious debate in Paris. The debate concerned the legitimacy of the Talmud, and was occasioned by a list of accusations Nicholas Donin presented to Pope Gregory IX four years earlier. This was the first debate of its kind in medieval northern Europe, and was attended by religious and political notables of the Christian world.

Despite this, both protagonists in the disputation remain shadowy figures to history. Nicholas Donin seems to have originated in the Atlantic port of La Rochelle and converted to Christianity from Judaism some fifteen years before he met Yehiel in Paris. Jewish sources tell of his ultimate humiliation as he was killed by his coreligionists in “his house of idol-worship,” that is, a Christian church. Beyond this tendentious bit of biographical information little else is known of him.<sup>1</sup>

Our knowledge of Yehiel is similarly limited. His scattered remarks, quoted throughout rabbinic literature and the Talmudic commentaries of his students, shed little light on his personality. After the Debate, Yehiel left Paris for the Land of Israel in 1259;

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<sup>1</sup> Indeed, this is how the Paris manuscript introduces the the 1240 Debate: [אשר לסוף היה נהרג ב]בית עבודה ...זרה שלו.

subsequently he may have returned to France. His date of death, important for ritual and ordinarily commemorated by the Jewish world, is unclear as well.<sup>2</sup>

Although we know little about the lives of the two protagonists, it is clear that the 1240 Debate played a pivotal role for each. For the obscure Friar Nicholas Donin, it was a major achievement and a high moment. For Rabbi Yehiel, it was an important episode in the life of a venerable rabbi serving his community. The import of the 1240 Debate inspired both Donin and Yehiel to document the event, a distinctive occurrence for each, but one that did not foster a future career for either of them.

Beyond its significance for the two protagonists, the 1240 Debate represented a turning point in the history of the relations between Ashkenazi Jewry and Latin Christendom. An impressive event attended by an imposing array of dignitaries, this debate offered an opportunity for broad public display of new argumentation. While Donin's specific argumentation does not seem to have served as a model for other formal debates – Pablo Christiani, the Christian protagonist in the disputations in Barcelona in July 1263 and in Paris 1270, did not follow Donin's line of argumentation – the very assertion that the Church had the right to confiscate, examine, and destroy Jewish literature – specifically the Talmud – set a new tone for Christian-Jewish relationships in centuries to come. This dissertation explores the documentation of this pivotal event in new contexts.

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<sup>2</sup> See Thérèse and Mendel Metzger, “A propos de la date de Yehiel de Paris et de la copie du Ms. Add. 11639 de la British Library,” *Weiner Jahrbuch für Kunstgeschichte* 39 (1986): 221. Yehiel died in either 1260 or 1264. The most recent study of Yehiel's life and works is contained in the book by Simcha Emanuel, *Shivrei luhot: sefarim avudim shel baalei ha-Tosafot* (Jerusalem: The Magnes Press, 2007), 185-218, especially 185-198. Emanuel notes that Yehiel is the only tosafist to earn a lasting reputation based on historical events rather than for his scholarship.

**Chapter Two** is historiographical in nature. It reviews the ways in which disputation literature has been analyzed, with a particular focus on the 1240 Debate. In general, debate literature has served as a barometer of the Jewish-Christian relationship and its evolution. Our knowledge of the medieval Jewish experience in a Christian-dominated landscape can be enriched by describing the contours of a religious debate and understanding medieval disputation. To this end, scholars have used Donin and Yehiel's documents in an attempt to recreate what happened on that day (or days) in 1240. The two records written from opposing perspectives deceptively suggest that a critical comparative reading of both these accounts will provide a complete picture of the 1240 Debate.

However, an attempt to reconstruct a delicate event such as an inter-religious debate is not realistic. We cannot know the texts what passages were delivered in thunderous cadences or hushed, understated tones, whether in biting sarcasm or in painful anguish – or whether they were said at all. Indeed, using the written record of a highly oral procedure is fraught with problems. Once set to writing – by both Nicholas and Yehiel – the Debate was substantially recast.

For the purpose of broadening our understanding of the Middle Ages, rather than studying the disputation literature in order to recreate what happened, historians would be better served analyzing the sources for their respective agendas. To this end, the multiple protocols documenting a disputation need to be examined individually and exclusively, taking into account the particular audience and historical contexts surrounding each document. After all, only a select audience of Christians would read Donin's Latin report, and Yehiel's Hebrew account could only be understood by learned Jews. Yehiel's

record, then, can teach us about the concerns of the learned Jewish elite, while Nicholas Donin's report provides a Christian context to the Paris Debate.

**Chapter Three** analyzes the Hebrew record, written at the behest of Yehiel. I study the Jewish record of events in its own context, with an eye toward its inherent messages for its contemporary Jewish audience. Approaching his record as a literary narrative,<sup>3</sup> I find that Yehiel is less concerned with accurately reporting what happened between him and Donin than he is with addressing concerns of future debaters or those whose commitment to Judaism is tenuous. Yehiel's deliberately convoluted writing style indicates that he was addressing young intellectual men of a leadership cohort, which research tells us were most at risk for conversion.

Reading Yehiel's narrative as an instruction manual for a future Jewish debater participating in an inter-religious debate provides an accessible framework for an otherwise abstruse text. Yehiel helps the future debater in search of guidance by providing multiple responses to possible incriminations raised against him. In fact, we should not even look at this example of Hebrew debate literature within a framework of disputation studies; rather, we should see it as part of the panoply of Jewish literature. If we examine the disputation protocols in light of their intended audience, we can move beyond the paradigm of "Jewish-Christian analysis" in the study of medieval polemic.

**Chapter Four** examines the dominant interpretation of the 1240 Debate, namely, that it was an inquisitorial proceeding seeking to eradicate Jewish heresy. This position is problematic in light of a close examination of the state of anti-heresy activities of the Church and the available evidence which documents the Paris Disputation.

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<sup>3</sup> On this terminology see the erudite work by Heinrich Lausberg, *Handbook of Literary Rhetoric: A Foundation for Literary Study*, trans. Matthew T. Bliss, Annemiek Jansen, and David E. Thornton (Leiden: Brill, 1998), 136-140.

What lies behind this erroneous interpretation is historiographically significant in its own right. The difficulties inherent in understanding the nature of inquiries into heresy in the early thirteenth century aside, most often religious polemic is studied from a Jewish perspective in an effort to understand why the Church turned against the Jews at some point in the twelfth or thirteenth century. Indeed, the initial proponent of the view that the 1240 Disputation was a heresy inquisition, Yitzhak Baer, saw Christianity as a longstanding oppressor of Judaism. An assumption that the 1240 Debate had the full power of the inquisition behind it fit Baer's historical framework.

However, anti-Judaism represents only one piece of the Christian medieval experience that may be gleaned from studying debate literature. Christian records of debates can reveal a great deal more when studied within the broader currents that concerned Christian readers.

**Chapter Five** studies the Paris Disputation from a wider Christian perspective. By examining currents in medieval Christian society I have rejected the more facile view of the Debate as an inquisitorial procedure which substitutes Jews for heretics. Rather, Church officials were responding to a fear more pervasive than that of heresy itself – the development of variant textual communities. The proliferation of textual communities, particularly among heretical groups, troubled the ecclesiastical elite. When texts began to organize and shape religious practice, replacing authorized ecclesiastical figures, threatened Christian policymakers felt the need to ensure that the texts, and their interpreters, were monitored or deemed acceptable. From the Church's perspective, the Jews constituted just such a textual community. To a significant degree, Chapter Five sets the stage for Chapter Six.

**Chapter Six** studies the thirty five articles drawn up by Nicholas Donin in his recollection of the Debate. Nicholas Donin zeroed in on the Papal See's apprehension over texts as factors contributing to the rapid increase of heresy. Concerns about unmonitored literature had led the papal bureaucracy to establish the means to contend with such literature. By casting the Talmud as unmonitored literature at the center of a Jewish textual community, Donin provided the Papal See with a procedure to follow in dealing with these texts. The perception of the Jews as a textual community gave Pope Gregory IX the authority to investigate the contents of the Talmud.

In addition, for the Christian policymakers, the Jewish mission as originally formulated by Saint Augustine was to counter heresy by demonstrating the veracity of the biblical text; this was particularly significant in a period when the potency of the written word had begun to attain recognition. It is my contention that Donin's goal was to make Pope Gregory IX aware that Jews were forsaking their Augustinian role at this critical juncture.

**Chapter Seven**, my conclusion, is integrative in nature. Over the course of the dissertation I discuss a number of developments in the Christian world. These include the rise and gradual replacement of an oral society with a textual society, as well as how and why religious elites controlled the dissemination and interpretation of texts. Given a current dominant historiography that argues that the medieval Jewish experience was cut from the same cloth as the general society, I compare Jewish and Christian institutions and the social bonds of the learned class. I discuss whether the Jewish world also had a textual awakening moving toward replacing an oral society, how Jews dealt with texts

within a decreasingly oral society, and how religious elites managed the transmission of written knowledge.

### Manuscripts Documenting the 1240 Debate

The Latin report of the 1240 Debate, the *Articuli litterarum pape*, was published, translated, and edited by Isadore Loeb in “La Controverse de 1240 sur le Talmud,” *Révue des études juives*, vols. I, II, and III. The original manuscript is held in the Bibliothèque Nationale (Par. Lat. no. 16558, fo. 231-249), and is appended to a much larger and contemporaneous work entitled *Extractiones de Talmut*, composed by a team of Jewish converts to Christianity and headed by Thibaut de Sézanne.<sup>4</sup>

There are three extant complete Hebrew manuscripts of the Paris Debate.<sup>5</sup> The first of the manuscripts, dating to the seventeenth century, is held by the Bodleian Library in Oxford.<sup>6</sup> This manuscript is partially edited. Copied by hand, it is not simply a reproduction of a prior manuscript documenting the Debate. Interspersed throughout are comments made by the copyist/editor: clarifications, explanations, or how he would have answered Donin. At times these interjections can last half a page or more. There is hardly a *lectio difficilior* in the entire manuscript. The second of the two manuscripts,

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<sup>4</sup> Thibaut was a Dominican friar who was likely the author of the polemical work, *Dialogus pro ecclesia contra synagogam*. For more on Thibaut's anti-Jewish work see Cardelle de Hartmann, "El Dialogus pro ecclesia contra synagogam impresso por Pablo Hurus: autoría, fecha y transmisión manuscrita," *Sefarad* 62, no.1 (2002): 3-19. On the *Extractiones* see the dissertation of Chenmelech Merchavia, "Ketav-hayad Ekstractziones de Talmud – meqor pulmus neged torat ha-yahadut bimei ha-beinayim" (PhD diss., Hebrew University of Jerusalem, 1965).

<sup>5</sup> I thank Benyamin Richler of the Manuscript Department of the Jewish National and University Library in Jerusalem for his assistance in identifying and evaluating the various manuscripts.

<sup>6</sup> Oxford – Bodleian Library Ms. Mich. 121.

held by the Bibliothèque Nationale (Heb. 712), is in fact the most accessible.<sup>7</sup> It is from this seventeenth century manuscript that Gruenbaum published the printed edition of the Debate in 1873, and from which Reuven Margolis edited and annotated the Debate.<sup>8</sup>

Of the three Hebrew manuscripts, historical scholarship deems the Moscow manuscript most true to the original text.<sup>9</sup> Written on paper, Ms. Guenzburg 1390 ff. 84-101, has been housed in the Russian State Library in Moscow. Tamar Leiter of the Hebrew Paleography Project at the Hebrew University in Jerusalem dates this manuscript to the mid-fifteenth century. Little is known of the copyist beyond his name, Benjamin ben Shemaryahu of Salonica.

Bibliographers have catalogued Yeḥiel's report together with other polemical works of the Middle Ages. The texts which fall into this category are, like Yeḥiel's, dialectic in structure. But the Hebrew protocol documenting the 1240 Debate complicates the genre of Jewish polemic. Remarkably, Yeḥiel's record was not an aggressive attack on or refutation of Christianity. In fact, Yeḥiel had little to say about Christian beliefs. Rather, it is my contention that Yeḥiel invested his efforts into defending Jewish beliefs so that his record might serve as a manual for future Jewish debaters. Indeed, not every polemical document had the same goals.

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<sup>7</sup> Paris – Bibliothèque Nationale heb. 712.

<sup>8</sup> Margolis, *Vikuaḥ Rabenu Yeḥiel Mi-Pariz* (Lwow: Beit Mishar ha-Sefarim, nd).

<sup>9</sup> On this evaluation see Yehuda Galinsky, “‘Ha-mishpat ha-Talmud’ be-1240 be-Pariz: ‘Vikuaḥ R. Yeḥiel’ ve-‘Sefer ha-Mitsvot’ shel R. Moshe mi-Coucy,” *Shenaton Mishpat Ha-Ivri* 22 (2003): 45-70, who follows the brief article of Yisrael Ta-Shma, “Rabbi Yehiel de Paris: l’homme et l’oeuvre, religion et société,” *Annuaire XCIX* (1990-1991): 215-219. Cf. the remarks of Joseph Shatzmiller, *La deuxième controverse de Paris: Un chapitre dans la polémique entre chrétiens et juifs au Moyen Age* (Paris: E. Peeters, 1994), 9n5.

For example, one might contrast 1240 Debate to the more famous 1263 Barcelona debate between Naḥmanides (Rabbi Moses ben Naḥman, or Ramban, d. 1270) and Pablo Christiani (fl. 1263-1270), another Jewish convert to Christianity.<sup>10</sup> A comparison of Yeḥiel's and Ramban's reports reveals differences in polemical aims. The rules of the 1263 Barcelona debate stipulated that Ramban was barred from making anti-Christian remarks. Despite this limitation, Ramban instills in his reader a sense of Jewish victory and Christian defeat. Yeḥiel's report, however serves to fend off an attack with little attempt at victory against a Christian protagonist.<sup>11</sup>

Indeed, as we shall see throughout this dissertation, "Jewish polemic" could take many forms. The *Sefer Nizzahon Vetus* would serve as an exemplar of classic Jewish polemic. Emanating from approximately the identical milieu as the 1240 Debate, it is an encyclopedia of Jewish-Christian religious dialogue, ranging from rebuttals of Christian biblical prooftexts to refutation of Christian doctrine.<sup>12</sup> Jews also composed biblical commentaries which responded to Christian exegesis where the opportunity presented itself; indeed, as we shall see in Chapter Two an entire school of commentary – the straightforward literal approach to biblical commentary – was at least partially a Jewish polemical response to Christian exegesis.

Jewish polemic was expressed in liturgy as well. Yisrael Yuval describes Jewish rituals which were deliberate responses to Christian theology, and led to a Jewish desire for a vengeful redemption. Yuval argues that these rituals fueled a deep sense of Jewish

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<sup>10</sup> On this debate see primarily Robert Chazan, *Barcelona and Beyond: The Disputation of 1263 and its Aftermath* (Berkeley and Los Angeles: University of California Press, 1992).

<sup>11</sup> One can surmise that the difference in high culture between Aragon, which was more optimistic, and northern Europe, which, as we shall see, was fraught with anxieties would account for this discrepancy. Still, the discrepancy between polemical approach calls for further study.

<sup>12</sup> David Berger, *The Jewish-Christian Debate in the High Middle Ages: A Critical Edition of the Nizzahon Vetus with an introduction, translation, and commentary* (Philadelphia: Jewish Publication Society, 1979).

antipathy toward Christianity.<sup>13</sup> More subtly, Susan Einbinder points to medieval martyrology's anti-Christian invective in a mix of Hebrew and French poetry, demonstrating a simultaneous Jewish integration and rejection of their surrounding environment.<sup>14</sup> In a very real sense, then, it is difficult to define the limits of Jewish polemic.

Nor was Christian anti-Jewish polemic monolithic. Here too, a comparison of Pablo's and Donin's methods will prove instructive. Both Donin and Pablo confronted their interlocutors based on Talmudic sources. Instead of seeking to merely undermine the Jewish presence in Christian Iberia (as Donin tried to do in northern Europe), Pablo attempted to prove the truth of Christianity to the Jews from the Talmud itself – that is, if rabbinic texts demonstrated the Christian truth, Jews would have no choice but to convert.

In contrast, Donin did not seem to have a positive goal in mind for his former coreligionists; he just wanted to defeat them. As I will demonstrate, Donin's purpose was destructive in nature. By pointing out Talmudic passages offensive to Christians, Donin sought to outlaw rabbinic texts so that Jewish survival would be difficult. Thus we have two authors of polemical documents who based their anti-Jewish arguments on the same set of texts, the Talmud. Yet each Christian polemicist had a different goal, and accordingly, chose a different stratagem.

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<sup>13</sup> Yuval, *Shenei goyim be-vitnekh: Yehudim ve-Notsrim, dimuyim hadadiyim* (Tel Aviv: Am Oved, 2000).

<sup>14</sup> Einbinder, *Beautiful Death: Jewish Poetry and Martyrdom in Medieval France* (Princeton: Princeton University Press, 2002).

Overall, this study complicates the picture of medieval Jews and Christians on a variety of levels. It reveals similarities and differences, animosity and cooperation, parallels and contrasts. It challenges accepted historiography, and brings into relief historiographical conflicts which reflect the influence of a historian's orientation on both contemporary and future scholarship.

## Chapter 2

### New Perspectives on the 1240 Debate

In 1236, Nicholas Donin of La Rochelle, a Jewish convert to Christianity and likely a Dominican friar as well, approached Pope Gregory IX with a list of charges against rabbinic Judaism – the extra-biblical, “oral” tradition to which the Jews of his day adhered. Donin leveled his accusations against the Talmud, occasionally drawing on other postbiblical Jewish canonical texts such as Jewish liturgy, rabbinic commentaries on the Bible and Talmud, and various collections of *midrashim* (homiletics expounding on the Bible) to substantiate his charges.<sup>1</sup>

On June 9, 1239, Pope Gregory responded to Donin’s petitions by dispatching him with a letter to William of Auvergne, bishop of Paris, with instructions which William was in turn to transmit to the archbishops and kings of France, England, and all of Spain and Portugal. The papal directive commanded that all the books of the Jews were to be confiscated on the first Sabbath of Lent in the following year (March 3, 1240) while Jews attended their synagogue services, and then be transferred to the mendicant friars for safekeeping. On June 20, Gregory instructed William and the Dominican and

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<sup>1</sup> The most readable English account of this episode can be found in Jeremy Cohen, *The Friars and the Jews: The Evolution of Medieval Anti-Judaism* (Ithaca: Cornell University Press, 1982), chap. 3, esp. 60-63. Chenmelech Merchavia examines the realia of the Debate in close detail in *Ha-Talmud be-rei ha-Natzrut: ha-Yahas le-sifrut Yisrael she-leahar ha-miqra be-olam ha-Notzri bi-mei ha-beinayim [500-1248]* (Jerusalem: Mossad Bialik, 1970), 227-349.

Franciscan priors to examine the books. Any texts containing doctrinal error were to be burned.<sup>2</sup>

Louis IX was the only monarch who complied with this papal decree. The most Christian king of France ordered that the Jews be given the opportunity to defend themselves and their books in a public forum. The leading rabbi of northern France at this time,<sup>3</sup> Yehiel of Paris, was ordered to appear before this inquest. On June 25 and 26, 1240, Friar Nicholas Donin and Rabbi Yehiel of Paris confronted one another publicly in Paris.<sup>4</sup>

The clerical court found the Talmud guilty as charged and condemned it to flames. The Jews managed to forestall implementation of the sentence, but after a number of delaying machinations, twenty or twenty-four wagonloads of talmudic manuscripts – probably ten to twelve thousand volumes – were burned in Paris in the Place de Grève (the execution site which symbolized medieval French justice) over the course of one and a half days in 1242.<sup>5</sup>

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<sup>2</sup> See Solomon Grayzel, *The Church and the Jews in the XIIIth Century: A Study of their Relations during the Years 1198-1154, Based on the Papal Letters and the Conciliar Decrees of the Period* (New York: Hermon Press, 1966), 238-241. Salo W. Baron argues that the delay of three years between Donin's initial petition and Gregory's action, as well as the omission of Frederick II of the Holy Roman Empire in the list of addresses of the papal letters is part of the pope's strategy in his battle for power with Frederick. See his "'Plenitude of Apostolic Power' and Medieval 'Jewish Serfdom'" in Salo W. Baron, *Ancient and Medieval Jewish History: Essays*, ed. Leon A. Feldman (New Brunswick, N.J.: 1972), 292-294.

<sup>3</sup> The accolades coming from respected Jews across Ashkenaz as well as Donin's recognition of Yehiel's leadership status in his Latin record testify to Yehiel's widely-held reputation. Reuven Margolis, in his edition of the 1240 Debate, collected admiring remarks about Yehiel from across Ashkenazic Jewry attesting to Yehiel's piety and scholarship.

<sup>4</sup> There were four rabbis involved in the larger episode of the 1240 Debate: Yehiel; Rabbi Judah ben David of Melun, of whom we have a brief Latin record (six lines) of his *confessiones*; Rabbi Samuel ben Solomon of Château-Thierry; and Rabbi Moses ben Jacob of Coucy. Given the lack of any Latin record of Samuel and Moses it would appear that they were dismissed without being questioned. We have little historical record of Judah and Samuel; Moses will be discussed in Chapter Four. Only Yehiel has left us any Hebrew record of the 1240 Disputation, and Nicholas Donin's account addresses only Yehiel.

<sup>5</sup> On the dating of the burning and the number of books burned see Cohen, *The Friars and the Jews*, 63-64, esp. n23.

The loss of books and resulting disruption of study among Jews contributed to the decline of the Jewish schools in northern France.<sup>6</sup> Equally demoralizing for northern French Jewry was the vision of the Talmud, a symbol of Jewish history, accomplishment, tradition, values, and religion, going up in flames.<sup>7</sup> From a long-range point of view Jews in Christian lands were now put in the position of having to respond to challenges to Talmudic law, ideology and literature proffered by antagonistic Christians, challenges which continued into the modern era.

The investigations of the Talmud in Paris in the 1240s along with the resulting confiscation and burning of Jewish books in France had a lasting impact on ecclesiastical policy as well. Previously, Jewish practices had been largely left to the Jews, so long as they had not interfered with Christian ritual or society.<sup>8</sup> Now, Christian investigation into Jewish texts reflected a radical departure from established Jewry policy. Pope Gregory IX's intrusion into internal Jewish affairs had a negative impact upon the Church's established concept of the toleration of Jews and Judaism. Moreover, the public burnings of the Talmud demeaned Jews and Judaism in the eyes of the Christian populace who witnessed these events.

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<sup>6</sup> This has been the traditional position on the impact of the 1240 Debate, formulated by Ephraim E. Urbach, *Baalei ha-tosafot: toldoteihem, hibureihem, shitatam* (Jerusalem: Bialik Institute, 1986), 448-492. See also Robert Chazan, *Medieval Jewry in Northern France: A Political and Social History* (Baltimore: Johns Hopkins University Press, 1974), 101, 127-133, who notes that the decline in northern French Jewry must be seen in a broader context in which political, social, and economic, as well as religious, factors are taken into consideration. For a reappraisal and argument for a less significant role of the 1240 debate and subsequent burning of talmuds in the context of thirteenth-century Jewish France, see Haym Soloveitchik, "Catastrophe and Halakhic Creativity: Ashkenaz 1096, 1242, 1306, and 1298," *Jewish History* 12, no.1 (1998): 71-85.

<sup>7</sup> On the psychological impact see Einbinder, *Beautiful Death*, 70-100.

<sup>8</sup> On this see Solomon Grayzel, "The Papal Bull *Sicut Judeis*," in *Essential Papers on Judaism and Christianity in Conflict*, ed. Jeremy Cohen (New York and London: New York University Press, 1991), 231-259; idem, *The Church and the Jews in the XIIIth Century*, 9; idem, "The Talmud and the Medieval Papacy," in *Essays in Honor of Solomon B. Freehof*, ed. W. Jacob, F.D. Schwartz, and V.W. Kavalier (Pittsburgh: 1964), 220-245. Jeremy Cohen in both *The Friars and the Jews* and *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley and Los Angeles: University of California Press, 1999) discusses this Jewry policy and demonstrates that the 1240 Debate symbolized a departure from this policy.

The implications of the 1240 Debate were not lost on either the Christian or Jewish debater. After the disputation both sides were eager to portray the encounter in a manner most advantageous for their purposes. Both Nicholas Donin and Yeḥiel wrote records of their respective experiences debating the legitimacy of the Talmud.

Donin's Christian account, written in Latin, outlined the Christian argument in thirty-five points. This document leaves the reader with the impression that strong, unassailable arguments from the Christian perspective had rendered the Jewish respondent incapable of defending the legitimacy of rabbinic texts. Yeḥiel, on the other hand, composed a Hebrew narrative account of the confrontation. While Yeḥiel did not express an outright statement of moral victory,<sup>9</sup> his account was intended to assure its Jewish readers of his achievement in the Debate.

Recognizing the historical value of these records Jewish medievalists have often studied the 1240 Debate, typically focusing on Yeḥiel's rich, dramatic Hebrew protocol and using Donin's relatively dry Christian account as a foil (if at all).<sup>10</sup> Basing themselves largely on Yeḥiel's text, they attempt to recreate the Debate in vivid detail (which this dissertation will not attempt to do).<sup>11</sup> Scholars have often studied the 1240

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<sup>9</sup> An unequivocal victory would have been impossible to claim, as so many copies of the Talmud were ultimately burned.

<sup>10</sup> See the early and still relevant analysis in Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (New York: Behrman House, 1962), 106-114. See also next note.

<sup>11</sup> Katz, *ibid.*, derives from the Hebrew account of the Paris Debate an archetypal Jewish disputant. This is the sense one gets from Reuven Margolis, *Vikuah Rabbenu Yeḥiel mi-Pariz*, and Judah D. Eisenstein in his *Ozar Wikuḥim: Im hakdama, hearot, u-mafteḥot* (Israel, 1969).

Methodologically one cannot frame the 1240 Debate as an Inquisitorial procedure – although this approach has been commonplace since the publication of Yitzhak Baer's "Le-viqoret ha-vikuḥim shel R. Yeḥiel mi-Pariz ve-shel R. Moshe ben Naḥman," *Tarbiz* 2 (1930-1931): 172-86 – unless one accepts the premise that what Yeḥiel documented is largely factual. I study the relevance of the inquisition to the Paris Debate in Chapter Four.

For other examples of disputation literature taken at its word see Hyam Maccoby, *Judaism on Trial: Jewish-Christian Disputations in the Middle Ages* (London: The Littman Library of Jewish Civilization, updated 2001); Cohen, *The Friars and the Jews*, 108-127; *idem*, *Living Letters*, 337-338 and *passim*. For

Debate from a Jewish perspective (“how did this event affect the Jews?”) and labeled the Paris Debate an inquisitorial procedure, i.e., one in which the Church aimed to eliminate heresy. Because religious debate is an indicator and catalyst for evolving dynamics between Jews and Christians as well as a barometer of intra-religious developments, it is an excellent vehicle through which to study the Jewish-Christian interface and change.<sup>12</sup>

### Historiography of Polemical Literature

Jewish-Christian debate is the most direct sustained contact, formal or casual, between the two religions of Latin Christendom. In an arena where Jews and Christians formally laid out their theological positions and what they perceived as flaws in the other’s theology, scholarship, ritual, and society one can observe the complex interplay of politics, religion, social mores and rites, and personality.

Most of the historiography of Jewish-Christian disputation is limited in scope. Because disputation texts deal with fine points of faith in a condensed and tendentious form they are often gnarled, and explication of the text is sufficiently challenging. The highly charged nature of this literature leads researchers to focus on textual analysis, the logic of the competing arguments, and the transmission, development, and vituperative

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older examples of the literalist approach to medieval religious disputation see Isadore Loeb, “La controverse de 1263 à Barcelone entre Paulus Christiani et Moïse ben Nahman,” *Revue des études juives* 15 (1887): 1-18 and Heinrich Denifle, “Quellen zur Disputation Paulus Christiani mit Mose Nachmani zu Barcelona 1263,” *Historisches Jahrbuch des Görres-Gesellschaft* 8 (1887): 225-244. Also see Robert Chazan’s review of similar literature in *Barcelona and Beyond*, 4-16. This latter work claims a methodology which moves away from a literalist approach, and avoids recreating the 1263 Barcelona Debate. Most recently, see the work of Yehuda Galinsky, “Ha-mishpat haTalmud,” who follows Merchavia’s lead in mining the Yehiel’s account almost exclusively to limn the Debate’s procedures.

<sup>12</sup> For some of the major studies which undertake this encompassing view of medieval religious debate see Berger, *The Jewish-Christian Debate*; Robert Chazan, *Daggers of Faith: Thirteenth Century Christian Missionizing and Jewish Response* (Berkeley and Los Angeles: California University Press, 1991); idem, *Barcelona and Beyond*; Jeremy Cohen, *The Friars and the Jews* and *Living Letters*, and Daniel J. Lasker, *Jewish Philosophical Polemics against Christianity in the Middle Ages* (New York: Ktav, 1977), and his subsequent works.

nature of Jewish-Christian debate. What frequently emerges is additional insight into a particular text at the expense of broader historical perspective.

Jewish medievalists often adopt a positivist perspective to a polemical work. This highly expository approach is understandable, given the richness of the material. The Hebrew protocols are often riveting and vivid pieces of literature, drawing in the reader and moving her or him almost inexorably to recreate the event as the author portrays it. (We also cannot deny the inherent attraction of the excitement and tension of religious debate.) But the study of text aimed at recreating the event at the expense of contextualizing its authorship, audience, time, place, and likely intent, limits our conception of the author's creativity and skill.

Thus, for example, when David Berger analyzed a hitherto overlooked polemical document written at the nadir of medieval Jewish life in Western Europe, his expository approach demonstrated the historiographical truism of Jewish insecurity during the waning years of the Middle Ages.<sup>13</sup> Similarly, Robert Chazan extended his study of thirteenth-century polemic to include the new Christian emphasis on missionizing and the drive toward a more homogeneous Christian society. However, even he readily admitted that “the findings of this study certainly break no new ground in the understanding of Christian Europe.”<sup>14</sup> Barring extreme conditions – such as when Ramban denied the canonical nature or truth of aggadic (extralegal, narrative) statements found in the Talmud in the course of the 1263 Barcelona Disputation – students of medieval religious

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<sup>13</sup> David Berger, “Christians, Gentiles, and the Talmud: A Fourteenth-Century Jewish Response to the Attack on Rabbinic Judaism,” in *Religionsgespräche im Mittelalter*, ed. Bernard Lewis and Friederich Niewohner (Wiesbaden: Otto Harrassowitz, 1992), 115-130.

<sup>14</sup> Robert Chazan, *Daggers of Faith*, 9.

disputation have not expanded their scope far beyond the descriptive study of polemical events.

Perhaps most decontextualized among disputation studies is the work of Hyam Maccoby.<sup>15</sup> In his introductory essay Maccoby compared and contrasted the disputations with little regard for external factors.<sup>16</sup> His study, analyzing three disparate texts documenting events in different centuries and languages spanning hundreds of miles, is a striking illustration of a tendency to lavish attention on reconstructing polemical texts at the expense of historical contextualization.<sup>17</sup> (In a doctoral dissertation submitted to Hebrew Union College in 1926, apparently successfully, Bable B. Glazer translates and compares the Barcelona and Paris disputations, with a brief introduction. The work as it stands is replete with uncorrected errors of spelling, grammar, translation, and contradictory analysis and historical fact, as his advisor notes in the margins. As such, this work must be used guardedly.<sup>18</sup>)

It should be clear that attempting to reconstruct a sensitive event such as an inter-religious debate is not the best way to understand the import of such an event. For one, given the limited and tendentious nature of disputation literature it is impossible to recreate a formal religious debate in a historically meaningful way. We shall never know precisely what transpired on that day in Paris, and an attempt to recreate it can be

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<sup>15</sup> Maccoby, *Judaism on Trial*.

<sup>16</sup> For a related critique, see David Berger's review essay, "Maccoby's Judaism on Trial," *The Jewish Quarterly Review* 76 (Jan. 1986): 253-258.

<sup>17</sup> Of course a comparative study of debate literature has its place. In early study of the Paris 1240 debate and the Barcelona 1263 debate, Yitzhak F. Baer in fact does make attempts at contextualizing the debates. See Baer, "Le-bikoret ha-vikkuḥim." I discuss Baer's article in Chapter 4.

<sup>18</sup> Bable B. Glazer, "A Comparison of the Talmudic Disputations of Rabbi Yechiel of Paris and Nachmanides" [amended to: A Comparison of the Disputations of Rabbi Yehiel of Paris and Nahmanides Concerning the Talmud]" (PhD diss., Hebrew Union College, 1926).

frustrating. To be sure, some of the broad lines of the exchange can be reconstructed, but its full details are lost to us.

Furthermore, the conditions of the Ashkenazic manuscript tradition complicate matters. Unlike the manuscript transmission in Latin Christendom or Jews in Arab lands, in northern Europe individual Jewish copyists did not view copying as a mechanical reproduction but as a critical editorial operation involving emendation, diagnostic conjecture, and even the copyist's own opinion. In Herman Kantorowicz' terminology, the copyist's main goal was to establish a *richtige* (right) version, and not an *echte* (authentic, true) version. The distortions deriving from this approach to manuscript transmission make it all the more difficult to recreate the 1240 Debate.<sup>19</sup> In addition, the details of the event are less relevant than the event's overall historical meaning. One wonders, then, why medieval disputation studies have not moved toward greater contextualization.

Focusing on the texts in isolation contains additional pitfalls. Given the natural tendency to recreate the events when reading polemical literature, scholars who study disputation literature usually understand the texts as dialectic, that is, two protagonists debating each other. But in fact the authors of these protocols – in essence, the texts – were *not* engaging in dialogue. Rather, each addressed a specific, isolated, and often exclusive audience.

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<sup>19</sup> See Herman Kantorowicz, *Einführung in die Textkritik: Systematische Darstellung der textkritischen Grundsätze für Philologen und Juristen* (Leipzig: Dieterich, 1921), 5. For a more recent study of the revisions of halakhic books by their readers and users see Israel Ta-Shma, "The 'Open' Book in Medieval Hebrew Literature: The Problem of Authorized Editions," *Bulletin of John Rylands University Library of Manchester* 75:3 (1993): 17-24. See also the related article by Ephraim Kanarfogel, "Rabbinic Authority and the Right to Open an Academy in Medieval Ashkenaz," *Michael* 12 (1991): 233-250. A concise review of medieval Jewish manuscript transmission can be found in Malachi Beit-Arié, "Publication and Reproduction of Literary Texts in Medieval Jewish Civilization: Jewish Scribality and Its Impact on the Texts Transmitted," in *Transmitting Jewish Traditions: Orality, Textuality, and Cultural Diffusion*, ed. Yaakov Elman and Israel Gershuni (New Haven: Yale University Press, 2000), 225-247.

The author's goals in writing his polemic were not necessarily or exclusively to present a living response to his antagonist. Rather, the author was addressing the needs of his particular audience, which – on the Jewish side – could include suggested responses to future Christian attacks, rational responses for Jews, or more general hortatory *cries de coeur* meant to foster religious faith. Latin records of inter-religious debate necessarily address a Christian, clerical audience, as this was the population that would have had both the ability and interest in reading such literature; in any event, only a handful of Jews were literate in Latin. As such, the Christian account of a debate must be understood as addressing ecclesiastical concerns.

Polemical documents must therefore be studied individually, each from its particular vantage point. This is particularly true in the case of the Paris Debate. Through cognizance of the milieux and audiences – both Jewish and Christian – that Nicholas and Yehiel were addressing, we can come to a more nuanced understanding of religious, cultural, and intellectual currents of thirteenth-century northern France.

### Reexamining Donin's Report

Although the Debate had serious ramifications for the Jews of Northern France, it was inherently a Christian enterprise. The Debate originated with a Dominican friar collaborating with Pope Gregory, and was planned, implemented, and attended by distinguished members of the clergy and of the royal court of the most Christian King Louis IX. The agenda was determined by Christians, with coerced participation by the

Jews.<sup>20</sup> Therefore it would be instructive if scholars of Church history attempted to characterize the 1240 Debate from a Christian perspective.

Rather than dissecting Nicholas Donin's record merely as an anti-Jewish polemic or using it as a historical tool to understand and balance Yehiel's documentation, Donin's document is best understood on its own terms as a record that documents a papal inquest into the validity of post-biblical literature of the Jews. Once the document is taken in this vein we can supply the necessary *Christian* backdrop, and shed light on the possible motivations for Pope Gregory's departure from a long-standing Jewry policy, and the role and significance which Christian religious leaders attributed to the Jews in the thirteenth-century.

This shift from a Judeocentric to a Christian perspective on the Paris Debate leads us to question the reigning assumption among Jewish historians that this event may be classified as an inquisition. Placing the Debate within its Christian context, while not the classical approach, is certainly a logical one in light of the Debate's having been initiated and facilitated by Christians in order to achieve Christian ends. I will explore this methodology in greater depth in Chapters Five and Six.

### Reexamining Yehiel's Report

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<sup>20</sup> The introductory comments of both the Hebrew and Latin reports indicate this. Yehiel tell us that “a judgment was issued against us...to dispute [the legitimacy of] the books of the religion of Israel ...on Monday of Parashat [the weekly portion of the torah-reading] Balak...”

להיות כולם בעוזריו ביום ב' פרשת בלק... להתוכח בספרי דתי ישראל... ואויבינו נתן פלילים.

In the first of a list of “confessions of Yehiel” which follows Nicholas Donin's 35 Articles, Donin writes that Yehiel did not want to be judged: “Predictus magister Vivo [Yehiel's name, translated into Latin] nullo modo voluit iurare.” Latin ms., 230d, Loeb, 55, Moscow ms. 85b-86a.

Classically, Yehiel's protocol has served as the primary focus of research surrounding this event. My study furthers the explorations of Yehiel's protocol by considering his particular milieu and intended audience, rather than utilizing the more traditional reconstructive approach in analyzing his document. In addition, Yehiel's document in particular has been understudied, and the few studies that do exist focus on recreating the event, rather than examining the document's literary style and underlying message. There are several reasons for this.

First, one difficulty posed by Ashkenazic poetry – or rather, because it lacked meter, rhymed prose – in general (of which Yehiel's document is a partial example) is its reliance on rabbinic as well as biblical Hebrew, with a concomitant fondness for neologisms and abstruse allusions (impenetrable to all but the most learned Jews). Many of these efforts produced erratic results. Ashkenazi rhymed prose was never secular. Therefore, these texts are difficult to plumb – a broad knowledge of midrashic and Talmudic texts is required in order to understand the references.

Medieval Hebrew poets regularly employed *melitza*, garbing their descriptions in obscure expressions and riddles, alluding to important and often volatile information and emotion through use of scriptural verse. The stylized and heavily allusive language deployed in these passages defies a literalist reading and demands sensitivity not only to scriptural underpinnings, but also to associated exegetical traditions.

Yehiel's record is a particularly dense and difficult text, inaccessible to the uninitiated reader. Yehiel's *Vikuah* consists of a mélange of styles. The introductory remarks, which constitute approximately twenty percent of the document, are rhymed

prose, difficult to decode. This section sets the stage, introduces the protagonists and the important personages present, and deals with procedural issues.<sup>21</sup>

Throughout his report Yeḥiel regularly intersperses sections of rhymed prose, reminding the reader that his document is not merely a report of a debate but a literary effort. Most of Yeḥiel's protocol, however, is written in the lucid style of a tosafist, or medieval Talmudic commentator (which, indeed, Yeḥiel was).<sup>22</sup> He poses a question and a response, followed by prooftexts or logical substantiation. Yeḥiel finally concludes with a long paragraph of rhymed prose, liturgical in nature.

We have, then, a document that is varied in style and content. Polemical in structure and intent – indeed in title – Yeḥiel presents the dialogue according to tosafistic technique. At the same time, Yeḥiel exposes us to a style rare among his set: rhymed prose almost exclusively composed of biblical verses.<sup>23</sup>

### Historiographical Attitudes toward Ashkenazi Poetry

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<sup>21</sup> Yeḥiel interjects introductory comments throughout the *vikuaḥ* as well. I thank Yehuda D. Galinsky for reference to his article, “‘Ha-Mishpat ha-Talmud’ be-1240 be-Pariz,” and for discussing various issues relating to the debate with me.

<sup>22</sup> On Yeḥiel's contribution to this school, see E. E. Urbach, *Baalei ha-tosafot*, 448-492.

<sup>23</sup> This style is not completely unknown among medieval French Jews. For example, the preeminent tosafist Rabbenu Jacob Tam prefaces his *Sefer Ha-Yashar* (published in two parts; one as *Teshuvot*, ed. S.F. Rosenthal, Berlin 1898, and the other as *Hiddushim*, ed. S.S. Schlesinger, Jerusalem, 1955) with this form of poetry, though he was uniquely skilled in writing poetry. As Haym Soloveitchik notes, R. Tam was “the one significant tosafist who wielded the metrics of Spanish poetry with any degree of skill.” See his “The Printed Page of the Talmud: Their Commentaries and their Authors,” in *The Printing of the Talmud: From Bomberg to Schottenstein*, ed. Sharon Liberman Mintz and Gabriel M. Goldstein (New York: Yeshiva University Museum, 2005), 40. On the singular nature of Rabbenu Tam see E. E. Urbach, *Baalei ha-tosafot*; Robert Chazan, “The Blois Incident of 1171: A Study in Jewish Intercommunal Organization,” *Proceedings of the American Academy for Jewish Research* 36 (1968): 13-31. Ephraim Kanarfogel, *Peering through the Lattices: Mystical, Magical, and Pietistic Dimensions in the Tosafist Period* (Detroit: Wayne State University Press, 2000); and Soloveitchik, *ibid.* Most extensively see Avraham “Rami” Reiner, “Rabbenu Tam u-vene'i doro: kesharim, hashpaot, ve-darkei limudo be-Talmud” (PhD diss., Hebrew University of Jerusalem, 2002).

Yeḥiel's style rendered his document unappealing to the aesthetic preferences of academics who studied Jewish literature. Literary approaches have long been applied to medieval Hebrew poetry from the Islamic or Sefardic world. However, this study employs these approaches in examining Yeḥiel's report, an example of Ashkenazic literature.

Until recently, Ashkenazic liturgical poems and martyrology in general have been overlooked by historians. Much of the voluminous Jewish scholarship on the Crusades, for example, and on subsequent ritual-murder libels and host-desecration accusations of the twelfth through fourteenth centuries, overlooks the rich *literary* dimensions of Ashkenazic poetry which hold keys to a historical understanding of the period.<sup>24</sup> Historians often neglected the martyrological poetry (or rather, rhymed prose), limiting their reading of this body of literature as though it were a documentary source couched in lyrical style and allusive language.

The relative neglect of Ashkenazi literary efforts largely stems from aesthetic considerations. The standards set by Sephardic poetry for aesthetic excellence reflect many of the ideals of beauty and elegance appreciated by Western readers – euphony, regular metrical patterns, and compositions with multiple rhymes, often with refrains. Also of significance is that a good portion of the Andalusian Hebrew verse was secular in nature, touching on themes of love and praise, wine, wisdom, and satire.<sup>25</sup>

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<sup>24</sup> The decades-long debate over how to interpret the Hebrew Crusade Chronicles between Robert Chazan and Ivan Marcus pays little attention to the composition of the chronicles. Still, see the work in this direction by Jeremy Cohen, "Between Martyrdom and Apostasy: Doubt and Self-Definition in Twelfth-Century Ashkenaz," *Journal of Medieval and Early Modern Studies* 29 no.3 (1999): 431-471.

<sup>25</sup> The Hebrew poetry of medieval Spain contributed to scholars' characterization – wrongly or rightly – of the "Golden Age of Spanish Jewry," where Jews and Christians lived in harmony – *convivencia* – within the Muslim majority and culture.

In contrast, Hebrew poetry from northern Europe favored a more complex style where verses of poetry are organized by stress patterns of acrostics, sometimes by a regular number of words per line. Measured against the eloquent, urbane, and metrically regular Hebrew verse of the Andalusian school where poetry writing was elevated to an art form, Ashkenazi literature is verbally opaque, clumsily styled, and often literarily forced.

Most nineteenth and twentieth-century scholars, having largely internalized Andalusian aesthetic ideals, failed to judge Ashkenazi *piyyutim* (liturgical rhymed prose) on their own literary merits or on their distinct cultural context.<sup>26</sup> That northern European poetry should be judged on its own literary merits, rather than against an imported standard, did not occur to most nineteenth and twentieth century scholars.<sup>27</sup>

An important shift took place at the end of the twentieth century. Susan Einbinder's analysis of the Ashkenazic martyrology is devoted to exploring Jewish martyrology using a literary methodology. She treats Ashkenazic literature as complex and multilayered textual artifacts, shaped not only by purely Jewish literary and religious sensibilities but also by cultural and historical developments in the surrounding Christian society. Importantly, Einbinder has uncovered anti-Christian literary expression as Jews reacted to anti-Jewish activities by the surrounding Christians.<sup>28</sup>

Yisrael Yuval explores anti-Christian sentiment in Hebrew texts as well. Yuval's *Two Nations in your Womb: Perceptions of Jews and Christians* examines Jewish liturgical text in conjunction with Jewish ritual and uncovers a layered, historical,

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<sup>26</sup> On the development of stylized rhymed prose in Hebrew in Ashkenaz and its corresponding development in general French society see Einbinder, *Beautiful Death*, 5-7. See also Adena Tanenbaum's review of *Beautiful Death* in *Prooftexts: A Journal of Jewish Literary History* 24 no.3 (October 2004): 386-400.

<sup>27</sup> On this see Susan Einbinder, *Beautiful Death*.

<sup>28</sup> Einbinder, *Beautiful Death*.

theological anti-Christian message of millennial retribution and vengeance. For example, Yuval describes a recurrent motif of God's coat, stained with the blood of those slaughtered as martyrs, which carried a demand for divine vengeance against the Christian in the messianic era. Though it drew upon rabbinic textual precedents, the image of God's cloak, or *porphyryon*, acquired powerful new symbolism in the wake of the anti-Jewish riots of 1096.<sup>29</sup> Yuval also mentions liturgy recited on the Day of Atonement and during the Passover seder which was marked by curses against Gentiles.<sup>30</sup>

Yuval's inflammatory analysis would never have seen the light of day in earlier generations of Jewish scholarship.<sup>31</sup> In fact, Jewish scholars have long been aware of anti-Christian sentiment in Jewish literature. However, anti-Christian allusion – such as Yehiel employs – is another factor in scholars' tendencies to disregard Ashkenazic *melitza*.<sup>32</sup>

The Hebrew chronicles of the First Crusade provide an excellent example of this tendency to discount *melitza* because of its inflammatory nature. Hardly any element of the Christian faith is portrayed in a neutral way. Thus, the chronicles do not refer to baptism as an immersion into holy waters but into *stench*,<sup>33</sup> nor to Christians but *the*

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<sup>29</sup> Yuval, *Shenei Goyim*. See also Yuval's provocative article, "Ha-naqam ve-haqelala, ha-dam ve-haalila: mei-alilut qedoshim le-alilat dam" *Zion* 58 (1993): 33-90.

<sup>30</sup> Though he generally disagrees with Yuval's position, see David Berger's response to Yuval's article, *From Crusades to Blood Libels to Expulsions: Some New Approaches to Medieval Antisemitism* (New York: Touro College Graduate School for Jewish Studies, 1997), esp. 16-17, and 18, where he says, "At the end of the day...the motif of eschatological vengeance is more than strong enough to sustain...the first element in Yuval's argument." See also Berger's article, "Al tadmitam ve-goralam shel hagoyim be-sifrut ha-pulmus ha-ashkenazit," in *Yehudim mul ha-tzlav: Gezerot tatnu be-historia u-behistoriographia*, eds. Yom Tov Assis et al. (Jerusalem: Magnes Press, 2000), 74-91.

<sup>31</sup> The irate response to Yuval's article which anticipated his book ("Ha-naqam ve-haqelala") – the subsequent issue of *Zion* was dedicated to refuting Yuval's article – would indicate that defensiveness in Judaic Studies circles is not dead.

<sup>32</sup> An important exception to this would be Shalom Spiegel's *The Last Trial: On the Legends and Lore of the Command to Abraham to Offer Isaac as a Sacrifice: The Akedah*, trans. Judah Goldin (New York: Behrman House, 1979).

<sup>33</sup> A.M. Habermann, ed., *Sefer Gezerot Ashkenaz ve-Tsarfat* (Jerusalem, 1945), 25.

*errants, the unclean uncircumcised, or Edom.*<sup>34</sup> Christianity is known as *error*. Jesus is rarely designated by name but as *an abhorred offshoot, a bastard, a son of a menstruant,*<sup>35</sup> *trampled corpse,*<sup>36</sup> *their detestable thing,*<sup>37</sup> *the desecrated and detestable hanged one,*<sup>38</sup> or *son of the whore*. Churches are *houses of idolatry;*<sup>39</sup> the Holy Sepulchre is *the grave of their idolatry.*<sup>40</sup>

This inattention to *melitza* reflects the *wissenschaftlich* influence on Jewish history. For the nineteenth and early twentieth century scholarship of Jewish history was, broadly speaking, governed by an underlying program. It sought to counter anti-Semitic arguments. For one, Jewish scholars sought to prove that Jews were not inherently inferior; rather, they posited, when Jews are unfettered by social or religious restrictions they can excel and shine. This is part of the reason Jewish historians studied the Jews in medieval Spain; they served as a shining example of what Jews could accomplish in a more permissive environment.

To earlier generations of Jewish scholars of the *Wissenschaft* school these anti-Christian invectives were a source of acute embarrassment. Indeed, the *Historische Commission für Geschichte der Juden in Deutschland* which commissioned the edition and translation of the Hebrew Crusade Chronicles in 1892 was so afraid these invectives would give offense and arouse anti-Jewish sentiment that they did not translate these terms into German.<sup>41</sup> The reader of the German translation has no idea what is actually

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<sup>34</sup> Habermann, 28.

<sup>35</sup> Habermann, 32.

<sup>36</sup> Habermann, 95.

<sup>37</sup> Habermann, 46.

<sup>38</sup> Habermann, 101.

<sup>39</sup> Habermann, 38.

<sup>40</sup> Habermann, 24.

<sup>41</sup> The story of how the *Commission* sought to obfuscate the meaning of these invectives is researched, analyzed, and interpreted in detail by Anna Sapir Abulafia, "Invectives against Christianity in the Hebrew

being said about Christians and Christianity. Members of the *Commission* defended their position by arguing that the invectives were in fact meaningless. Medieval Jews, they opined, used such expressions mechanically without thought to the meaning of the words. In his highly influential classic, *A Social and Religious History of the Jews*, Salo Baron supported the *Commission*'s decision.<sup>42</sup>

It is worth noting that attitudes toward the anti-Christian invectives have changed. More recent translators of the Hebrew Chronicles such as Shlomo Eidelberg and Robert Chazan rendered all invectives into English.<sup>43</sup> Jacob Katz disagreed with Baron and the *Commission*'s bald statement that Jews were unaware of the content of their invective. Rather, he saw in the use of invective in the Hebrew Chronicles an "indignation at the attempt to compel them to forsake the only living God in the name of the one they thought a human nonentity, the martyrs used language that went to excess and was found, by later generations, to be unrepeatable."<sup>44</sup>

However, the original *Wissenschaft* view left its mark and the *melitza* in Yehiel's document tends to be dismissed as bad poetry, instead of being studied for its historical message. I, on the other hand, feel that we can use *melitza* to study how this particular literature served to encourage the downtrodden Jews by putting down the Christians. Precisely because invectives against Christianity were a common feature of medieval Jewish writings, the pejorative expressions had a specific function to play in bolstering

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Chronicles of the First Crusade," in *Crusade and Settlement: Papers Read at the First Conference of the Society of the Crusades and the Latin East and Presented to R.C. Smail*, ed. P.W. Edbury (Cardiff: University College Press, 1985), 66-73.

<sup>42</sup> S.W. Baron, *A Social and Religious History of the Jews* (New York: Columbia University Press, 1957-1983), 4:290.

<sup>43</sup> Sholom Eidelberg, *The Jews and the Crusaders: The Hebrew Chronicles of the First and Second Crusades* (Madison: University of Wisconsin Press, 1977), 21-115, and Robert Chazan, *European Jewry in the First Crusade* (Berkeley and Los Angeles: University of California Press, 1987), appendices.

<sup>44</sup> Katz, *Exclusiveness and Tolerance*, 89.

the commitment of Jewish readers facing a hostile Christian world. By examining Yehiel's account of the 1240 Debate I shall attempt to show what that function might have been.

## Chapter 3

### Yeḥiel's Report: His Aims and Methods\*

#### Introduction

Yeḥiel's narrative is a remarkably rich one, and has not gone unnoticed by medievalists. Scholars have mined it to highlight important aspects of medieval society relating to Jews, Christians, and their tortured relationship.<sup>1</sup> For example, scholars have studied Yeḥiel's manuscript in an attempt to identify the rationale for Donin's conversion. Divergent theories have been proposed, reflecting the ambiguous nature of

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\* Because this chapter deals with the Hebrew text and its translation, a note about my translation style and format is in order. Where possible, I provide a precise, literal, translation of Yeḥiel's report. At the same time, I also include more Hebrew prose in the footnotes than I provide in translation in my narrative. This is intended to provide the Hebrew reader with with some context and a sense of Yeḥiel's prose, while maintaining a narrative flow. In order to maintain a balance between a precise English translation and providing the Hebrew reader with a sense of Yeḥiel's use of language, I have placed the untranslated Hebrew words in brackets to indicate the correspondence between the Hebrew original and the English translation.

<sup>1</sup> A brief note regarding various analyses that will be discussed in this chapter: scholars have drawn attention to Yeḥiel's appeal to both the pope and the queen, stressing the unique advantages of religious or political protection; at the same time some point to the benefit of playing the Church against the State (Salo Baron, "Plenitude of Power"). David Berger, "On the uses of History in Medieval Jewish Polemic against Christianity: The Quest for the Historical Jesus" in *Jewish History and Jewish Memory: Essays in Honor of Yosef Hayim Yerushalmi*, ed. Elisheva Carlebach, John M. Efron, and David N. Myers (Hanover and London: Brandeis University Press, 1998), 25-39, studies how Yeḥiel does "history." The inclusion of the Virgin Mary in the Debate emphasizes the importance of Marian devotion in the thirteenth century (See William C. Jordan, "Marian Devotion and the Talmud Trial of 1240," in *Religionsgespräche im Mittelalter*, ed. Bernard Lewis and Friederich Niewohner (Weisbaden: Harrasowitz, 1992), 61-76. Yisrael Yuval understands the impetus behind the 1240 Debate to be a papacy intent on squelching Jewish apocalyptic hopes (*Shenei Goyim*, chapter 9). Yehuda Galinsky speculates that Yeḥiel stressed the antiquity of the Talmud in part to appeal to the scholastic and legal concept of "prout sonat" stressing "as it sounds to the hearer," rather than authorial intent in Yeḥiel's attempts to legitimize the Talmud in the eyes of the Church ("Mishpat haTalmud"). For an analysis of prout sonat see J.M.M.H. Thijssen, *Censure and Heresy at the University of Paris, 1200-1400* (Philadelphia: University of Pennsylvania Press, 1998).

the report. Where Solomon Grayzel has suggested that Nicholas Donin was a Karaite,<sup>2</sup> Jeremy Cohen saw Donin's conviction of the Christian truth.<sup>3</sup> Chen Merchavia has interpreted Yehiel's document to suggest that Donin was a rationalist Maimonedian,<sup>4</sup> and Yisrael Ta-Shma sees the Donin in Yehiel's record as a member in a caste of atavistic Jews yearning for a lost Palestinian tradition.<sup>5</sup>

The range of conjecture attests to Yehiel's knotty writing style. The intricacy of Yehiel's report also contributes to the absence of an overarching thesis unifying the document. Unpacking Yehiel's nuanced choice of language and method can shed light on how the leader of an already-beset northern French Jewry chose to counter a novel form of religious harassment.

Formal religious confrontation was unheard of prior to 1240.<sup>6</sup> Religious debate in the twelfth century, though frequent, was informal and apparently, often initiated by Jews.<sup>7</sup> While there is little direct evidence of this, a number of leading Christian thinkers, among them Rupert of Deutz (d. 1129) and Peter of Blois (d. 1203) were asked by laymen to write polemical material in response to Jewish arguments. Additionally, David Berger finds that the assertive tone of twelfth-century Jewish polemics "makes it hard to

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<sup>2</sup> Karaism was a sectarian Jewish movement which flourished in the early Middle Ages whose hallmark was denying authority beyond the biblical text. In *The Church and the Jews*, 339-340, Grayzel bases this claim on Yehiel's repeated reference to Donin's rejection of rabbinic authority.

<sup>3</sup> Jeremy Cohen, "The Mentality of the Medieval Jewish Apostate: Peter Alfonsi, Hermann of Cologne, and Pablo Christiani," in *Jewish Apostasy in the Modern World*, ed. Todd M. Endelman (New York: Holmes and Meier, 1987), 21.

<sup>4</sup> Most notably Merchavia, *Ha-Talmud be-rei ha-Natzrut*, 233.

<sup>5</sup> Yisrael Ta-Shma advanced this dubious theory in "Rabbi Yehiel de Paris," 215.

<sup>6</sup> As I will mention, there were inter-religious discussions prior to the thirteenth century. For one example, Bernard Blumenkranz, ed., *Disputatio Iudei et Christiani* (Utrecht, 1956) discusses a conversation between an unnamed Jew and Gilbert Crispin around 1090. This would appear to be a dialogue before some friends rather than a formal public disputation. See also Anna Sapir Abulafia and G.R. Evans, eds., *The Works of Gilbert of Crispin, Abbot of Westminster* (London: Oxford University Press, 1986), 80-103.

<sup>7</sup> David Berger, "Mission to the Jews and Jewish-Christian Contacts in the Polemical Literature of the High Middle Ages," *The American Historical Review* 91 (June 1986): 576-591.

deny that a number of readers would have been impelled to challenge Christians to defend their faith.”<sup>8</sup>

These earlier religious debates followed well-charted lines. The bulk of polemical discussions centered on the issue of Christological interpretations of verses in the Hebrew Bible. The arguments that the plural form of a word for God (*Elohim*) indicated a triune god, that *Jeremiah* 31:31 discussed a new covenant, that *Isaiah* 7:14 spoke of a virgin birth, or those concerning *Isaiah* 53's reference to an innocent servant suffering for the sins of others are all examples of stock Christological arguments often accompanied by stock Jewish rejoinders.<sup>9</sup>

Of course, Christological interpretations varied in potency. David Berger has identified a class of genuine Christian polemic involving those verses whose Christological interpretation provided a genuine challenge to a Jewish scholar.<sup>10</sup> For example, if the Hebrew word *almah* is understood to mean *virgin* (and not *young woman* as Jewish exegetes understood it), then *Isaiah* 7:14 genuinely seemed to prophesy a virgin birth. Additionally, *Isaiah* 53 referred to a servant of the Lord who would suffer, despite his innocence, as a result of the sins of others.

Specific rejoinders were necessary to blunt the force of such arguments. The Jewish debater would often respond that the syntax, translation, or context of the passage did not support the Christological interpretation; the more literal straightforward approach – *peshat*<sup>11</sup> – demanded a reading which belied the Christian explanation.<sup>12</sup> In

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<sup>8</sup> Ibid, 589.

<sup>9</sup> See Daniel J. Lasker, *Jewish Philosophical Polemics*, and David Berger, *The Jewish-Christian Debate*, introduction and appendices.

<sup>10</sup> Berger, *The Jewish-Christian Debate*, 9-10.

<sup>11</sup> Of course, what is meant by "straightforward meaning" is far from simple. See David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis* (Oxford: Oxford University Press,

fact, the ruthless pursuit of *peshat* by high medieval Jewish commentators could be seen as a Jewish reaction to nonliteral Christian exegesis.<sup>13</sup> A Jewish polemicist insisting on *peshat* in a debate with a Christian might experience a great deal of cognitive dissonance upon returning home and reading the same biblical verse in a way that violated basic principles he had just been defending.

The setting of religious debates resulted in an ironic role reversal in the relationship between medieval Christians and Jews. In virtually every other arena of Latin Europe, Jews were considered outsiders, interlopers, or usurpers by those around them. Though Ashkenazic culture reached its greatest heights culturally, intellectually, and economically along with the rest of medieval Northern Europe, the Jews were still viewed as an Other, at times the quintessential Other.<sup>14</sup> This put Jews on the defensive in many ways.

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1998), esp. 52-79. Halivni writes that "the rabbis' sense of plain meaning... does not correspond to ours." (77).

<sup>12</sup> There is an entire book collecting the more literal explanations of Isaiah 53 by S.R. Driver and A. Neubauer, *Isaiah According to the Jewish Interpreters, Chapter 53* (New York: Ktav, 1969); most of the Jewish commentaries understand the Suffering Servant to be the Jewish people. Medieval Jewish exegetes find a good deal of proof that *almah* does not (necessarily) mean virgin, but rather young woman, often based on syntax, context, or grammar: "The way of a man with a young woman [*almah*]" (Prov. 30:19). A number of medieval Jewish exegetes explain that Scripture takes the trouble to point out that Rebecca was a virgin [*betulah*] even though she is later called an *almah* (Gen. 24:16, 43). For more on the *peshat* response to these verses see Berger, *The Jewish-Christian Debate*, 100-101, 114-115, and notes there.

<sup>13</sup> David Berger, "Judaism and General Culture in Medieval and Early Modern Times," in *Judaism and General Culture: Rejection or Integration?* ed. Jacob J. Schachter (Northvale: Jason Aaronson Press, 1995), 119-120 and notes there. See also Martin I. Lockshin, "Introductory Essay: *Peshat* and *Derash* in Northern France," in *Rashbam's Commentary on Deuteronomy: An Annotated Translation* (Providence: Brown University Press, 2004), 1-25, esp. 19-22.

<sup>14</sup> On the Jewish status as Other see Robert I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe 950-1250* (Oxford: Oxford University Press, 1987) who sees the alterity of Jewish communities as part of the general proto-formation of statehood and early modern society, and Jews were just one outgroup among others. For a claim to Jewish unique Otherness, see Robert Chazan's review of Moore in *Medieval Stereotypes and Modern Antisemitism* (Berkeley and Los Angeles: University of California Press, 1997), chap. 3; see also Lester K. Little, "The Jews in Christian Europe," in *Essential Papers on Judaism and Christianity in Conflict: From Late Antiquity to the Reformation*, ed. Jeremy Cohen (New York: New York University Press, 1991), 276-297, where he makes this assertion from a standpoint of economic history. See also Robert Chazan, *European Jewry*.

Medieval European Jews recognized and accepted that they were living as variably-welcome guests in a “land that was not theirs,” (*Gen. 15:13*) to which they claimed no rights of belonging, nor an ultimate future. The dominant Christian religion was ubiquitous, from the imposing church in the town center to Passion plays, to frequent saints’ days upon which work was not allowed. The Christian kings of France were expelling Jews from their domains with increasing frequency, and over the twelfth century Christianity seemed to be expanding in so many avenues that it must have been difficult for the alert Jew not to be impressed, and feel inadequate.

Jewish defensiveness is often expressed in polemical literature by assertions of moral superiority.<sup>15</sup> For example, Joseph ha-Meqanne, a thirteenth century French Jewish polemicist, quoted a Christian taunt targeting Jewish ugliness (implying that Jewish outer appearance is a manifestation of inner evil). According to Joseph, the Jew in this exchange responded that Christians are fair-skinned and ruddy because they were born of impure, menstruating women.<sup>16</sup> Turning an alleged virtue into a flaw is a classic polemical technique. In another instance, Jewish polemicists explained Jewish victimhood in the face of persecution by claiming that Jewish law demands morally superior behavior from Jews, including refraining from physical aggression.<sup>17</sup> Through strengthening their conviction of Jewish ethical superiority,<sup>18</sup> Jewish scholars countered the Christian threat to the Jewish self image.

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<sup>15</sup> On this aspect of the Jewish self-image see David Berger, “Judaism and General Culture.” See also his *Jewish-Christian Debate*, 27 and “Al tadmitam.”

<sup>16</sup> See Judah Rosenthal, ed., *Sefer Yosef Ha-Meqanne* (Jerusalem: Hotsaat Mekitze Nirdamim, 1970), 95.

<sup>17</sup> Y. Levinger, ed., *Ezer ha-Dat* (Tel Aviv: Tel Aviv University Press, 1984), 1:55-56.

<sup>18</sup> See David Berger, *The Jewish-Christian Debate*, 27. This position is also taken by Moritz Guedemann, *ha-Torah ve-Haḥayim bimei ha-Beinayim be-Zarfat ve-Ashkenaz* (Warsaw: 1899), 42-43.

However, in theological debate revolving around biblical prooftexts it was the Christians who had to prove their faith to the Jews, on the Jews' own turf. Jewish defensiveness dissolved in the narrowly defined arena of theological debate. Both Christians and Jews agreed that the Jews were God's original Chosen people; the question remained as to whether Christians had replaced Jews in this role. As the Christian religion was born out of Judaism, Christian polemicists felt pressed to differentiate Christianity by justifying the rejection of its parent.<sup>19</sup> Furthermore, both Christians and Jews accepted the premise that Jews had greater access to the original, Hebrew, text of the Old Testament.

To complicate matters for the Christians, they recognized that when they argued from Old Testament texts (trying to convince Jews from the New Testament would be pointless and frustrating, as Jews did not accept its legitimacy), their Jewish opponents had superior textual abilities. Strictly in the realm of debating religious ideas from Old Testament text, the Jewish position had the upper hand.<sup>20</sup> This was certainly the case in the eleventh and twelfth centuries.<sup>21</sup>

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<sup>19</sup> Mark R. Cohen attributes this factor as an important one in the greater animosity Christians toward Jews than Muslims toward Jews. See his *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton: Princeton University Press, 1994), chapter one. There has been a recent historiographical trend to see the Christian relationship to Judaism as one of sisters rather than mother-daughter. This view may be possible from the perspective of the contemporary historian, but within medieval Jewish and Christian thought Christianity is perceived as having emanated from Judaism. See David Berger, "A Generation of Scholarship on Jewish-Christian Interaction in the Medieval World," *Tradition: A Journal of Orthodox Jewish Thought* 38, no. 2 (Summer 2004), idem *The Jewish-Christian Debate*, 7; Anna Sapir Abulafia, *Christians and Jews in the Twelfth-Century Renaissance* (London and New York: Routledge, 1995), 63, for those who see a filial relationship. Israel Yuval, *Shenei Goyim*, 40-42, and Judah Leibes, "Hashpaot Notzriot al Sefer Ha-zohar," *Mehqarei Yerushalayim be-Mahshevet Yisrael* 2 (1983): 43, maintain there was a sororial relationship.

<sup>20</sup> David Berger, *The Jewish-Christian Debate*, notes the defensive nature of the Christian argument in his introduction.

<sup>21</sup> See David Berger, "Mission to the Jews."

By the beginning of the thirteenth century, however, Christian missionizing was reaching greater heights. As we will see, Jewish confidence and security were waning<sup>22</sup> and Jews were no longer comfortable initiating theological challenges.<sup>23</sup> The secure position of Jewish polemicists was shaken as the new challenge of forced religious debate emerged.

The 1240 Debate was novel in a number of ways. For one, this was the first time that non-biblical literature took center stage in religious confrontation. When Nicholas Donin put rabbinic literature at the center of the Jewish-Christian debate he reversed the playing field. Rather than engaging universally accepted biblical texts to prove Christian truths, this Christian debater attacked exclusively Jewish ones. Donin was not attempting to prove his own truth; rather, his goal was to demonstrate the unacceptability of Jewish texts and Jews. When the debate focused on the legitimacy of the Talmud, for the Christian the worst-case scenario was that he would not win such a debate, and for the Jew, the best-case scenario was that he would not lose.<sup>24</sup>

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<sup>22</sup> See Robert Chazan, *Medieval Jewry in Northern France*, and William C. Jordan, *The French Monarchy and the Jews: From Philip Augustus to the Last Capetians* (Philadelphia: University of Pennsylvania Press, 1987). See also the comments of Salo W. Baron in *A Social and Religious History of the Jews* (New York: Columbia University Press, 1952-1983), 9:45 regarding how this affected Jewish interests in land-owning. For an example of how this affected Jewish-Christian debate in a slightly later period see David Berger, "Christians, Gentiles, and the Talmud," 115-130.

<sup>23</sup> Both Yehiel and Ramban in his Barcelona debate in 1267 tried to avoid confrontation. On this debate and Ramban's hesitance to engage in theological discussion see Robert Chazan, *Barcelona and Beyond*. See also idem, *Fashioning Jewish Identity in Medieval Western Christendom* (Cambridge: Cambridge University Press, 2004). See also Berger, "Mission to the Jews."

<sup>24</sup> Indeed, the sense of rising confidence and superiority of Christianity at the expense of that of Judaism in Northern Europe is reflected in the debate literature. See Robert Chazan, *Daggers of Faith*, esp. chaps. 1 and 2. See David Berger, "Mission to the Jews," idem, "Christians, Gentiles, and the Talmud," and the brief reference in Berger's *The Jewish-Christian Debate*, 4. Here Berger refutes the claim of Jeroslav Pelikan, who writes that Christian writers tended "to take their opponents less and less seriously" as Judaism became less of a threat to Christianity. See J. Pelikan, *The Christian Tradition, volume 1: The Emergence of the Catholic Tradition (100-600)* (Chicago and London: University of Chicago Press, 1971-1989), 21. On this criterion alone (leaving aside motivations stemming from scholasticism or missionizing aspects of the Crusades, for instance), it is curious that Pelikan himself (volume 3, page 246) notes that the twelfth century – when Christian Western Europe was supposed to be at its zenith – produced more volumes of Christian anti-Jewish polemic than all previous centuries combined.

Additionally, the 1240 Debate broke ground unfavorable to Jews. The Talmud had been attacked in Christian polemical literature a few times before the twelfth century.<sup>25</sup> But because of the casual and spontaneous nature of these encounters neither Jews nor Christians held a tactical advantage; indeed, since Jews appear to have frequently initiated such discussions one would assume the Jews had the advantage of surprise of initiation or perhaps planning.

All this changed when Yehiel was summoned to the royal court in the early summer of 1240. While every theological exchange can have eternal consequences for the contenders, a casual encounter usually poses less risk because of the minimal investment involved. However, in this instance Yehiel was called to defend his faith in the presence of Queen Blanche (mother of King Louis IX), notables of the secular and regular clergy, and leading intellectuals. Being called to the royal court to defend Jewish texts in the presence of these powerful figures stood in sharp distinction to the more common casual setting for these dialogues. Here, the repercussions were bound to be swift and real, affecting a large Jewish population.

When summoned, Yehiel did not know what exactly lay in store. He had every reason to believe that he could respond in the timeworn pattern of theological debate. What he confronted, however, was an unprecedented attack on the Talmud, a focus which he could hardly have anticipated.

The cross-continental genesis and nature of the 1240 Debate suggested that the new strategies Yehiel faced would be used in the future. When documenting the Debate afterward, Yehiel likely felt pressed to alert Jewish communities throughout Latin

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<sup>25</sup> For example, see Chapter Six of this dissertation for a discussion of some of Peter the Venerable's anti-Talmud attacks.

Christendom to the threat Nicholas Donin had introduced. Through describing the debate, Yehiel could use his experience to inform Jews of what lay ahead.

Had Yehiel been writing a typical polemic, he could have chosen from a variety of appropriate genres. Jewish polemical literature had appeared in the form of a Bible commentary refuting Christian arguments (either a running commentary on a book of the Bible or a collection of disputed Bible passages), a religio-philosophical text (giving an account of the most important aspects of the religion and comparing them with philosophical concepts), responsa literature (with rabbinic answers to specific questions from individuals or communities), or letters, private or public missives, genuine or spurious. These text types could also be mixed – a single text might be composed of several types.<sup>26</sup>

Yehiel chose to write his text as a disputation (Heb.: *vikuah*), a dialogue which could be real or fictitious. Because the 1240 Debate was, in fact, based on a real-life dialogue, it might make sense to write it as such.<sup>27</sup> But Yehiel's record of the debate contains a great deal more than a mere transcription of the exchange of ideas. By

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<sup>26</sup> On the variety of polemical literature see Hanne Trautner-Kromann, "Jewish Polemics against Christianity in Medieval France and Spain: Can the Intensity of Argumentation be Measured?" in *Rashi 1040-1990: Hommage à Ephraïm E. Urbach*, ed. Gabrielle Sed-Rajna (Paris: Les Editions du Cerf, 1993), 639-644, and idem, "Sources of Jewish Polemics against Christianity in the Late Middle Ages," *Temenos: Studies in Comparative Religion Presented by Scholars in Denmark, Finland, Norway and Sweden* 20 (1984): 52-65. For a comprehensive list of exclusively polemical literature of the Middle Ages see Hayim Hillel Ben-Sasson's entry, "Disputations and Polemics" in *Encyclopedia Judaica* cols. 79-103.

<sup>27</sup> Writing religious polemic as a fictitious living encounter was a common stratagem. For example, parts of the *Sefer Nizzahon Vetus* are written in dialogue form, and Judah Halevi of Iberia wrote his *Kuzari* as a fictitious dialogue. Nor was writing polemic in dialogue form limited to the Jewish world, as Abelard composed *A Dialogue of a Philosopher with a Jew and a Christian* as a fictitious disputation. It should not be surprising, therefore, that Yehiel chose to record his factual disputation in the form of the common literary genre of fictitious debate.

conveying the language, audience responses, attendees, venue, and so forth, Yeḥiel conveyed a fuller picture of what the future debater would face.<sup>28</sup>

In writing his text Yeḥiel exercised creative license, sacrificing accuracy at his discretion. For example, we will see that Yeḥiel provided a variety of possible rebuttals in defense of the Talmud, many of which may not have been offered in the actual debate. In effect, Yeḥiel set out to write not only a description of this debate but a manual for a future debater, the unfortunate inheritor of Yeḥiel's role. Yeḥiel's report contains a number of indications to this effect.

First, when comparing the record of Yeḥiel with that of Nicholas Donin, one is struck by their disparity; at times it appears that there is more reason to contrast the two accounts than to read them as reporting the same event. For example, in his Latin account Donin repeatedly accuses the Talmud of usurping the Bible, in one instance citing the Talmudic assertion that "the sages are superior to the Prophets."<sup>29</sup> Despite the apparently damning nature of this accusation Yeḥiel makes no direct mention of it in his version the events. Given their radically different points of view, this is to be expected. However, Donin's official report could be read by Christians who attended the debate; as such, he was obliged to maintain some degree of accuracy in his description. Yeḥiel, on the other hand, as the only Jew present at the debate could present the details in his Hebrew document without being questioned by his Jewish audience.

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<sup>28</sup> According to Robert Chazan, this in part is what Ramban attempted when documenting his own debate in 1263. Ramban, a more gifted writer than Yeḥiel and with his debate's outcome far more ambiguous in favor of a Jewish victory than that of Yeḥiel's, gives a sense of verisimilitude, setting up the dramatis personae in some detail. Ramban gives a sense of time, dividing the debate over a number of days. The reader emerges with a strong sense that what Ramban writes is what really happened, with a clear Jewish victory and a sympathetic King James. See Chazan's *Barcelona and Beyond* and "The Hebrew Report on the Trial of the Talmud: Information and Consolation," in *Le Brulément du Talmud a Paris 1242-1244*, ed. Gilbert Dahan (Paris: Les Editions du Cerf, 1999), 79-93.

<sup>29</sup> Loeb, 253-263, esp. 257-258; BN Par. Lat. 16558 f.211b-213d, esp. f.212b-c. Appendix A provides a comparison of the Hebrew and Latin records.

Additionally, while Donin's account is devoid of invective, Yeḥiel's sustained use of invective and anti-Christian rhetoric counter an expository reading of his report. It is highly unlikely that Yeḥiel would have risked expressing these frank anti-Christian sentiments in the actual debate. Furthermore, while Yeḥiel's testimony repeatedly describes his Christian neighbors as his concerned protectors, equals, and friends, he frequently alludes to the same in harsh terms, through the deliberate use of *melitza*.

Yeḥiel recognized that a Jew called to represent and defend Judaism in a future debate would likely be cordial with Christian rulers (as Yeḥiel was) and conversant with wider Christian culture. Yeḥiel similarly knew that a Jewish debater exposed to the high Christian culture of Paris – its wealth, opulence, power, philosophy, and intellectual energy – could entertain doubts about his role as a Jew in the dominant Christian society. Yeḥiel was probably reacting to this when he pursued his second goal – to fortify future debaters against religious doubts of their own.

Yeḥiel's tone, however, is not consistently aggressive and religiously challenging to Christians. It often shifts abruptly to sounding obsequious and apologetic, or even dispassionate and scholarly. In these latter instances, Yeḥiel drops a polemical tone and reasons calmly, explaining various points of Talmud like the tosafist he was. In contrast to this clarity of thought at times, Yeḥiel sometimes unambiguously contradicts himself. More striking, Yeḥiel does not record any reaction to his blatant contradictions (which will be discussed in detail later in the chapter). This further challenges an expository reading of Yeḥiel's document as a precise description of the debate itself.

Finally, Yeḥiel's gnarled writing style is indicative of a purpose beyond that of mere reportage. His use of biblical or rabbinic paraphrase is alienating to any but a

rabbinic audience; it certainly does not make for as easy reading, as does Naḥmanides' more straightforward account of his own debate twenty-three years later. The abstruseness of Yeḥiel's style must have been deliberate, for the resulting narrative is accessible only to the initiated.

As mentioned in Chapter Two, Yeḥiel shifts from rhymed prose – *melitza* – to narrative prose, and back. While some mid-thirteenth century French texts included introductions or conclusions which used *melitza*, it was rare for an Ashkenazi author to deploy this technique throughout the body of a text.<sup>30</sup> Yeḥiel, however, freely travels between styles, shifting abruptly from *melitza* to narrative in a seemingly arbitrary manner. This mélange of style, highly unusual for a leading tosafist, yields a contorted and inaccessible text. As we shall see, Yeḥiel utilized *melitza* to subtly relate more incendiary messages to his audience. Thus, a careful unraveling of his text's obscurities can illuminate Yeḥiel's intended audience, how he sought to address them, and what messages he wished to convey.

### Describing the Setting of the Debate

One of Yeḥiel's goals was to address matters of procedure and to prepare the debater for what he might expect programmatically. In describing his audience – the king, queen, courtiers, friars, the priests of Paris, and various political and religious rulers – Yeḥiel introduced his reader – likely a member of the Jewish learned class – to the spectators a future debater might anticipate. He warned his readers not to expect a personal inquest, or a neutral setting. For Yeḥiel was “brought...before the queen and

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<sup>30</sup> See, for example, Abraham ibn Ezra's teasing comment to the leading tosafist, Rabbi Jacob Tam, when Jacob greets him in rhyme. See Urbach, *Baalei ha-tosafot*, 94.

the ministers to the king's court alone there with the crowd, the queen, the friars, the rulers and all the knights, small and great...but of the Jews none were left.”<sup>31</sup> Yeḥiel was called, against his will, to defend the Jews alone in public in the king’s court.

Yeḥiel emphasized the danger inherent in such a debate, and made it clear to his readers that the Jews would be best served by avoiding all such conflict, as it is bound to be stacked against them. Yeḥiel expressed reluctance to participate in the Debate, attempting to delay the entire encounter by appeal: "With your indulgence, let me have my day before the pope."<sup>32</sup> Indeed, Yeḥiel feared for his life, and the queen regularly assured him that "it is our intent to protect you."<sup>33</sup> This insecurity and sense of foreboding was further displayed by Yeḥiel’s consistent avoidance of commitment. For example, as we shall see, he declared the truth of the *aggada* (narrative, non-halakhic sections of the Talmud), yet did not consider belief in it essential.

Similarly, Yeḥiel managed, with great effort, to avoid taking an oath verifying the truth of what he said. Even in the presence of his hostile audience Yeḥiel appealed to the queen, who, apparently based on the precedent that in all of Yeḥiel’s court dealings he was never compelled to swear an oath, exempted him from swearing this time as well: The queen said to the rabbi “This time I request of you to swear,”<sup>34</sup> and the rabbi answered, “your majesty, as you know, I have appeared before you a number of times

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<sup>31</sup> Ms. Moscow – Guenzberg 1390 (Mosc.) 85a:

ויהי בבואו [הרב] לפני המלכה והשרים בחצר המלך והרב היה לבדו לשם עם המון והמלכה והחובלים וההגמון וכל [עם] פריש קטן וגדול... אך מבני ישראל לא נשאר אחד מהם [שם].

I have translated חובלים, usually destroyers or damagers, as friars. This was a play on words, as the friars wore belts, חבלים.

<sup>32</sup> Mosc. 87b:

[ויאמר הרב] בחסדכם [אדונינו] שימו לי יום לפני האפפור

<sup>33</sup> Mosc. 87b:

[אז ענתה המלכה... אין לך לירא כלל מגופך...] כי דעתנו לשמורכם [בטב אתם וכל אשר לכם]

<sup>34</sup> Mosc. 86b-87a:

[ותען המלכה ותאמר לרב] הפעם אני מבקש ממך שתשבע

and I have never sworn. How can I begin to swear in my old age? Heaven forbid that you coerce me to swear!” The reason Yeḥiel offered in his text for his demurral is most telling: “for if I took one thousand oaths this heretic [*min*, that is, Donin] would call me a transgressor and I would be a laughingstock in the eyes of the priests.”<sup>35</sup> In other words, Yeḥiel felt that the Christian audience was certain to mock his testimony, sworn or not, and he saw no reason to compound their profanation of his God and his faith by taking an oath.

Yeḥiel further hedged his bets when he told the queen that he was really ill-equipped for the task at hand, as there were “many greater, more knowledgeable, and wiser [Jewish scholars] than I in Ashkenaz... and even in this city [of Paris] there are two or three who are twice as great as I am.”<sup>36</sup> Here too, Yeḥiel was implicitly modeling a strategy for someone else in his position. Should the future Jewish debater fail he could resort to claiming that he was not suited for the role thrust upon him.

In this way, Yeḥiel attempted to prime future debaters for the setting and procedure of these debates. He alerted them to tactics and strategies which might be employed, implicitly advising those involved in future debates how to counter polemical attacks. In addition to reviewing procedural matters, Yeḥiel focused on arguments he attributed to Donin and suggested responses to them.

On this note, it is important to remember that when Yeḥiel quotes Donin in his document, he is not necessarily citing Donin’s words as stated during the debate. Rather, Yeḥiel is using Donin as a mouthpiece for the arguments which he wishes to counter in

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<sup>35</sup> Mosc. 87a:

[ויאמר הרב] אודונתי כמה פעמים באתי לפניך וכאשר ידעת לא נשבעתי מעולם ואיך אתחיל בזקנותי להשבע חלילה לך להשביעני בעל כרחי כי אם הייתי עושה אלף שבועות [כל הדברים שאומר] יקראני זה המין עבריין והייתי ללעג בעיני הגלחות

<sup>36</sup> Mosc. 87a:

[כי...ידוע לרבים כי יש] הרבה גדולים וידועים חכמים...ממני באשכנז...ואף בעיר הזאת יש גדולים כפליים ממני שנים או ג

his document. As Appendix A demonstrates, there are a great many disparities between the Thirty Five Articles penned by Nicholas Donin himself and what Yeḥiel responds to in the Hebrew account. For the duration of this chapter, then, the words “Donin said,” or “Donin responded,” indicate words attributed to Donin by Yeḥiel, not necessarily arguments that were actually voiced by Donin during the course of the debate.<sup>37</sup>

### Defending the Necessity of the Talmud

From the outset and throughout the course of the report, Yeḥiel provided a biblical frame of reference to his answers. In response to Donin's allegations against the Talmud, Yeḥiel defended the Talmud as a necessary means for explaining the Bible. To this end, he cited numerous cases where the Bible contradicts itself: “It is written: ‘For I spoke to you from the heavens’ and another verse states ‘God descended upon Mt. Sinai.’ It is also written: ‘Parents will not be put to death for [the sins of the] children nor the children put to death for their parents’ and it is [also] written ‘[He] who visits the sin of the parents on the children.’<sup>38</sup> Both Christian and Jewish Bible scholars, then, could benefit from post-biblical literature to explain and resolve these contradictions.

However, despite this rational need for a Talmud, or at least a system wherein the Bible could be studied and its laws obeyed by society in perpetuity, Yeḥiel did not shirk from upholding traditional Jewish thought, particularly the core Jewish belief in the

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<sup>37</sup> Strictly speaking, then, Donin's name need not be mentioned at all in this analysis of Yeḥiel's report. All Yeḥiel was doing was using an interlocutor to demonstrate how to respond in Jewish disputation. In order to maintain fidelity to Yeḥiel's text I will continue to follow his convention of calling Donin by name.

<sup>38</sup> Mosc. 85a:

כתיב כי מן השמים דברתי אליכם וכתיב [כתוב] אחר אומר וירד ה' על הר סיני, ועוד כתיב לא יומתו אבות על בנים ובנים לא יומתו על אבות וכתיב פוקד עון אבות על בנים

divine nature of the Talmud.<sup>39</sup> Serving as a mediator of Jewish tradition, Yehiel never deviated from conventional Jewish beliefs, even when it might have served him to do so.

Yehiel began with a general mission statement defining the Talmud and its necessity. He made a case for the universal need for organization, commentary, and limits beyond those set by the biblical text. For

[the Talmud] is a commentary to the Pentateuch and an explanation of the commandments...and if not for the Talmud a person would not be able to study a single commandment... the commandment of the Sabbath is written in five different places in Scripture, here a bit and there a bit. Before one studies one of the verses he will forget the next, and this [is the case for] many commandments. But through the Talmud commentary [the commandments] cling together and it is easy to study them.<sup>40</sup>

Aside from the Bible's disorganization and paradoxes, its language can also be vague, omitting vital details of law. Yet, Yehiel pointed out, the Hebrew Bible has a built in safeguard: rabbinic interpretation.

'Ask your fathers and they will say to you, your elders and they will tell you.' [per *Deuteronomy* 32:7] We see that beyond Scripture we need reciting and speaking [i.e. oral transmission]. And there are many things [upon which] the rabbis imposed a stricture and fence [around] the Torah [to ensure there would be no transgression] and the rabbis found a biblical support, as it is written: 'Guard my treasure'<sup>41</sup>

In suggesting these arguments, Yehiel offered future debaters a response that would appeal to contemporary Christian intellectual currents. In particular, biblical commentary and paraphrase was at its height and Pope Gregory had recently completed his *Decretum Gratiani*, collating and canonizing ecclesiastical law.

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<sup>39</sup> See next footnote.

<sup>40</sup> Mosc. 85b-86a:

והוא פ' החומש וביאר המצות [וניתן בסיני] לולי התלמוד לא היה אדם יכול ללמוד מצוה אחת [וראה והבין כי] מצות שבת כתובה בה' מקומות במקרא כאן מעט וכאן מעט וטרם שילמוד אחד מן המקראות [ילמוד] וישכח האחר, וכן הרבה מצות ואצל פ' התלמוד הן דבוקות יחד [וטורים] [טובות?] [הן] ונוחור [ונוחות?] ללמדם.

<sup>41</sup> Mosc. 86a:

[ועוד כתיב] שאל אביך ויגדך זקניך ויאמרו לך אלמא בלא הכתוב צריך הגדה ואמירה... ויש הרבה דברי שתקנו חכמי [לעשות] הרחקה וסייג לתורה... ואסמכנהו רבנן אקראי דכתיב ושמרתם את משמרתם...

Having justified the need for the Talmud as a whole, Yeḥiel went on to describe the non-halakhic sections of the Talmud, collectively called the *aggada*, and to explain their purpose: “to draw the heart of a person...to instill faith in the heretic and *min* [apostate] like this man [Donin, who no longer fears God]...”<sup>42</sup> Yeḥiel seems to have the sense that the *aggada*, which contained some fantastic and implausible stories, would be particularly vulnerable to attack in future debates. Here Yeḥiel employed deliberate language: “I must respond that if one wants – believe, and if one does not want – do not believe.”<sup>43</sup> Thus Yeḥiel permitted the future debater to keep his options open. While the Talmud may be of Sinaitic origin, and Yeḥiel might maintain that “the sages of the Talmud did not write anything that was not correct and true,”<sup>44</sup> the extralegal elements are not actually binding. Should the Jewish debater be cornered he could retreat and say that the *aggada* is not canonical.<sup>45</sup>

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<sup>42</sup> Mosc. 86b:

[אכן יש בתלמוד דברי אגדה] להמשיך לב האדם [להבין]...להאמין לכופר [ולאפיקורוס] ולמין כמו האיש הזה [אשר נכחד ממנו יראתו וחסאתו וכו']

<sup>43</sup> Mosc. 86b:

[ועל זה] הוצרכתי להשיבו אם ירצה יאמין ואם לא ירצה לא יאמין

<sup>44</sup> Mosc. 86b

[כי] חכמי התלמוד לא כתוב מאומה רק דברים כנים ואמתיים

<sup>45</sup> The question of the obligation for a believing Jew to believe in the aggadic portions of the Talmud is a vexing one, and scholarship has arisen around the similar comments of Nahmanides on the topic in the better-known 1263 debate. See the collection of articles in Isadore Twersky, ed., *Rabbi Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity* (Cambridge: Harvard University Press, 1983), especially Bernard Septimus, “Open Rebuke and Concealed Love: Nachmanides and the Andalusian Tradition,” *ibid.*, 12-34, and Marvin Fox, “Nahmanides on the Status of Aggadot: Perspectives on the Disputation at Barcelona, 1263,” *Journal of Jewish Studies* 40 (1989), 95-109. For a more recent debate on the issue see Robert Chazan, *Barcelona and Beyond*, David Berger’s deceptively mild review in *American Jewish Studies Review* 20, no. 2 (1995), 379-388, and Chazan’s polite rejection of Berger’s position in Chazan’s *Fashioning Jewish Identity*. See Avraham Grossman, “Shorashav shel Kiddush ha-Shem be-Ashkenaz ha-keduma,” in *Yehudim mul ha-tzlav*, 51-73, and Israel Ta-Shma, “Hitabdut ve-Retzah ha-zulat al Kiddush ha-Shem: le-sheilat mekomah shel ha-aggadah be-mesoret ha-pesika ha-ashkenazit,” *ibid.*, 155-170, who take opposite sides of the question of the importance of aggada in medieval Ashkenaz. For a study of the challenge of *aggada* in a traditional society, see Marc Saperstein, *Decoding the Rabbis: A Thirteenth Century Commentary on the Aggadah* (Cambridge: Harvard University Press, 1980), 1-20, esp. 6-7. See also Ephraim Kanarfogel, “Halakha and Meziut (Realia) in Medieval Ashkenaz: Suveying the Parameters and Defining the Limits,” *Jewish Law Annual* 14 (2002): 141-178.

But Yeḥiel did not leave the Jewish belief in the *aggada* indefensible. If fantastic stories of the *aggada* were deployed to mock the Talmud an additional response was at hand – the Bible, too, contains fanciful stories which believers are meant to take seriously. Yeḥiel cited numerous cases of “events which are wondrous to their auditors”<sup>46</sup> in the Bible: Balaam’s talking ass, Lot’s wife turning into a pillar of salt, and others.

Here too we see that Yeḥiel was providing instruction for future debaters. Extrapolating from his own experience, he attempted to deal with issues that were raised in his debate while giving future debaters the benefit of his written guidance. As the leading rabbinic authority of northern France he was also in the position to set parameters of what could and could not be said. Although Yeḥiel sometimes allowed the debater some flexibility when discussing theological positions, Yeḥiel also emphasized the debater’s need to uphold his religious principles in the face of Christian attacks.

#### Yeḥiel’s Method: Optional Responses for Future Debaters

Beyond defending the necessity of the law and lore of the Talmud, Yeḥiel responded to a particularly dangerous challenge. Some of Nicholas Donin’s primary prooftexts of the Jews’ and their books’ illegitimacy were those which allegedly blasphemed the Holy Family and Christians. To counter attacks on the Talmud as anti-Christian, Yeḥiel resorted to some surprising tactics, backtracking and contradicting himself at times but refusing to deny or reject Talmudic truth.

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<sup>46</sup> Mosc. 86b:

[ואף כי ה]מופלאים להם לשמעיהם [יש כאלה רבים במקרא מאוד כמו פי האתון ואשתו של לוט שהיתה נציב מלח]

Yeḥiel described Donin as initiating his discussion of anti-Christian expressions in the Talmud by citing the passage which tells of “that man” – Jesus Christ – perpetually burning in boiling excrement.<sup>47</sup> Nicholas Donin chose this particular accusation to amplify and “translate into the vernacular [*la ‘az*].”<sup>48</sup> In light of the scholastic questions surrounding the divine nature of the physical Host this allegation was particularly galling for a believing Christian. One of the logical conundrums of the Host was where it went after being consumed. Indeed, questions concerning the consumption of Christ led to what we might call today questions of extreme sophistry.<sup>49</sup>

The implication of Jesus suffering in boiling excrement is that this is his ultimate end after being consumed by the faithful in Eucharistic form.<sup>50</sup> Medieval theologians who analyzed the nature of the Host were often drawn to certain inevitable conclusions. After consuming the Host, the wafer travels through the body, eventually becoming excrement and being disposed of as waste. Now, this line of questioning which led to a most irreverent conclusion was, at times, skirting the edge of orthodoxy and deference for a devout Christian who was learning in order to enhance his faith, and “believed in order that he understand.”<sup>51</sup> As we shall see, the twelfth century witnessed an underlying crisis of faith in the doctrine of transubstantiation. That a Jew should follow the same line of questioning resulting in a mockery of a Christian mystery was unconscionable.

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<sup>47</sup> Mosc. 88b-89a:

[דינא ב]ההוא גברא [במאי, א"ל דינו בצואה רותחת]

<sup>48</sup> Mosc. 88b:

[ויען המין בקול גדול ויאמר שמעו נא מה שכתבו על ישו שנידן בצואה רותחת [הדבר] בלשון לעז]

<sup>49</sup> On the sophistry of the Host see Sapir-Abulafia, *Christians and Jews in the Twelfth Century Renaissance*, Chapter 1.

<sup>50</sup> I owe this interpretation of the relevant Talmudic passage to a conversation with Israel Yuval. See also Peter Schäfer, *Jesus in the Talmud* (Princeton: Princeton University Press, 2007).

<sup>51</sup> On this expression, originating with Odo, see *ibid.* and notes there.

Furthermore, in Yeḥiel's report Donin did not just cite this line of Talmud, but developed his theme by giving it context, where various villains of the Talmud suffer in a manner fitting and commensurate to their sins: "in the way in which they measure they are measured." For example, Balaam ben Be'or, an archenemy of the Israelites, is doomed to suffer in boiling semen. This fits his role in encouraging the Moabite women to entice the Israelites in the desert to worship idols.

In response, Yeḥiel denied that the Talmud ever discusses another god. "In all that is written [in rabbinic literature] I cannot count a single time when we discussed the gods of the gentiles...rather [the Talmud] refers to another Jesus..."<sup>52</sup> According to Yeḥiel, the Talmud was not referring to the Christian Jesus, but rather to an evildoer of the same name. To support his contention Yeḥiel pointed out that the Talmud did not mention that it was Jesus of Nazareth [*ha-Notzri*], but rather an obscure Jesus, who in fact is not accused of leading Jews astray and of heresy [*kafar be- 'iqar*] but rather of denying the Oral or Rabbinic Law.

Yeḥiel had Nicholas Donin contest this, however, by turning to a different passage in the Talmud, one which did refer to a Jesus of Nazareth. In this recounting, the rabbinic court sentenced Jesus to stoning on Passover eve, and "proclaimed forty days [before the execution] that Jesus of Nazareth was going out to be stoned..."<sup>53</sup> Faced with this evidence, Yeḥiel backtracked. Yes, he admitted, that Talmudic passage refers to your Jesus, and the rabbis put him to death. But, Yeḥiel was quick to point out, this happened so long ago that we cannot be found guilty for that crime. Moreover, Yeḥiel

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<sup>52</sup> Mosc. 89a:

כי בכל הכתוב לא אספור אף פעם לא על אלהי הגוים דברנו [ככה] רק על ישו אחר.

<sup>53</sup> Mosc. 89a:

[כשיצא ישו לסקילה] היה הכריזו לפניו מ' יום ישו הנוצרי יוצא ליסקל

continued, this was the only time that the Talmud mentions the Christian Jesus – “only there and briefly”<sup>54</sup> – because it was required for the Talmudic context of ascertaining when Jewish courts ceased sentencing people to death.

Thus, at this point Yeḥiel’s narrative recorded two Jesuses mentioned in the Talmud. The first was an obscure evildoer with the same given name as the Christian God who rejected rabbinic law. The second was in fact the Messiah of the Christians. We must ask ourselves why Yeḥiel’s narrative described his initially denying the mention of Jesus Christ in the Talmud, only to recant.

Surely there was any number of exchanges in the course of the debate which Yeḥiel saw fit to color or even omit from his protocol. Why did he choose to recount this blunder, one which informs the reader that Yeḥiel was caught in dishonestly representing the Talmud? That Yeḥiel recorded no censure or condemnation for being caught in a lie is all the more striking. This inconsistency lends an air of artificiality to this dialogue, suggesting that one of these responses may not have been offered in the course of the debate; rather, it is possible that Yeḥiel documented it as a suggestion which might be helpful to future debaters.

Yeḥiel applied his “multiple Jesus” tactic to additional challenges as well. In his next argument, Donin shifted the focus away from passages that maligned Jesus and instead cited a third passage which referred to Mary [*Marya Magdala*] mother of a certain Ben Stada (son of Stada) “whom they hanged on Passover eve.” The Talmud called this Mary, whom Donin identified as the mother of Jesus Christ, an adulteress. As William Jordan points out, this was a particularly damaging accusation in middle of the

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<sup>54</sup> Mosc. 89a:

[גם לא הוזכר בשום מקום בתלמוד] לבד שם ובקיצור

thirteenth century when the cult of Mary was popular.<sup>55</sup> Indeed, Yeḥiel recalls that the reaction of those present: ‘They said... why do you speak this way about Mary, and what did [she] do to you?’<sup>56</sup>

Here too, Yeḥiel opted to repeat his multiple-Jesus approach and claim that this was a different Mary, asserting that “we never spoke ill of her, as Mary mother of Jesus is one of us.”<sup>57</sup> In fact Yeḥiel made a strong case that this passage referred to an alternate Mary. The surname of Ben Stada is a mystery even to the Talmud. This Mary hailed from Lod, while Jesus Christ was from Jerusalem, “which is why Jesus was hanged in Jerusalem.”<sup>58</sup> Yeḥiel then pointed out that this Talmudic Jesus’ (as opposed to Jesus Christ) father’s name was Pappus, while the father of Jesus Christ was called John Arissa “as it is written in your Gospel.”<sup>59</sup>

One would think that Yeḥiel had sufficiently defended his position concerning the Talmud’s multiple disparagements of Jesus Christ. When first employing his multiple-Jesus theory Yeḥiel merely said that there was no conclusive evidence requiring the Jesus of the passage to be the Christian Jesus. Similarly, the Talmudic passage accusing Mary of adultery was even less likely to be referring to Mary mother of Christ. When Yeḥiel did concede that the Talmud discussed Jesus Christ – when the Talmud recalls Christ's death sentence – Yeḥiel argued that this was the one exception which proved the rule.

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<sup>55</sup> Mosc. 89a:

ותלוהו בערב הפסח...

William C. Jordan, “Marian Devotion,” 61-76.

<sup>56</sup> Mosc. 89b:

[ויחר מאוד ההגמונים] ויאמרו [אל הרב] למה זה דברתם כן במרים ומה עשה לכם [ענווה]

<sup>57</sup> Mosc. 89b:

[אכן התבוננו ושמעו] שלא דברנו עליה שום דבר דופי כי קרובתינו היתה מרים אם ישו.

<sup>58</sup> Mosc. 89b:

ובזה ישו נתלה בירושלים

<sup>59</sup> Mosc. 89b:

[ועוד בעלה של מרים אב ישו היה שמו יוחנן אריסה] וכן כתיב באינגוליאן שלכם [וזה נקרא פפוס בן יהודה]

Rather than rest his case, however, Yehiel made a bold move. He attempted to prove, using historical – aggadic – passages in the Talmud, that this Jesus is definitively not the Christian Jesus.

Yehiel did this, surprisingly, by introducing yet another text relating a Jesus narrative. This passage described a return trip from Alexandria to the Land of Israel taken by Rabbi Joshua ben Peraḥia and his student Jesus. The two were staying at an inn, and the innkeeper accorded the rabbi a great deal of honor. R. Joshua said, “How beautiful is this inn.” Referring to the innkeeper’s wife, Jesus replied, “Rabbi! Her eyes are misshapen!” [R. Joshua] said, “Evil one! This is what you are concerned with?” [The rabbi] took out 400 *shofarot* [ram’s horns] and excommunicated [Jesus]...He [Jesus] went and raised a brick and prostrated himself before it...<sup>60</sup> Yehiel concluded that even this Jesus is not the Christian Jesus. Yehiel proved that R. Joshua ben Perahia lived hundreds of years before Jesus Christ, and so the Talmud, and the Jews, could not possibly be guilty of maligning Christianity or Jesus in any way. Yehiel then reiterated that even “this [Jesus who the Talmud recalls was sentenced to death on Passover eve] is not your God, for in our entire Talmud he is never mentioned.”<sup>61</sup>

Why would Yehiel introduce yet another Jesus passage, giving his enemies more ammunition? If we recognize Yehiel’s purpose in recording the Debate as pedagogical, instructing future debaters in his position, it is understandable. He needed to call forth such narratives and offer a defense of them, indeed multiple defenses. That they may

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<sup>60</sup> Babylonian Talmud (BT), *Sanhedrin* 107b:

[וכן ינאי מלכא קטל רבנן עדיין יהושע בן פרחיה בא לאכסנדריאה של מצרים היה שלח ליה שמעון בן שטח מני ירושלים עיר הקודש לכי אלכסנדרואיה של מצראי אחות בעלי שרוי בתוכך ואני יושבת שוממה קם ואתא איתרמי בהווא אושפיזא עברו ליה יקרא טובה אמ' כמה יפה אכסניה זו א"ל] רבי עיניה טרוטית א"ל רשע בכך אתה עוסק אפק ת' שופרי שמתיה... [יומא חד]...אזל זקף לבינתא ואסגיד לה

<sup>61</sup> Mosc. 89a-90b:

...ולא היה אלוהקים זה ובכל התלמוד שלכם [צ"ל שלנו] לא נזכר....

have been contradictory was of little consequence. Because Yeḥiel's purpose was broadly didactic he could contradictorily assert that the Talmud records numerous Jesuses yet claim that there is no Talmudic record of the Christian Jesus. He could also claim that, even though the Talmud itself testifies to Jewish killing of Jesus, medieval Jews could not be held responsible for the behavior of Jews twelve hundred years prior.

In sum, the debate revealed *four* Jesus narratives or references in the Talmud: one who is boiling in excrement; a second, Jesus of Nazereth, who is executed on Passover eve; a third, whose mother Mary is a prostitute and who was also killed on Passover eve. The fourth was excommunicated for improper behavior. Yeḥiel tells us that, not surprisingly, the Christian audience was incredulous:

What! Who can believe your words? ... You divided one word into three parts<sup>62</sup> to say that there is one Jesus who mocked the words of the rabbis, one who is sentenced to boiling excrement, and another was Jesus of Nazereth... [who lived] in the days of R. Joshua b. Peraḥia [centuries before the Christian Jesus] and one [who is] ours [that is, Christ], and *all* were hanged on Passover eve!<sup>63</sup>

Yeḥiel responded, “And do you think that all the Louis born in France are kings? Surely some of them are kings, others are knights.”<sup>64</sup>

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<sup>62</sup> Note the mocking aside: Yeḥiel has the Christians questioning a verbal triunity!

<sup>63</sup> Mosc. 90b:

[ויענו ההגמונים] כהא [ויאמרו לרב] מי יאמין לדברך... לחלק מילה אחת לג' חלקים לאמר שישו אחד שהלעיג לדברי חכמים ואותו נדון בצואה רותחת ועוד היו [בנצרת] ישו הנוצרי אחד (אחר) היה בימי ר' יהושע בן פרחיה... ואחד שלנו וכולם נתלו בערב פסח.

<sup>64</sup> Ibid., 90b:

וכי אתם סבורים שכל הלויש הנולדים בצרפת מלכים הם והלא יש מהם מלכים ומהם פרשים...

This response is often understood to be rhetorical. William C. Jordan, *The French Monarchy and the Jews*, 139, points out the irony of this response. Except for the royal family the name Louis, like Philip, was relatively rare among Frenchmen. This would be a correct interpretation when reading the Paris manuscript of the Paris Debate, where Yeḥiel brusquely reacts, “Not every Louis born in Paris is king of France.” Jordan's astute observation is less certain, however, in the Moscow manuscript. Here Yeḥiel makes a reasoned explanation for such a possibility, allowing for some “Louises” to be members of the extended royal family and “minor kings” or nobles ruling over royal lands.

For more on the significance of this retort see later in this chapter. On the superiority of the Moscow manuscript see Yehuda D. Galinsky, “‘Ha-Mishpat ha-Talmud’ be-1240 be-Pariz,” 45-70, who follows the brief article of Yisrael Ta-Shma, “Rabbi Yehiel de Paris,” 215-219.

## Language and Social Context as Defenses against Donin's Accusations

Perhaps even more damning than the alleged derogatory Talmudic statements about Jesus were halakhic statements in the Talmud exploited by Yeḥiel's Christian interlocutor which marginalized Christian society legally, financially, ritually, and socially. Yeḥiel's Donin cited a number of Talmudic texts which treated Christian life with contempt, certainly when compared to Jewish life.

For example, Donin mentioned Jewish partiality in criminal law, quoting the following: "Regarding murder: *Goy* on *goy*, and *Goy* on Jew – liable; Jew on *goy* – exempt."<sup>65</sup> Donin also cited anti-Christian monetary practices: "one may steal, rob, or trick a *goy* [out of his money]...; an ox belonging to a Jew which gores an ox belonging to a *goy* [the Jew] is exempt from payment; [an ox] belonging to a *goy* which gores [an ox] belonging to a Jew [the *goy*] pays full damages."<sup>66</sup>

Yeḥiel has Donin further allege that the Talmud exhorted Jews not to do business with Christians during Christian holiday seasons lest the Jew cause the Christian "to go and thank his idolatry."<sup>67</sup> He added that the Talmud suspects Christians of murder, rape, and bestiality: "[They also say] 'do not stable an animal with *goyim* for they are suspected of bestiality, nor should a woman seclude herself with them for they are suspected of immoral behavior. And a man should not seclude himself with them for

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<sup>65</sup> Mosc. 93a:

על שפיכת דמים גוי בגוי וגוי בישראל חייב ישראל בגוי פטור

<sup>66</sup> Mosc. 93a-93b:

[ וכן ממון ] גוי מותר לגנוב ולגזול ולהטעות... שור של ישראל שנגח שור של נכרי פטור ושל נכרי שנגח של ישראל משלם נזק שלם

<sup>67</sup> Mosc. 93b:

[ לפני אידיהן של גוים אסור לשאת ולתת עמהם משום ] דקא אזיל ומודה לע"ז.

they are suspected of murder.”<sup>68</sup> According to Donin, the Talmud forbids mockery unless it is directed at idolatry; and finally, that a Jew may not even compliment a Christian – “to say, ‘how beautiful is this *goy!*’”<sup>69</sup> Donin concluded his litany by questioning the wisdom of allowing Jews to remain in Christian lands.

Offering future debaters yet another useful strategy, Yehiel responded to this collection of citations with a general rule. The Hebrew word which Donin understood as referring to Christian, *goy*, was in and of itself a neutral term meaning non-Jew: “The [Hebrew] language contains ‘good’ *goyim* and ‘bad’ *goyim*.”<sup>70</sup> Indeed, Yehiel amassed a number of biblical and rabbinic prooftexts to this effect. When it was used in a negative context it did not mean Christian, Yehiel informed his audience, but rather a member of the Seven Canaanite Nations which the Israelites were commanded to eliminate, or some other biblical nation. “Take this rule in [your] hand: all [references to] *goyim* in the Talmud refer to the Seven [Canaanite] Nations.”<sup>71</sup> With this one tactic Yehiel must have forestalled a great deal of the damage Donin hoped to inflict at the time. Furthermore, Yehiel offered an excellent means for future Jewish debaters to defuse a strong accusation.

Still, the thrust of these accusations represented a great threat to Jewish security in Latin Christendom. By the end of the twelfth century a broadening and deepening sense of the Jews as hostile and intransigent enemies of the Christian faith evolved into a

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<sup>68</sup> Mosc. 93b:

אין מעמידין בהמה בפונדקאות של גוים מפני שחשודין על הרביעה ולא תתיחד אשה עמהם מפני שחשודין על העדיות[צ"ל העריות] ואיש לא תתיחד עמהם לפי שהן חשודין על שפיכות דמים

<sup>69</sup> Mosc. 93b:

[ואסור] לומר כמה נאה גוי זה

<sup>70</sup> Mosc. 93b:

שיש בלשון גוים טובים ורעים [וראה והבן בתבניתם]...

Yehiel's evidence for this continues through Mosc. 94b.

<sup>71</sup> Mosc. 94b:

נקוט האי כללא בידוך דכל גוים שבתלמוד היינו מזל עמים....

perception of real-life Jews as murderously hostile to their immediate neighbors, so venomous in fact as to take every opportunity to commit murder on unsuspecting and defenseless Christians, particularly young Christian boys.<sup>72</sup> In a careful study of the motif of the Jews as killers of Christ, Jeremy Cohen has tracked marked deterioration in the image of the Jew. The high medieval concern with the intentions of human behavior – for one example, twelfth century theories of penance locate remission of sin in contrition, not oral confession<sup>73</sup> – may have also fed into the believability and the applicability of Donin’s anti-Christian accusations.<sup>74</sup> In effect, concern with human motivation deepened the traditional sense of Jewish culpability.<sup>75</sup>

As such, Yehiel felt the need to employ additional responses to accusations in this vein. Yehiel began with Donin’s first citation “the best of *goyim* – kill,” by far the most incriminating of accusations. He responded that this rule applied in times of war, as in

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<sup>72</sup> Ritual murder accusations were fairly widespread by the late twelfth century, especially in Paris and its environs. See Robert Chazan, ed., *Church, State, and Jew in the Middle Ages* (West Orange: Behrman House, 1980), 113-117. While Gavin Langmuir sees the ritual murder allegation that surfaces in the middle of the twelfth century as the key index of the deteriorating image of the Jews, Robert Chazan, *Medieval Stereotypes*, chaps. 3 and 4, concludes that the key index of this deterioration is reflected in the broader sense of the Jews as murderers; see also his “The Deterioration of the Jews – Twelfth and Thirteenth Centuries” in *Christendom and its Discontents: Exclusion, Persecution, and Rebellion, 1150-1500*, ed. Scott L. Waugh and Peter D. Diehl (Cambridge: Cambridge University Press, 1996), 220-233. Note also the insight of Gilbert Dahan, *Les intellectuels chretiens et les Juifs au moyen âge* (Paris: Editions du Cerf, 1990), that the theological image of the Jew (or what Jeremy Cohen has called the “hermeneutical Jew” – see his *Living Letters*, 3n3 for more background on this term) as Christ-killers replaced the Jew Christians interacted with regularly.

<sup>73</sup> Nonetheless, the requirement of confession was not removed. For more on this example and others, see Caroline Walker Bynum, *Jesus as Mother: Studies in the Spirituality of the High Middle Ages* (Berkeley and Los Angeles: University of California Press, 1982), 82-109; Colin Morris, *Discovery of the Individual: 1050-1200* (New York: Harper and Row, 1973) (though somewhat dated), and John Benton, “Individualism and Conformity in Medieval Western Europe,” in *Individualism and Conformity in Classical Islam*, ed. A. Banani and S. Vryonis, Jr. (Weisbaden: Harrassowitz, 1977), 145-158.

<sup>74</sup> This new sensitivity is emphasized in numerous studies. For particularly compelling presentations of this theme see Marie-Dominique Chenu, *Nature, Man, and Society in the Twelfth Century: Essays on New Theological Perspectives in the Latin West*, trans. and ed. Jerome Taylor and Lester K. Little (Chicago: University of Chicago Press, 1968), and the essays edited by Robert Benson, Giles Constable, and Carol D. Lanham in *Renaissance and Renewal in the Twelfth Century* (Cambridge: Harvard University Press, 1982). See also Caroline Walker Bynum, *Jesus as Mother*.

<sup>75</sup> See Jeremy Cohen, “The Jews as Killers of Christ in the Latin Tradition from Augustine to the Friars,” *Tradition* 39 (1983): 3-27. See also Robert Chazan, *Medieval Stereotypes*, chap. 5, esp. p. 89.

the case of the biblical Egyptians who pursued the Israelites into the Red Sea. Even when facing the Seven Canaanite Nations, about whom the Bible declares “do not allow them to survive,” Jewish forces were instructed to initiate peaceful relations if possible. Furthermore, Yeḥiel was at pains to point out that Jewish law treats Jewish and Christian life with equal sanctity. If one Jew threatens another Jew’s life the defender may preemptively kill his attacker: “should someone come to kill you, pre-empt him [lit. arise] and kill him – and [this refers] even [to] a Jew...”<sup>76</sup> When the Ten Commandments forbade murder it did not distinguish between Jew and gentile, that is, Christian.

Aside from deflecting Donin’s accusations on a textual basis, Yeḥiel marshaled support from daily life for his defense as well. Yeḥiel pointed out that Jews in fact did leave their animals with Christians for safekeeping without fearing bestiality, conducted business with Christians even during the Christian holiday season,<sup>77</sup> and spent time alone with Christians in their homes, all of which would be prohibited had the Talmudic word *goyim* referred to Christians. Yeḥiel noted that Jews could not maintain those beliefs about Christians, but rather about other, barbarian, pagan religions, since we trust you [Christians] sufficiently “to teach Torah to [you], for there are a number of priests [who] know how to read Jewish texts.”<sup>78</sup> In fact, continued Yeḥiel, “you [obviously] recognize that we observe our commandments, and that we are slaughtered, burned, and stoned on a daily basis [for them]. And [yet] you see us doing things which you claim we are

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<sup>76</sup> Mosc. 94a:

ואם בא להרגך השכם להרגו ואפ"י ישראל

<sup>77</sup> This specific issue, a violation of the very first mishna of tractate *Avoda Zara*, is discussed at length by the tosafists. See e.g. Tosafot, BT *Avoda Zara* 2a s.v. *asur laset ve-latet imahem*. For an analysis of the tosafistic response to this conundrum see Ephraim Kanarfogel, “Halakha and Metziut (Realia) in Medieval Ashkenaz: Surveying the Parameters and Defining the Limits,” *The Jewish Law Annual* 14 (2003): 193-224.

<sup>78</sup> Mosc. 95a:

ומלמדי' תורה לגוים שהרי יש כמה גלחים יודעים לקרא בספרי היהודים

forbidden to do, on a daily basis!”<sup>79</sup> Perforce the Talmud’s animadversions and discriminatory laws did not refer to Christians.

Thus, Yeḥiel offered future debaters two strategies for countering this attack – clarifying the application of the word *goy* within the text itself, and citing proofs from actual Jewish-Christian social interaction in everyday life. Although the latter strategy does not appear elsewhere in Yeḥiel’s protocol, a future debater might extrapolate from Yeḥiel’s example and substantiate his arguments by drawing on his own experience.

### Biblical Precedent as a Defense against Charges of Talmudic Blasphemy

In a departure from the attack on the Talmud’s anti-Christian sentiment, Yeḥiel’s Donin accused the Jewish sages of mockery of God and of claiming superiority to God. Donin cited a passage where God pleads for someone to nullify His vow: “Rabba bar bar Ḥanna was walking on the road when he heard a heavenly voice [*bat-qol*] which said, ‘woe is me that I have sworn, and now that I have sworn who can nullify my vow?’ ...[The rabbis] said to [Rabba], ‘...you should have said *it is nullified for you, it is nullified for you.*”<sup>80</sup> Donin sets the questions: “should this nation exist [that you say God regrets His oath and that the rabbis cursed Rabba for not nullifying it]?”<sup>81</sup> Can God

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<sup>79</sup> Mosc. 94b-95a:

כי ידעתם שאנו שומרים מצותינו ועליהם אנו בכל יום שוחטין נשרפין ונסקלין וכל מה שאסר לנו בעיניכם אנו עושין בכל יום...  
For a striking example of Christian recognition of Jewish faithfulness to their tradition, thirteenth-century Berthold of Regensburg told his flock that “the stinking Jew, whose odor is offensive to all, honors his holy days better than you.” Berthold von Regensburg, 1:270. On Berthold and the Jews see Cohen, *The Friars and the Jews*, 229-236. For other instances of this sort see Marc Saperstein, ““Your Voice is Like a Ram’s Horn:” *Themes and Texts in Traditional Jewish Preaching* (Cincinnati: Hebrew Union College Press, 1996),” 45-55, and idem, “Christians and Jews: Some Positive Images,” *Harvard Theological Review* 79, no.1 (January 1986): 236-246.

<sup>80</sup> Mosc. 91a:

רבה בר בר חנה הוה קא אזיל באורחא שמעיה לבת קול דאמר או שנשבעתי, עכשיו שנשבעתי מי מיפר לי [אתו לקמיה רבנן] א"ל...  
היה לך לומר מופר לך מופר לך

<sup>81</sup> Mosc. 91a:

העם הזה יהיה [כי בודאי אין לכם [אולי צ"ל להם] אמונה...]

regret his actions? And can God's oath be undone by mortals? The very thought would be blasphemous to a Christian.

Here, Yeḥiel reemployed his recurrent strategy of citing biblical precedent for the idea that God had expressed regret for something He had done: "Why is it so wondrous to you that God regrets his vow...in many verses it explicitly states 'God regretted because of the evil' [and] 'I [God] regret that I anointed Saul.'" Yeḥiel established a Talmudic narrative wherein God's regretting his vow was totally within the bounds of biblical process.<sup>82</sup>

More problematic, though, was the concept that a mortal could annul a divine promise. This idea lacked obvious biblical precedent. Nonetheless, Yeḥiel's response was rooted in a biblical text. According to Yeḥiel, God's vow to exile the Jews was motivated by His anger, a claim which Yeḥiel supported with a proof-text (*Jer. 32:37*): "I will gather them out of all countries whither I have driven them *in my anger, and in my fury and in great wrath...*" Yeḥiel adduced from this verse that God's vow was contingent upon His mood – because God swore in anger He gave Himself an out: God made this vow with the condition that a mortal could void it: "Since He swore in anger to exile us...he swore with the proviso that one in future generations would come and annul the vow...."<sup>83</sup> Yeḥiel's providing a biblical underpinning for vow annulment meant that the Christian challenger could no longer mock or challenge this passage in the Talmud.

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<sup>82</sup> Mosc. 91a:

ומדוע הפלא נפלא על שהב'ה מתאונן על שבועתו והלא מקרא מלא הוא בהרבה מקומות...וינחם ה' על הרעה...נחמתי כי המלכתי את שאול...

<sup>83</sup> Mosc. 91a-b:

[אמר כי אותה שבועה היתה על ידי כעס ואף שנאמר בירמיהו הנביא מקבצם מכל הארצות אשר הדחתים באפי ובחמתי ובקצף גדול והשיבתים אל המקום הזה] ואחר כי באפו נשבע להגלותנו...לא נשבע אלא על מנת שאם יבא אחד מן הדורות הבאים ויפר השבועה...[ולכך חרפהו על אשר לא הפר].

There is something of particular interest about Yeḥiel's response. Although the Talmud accepts a priori that men can annul others' vows, this precept is challenged by the lack of a clear biblical source, and Talmudic sages seek one out.<sup>84</sup> Yeḥiel's response, that God's vow recorded by Jeremiah was contingent upon His anger and could be annulled by a mortal, was taken from a Talmudic passage which based the legal ability for men to annul others of their vows on just such a rationale. Since this is how God operates, reasoned the Talmud, people too could dissolve their vows if preconceived conditions were no longer present.

Ultimately, however, the Talmud definitively rejected this reasoning.<sup>85</sup> Despite this, Yeḥiel offered this analysis in response to the Christian adversary's question about God's inexplicable inability to annul His own vow. Apparently, Yeḥiel was sufficiently confident in his – and future – adversaries' ignorance of the finer points of Talmudic debate to offer an explanation which was actually negated by the Talmud.

Yeḥiel's endorsing a response discarded by the Talmud also reveals that he was not concerned that subsequent Jewish defenders might entertain their own theological doubts about this particular question. Such philosophical inquiry was largely outside the realm of thought for medieval Ashkenazic Jewish scholars.<sup>86</sup>

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<sup>84</sup> BT *Hagiga* 9b-10a.

<sup>85</sup> See BT *Hagiga* 10a.

<sup>86</sup> Indeed, when the Talmud mentions the word *philosofa* (TB *Shabbat* 116a), many tosafists did not know what the word meant. See Tosafot ad loc. s.v. *Philosofa*. On the place of philosophical inquiry among the high medieval Ashkenazic elite see David Berger, "Judaism and General Culture," esp. 117-118. See also Daniel J. Lasker, *Jewish Philosophical Polemics*, which is devoted to categorizing inter-religious argumentation. It emerges that philosophical questions in religious disputation were composed only in a southern French or Sephardic (Iberian) orbit. It is not until the fifteenth century that we see a semblance of philosophical inquiry in the Jewish-Christian debate. Lasker has a number of essays which demonstrate this, although that is not the direct purpose of his work. See, for example, his "Jewish Philosophical Polemics in Ashkenaz," in *Contra Iudaeos: Ancient and Medieval Polemics Between Jews and Christians*, ed. Ora Limor and Guy Stroumsa (Tübingen: J.C.B. Mohr, 1996), 195-213. I explore the possible reasons why the scholasticism of Paris universities did not seem to penetrate Ashkenazic communities in Chapter Seven of this dissertation.

Lastly, in citing a rejected response Yehiel pushed the limits of accepted Talmudic discourse but did not exceed them. For rejected answers, if mentioned in the Talmud, are still viewed as retaining a level of canonicity; had the response been worthless, goes the tosafistic reasoning, it would not have been included in the Talmud.

Yehiel's protocol describes an additional attack from Donin. Aside from attacking the Jews and their texts on grounds of offensiveness to Christians and Christianity and pointing out rabbinic hubris vis-à-vis God, Donin also challenged the core of the Talmud – its reasoning.

#### Defense of Talmudic Methodology: Moloch

According to Yehiel, Nicholas Donin began challenging rabbinic logic by citing the Talmudic law concerning individuals who sacrifice their children to the god *Moloch*.<sup>87</sup> The Bible prohibits, on numerous occasions, this practice of child sacrifice by burning. Should one violate this prohibition he is subject to death by stoning. Here Yehiel had Nicholas Donin pointing out a bizarre inconsistency in the Talmud:

It says in your Torah [meaning the Talmud] that "one who sacrifices all his children to Moloch is exempt [from punishment], for it says [in the Bible], '[One who sends] of his children [to Moloch will surely be put to death].' But not *all* his children.' And who can believe this... The people began to laugh, and the queen and the rulers were astonished.<sup>88</sup>

What emerges from this example of Talmudic textual reasoning is outlandish.

Should someone sacrifice one's children in an idolatrous rite, this offender was subject to

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<sup>87</sup> Mosc. 88a.

<sup>88</sup> Mosc. 88a-88b:

כתוב בתורתכם המעביר כל זרעו למולך פטור שנאמר מזרעו ולא כל זרעו ומי יאמין לזאת] שאם העביר קצת חייב אם הרבה לחטא והכביר (והכביד?) כולו פטור על זה ועל כיוצא בזה יפלא כל רוח] ויקומו העם לצחק [על זה] והמלכה וההגמונים נפלאו.

the death penalty. If the idolater committed all her or his children to death in an idolatrous rite – he or she received no punishment whatsoever!

Now, to those who accept and are initiated into the rules of Talmudic exegesis and hermeneutics this Talmudic interpretation was actually unremarkable. In fact, without the Talmudic derivation the biblical verse as stated would call forth a question: why would the Bible use language deliberately sanctioning one who sent *of* his children to Moloch? Furthermore, those familiar with law systems are often confronted with paradoxical laws such as this where the more heinous crime would appear to receive a more lenient punishment, and would understand the oddity to be just that – different aspects of law may be subject to different criteria. Consequently, this was not a question a Talmud scholar – a *tosafist* – would pose.

Responding in this vein, though, might not prove amenable to Christian auditors who held the keys to Jewish security. A reply which included these minutiae of Talmudic explication would also flaunt the superior facility of the Jews with the nuances of the original biblical text, and of the derivation of laws based on finer points of Hebrew grammar. A formal debate was not the venue for such education.

Rather, Yehiel explained the rabbinic derivation in a manner which would appeal to medieval theologians and scholastics. Yehiel explained that lesser crimes are punishable by human society. In these instances, once justice has been served the sinner is forgiven and can find his place in the afterlife. Greater crimes, on the other hand, are so heinous that their perpetrators can be judged by God alone. As Yehiel puts it:

“...When he sends some of his children [to Moloch] he is subject to stoning, and he confesses and is forgiven... But one who sends all his children [to Moloch] sins egregiously [and] the courts were not given permission to afford

him atonement, rather let him die in sin and God, in whose hands all souls are [entrusted], will judge him appropriately.”<sup>89</sup>

As Yeḥiel often did, he found a biblical proof-text for this idea. The Book of Joshua tells of one Akhan who was found to be hoarding war booty, for which the punishment was stoning. Joshua tells Akhan that here – in this world – you are repulsive to God, but you are not repulsive to Him in the next.<sup>90</sup>

Yeḥiel’s response, though innovative in content, was derived in a manner entirely consistent with traditional Talmudic methodology. Still, something remarkable emerges here. This is a rare, if not singular, instance where the influence of religious polemics on traditional Talmud study is unambiguous. Here, Yeḥiel described a question raised in the context of a disputation, one which would not normally be raised by Talmudic scholars, and provided an original response. Although the prevailing view is that Jewish-Christian disputation contributed to a new genre of Jewish biblical exegesis – *peshat* – the causative relationship remains difficult to prove.<sup>91</sup> In contrast, Yeḥiel’s innovative response in this instance is one clear example of the influence of the Christian challenge on Talmud study.

### Defense of Talmudic Methodology: Leprosy

<sup>89</sup> Mosc. 88a-b:

[...כתוב בתורה ד' מיתות ב"ד סקילה שריפה הרג וחנק וכולם נמסרו לב"ד להרוג... וכל המתודה מתכפר לו לעולם הבא הילכך] כשהעביר מקצת זרעו חייב סקילה ומתודה ומתכפר לו משהעביר כל זרעו שחטא יותר מדאי לא נתן רשות לבית דין לתת לו כפרה אלא ימות עם חטא והקב"ה אשר בידו כל הנפשות ידין אותו כראוי

<sup>90</sup> Mosc. 88b.

<sup>91</sup> The bibliography on the topic of how Christian culture, theology, and religion impacted upon Jewish exegesis is enormous. David Berger, “Judaism and General Culture,” calls into question clear proof of a causal link between Christian polemics and Jewish textual interpretation. For a modification to the scholarly consensus that the medieval Jewish biblical commentators used their commentaries to defend Judaism and attack Christianity see Shaye D. Cohen, “Does Rashi’s Torah Commentary Respond to Christianity? A Comparison of Rashi with Bekhor Shor,” in *The Idea of Biblical Interpretation: Essays in Honor of James Kugel* ed. Hindy Najman and Judith H. Newman, (Leiden and Boston: Brill, 2003), 449-472. Note 4 provides a general bibliography of the subject. See also the works of Martin I. Lockshin, especially his edition and translation in *Rashbam’s Commentary on Deuteronomy*, Introduction, esp. 19-25.

In another case, when describing Nicholas Donin's attacks on Talmudic reasoning, Yehiel's protocol focused on a concrete law (albeit one with no contemporary application). Yehiel also addressed issues that were more broad-based and even more theoretical: how Jewish law is decided, and God's sometimes secondary role in that process. Using biblical leprosy as an example, Yehiel responded to allegations that the Talmud allowed halakic rulings by people to supersede divine decree.

The Talmud relates episodes which would seem to place the power of rabbis and sages above the authority of God and his ministering angels. For example, Yehiel describes Donin as citing a story pertaining to an obscure law regarding biblical leprosy.<sup>92</sup> In order to be declared leprous, explained the Talmud, white hair must develop within a bright patch of skin; should the white hair precede the white patch it is not a symptom of leprosy but is a discoloration. What if it is uncertain whether the hair turned white before the skin turned bright? The Talmud tells us that this was a hotly contested question in the heavenly academy.<sup>93</sup>

Thus, in Yehiel's document Donin accurately tells us that according to the Talmud "the entire heavenly academy said, 'impure' and God said, 'pure.'"<sup>94</sup> Although the celestial academy rendered the patch leprous, God maintained that this was merely a skin blemish and not technically leprosy. God then sought a human being's support and found it in Rabba bar Nahmani. It is inconceivable, Donin argued in Yehiel's document, "that God, who gave and authored the Torah, did not know the law [and] should be

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<sup>92</sup> Mosc. 98a.

<sup>93</sup> BT, *Bava Metziah*, 86a.

<sup>94</sup> Mosc. 97b:

כל מתיבתא דרקייעא אמר טמא והב"ה אמר טהור.

disputed by His ministers, and [didn't] say 'it is so!' and needed a mortal to decide His dispute."<sup>95</sup> Yeḥiel recorded that all the Christian leaders at the Debate were astonished upon hearing this.<sup>96</sup>

As when faced with rabbinic passages offensive to Christianity, Yeḥiel interpreted the passage differently. In fact, Yeḥiel claimed, the Talmud did not record an actual halakhic dispute in the heavenly sphere; such a concept would certainly be laughable. Both God and his celestial school agreed that if it is uncertain whether the white hair precedes the bright skin blemish the person is not rendered a leper.

Rather, Yeḥiel explained, "[The angels] disputed the implication of the verse. The angels said... the implication of the Torah which you handed down to the Israelites indicates 'impure' [where it is uncertain whether the hair turned white before the skin turned bright]." In other words, the apparent implication is contrary to the true intent of the verse. As such, "...they down below [the rabbis] will [wrongly] judge it 'impure.'"<sup>97</sup> We see that God's court feared that the Bible's wording would lead future rabbis to a mistaken conclusion.

Therefore, "God responded, 'who of my judges down below [on Earth] can support my case...but they [God and his academy] were not debating the true [law].'" God then "proved" that the sages would not err in their interpretation since "Rabba bar

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<sup>95</sup> Mosc. 97b-98a:

[ועתה ראו כמה עם נבל הגוי הזה...] שאלוהים שנתן התורה ועשאה לא ידע הדין יהיה חולק עם משרתיו ולאמר כך הוא והוצרך אדם להכריע על מחלקותיו.

<sup>96</sup> Mosc. 98a:

ויתמהו ההגמונים למאוד יחד כל החבורה.

<sup>97</sup> Mosc. 98a-b:

[כי ודאי גילה הב"ה סוד דתו לעמו ובאר כל סתום וכל רו לא אנס ליה ולא על האמת נחלקו כי ודאי ידעו הכל כי תמא [צ"ל טהור] היה אך לדון] משמעות הכתוב חלקו [ו] אמרו המלאכים... משמעות תורתך שנתת למטה לישראל משמע תמא ואם [צ"ל והם] ידינוהו למטה וטמאוהו והקב"ה אומר [משמעות תורתו משמע טהור ואם] [והם] ידינוהו למטה וטהרוהו אמרין] מאן מוכח מדיינים שלמטה [רבה בר בר נחמני ואמר טהור] אך לא על האמת נחלקו...

Naḥmani said ‘pure.’”<sup>98</sup> Rabba bar Naḥmani's correctly interpreting the verse attested to the fact that, despite the possibly misleading wording of the verse, the decision would ultimately be rendered properly.

This explanation is not as specious as it sounds. The laconic style of the Talmud allows for such an interpretation, and in fact this interpretation represents the consensus of Rashi and the tosafist school, among whom numbered Yeḥiel's teachers.

Yeḥiel could have interpreted the passage homiletically, in a manner consistent with so many aggadic passages.<sup>99</sup> Had he done so his response would have been far more acceptable to Christian interlocutors, and would have short-circuited any further questioning in this vein. In fact, on other occasions Yeḥiel actually responded to Donin by saying that the Talmud (and the Bible, which gave the rabbis the go-ahead) exaggerated or used expressions which, though inaccurate, rendered lessons more accessible to the human ear or psyche: “they [the sages] chose to exaggerate, and there are many [examples of exaggeration] like this in the Bible.”<sup>100</sup>

Eschewing this option, Yeḥiel decided to remain true to his accepted traditional understanding of the passage rather than risk introducing variant interpretations to a text. By following the more conventional route Yeḥiel was potentially dissuading future debaters from straying too far afield from rabbinically sanctioned traditional

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<sup>98</sup> Mosc. 98a. See previous footnote for the quotation of the text.

<sup>99</sup> For example, the point of the story was to extol the purity of Rabba bar Naḥmani – because of his superior level of purity he was fit only for Heaven; the story is merely a literary tool (ultimately, the Talmud tells us, Rabba bar Naḥmani died – in effect, joining the heavenly academy – with the word “pure” on his lips). Tosafot ad loc., s.v. *Tahor* can be understood in this manner as well.

<sup>100</sup> Mosc. 99b:

גזומא נקט וכאלה רבות במקרא...

commentary. In denying license to creatively interpret theologically sensitive material Yeḥiel also limited new approaches even within a traditional Talmudic setting.<sup>101</sup>

Concerning the topics of Moloch and leprosy, Yeḥiel had Nicholas Donin target rabbinic exegesis. However, Donin (in Yeḥiel's document) did not restrict himself to the more judicial sections of the Talmud when pointing out its methodological flaws. The discussion of leprosy extended beyond halakhah to attack accompanying aggadic legends. Yeḥiel's Donin also focused exclusively on aggada, particularly concerning the Talmud's depiction of God.

#### Defense of Talmudic Methodology: The Moon

In an attack on aggada, Yeḥiel's Donin related a charming tale mentioned in which the Talmud explains why the moon is smaller than the sun:

[During the earliest days of Creation] the Moon told the Master of the Universe, "It is improper for two kings to wear one crown (that is, the moon and the sun were of equal size). [God] told him, "Since you asserted yourself go and minimize yourself." [The moon] said, "Master of the Universe, because I said something proper should I diminish myself?" ... God said, "Bring an atonement sacrifice [*kapparah*] for me for minimizing the moon..."<sup>102</sup>

In the Hebrew protocol, Donin raised two questions based on this story: Can a moon speak? And can God sin that he needs atonement? "Has there ever been such a nation

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<sup>101</sup> For a similar thesis regarding developments in the seventeenth century see Elisheva Carlebach, *The Pursuit of Heresy: Rabbi Moses Hagiz and the Sabbatian Controversy* (New York: Columbia University Press, 1990).

<sup>102</sup> Mosc. 91b-92a:

אמר ירח לפני הקב"ה לא נאה לשני מלכים שישתמשו בכתר אחד אמר ליה הואיל וקטרגתא [צ"ל וקטגרתא] לכי ומעטי עצמך אמרה לפניו רבש"ע לפי שאמרתי לפניך דבר הגון אמעט את עצמי... אמר הב"ה הביאו כפרה עלי שמיעטתי את הירח...

that says their god sinned and then [brought an] atonement for it? All those who heard this laughed.”<sup>103</sup>

Yeḥiel responded once again that when the Talmud attributed the gift of speech to the moon it was following biblical precedent. He cited a string of verses in which the woods, the heavens – indeed all of inanimate creation – speak, sing, and dance.

In addition, there is good grammatical reason to assume that the moon and sun were originally of equal size. Yeḥiel continues in his response to Donin that, “you were obdurate and you did not understand the matter and its interpretation.”<sup>104</sup> The Bible (*Gen. 1:17*) first discussed “the two great lights,” implying they are of equal magnitude, immediately thereafter referring to “the greater light, and...the lesser light.” Evidently a change took place in the cosmos. Yeḥiel informed us that the Talmud was fulfilling its mission, which every Christian scholar could appreciate: commentary and amplification of a laconic and puzzling scriptural phrase.<sup>105</sup>

Turning to Donin’s second question – the illogic and temerity of the Talmud to suggest that God needs atonement – Yeḥiel reinterpreted the passage using the Talmud’s explanation. The sin-offering required at the beginning of every month is not intended to somehow atone for God’s shortcoming. Rather, it is meant to atone for the temerity of the moon.<sup>106</sup> That is, a sacrifice was needed to appease God.

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<sup>103</sup> Mosc. 92a:

[ויצעק המין אל הגלחים] הנהייה כעם הזה שהם אומרים... שאלוהיהם חטא והביא כפרה על זה צחק כל שומע

<sup>104</sup> Mosc. 92b:

עקשת ולא הבנת את הדבר ופתרונה [בחוסר דעת ובינה].

<sup>105</sup> Indeed, in numerous essays James Kugel (along with many others) has demonstrated how Jewish exegesis of the Bible was provoked by the Bible itself. Ancient and medieval Jewish exegetes attempted to solve difficulties, clarify ambiguities, and fill gaps that are evident to any attentive reader of the text. For an appreciation of the work of James Kugel, see Hindy Najman and Judith H. Newman, eds., *The Idea of Biblical Interpretation: Essays in Honor of James Kugel*, (Leiden and Boston: Brill, 2003).

<sup>106</sup> Mosc. 92b-93a.

We have seen that Yehiel's protocol had Donin attacking Talmudic passages of aggadic nature. Even when Donin was described as dealing with halakhic issues he concentrated on individual cases – cases which had little practical application. In the document, Donin also focused on the question of how halakha is decided by man.

#### Defense of Talmudic Methodology: Praxis

The Talmud, according to Donin, reconciles rabbinic disputes of practical halakha in a curious manner. For example, rabbis were often called upon to determine the ritual status of an item. Under certain circumstances an item might be deemed ritually impure because it had come into contact with a dead person, with a menstruant, or with some substance which was viewed as inducing ritual impurity.

Depending on the time and place, the rabbis might render the same item in otherwise identical circumstances ritually pure or impure. The Talmud wonders how in the same situation, “some [contemporaneous rabbis] render [the item] pure and others render it defiled?” The Talmud cryptically states, “These and those are the words of the living God.”<sup>107</sup> According to this Talmudic statement, rabbis are free to decide whatever they want, and God will support it even if the decisions are mutually exclusive. This inherent inconsistency, Donin argued, also demonstrates rabbinic hubris.

This charge was far different from that of accusing the Talmud of mocking Jesus. For Yehiel was free to reinterpret those offending passages in more benign ways that blunted Donin's attack, yet did not threaten the integrity of conventional Jewish tradition or thought. When Donin questioned the rationality of the fable of the shrinking moon

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<sup>107</sup> Mosc. 98a:

...הללו מטהרין והללו מטמאין...אלו ואלו דברי אלוקים חיים.

Yeḥiel was able to respond in a straightforward fashion – the text called for an explanation which ultimately satisfied a Christian orientation, and Yeḥiel’s explanation was entirely in keeping with traditional rabbinic exegesis. Similarly, when Donin questioned the Talmudic logic regarding the law of Moloch Yeḥiel was able to supply a reason which, though novel, both satisfied a Christian audience and dovetailed nicely with Talmudic methods.

Here, however, there was more at stake. The question Yeḥiel was faced with represented a zero-sum game: how could opposing, mutually exclusive positions both be the words of the living God? Moreover, unlike troubling prooftexts such as the justice of Moloch, the diminishment of the moon, and even celestial debates over leprosy, this current allegation went to the heart of Talmudic methodology. It is no wonder that “the entire assembly [was]...in great wonderment.”<sup>108</sup> How, in fact, could Jews in different locales have differing, even conflicting practices and laws, and yet both reflect divine "will of the living God?"

Facing this pressing challenge, Yeḥiel responded much in the fashion he had charted for himself. He began by quoting a biblical verse requiring adherence to the majority rule. If a certain issue was in doubt and in one locale the majority ruled one way and in another city the majority ruled differently, then, per the guidelines laid down by God Himself He must follow the majority opinion.<sup>109</sup> Thus, Yeḥiel explained, “these and those,” the decisions in each locale, opposing though they may be, were justified and constituted “the word of the living God” – that is, the words of halakhic guidelines.

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<sup>108</sup> Mosc. 98a:

ויתמהו מאוד... כל החבורה...

<sup>109</sup> "Following the majority shall you incline" (Ex. 23:2).

Once again, by rooting his response in a biblically mandated process Yehiel forced his Christian adversary to go on the defensive. Indeed, each rabbinical court was biblically enjoined to follow its majority ruling. And God would not anticipate that each court would make identical decisions. Perforce, then, opposing rulings did have divine authority, and were most logically the best and only way to remain in keeping with God's will rather than necessarily violating it. (This explanation is also consistent with the literal meaning of the expression "these and those are the words of the living God," where the "words" in question would be *Ex. 23:2*.)<sup>110</sup>

To be sure, there were other medieval Jewish responses to the "these and those" conundrum. It is worth noting Rashi's explanation that "sometimes one reasoning is more appropriate and sometimes the [opposing] reason is appropriate. And the deciding reasoning can be decided by a minor difference in detail."<sup>111</sup> That is, the dissenting opinion has value, even if not for the case at hand, perhaps for a case involving similar circumstances.

However, this does not accurately reflect the Talmudic use of the expression, as a learned Jew would immediately note. For the Talmud applies the rule of "these and those" when the logical puzzle remains when the two reasons supplied are equally plausible, and different laws are decided in different areas one must be rejected. Had

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<sup>110</sup> It may not have taken a Christian antagonist to raise the paradox inherent in Talmudic dictum of "these and those." Most relevant for this discussion are the words of Rabbi Yom Tov ben Adret (Ritva; fl. Northern Spain, 1320) in his commentary to BT *Eruvin* 13b, s.v. Elu va-Elu [These and those]: "The French rabbis of blessed memory were asked, 'how is it possible that both [rulings] be the words of the living God if this [rabbi] forbids and this [rabbi] permits?' And they answered, 'When Moses ascended on high to receive the Torah [at Sinai] God showed him for every matter 49 reasons to forbid and 49 reasons to permit. Moses asked about this, and God said that this [final matter of law] is for the sages of Israel of each generation to decide'..." This response is actually traced to Yehiel himself! For more on this issue specifically, and generally on the Ashkenazi approach to truth, see Ephraim Kanarfogel, "Torah Study and Truth in Medieval Ashkenazic Rabbinic Thought," in *Study and Knowledge in Jewish Thought I*, ed. Howard Kreisel (Jerusalem: Mossad Bialik, 2006), 101-119.

<sup>111</sup> BT *Ketubot* 57a, s.v. *Ha Kamashmalan*.

Yeḥiel employed Rashi's explanation it would perhaps have sufficed for a Christian audience, which would be unaware of how the Talmud applies the legal rule of "these and those" but not for a Jewish one – the question would still beg an answer.

This was particularly important because, unlike the other allegations Donin raised, this one had strong ramifications for Yeḥiel beyond providing ammunition for future debaters. The contention that the halakhic process was inherently contradictory was exigent in that it had the potential to affect the faith of a Jew faced with this question. It seems that in addition to preparing a kind of manual for future defenders of the Talmud, Yeḥiel was also attempting to address religious doubts experienced by faithful Jews. This will be explored more fully in the next section.

#### Innoculation Against Jewish Doubt

By the thirteenth century the glory days of the Tosafists were over, and the double impact of persecution and religious attrition confronted the rabbis and communities they led.<sup>112</sup> Since the First Crusade, many scholars had been martyred. Because the leading families of French, German, and English Jews were often related by blood or marriage, even those prestigious families which did not suffer immediate losses were not spared tragedy.

A stable and prosperous Christian society coupled with increasingly frequent anti-Jewish measures – heightened missionary activities, burgher violence, and expulsions – led to a decline in Jewish morale. Perhaps suggestive of a decline in morale, by the latter half of the thirteenth century Jewish conversion to Christianity seems to have increased.

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<sup>112</sup> See Haym Soloveitchik, "Catastrophe and Halakhic Creativity."

This is reflected in the rising number of contemporary references to Jewish conversion in both Jewish and Christian sources.<sup>113</sup>

Numerous scholars have studied the challenges of survival confronting Jewish communities in medieval Ashkenaz. Often these studies examine voluntary martyrdom, usually highlighting the scenario of forced conversion on pain of death, ignoring or according only minimal attention to issues of doubt, skepticism, or the convert from conviction.<sup>114</sup> Jews who accepted conversion at sword-point, in terror for their lives, posed a serious challenge to Jewish morale. Moreover, not all Jews converted under duress, and it was a particularly terrible blow to the Jewish community when a combination of Christian argument and Jewish misery convinced educated young men to reject their faith.

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<sup>113</sup> See Salo W. Baron, *A Social and Religious History of the Jews* 10:60; Gérard Nahon, "Les ordonnances de saint Louis sur les juifs," *Les nouveaux cahiers* 6 (1970), 18-35, esp. 30; and W. C. Jordan, *The French Monarchy and the Jews*, 148-149, idem, "Adolescence and Conversion in the Middle Ages: A Research Agenda," in *Jews and Christians in Twelfth-Century Europe*, ed. Michael A. Signer and John van Engen, (Notre Dame: University of Notre Dame Press, 2001), 77-93.

See also Robert Chazan, *Medieval Jewry in Northern France*, 146-150; idem, *Fashioning Jewish Identity*, and Alexandre Bruel, "Notes de Vyons d'Herouval sur les baptisés et les convers au temps de saint Louis," *Bibliothèque de l'École des Chartres* 28 (1867), 609-621. Chazan cautions that the increased prominence in Christian sources for Jewish conversion may be as much a function of Jewish fatigue and the increased attention to missionizing to Jews (and Muslims) as Saint Louis' penchant for proselytes. This gives us reason to suspect that the estimations are inflated, and there is simply more attention paid to Jewish converts than before.

<sup>114</sup> See Avraham Grossman, "Shorashav shel Qiddush ha-Shem be-Ashkenaz ha-Qedumah," in *Kedushat ha-ḥayim ve-ḥiruf ha-nefesh: Kovetz maamarim le-zikhro shel Amir Yekutiel*, ed. Isaiah M. Gafni and Aviezer Ravitzky (Jerusalem: Zalman Shazar Center, 1992), 119-127; Grossman, *Ḥakhmei Ashkenaz ha-rishonim: Koroteihem, darkam be-hanhagat ha-tzibbur, yetziratam ha-ruḥanit, mi-reishit yishuvam ve-ad le-gezerat tatnu (1096)*, (Jerusalem: Magnes Press, 1981), 122 ff., 162 ff.; idem, *Hakhmei Tsorfat ha-rishonim: Koroteihem, darkam be-hanhagat ha-tzibbur, yetziratam ha-ruḥanit*, (Jerusalem: Magnes Press, 2001), 151, ff., 499 ff., idem, *Ḥasidot u-Moredot: Nashim yehudiot be-Iropah bi-mei ha-beinayim* (Jerusalem: The Zalman Shazar Center for Jewish History, 2001), 433-450; and Haym Soloveitchik, "Religious Law and Change: The Medieval Ashkenazic Example," *American Jewish Studies Review* 12, no. 2 (1987), 205-221, where he asserts that "At no time did the tosafists see the ground being eroded from under the feet of Judaism. The basic allegiance of the populace was unquestioned, and this finds expression in the historiography of the period." See also idem, "Halakha, Hermeneutics, and Martyrdom in Medieval Ashkenaz (Parts I and II)," *Jewish Quarterly Review* 94, nos. 1 and 2 (Winter and Spring 2004), 77-108 and 278-299, where he chides Grossman for his lack of evidence. Simha Goldin, *Ha-yihud ve-hayaḥad: Ḥidot ha-sirdon shel ha-kvutzot ha-yyehudit bi-mei ha-beinayim* (Tel Aviv: Hakkibutz Hameuchad, 1997), concentrates on the importance of the cohesiveness of the medieval Jewish community in light of forced conversion.

When discussing the rate of voluntary conversion in the high and later Middle Ages, scholars fall into two opposing camps. Generally exploiting identical sources, some find a high rate of conversion, and others see Jewish conversion to Christianity as a non-issue, an occasional anomaly in an otherwise largely cohesive society. As an example of the latter, in his highly influential *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times*<sup>115</sup> Jacob Katz delineates the apostate as a medieval archetype. Where he does allow for the possibility for voluntary Jewish conversion to Christianity, he stresses that this only occurred in isolated cases.<sup>116</sup> Joseph Shatzmiller advances a cautious estimate that conversion rates to Christianity had peaked in the 1250s and 1260s. At their height they may have reached 5 to 10 percent of the total Jewish population of Northern Europe.<sup>117</sup>

In contrast, Ivan Marcus reads into liturgical and pietistic literature written and popularized in the twelfth and thirteenth centuries a growth of religious doubt among Ashkenazic Jewry that had not existed previously.<sup>118</sup> Various responsa concerning Jewish converts contain harsh and condemning language, and excommunicatory decrees

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<sup>115</sup> Katz, *Exclusiveness and Tolerance*, chapter 6.

<sup>116</sup> *ibid.*, 67-68. Indeed, Katz goes to great lengths to demonstrate the infrequency of medieval Jewish conversion to Christianity. The juxtaposition of his chapter on Apostates with his chapter on Martyrs only heightens the sense that the challenge Ashkenazic Jews faced from Christianity was a question of submitting to coerced baptism or suffering the much preferred martyr's death.

<sup>117</sup> Shatzmiller, "Jewish Converts to Christianity in Medieval Europe: 1200-1500," in *Cross-Cultural Convergences in the Crusader Period: Essays Presented to Aryeh Grabois on his Sixty-Fifth Birthday*, ed. Michael Goodich, Sophia Menache, and Sylvia Schein (New York: Lang, 1995), 297-318.

<sup>118</sup> Marcus, "A Pious Community and Doubt: Qiddush Ha-Shem in Ashkenaz and the Story of Rabbi Amnon of Mainz," in *Studien zur Jüdischen Geschichte und Soziologie: Festschrift Julius Carlebach*, ed. Ursula Beitz et al. (Heidelberg: C. Winter Universitätsverlag, 1992), 97-113, republished as "Un communauté et pieuse et le doute: Mourir pour la Sanctification du Nom (Qiddush ha-Chem) en Ashkenaz (Europe du Nord) et l'histoire de Rabbi Amnon de Mayence," *Annales: Histoire sciences, sociales* 49 (1994), 1031-1047; *idem*, "Hierarchies, Boundaries, and Jewish Spirituality in Medieval Germany," *Jewish History* 1, No. 2 (Fall 1986): 7-26. Relatedly, see also the work of Jeremy Cohen on the Hebrew crusade literature: "Between Martyrdom and Apostasy: Doubt and Self-Definition in Twelfth-century Ashkenaz," *Journal of Medieval and Early Modern Studies* 29 (1999): 431-471; *idem*, "Gezerot tatnu: mei-Kiddush ha-Shem le-martyrologiah be-kronikot 1096" *Zion* 59 (1994): 103-122; and *idem*, "The Hebrew Crusade Chronicles in Their Christian Cultural Context," in *Juden und Christen zur Zeit der Kreuzzüge*, ed. Alfred Haverkamp (Sigmaringen: Jan Thorbecke, 1999), 18-40.

ban those who denied Jewish reverts full acceptance back into the fold; by the fourteenth century a ritual for re-absorbing converts into the faith was widespread, if not halakhically sanctioned.<sup>119</sup> The development of a rite for reverting Jews would indicate that Jewish apostasy was a fairly common occurrence.

Robert Chazan tentatively proposes that the persecutions of the late twelfth and thirteenth centuries – the expulsions, increasing popular violence – increased missionary activities, Christian-induced open debates, and the limits on Jewish economic activity – took their toll on the Jews of northern France.<sup>120</sup> Avraham Grossman argues that “the number of...voluntary converts in Germany and France was high relative to the Jewish population,”<sup>121</sup> and “the number of voluntary converts is greater than the number presented in the historiography and than what appears on the surface.”<sup>122</sup>

If there were Jewish volitional converts to Christianity in Northern Europe in the High Middle Ages, we must wonder about their demographics. Who were they? What was their socioeconomic background? Their age and gender? Their level of learning and acculturation?

Analyzing the Hebrew Crusade chronicles, Avraham Grossman is of the opinion that these writings were addressed to an audience of twelfth-century Jews who were

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<sup>119</sup> Joseph Shatzmiller, “Converts and Judaizers in the Early Fourteenth Century,” *Harvard Theological Review* 74, no. 1 (1981): 63-77. The older studies of Katz, *Exclusiveness and Tolerance*, 73, and Yosef H. Yerushalmi, “The Inquisition and the Jews of France in the Time of Bernard Gui,” *Harvard Theological Review* 63 (1970): 317-376 are also of interest. See also Edward Fram, “Perception and Reception of Repentant Apostates in Medieval Ashkenaz and Premodern Poland,” *American Jewish Studies Review* 21 (1996): 300-318. For the fullest treatment of re-absorption procedures for reverting Jews, largely from a rabbinic standpoint, see the recent analysis of Ephraim Kanarfogel, “Returning to the Jewish Community in Medieval Ashkenaz: History and Halakha,” in *Turim: Studies in Jewish History and Literature Presented to Dr. Bernard Lander*, ed. Michael A. Shmidman (New York: Touro College Press, 2007), 1:69-97. Citing works in both print and manuscript form, Kanarfogel disagrees with Shatzmiller’s contention that there was no rabbinic obligation for a reverting Jew to immerse her or himself in a ritual bath (*mikveh*) in order to re-join the Jewish community in the high Middle Ages and beyond.

<sup>120</sup> Chazan, *Medieval Jewry in Northern France*, 146-7.

<sup>121</sup> Grossman, *Hakhmei Ashkenaz*, 122-123, ff.

<sup>122</sup> Idem, *Hakhmei Tsorfat*, 151, ff.; 502, passim.

insecure in their faith and therefore at risk for apostasy. Based on the Chronicles and wide-ranging halakhic and liturgical texts, Grossman asserts that the rabbinic leadership perceived “the simple folk,” as Grossman calls them, at greatest risk.<sup>123</sup> The social and economic pressures that the everyday Jew experienced were too great; the anxiety of and problems arising from conversion and converts were among the central problems with which Jewish communities wrestled.<sup>124</sup>

A review of northern French martyrology, however, points to the concern that a more educated population was at risk for conversion. As Susan Einbinder has shown, the tosafist liturgical laments demonstrate concern with the increased conversion of the scholarly elite.<sup>125</sup> Furthermore, Ashkenazic martyrology of the high Middle Ages introduced an original element: a crude set of images often framed as a dialogue between the martyr and his foe, debasing the sacred symbols of Christianity. The literature has the martyrs hurling vulgar epithets at their Christian oppressors.<sup>126</sup> This highbrow poetry coupled with vulgar imagery was meant to foster intellectual contempt and visceral negative reaction to all things Christian.

This startling combination of vulgarity and serious polemic suggests that the rabbis deemed intellectual argument insufficient on its own. Where subtle reasoning might fail they sought to invoke age-old instinctive revulsion for the sacred rites and symbols of Christianity.<sup>127</sup> Furthermore, the subtle allusions and insinuations of these

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<sup>123</sup> Idem, "Shorashav shel Kiddush ha-Shem," 99-130, esp. 119-127. See also Salo W. Baron, *A Social and Religious History of the Jews*, 7:154.

<sup>124</sup> Grossman, "Shorashav," 125.

<sup>125</sup> Einbinder, *Beautiful Death*. More recently see the dissertation by Chaviva Levin, "Jewish conversion to Christianity in medieval Northern Europe Encountered and Imagined, 1100--1300," (PhD diss., New York University, 2006), which supports Einbinder's thesis.

<sup>126</sup> Einbinder, *Beautiful Death*, chapter 1, esp. 34-39.

<sup>127</sup> On the rootedness and intransigence of certain aspects of popular medieval Jewish religious and cultural conceptions, see Jacob Katz, *The "Shabbes Goy": A Study in Halakhic Flexibility* (Philadelphia: Jewish

liturgical laments could only be understood by the scholarly elite. These laments were meant to be recited communally, and so would appeal to and inspire “the simple folk” as well; but the deft and subtle allusions were intended to stir and fortify the religious identities of the educated elite.<sup>128</sup> It is likely that the added efforts to insert subtleties into the text were expended, at least in part, to fortify a more religiously tenuous population.

Susan Einbinder traces these shifts in medieval martyrological poetry and astutely points out that the martyrological convention shifted over time in response to Christian conversion tactics and efforts.<sup>129</sup> This poetry constituted a form of cultural and religious resistance, specifically to the pressures on French Jews to convert. In her study on martyrology, Einbinder observes that the thirteenth century saw a trend toward increased conversion, especially among the young male elites, most often associated with the tosafist school.

Einbinder’s finding is mirrored by other studies which suggest that medieval adolescent Jewish males, probably from learned or wealthier households, were most susceptible to conversion to Christianity. Thus William C. Jordan has argued that the majority of medieval Jewish converts to Christianity were male, and that “the evidence is

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Publication Society of America, 1989), and idem, *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem: Magnes Press, 1998). See also David Berger’s review and appreciation of Jacob Katz’s medieval oeuvre, “Jacob Katz on Jews and Christians in the Middle Ages,” in *The Pride of Jacob: Essays on Jacob Katz and his Work*, ed. Jay Harris (Harvard University Press, 2002), 41-65. On this topic see the recent study of Haym Soloveitchik, “*Yeynam:” Sahar be-Yeynam shel Goyim al Gilgulah shel Halakhah be-’Olam ha-Maaseh* (Tel Aviv: Am Oved, 2003). For the strongest and best articulated position of medieval Jewish loathing and hatred of Christianity and Christian symbols, see Israel Yuval, *Shenei Goyim*. See, however, David Berger’s rebuttal of Yuval’s essential arguments in *From Crusades to Blood Libels to Expulsions*. Assumption of Jewish loathing of Christian symbols can be taken too far, as is apparently the case in the publication of Ariel Toaff’s *Pasque di sangue: Ebrei d’Europa e omicidi rituali* (Bologna: Il Molino, 2007).

<sup>128</sup> See Ivan G. Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven: Yale University Press, 1996), 4-5.

<sup>129</sup> Einbinder, *Beautiful Death*, 1-45.

reasonably strong that these males were youthful at the time of conversion.”<sup>130</sup> The conversion of these exemplars of Jewish society, the hope and future of Jewish culture, inflicted the deepest wounds of religious assimilation.<sup>131</sup>

Indeed, Yeḥiel’s anti-Christian invective embedded in his use of *melitza* would also indicate that the intellectual class was most susceptible to conversion. Though tosafists did not write in rhymed prose in their more public works (such as biblical or Talmudic commentary) private letters were written in such a way that only individuals well-versed in the material and the appropriate methods of study could understand them. As we shall see later in greater detail, by writing in a deliberately sophisticated style Yeḥiel could appeal only to the learned. The extra effort expended to address this class likely meant that they were at greater risk for abandoning Judaism.<sup>132</sup>

The phenomenon of conversion among the upper-class likely affected the self-confidence of the Jewish social order for a number of reasons. The defection of the Jewish elite was a manifold disaster, both as a loss to the family and community of the convert and as a weapon in the hands of his new coreligionists. The defection of the male elite also shrank a class of leaders and furthered the deteriorating morale of communities already under stress. The lay (that is, non-rabbinic) people were surely shaken by the

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<sup>130</sup> Aside from Susan Einbinder’s work, see notably William C. Jordan, “Adolescence and Conversion in the Middle Ages.” In the opinion of Simha Goldin, Ashkenazi Jews felt a constant pressure to convert because of the obvious and unvarying success of Christian society relative to Jewish society. See his “The Socialization for *Kiddush ha-Shem* among Medieval Jews,” *Journal of Medieval History* 23, no. 2 (1997): 117-138; idem, “The Role of Ceremonies in the Socialization Process: The Case of Jewish Communities of Northern France and Germany in the Middle Ages,” *Archives des sciences sociales des religions* 95 no. 1 (1996): 163-178; and his monograph, *Ha-yihud ve-hayahad*.

<sup>131</sup> On this see Einbinder, *Beautiful Death*, 34. Commenting on Shatzmiller’s cautious estimate of a below ten percent conversion rate, she finds even this to have been “a crisis from a Jewish perspective.”

<sup>132</sup> On the sophisticated literary style of rabbinic letters, see Simha Goldin, “‘Communities of Disciples’ and ‘Companies of Colleagues:’ Communication in Jewish Intellectual Circles,” in *Communication in the Jewish Diaspora: The Pre-Modern World*, ed. Sophia Menache (Leiden: E. J. Brill, 1996), 127-138, esp. 133-137.

breach, and may have also wondered about the alternatives that the elite found so enticing. The leaders and influential members of the Jewish world, struggling with the defection of their youth, were faced with their system's flaws and in all likelihood their own religious insecurities.<sup>133</sup>

It is my contention that Yehiel penned his record of the Debate with the backdrop of elites' conversion in mind. Yehiel was providing a valuable service to subsequent Jewish debaters by supplying them with a guidebook for future debates. But he also needed to protect his reader from religious misgivings or qualms the reader himself may have been personally experiencing. In this way Yehiel offered responses to internal crises of faith, not merely those externally imposed by the persecution of the Christian polemicists. Yehiel also employed anti-Christian sentiments as a further means of addressing internal doubts.

#### Yehiel's Undertone: Attitude toward Christians

Significantly, Yehiel's document contains a number of anti-Christian remarks, albeit subtly worded. Yehiel was surely mindful that, although hardly any Christians of his day were able to read Hebrew, a few were beginning to learn the language. Indeed,

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<sup>133</sup> This contributed to the waning of tosafistic vitality and creativity. Though Haym Soloveitchik, "Catastrophe and Halakhic Creativity" argues that the loss of creativity in the northern French schools was the result of an internal dynamic and not a direct consequence of persecution, Ephraim Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit: Wayne State University Press, 1993), arrives at the same conclusion but attributes the shift in academic focus to curricular emphases. Nonetheless, a composite reading of the situation is desirable, that is, the difficulties of persecution and the instability of life must have had some impact on internal academic developments, just as conversely the loss of a dynamic intellectual elite must have affected the ability of the academy to respond to the new crisis. Robert Chazan's somewhat exaggerated emphasis on Rabbenu Jacob Tam as a figure who exercised unparalleled central control over Northern France perhaps colors his perception that no centralizing force like R. Tam appeared after his death; he still concedes the prominence of the French academies in the following decades; see "The Blois Incident of 1171." Similarly, Urbach's position that the Tosafist era came to a close with the burning of the Talmud in 1240-1244 must be qualified in light of the steady decline in the intellectual creativity of the Northern French academies in the decades preceding the 1242 conflagration; see Urbach's *Baalei ha-tosafot*, 317-401.

he warned his (Jewish) readers that “there are a number of priests who know how to read Jewish books.”<sup>134</sup> There was also the fear – borne out by experience – that Jewish converts, in efforts to prove their fidelity to their new religion, would seek out anti-Christian elements in Jewish literature.<sup>135</sup> Yehiel's subtlety notwithstanding, his feelings are clear; he even goes so far as to refer to Christians as idolatrous Moloch-worshippers(!). Yehiel's sentiments here contrast sharply with his direct comments arguing for positive Jewish attitudes and activities toward their Christian neighbors.

While this may sound surprisingly inconsistent with Yehiel's apparent apologetica, Susan Einbinder has noted that, as the duress of conversion grew in Northern Europe, the contemporary Jewish authors' remarks about Christianity became increasingly hostile and vulgar. This is reflected in Yehiel's style. Yehiel anticipated the likelihood that a Jew facing a Christian foe would begin to entertain doubts of his own. At every opportunity, Yehiel subtly indicated his antagonism towards Christianity and converts.

For example, during introductory comments in which Yehiel defined the purpose and role of the Talmud, he pointed out a number of biblical contradictions which require the services of an explicatory text. For instance, Yehiel referred to a biblical paradox concerning the End of Days. Will mankind live forever, as indicated in Isaiah 25:8, or will it continue in a normal life-cycle, as Isaiah 65:20 tells us?<sup>136</sup> Yehiel's purpose at that

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<sup>134</sup> Mosc. 95a:

<sup>135</sup> On the role of converts in stirring up anti-Jewish sentiment, see Robert Chazan, *Fashioning Jewish Identity*, esp. chapter 13, and idem, “Christian Condemnation, Censorship, and Exploitation of the Talmud,” in Mintz and Goldstein, *Printing the Talmud*, 52-59.

<sup>136</sup> Mosc. 86a.

point was not to resolve contradictions but to point out their existence and the necessity of a canonical text, such as the Talmud, to resolve them.<sup>137</sup>

That Yeḥiel chose to raise this particular contradiction among scores of others is particularly interesting in light of its actual resolution in the Talmud:

It is not a difficulty, here [the text referring to eternal life] refers to Israel and here [the text referring to people continuing in their normal life cycle] refers to the nations of the world. And what would be the purpose of the nations of the world at the End of Days? As it says in *Isaiah* 61:5 ‘Strangers will stand and feed your flocks...and be your plowmen and viticulturers.’<sup>138</sup>

In a protocol which purports to describe a public inter-religious dialogue, Yeḥiel blatantly made reference to a passage that a Jewish reader would understand in an anti-Christian light! Lost though it may be among material inoffensive to a Christian auditor or one not well-versed in the Talmud, Yeḥiel subtly indicated – to his knowledgeable Jewish audience – his anticipated reversal of the contemporary religious hierarchy.

### Yeḥiel’s Undertone : Attitude toward Apostates

Yeḥiel’s concealed message for his Jewish readers is also revealed in his personal attacks on Donin. In the course of responding to Donin’s questions Yeḥiel digressed at length in his document. For example, when taking up Donin’s account of the diminishment of the moon, Yeḥiel addressed Donin personally and compared the latter’s activities to those of the moon. “One should pay attention to why [the moon] was minimized,”<sup>139</sup> Yeḥiel began. It was, after all, for bringing to the authority’s attention activities which were better left alone! Informing to the government on Jewish activities,

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<sup>137</sup> Mosc. 86a-b.

<sup>138</sup> On this claim see Berger, “Al tadmitam,” 83-84.

<sup>139</sup> Mosc. 92b:

[ויש לך] לתת לב למה נתמעטת

continued Yeḥiel, is most repugnant in God's eyes. Yeḥiel amplified this statement by citing a number of verses supporting his idea. Though the moon was acting in the best interests of God's creation, Yeḥiel pointed out, it was penalized for informing.

The moon-Donin analogy is not complete, of course. The moon was not technically an informer. It was speaking in the best interests of creation's harmony, reasoning with God; the moon was not informing God of anything He did not know. Nor was the moon reporting fault in a member of the celestial community. Yeḥiel is well aware of the moon's innocence: "How could [the moon] have sinned? For humans were not yet created that they would bow before it [in worship]! ... Surely [the moon] was minimized ]] for informing."<sup>140</sup>

In contrast, Donin's sole goal (from Yeḥiel's perspective) was vindictive. He sought to undermine Judaism in Western Europe, which is more in keeping with the meaning and intent of "informer." For the purpose of striking at a new and most dangerous enemy of the Jewish people, however, the analogy was sufficient. Yeḥiel was warning his readers: this man is evil, and do not follow in his footsteps.

Yeḥiel's message concerning Donin was not monolithically disparaging, however. Yeḥiel also noted that God is always ready to accept penance:

...[when the moon] showed remorse for its sin God gave it the opportunity to repent [through the sacrifice of the monthly sin-offering] in order to serve as a precedent for the penitent to return to God [that is, that his penitence is always welcome]...to instruct that the wicked can return through penitence and they will be accepted, just as the moon was accepted...it provides a precedent [for the wicked] to repent.<sup>141</sup>

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<sup>140</sup> Mosc. 92b:.

ובמה היתה יכולה לחטוא שהרי עדיין לא נברא אדם...שאדם השתחוה לה... אלא ודאי על ידי מלשינות נתמעטה...

<sup>141</sup> Mosc. 92b-93a:

...ונתביישה מחטאתה בא הב"ה לפייסה לתת פתחון פה לבעל תשובה לשוב...לפני המקום...ללמדך שישובו הרשעים בתשובה ויתקבלו כמו שנתקבלה הלבנה...לתת להם פתחון פה שישובו

Just as God accepts the moon's "atoning sacrifice" at the start of every month God is always open for penitents. Yehiel at once excoriated Donin for informing, while encouraging him to rejoin the Jewish fold. While disparaging Donin's religious choices to Jewish readers, Yehiel simultaneously let them know that the door is always open for one who regrets this path and wishes to revert.

### Yehiel's Undertone: Typological Imagery

In another form of personal attack on Donin, Yehiel resorted to using typological imagery from the Bible. Typological interpretation stands at the intersection of exegesis and historiography. Serving to connect a classic text with events that lie beyond that text temporally – whether past, present, or future – typological interpretation offers scholars a way of understanding a medieval author's universe. The fundamental purpose of typology is to show continuity and meaning – or perhaps cyclicity – between a sacred book and events beyond that book.

Generally, in Christian typology an event or figure in the Old Testament represents or prefigures a more elaborate, spectacular one in the New. Jewish typology is somewhat different. In Jewish typology the Biblical stories surrounding the forefathers especially encapsulate future Jewish history. The pithy expression *ma'aseh* (or: *mah she-irah le-*) *avot siman la-banim* ["The deeds of the Forebears (or: what happened to the

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I translate פְּיֹס, *appeasement*, according to Yehiel's idiosyncratic understanding here. The term פְּתִיחֵן פֶּה, which generally means *excuse* or *opening* in a dialectical sense, here seems to mean *precedent* for a remorseful sinner, in that there is a precedent for penitence, and s/he has an *opening* or passage through which to return to God.

Forebears) are a sign for the children] often mentioned by Naḥmanides expresses this definition of typology nicely.<sup>142</sup>

The starting point for typological interpretation is a passage, usually a narrative that, seemingly complete in its own terms, is shown to be an adumbration of something else.<sup>143</sup> “True typological interpretation requires that events recounted in the Bible, appearing to be unique occurrences consigned to the past, be shown to prefigure analogous events that will subsequently occur on the stage of history.”<sup>144</sup> Yeḥiel felt it imperative to show that the biblical – or Talmudic – narratives were not merely part of an ancient past, but that they bore a historical message for the present and future.

Concerning Donin, Yeḥiel specifically employed biblical typology surrounding Balaam. Balaam son of Beor occupies only four chapters in the book of Numbers (22-25; he repeatedly attempts to curse the Israelites, and ultimately falls in battle against them) and makes a small number of cameo appearances elsewhere in biblical literature. However, his presence far outweighed his appearance for the medieval Jew because, within Jewish typology, there was reason to associate – and perhaps identify – Balaam with Jesus.<sup>145</sup>

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<sup>142</sup> To be sure, Naḥmanides adopted this phrase from earlier sources. See Saperstein, *Your Voice*, 24n6.

<sup>143</sup> For a taxonomy of Jewish typologies see Ezra Zion Melamed, *Mefarshei ha-Miqra* (Jerusalem: 1962), 950-952, and Saperstein, “*Your Voice*,” 23-35.

<sup>144</sup> Saperstein, *Your Voice*, 24. On Naḥmanides’ use of typology see also Amos Funkenstein, “Parshanuto ha-tipologit shel ha-Ramban,” *Zion* 1 (1980): 35-49, idem, “Naḥmanides’ Symbolical Reading of History,” *Studies in Jewish Mysticism*, ed. Joseph Dan and Frank Talmage (Cambridge: Harvard University Press, 1982), 129-150; and Funkenstein, *Perceptions of Jewish History* (Berkeley and Los Angeles, University of California Press, 1993), 98-121. Funkenstein uses Naḥmanides’ extensive use of typology as the exception which proves his rule that Christians regularly applied typological interpretation while this mode of exegesis remained “peripheral and unimaginative” within Judaism (129). But see Saperstein, “*Your Voice*,” 23-35 for a rebuttal of this view.

<sup>145</sup> Berger, “Three Typological Themes in Early Jewish Messianism: Messiah Son of Joseph, Rabbinical Calculations, and the Figure of Armilus,” *American Jewish Studies Review* 10, no.2 (1985): 141-164. Berger is skeptical about this idea, but see Yuval, *Shenei Goyim*, 301-2, and n101, who suggests an association, if not identification, between Jesus and Balaam. On the frequent midrashic contrast between Balaam and Moses see Louis Ginzberg, *Legends of the Jews* (Philadelphia: Jewish Publication Society,

We should not be surprised, therefore, to find that Yeḥiel regularly deployed Balaam imagery when referring to Nicholas Donin, the immediate representative of Christianity. Indeed, according to Yeḥiel's account the Debate took place during the week in which the story of Balaam was read in every synagogue. The phrase Yeḥiel used to introduce Donin's accusations – “and the ass opened her mouth”<sup>146</sup> – was directly lifted from the introduction of Balaam's talking donkey. Like Balaam, Donin too regularly “lifts up his parable” and begins speaking.

Nor was Balaam the only typological nemesis Yeḥiel drew upon. Throughout his record of the debate, Yeḥiel made reference to the Jewish holiday of Purim.<sup>147</sup> Yeḥiel informed his readers that at the time of the debate all the gentile priests had gathered in the “courtyard of the palace's garden” (Esther 1:5)<sup>148</sup> in order to “destroy all the Jews, adults and children.” (Esther 3:13)<sup>149</sup> The Jews were then forced to “stand up for their lives.” (Esther 8:11)<sup>150</sup> Yeḥiel, borrowing heavily from the language of the Scroll of Esther which recounts the Purim story, wrote that when the debate was announced, “[the Jews of] the city of Paris [were] despondent, and the public wore sackcloth.” (Esther 3:15)<sup>151</sup> In a direct takeoff of Mordecai's words to Queen Esther, Yeḥiel informed Queen Blanche that, regardless of the outcome of the Debate, “freedom and salvation will

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1909), 6:125. It is also worth noting that Rashi goes to great excesses in demonizing Balaam, excesses matched only in his attempts at justifying Jacob's purchase of Esau's birthright, demonizing Esau in the process.

<sup>146</sup> Mosc. 88b:

ותפתח האתון את פיה.

<sup>147</sup> On the importance of this holiday to the medieval Jew, see Elliot Horowitz, “The Rite to be Reckless: On the Perpetration and Interpretation of Purim Violence,” *Poetics Today* 15 (1994): 9-54; idem, “And it was Reversed: Jews Confront their Enemies in Their Purim Festivities,” *Zion* 59 (1994): 129-168; and recently idem, *Reckless Rites: Purim and the Legacy of Jewish Violence* (Princeton: Princeton University Press, 2006).

<sup>148</sup> Mosc. 85a.

<sup>149</sup> Mosc. 85b.

<sup>150</sup> Mosc. 87b.

<sup>151</sup> Mosc. 85b.

emerge from somewhere else.” (Esther 4:14)<sup>152</sup> Like Haman, the quintessential enemy of the Jews and the arch-villain of the Purim story, Donin was also referred to as “the evil one.” (Esther 7:6)<sup>153</sup>

Furthermore, when introducing Donin’s speech, Yeḥiel regularly chose to call him by the particular animadversion *min*. *Min* usually refers to a Christian.<sup>154</sup> Yet, as Elisheva Carlebach has noted, medieval Ashkenazi Jews usually called an apostate *qofer*, *meshumad* or *mumar*.<sup>155</sup> Yeḥiel repeatedly prefaced Donin’s remarks by referring to him as the *min*, or *ha-min*. Wherever Yeḥiel wrote *va-yomer ha-min* [and the *min* said], the alert Jewish reader would intone the well-known introduction of Haman’s words, *va-yomer Haman*.

Earlier mention was made of Yeḥiel’s retort to Nicholas Donin: “Is every Louis born in France the king of France?” This may have been a clever bit of irony on Yeḥiel’s part. It is possible that this expression too is an allusion to a comment on the Scroll of Esther that is recorded in Babylonian Talmud *Megillah* 16a. Haman, the biblical and typological enemy of the Jews, wants to avoid according honor to his nemesis – and Jewish typological hero and personification – Mordecai “the Jew.” Haman attempts to evade the king’s order to lead Mordecai in a parade. Haman asks, “which Mordecai?...there are many Mordecais...there are many *Jewish* Mordecais...Is every Mordecai in the city of Shushan ‘Mordecai the Jew’?” Yeḥiel uses similar expression

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<sup>152</sup> Mosc. 87b.

<sup>153</sup> Mosc. 102a.

<sup>154</sup> On the meaning of the term *min* see Joel Rembaum, *Meḥkarim u-mekorot* (Jerusalem: Magnes Press, 1967), 368, and Elazar Touitou, “Le-mashmaut ha-musag "teshuvat ha-minim" be-kitvei rabboteinu ha-tzorfatim,” *Sinai* 99, nos. 3-4 (1986): 144-148.

<sup>155</sup> Carlebach, *Divided Souls: Converts from Judaism in Germany, 1500–1750* (New Haven: Yale University Press, 2001), 9-15.

and language to avoid committing to the aforementioned royal demand for integrity in his answers.

In medieval Jewish typological and apocalyptic thought, Balaam, Haman, Jesus, Rome, and Christianity were all consolidated into one archetypal enemy of the Jews. By casting Donin and his ilk in this role, Yehiel played on Jewish antipathy and discouraged conversion to Christianity. Yehiel further implied that, just as the Jews had defeated Balaam and Haman, so too would they defeat their current nemesis, Christianity and its disreputable representative. Beyond discouraging doubtful Jews from leaving their Jewish communities, Yehiel's typological references offered them hope.

We can also apply a typological perspective to another aspect of Yehiel's document. Specifically, Yehiel refers repeatedly to Nicholas Donin's rejection of rabbinic law. Yehiel's reasons for emphasizing this aspect of Donin's beliefs are open to interpretation, leading numerous scholars to make the dubious assumption that Donin was a Karaite (a Jew who rejects rabbinic law).<sup>156</sup> Donin's true convictions notwithstanding, Yehiel's allusion to the Karaite credo buoyed up his reader: just as rabbinic Judaism was successful in its battle against rabbinic law-denying Sadducees of the Talmud, and later the Karaites (the Sadducees' conceptual descendants), here too ultimate victory would rest with traditional rabbinic Judaism and the Talmud.<sup>157</sup> With this reference to the marginalized Karaites, Yehiel was again drawing on what Gerson Cohen called the

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<sup>156</sup> On this see Yisrael Ta-Shma, "Rabbi Yehiel de Paris," who makes the even more dubious conjecture that Donin represented a traditional culture loyal to the pre-Crusade French Jewish culture which preferred Palestinian Talmudic traditions over the text and culture represented in the Babylonian Talmud.

<sup>157</sup> On the rabbinic typological identification of Karaites and Sadducees see Daniel J. Lasker, "Rabbanism and Karaism: The Contest for Supremacy," in *Great Schisms in Jewish History*, ed. Raphael Jospe and Stanley M. Wagner (New York: Ktav Publishing House, 1984): 47-72.

symmetry of history, which proves “that the hand of Providence moves unceasingly,” thereby “bringing consolation to the despised and persecuted nation.”<sup>158</sup>

By placing Nicholas Donin in the “pantheon” of hated Jewish oppressors – with Balaam and Haman – Yehiel evoked feelings of loathing in his readership.<sup>159</sup> Linguistically linking Christianity, and in effect, Jewish apostates, with these abhorrent figures would have been calculated to play on the emotions of skeptical Jews and help keep them in the fold. Yehiel also repeated themes which served as a reminder that God keeps a close eye on His chosen nation, whose setbacks, therefore, could only be temporary.<sup>160</sup> In the symmetrical cyclicity theory of Jewish history, Yehiel alluded, rabbinic tradition would eventually emerge victorious.<sup>161</sup>

## Conclusion

Yehiel’s document is often read as a relatively faithful description of the 1240 debate.<sup>162</sup> If, however, we read Yehiel’s narrative as a manual for inter-religious debate and apologetica it becomes a good deal more comprehensible. Often Yehiel wrote in

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<sup>158</sup> Indeed, medieval Jewish typology is most often associated with the intense desire to know the details of the End of Days which could not be satisfied by the explicit record of biblical prophecy. Just as God wrought His vengeance upon Balaam and Haman, God would one day avenge His people against the contemporary archetypes, Rome and Christianity. This sentiment expressed in Yehiel’s narrative brought Yisrael Yuval to the conclusion that the 1240 Debate and subsequent burning of the Talmud were apocalyptically driven. See Yuval, *Shenei Goyim*, 283-293. On medieval messianic typologies see David Berger, “Three Typological Themes,” esp. 141-142.

<sup>159</sup> Jews were socialized early on to have an instinctive negative reaction to Christian symbols. See David Berger, “Al tadmitam,” and Anna Sapir Abulafia, “Invectives against Christianity.” This sentiment lasted through the twentieth century. See Edward Flannery, *The Anguish of the Jews: Twenty-Three Centuries of Antisemitism* (New York: The Paulist Press, 1985, rev. ed.), 1-4.

<sup>160</sup> This is consistent with the thesis presented in Yosef Hayim Yerushalmi’s *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 1982).

<sup>161</sup> For a negative assessment of rabbinic cyclical condemnation from within the rabbinic establishment see the introduction of Naftali Zvi Yehudah Berlin (Netziv) to the book of Genesis.

<sup>162</sup> This approach has experienced some staying power. In 1970 Merchavia (*Ha-Talmud be-rei ha-Natzrut*) mined Yehiel’s protocol for information concerning language, friar orientation (was Donin a Franciscan or Dominican?), and the like; and in 2003 Y. Galinsky (“Ha-mishpat ha-Talmud”) plumbed the Hebrew record to describe in detail the procedure of the 1240 Debate.

admirably clear prose, defending the purpose, indeed the necessity of the Talmud. He confuted accusations of anti-Christian sentiment and rabbinic hubris. Yehiel also helped the reader seeking guidance by providing multiple responses to possible incriminations. At the same time, Yehiel offered theological guidance when facing a Christian in formal debate: deviate from rabbinic convention only under the direst of circumstances.

An understudied and indeed off-putting aspect of Yehiel's work is his extensive and unusual use of rhymed prose. A careful reading reveals that Yehiel utilized *melitza* to relate subtly more delicate messages to his readers. A medieval Jew struggling with religious doubt could find encouragement in Yehiel's narrative. Through analogy, allusion, and sermonizing, Yehiel painted a picture of apostates' bleak future; at the same time, he encouraged returnees to Judaism. Alluding to Christian symbols further repelled the reader who may have been beset by doubts and tempted to convert.

Jews who despaired could also find comfort in Yehiel's words. Invoking Jewish typology, Yehiel cast Nicholas Donin in the role of eternal Jewish enemy; and, as all archenemies of the past fell by the wayside, current Jewish foes would ultimately be defeated as well. Yehiel promised his readers that the Jewish people and culture would survive, intact.

## Chapter 4

### The 1240 Debate: An Inquisitorial Procedure?

From examining Yeḥiel's account, it is clear that studying his protocol as nothing more than a faithful rendering of the debate overlooks many of the document's nuances. Another pitfall inherent in divorcing Yeḥiel's record from its broader context is the mistake of studying an essentially Christian event from a Jewish perspective. As noted in Chapter One, adopting the perspective of Jewish scholarship leaves the impression of a single-minded deliberate attack of Christian religious leaders against the Jews.

Specifically, Jewish historians analyzing the Debate have framed the Paris Debate within the context of the nascent thirteenth-century inquisition – a term laden with meaning for the *Wissenschaft des Judentums* school whence this view emanated.<sup>1</sup> When examined closely, however, we cannot claim with any certainty that the 1240 Debate was an inquisitorial process.

That Jewish historians attribute the 1240 Debate to the inquisition is not surprising given the lack of available data about contemporary heresy inquisition activity. Records of papal prosecution of heretics in Northern France, insofar as these records

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<sup>1</sup> For example, as I discuss in the following paragraphs, Yitzhak Baer was the original proponent of this view. Yitzhak Baer's magnum opus, *A History of the Jews of Christian Spain*, trans. Louis Schoffman (Philadelphia: Jewish Publication Society, 1961), is a classic *wissenschaftliche* study of the cultural heights Iberian Jewry reached. This golden age came to an absolute, sudden, and wrenching end when Jews found in Spain after 1492 were subject to the rigors of the Spanish Inquisition. The Inquisition, then, clearly loomed large in the consciousness of Baer and his colleagues.

exist, are scanty.<sup>2</sup> For example, we do not even know who represented ecclesiastical authority in the accounts of the heretics who were ultimately burned at the stake in Troyes, in both 1204 and 1220, and in Orleans at about the same time.<sup>3</sup>

The only other relatively well-documented event describing contemporary anti-heretic activity took place in Champagne. At the Spring Fair of 1239, a crowd of suspected heretics collected from all over the region were judged and punished. All we know of this spectacular event is that

their examination lasted the better part of a week, being attended by the archbishop of Rheims and ten of his associates, as well as by the bishops of Orleans, Troyes, Meaux, Verdun, and Langres, and many abbots, priors, and deans, and ended on Friday, May 13 in a holocaust, very great and pleasing to God, in which more than 180 Cathari were burned...<sup>4</sup>

Details of the “examination” are not divulged. It is difficult to claim with any confidence that a 1240 Paris event was an inquisitorial proceeding when we know so little about similar events in this particular time and place.

Partly resulting from this lack of information, the term *inquisitio* has been widely misunderstood and misused by historians, even specialists in the field.<sup>5</sup> While scholars assumed that the term *inquisitio* designates a heresy prosecution (see, for example, the

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<sup>2</sup> On the Inquisition in medieval Northern France see Charles Homer Haskins, “Robert le Bougre and the Beginning of the Inquisition in Northern France,” in *Studies in Mediaeval Culture* (New York: Frederick Unger, 1965), 193-245; Arthur S. Tuberville, *Medieval Heresy and the Inquisition* (London: Archon, 1964); see also Paul Fredericq, “Les récents historiens catholiques de l’Inquisition en France,” *Revue historique* 111 (1912): 307-334.

<sup>3</sup> Haskins (“Robert le Bougre”) details the extent of prosecution of heretics in Northern France from the eleventh century through the 1260s in all of 50 pages. He details what little we know of heresy inquisition for Northern Europe during most of the thirteenth century in four pages, 232-236.

<sup>4</sup> quoted in Haskins, “Robert le Bougre,” 222-225.

<sup>5</sup> See, for example, the entry by Yves Dossat, *New Catholic Encyclopedia*, 7:535-541, s.v. “Inquisition:” “The Inquisition was a special permanent tribunal established by Pope Gregory IX to combat heresy.” To further confuse the issue, at other points in the same encyclopedia it is pointed out that there was never a permanently constituted congregation and tribunal of inquisition until the sixteenth century. But see Haskins, “Robert le Bougre,” 200-201.

second sentence in Dossat's article in *The New Catholic Encyclopedia*<sup>6</sup>), the term really has a much wider meaning. The inquisition was not formalized by Innocent III and was not aimed primarily at the suppression of heresy, nor was it mainly used by the papally appointed inquisitors against heresy.

In fact, *inquisitio* was the term used for the universal method of trial procedure in all ecclesiastical courts – including heresy trials – other than civil actions. It was used at all levels, from the archdeacons and priests charging rustics with adultery or fornication, to papally commissioned trials presided over by cardinals on charges brought against kings and queens. All of King Henry VIII of England's annulment trials were, in fact, inquisitions.<sup>7</sup> Not a single provision of the original *ordo juris* or rules of procedure for inquisition targeted heresy over other kinds of cases, or limited due process for persons charged with heresy in ways that were not permitted for persons charged with other crimes.<sup>8</sup>

Though there is a great deal we do not know about heresy trials in the early thirteenth century, we do know that heresy inquisitions differed from general ecclesiastical trial procedures in a particular way: the judge himself filled the role of accuser instead of a designated official. But according to Innocent III, the judge was not

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<sup>6</sup>Dossat, *New Catholic Encyclopedia*, s.v. "Inquisition." "[The Inquisition] owed its name to the use of a new form of procedure created by Pope Innocent III, which permitted *ex officio* the searching out of persons accused of heresy."

<sup>7</sup> On this, see Henry Ansgar Kelly, *Love and Marriage in the Age of Chaucer* (Ithaca: Cornell University Press, 1975), 168-173; idem, *Canon Law and the Archpriest of Hita* (Binghamton, N.Y.: 1984), 51-58; idem, *The Matrimonial Trials of Henry VIII* (Stanford: Stanford University Press, 1976).

<sup>8</sup> On the precise nature of thirteenth-century heresy and general inquisitions, as well as scholarly obfuscation of the two, see Henry Ansgar Kelly, "Inquisition and the Prosecution of Heresy: Misconceptions and Abuses," *Church History* 58 no.4 (1989): 439-444. For a probable example of an early thirteenth century heresy inquisition see J.M.M.H. Thijssen, "Master Almaric and the Almaricans: Inquisitorial Procedure and the Suppression of Heresy at the University of Paris," *Speculum* 71 (1996): 43-65. For the slow development of the medieval inquisition see Albert C. Shannon, *The Popes and Heresy in the Thirteenth Century* (Villanova, PA: Augustinian Press, 1949).

truly serving as the accuser. Rather, it was the rumor, or ‘infamy’ of heresy which served as the accuser.

Categorizing the 1240 Debate as a heresy inquisition presupposes the notion that, by the mid-thirteenth century, the perceived threat of post-biblical Jewish literature rivaled, and had even become synonymous with, that of heresy. At first blush this position has some appeal. Gregory IX earned a reputation for hunting heresy, and heresy constituted a challenge to ecclesiastical hierarchy in the twelfth and thirteenth centuries. However, this chapter questions the commonly held assumption that the 1240 Debate was, itself, a heresy inquisition.

#### Historiography of the 1240 Debate

Since 1931, when Yitzhak Baer originally classified the Paris Debate as an inquisition, there has been virtual unanimity on this point among those who choose to discuss the issue.<sup>9</sup> For example, Judah Rosenthal<sup>10</sup> devoted a significant portion of his study of the 1240 debate in support of this position, and Chazan’s analysis of mid-thirteenth century Christian attitudes toward the Talmud finds Baer’s suggestion “unassailable.”<sup>11</sup> Merchavia’s thorough and careful examination of the documentation of the 1240 debate is quiet on the subject, but his consistent use of quotation marks to set off

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<sup>9</sup> See Yitzhak Baer, “le-Bikoret ha-Vikkuhim.” Joel Rembaum understands the 1240 Debate as an inquisitorial procedure, but raises a number of difficulties in the matter. See his “The Talmud and the Popes: Reflections on the Talmud Trials of the 1240s,” *Viator* 13 (1982): 201-223, esp. n69. William C. Jordan is one of the few to question Baer’s conclusions. See his *The French Monarchy and the Jews*, 137: “Some have gone so far as to see the inquisitorial procedure of the church applied at the trial, which seems a little farfetched...”

<sup>10</sup> Judah M. Rosenthal, “The Talmud on Trial: The Disputation at Paris in the Year 1240,” *Jewish Quarterly Review* 47 (1956): 58-76, 145-169, esp. 68-74. See also Joel E. Rembaum, “The Talmud and the Popes,” esp. 204.

<sup>11</sup> Robert Chazan, “The Condemnation of the Talmud Reconsidered (1239-1248),” *Proceedings for the American Academy for Jewish Research* 55 (1988): 11-30, esp. 19; see also idem, *Medieval French Jewry in Northern France*, 127.

the word *disputation* indicates that he too agreed that this was not simply a religious debate.<sup>12</sup>

In his analysis of inquisitorial documents with an eye toward the medieval Jewish question, Yerushalmi followed suit.<sup>13</sup> Hyam Maccoby, in his study of the three inter-religious medieval debates, also understood the Paris Debate to be an inquisitorial procedure.<sup>14</sup> Clearly, situating the 1240 debate in an inquisitorial context has remained a historiographical assumption.<sup>15</sup>

Scholars have predicated further study on this assumption, inquiring as to the nature of the rabbinic offenses which rendered the Talmud heretical. For example, Peter Browe<sup>16</sup> and Amos Funkenstein<sup>17</sup> have noted that the central issue was not the matter of the “blasphemies” in the Talmud, but the perception of the work as essentially evil. According to Benjamin Kedar, Church officials maintained that rabbinic texts led the Jews astray of Mosaic Law (as it was understood by the Church), a condition which made Jews subject to ‘evangelical law.’<sup>18</sup> Joel Rembaum understands Gregory’s actions as a reaction to Jewish attention to non-biblical material as a whole in an age of heresy-

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<sup>12</sup> Merchavia, *Ha-Talmud be-Rei ha-Notzrut*, 227-248. Rembaum, “The Talmud and the Popes,” 204, takes Merchavia’s silence as assent.

<sup>13</sup> Yosef H. Yerushalmi, “The Inquisition and the Jews of France in the Time of Bernard of Gui,” *Harvard Theological Review* 63 (July 1970): 317-376, esp. 350.

<sup>14</sup> Maccoby, *Judaism on Trial*, 23-24. Most recently, in his analysis of the contemporary Jewish literature surrounding the debate, Yehuda D. Galinsky also presumes that the encounter between Donin and Yehiel was of an inquisitorial nature. See his “‘Mishpat haTalmud,’” 45-70.

<sup>15</sup> In a further example of the academic isolation of disputation literature, the eminent Church historian Walter Ullmann assumes that the 1240 Debate was an Inquisitorial procedure. See Walter Ullmann, *Medieval Papalism: The Political Theories of the Medieval Canonists* (London: Methuen, 1949), 122. Kedar, “The Burning of the Talmud,” 79-80, notes that this is probably the only(!) Church historian who has addressed this issue.

<sup>16</sup> Peter Browe, *Die Judenmission im Mittelalter und die Päpste* (Rome: Pontificiae Universitatis Gregoriana, 1942), 120.

<sup>17</sup> Amos Funkenstein, “Basic Types of Anti-Jewish Polemics in the Later Middle Ages,” *Viator* 2 (1971): 380-391; idem, “Ha-temurot be-vikuah ha-dat she-bein yehudim le-notsrim be-meah ha-shteim-esrei,” *Zion* 33 (1968): 137-141.

<sup>18</sup> Kedar, “The Burning of the Talmud,” 79-82, esp. 81.

fighting,<sup>19</sup> while Jeremy Cohen observes that it was specific Talmudic content that was most offensive to Gregory. The allegedly blasphemous (from a Christian point of view) passages in the Talmud were a form of heresy, justly placing the Talmud under the purview of the inquisition; more recently Cohen has reasserted his position.<sup>20</sup>

Clearly, Baer's assertion has served as a foundation for a great deal of disputation scholarship along with analyses of Christian attitudes toward Jews in the high Middle Ages, generating a variety of perspectives on medieval anti-Judaism. It therefore behooves us to examine Baer's claim in detail.

In his analysis, Baer recognizes in the 1240 Debate one of the two bases for all medieval Jewish apologetics for the Talmud.<sup>21</sup> As such, he dissects the literature recounting the debate, reconstructing the event and categorizing the various accusations Donin levels against Yehiel. He finds that "without a doubt" the 1240 Debate was an *inquisitio haereticae pravitatis*.<sup>22</sup>

Baer supports his argument by analyzing the Hebrew record of the 1240 Debate from a number of vantage points, including its procedure, historical context, and form. In brief, Baer makes the following points:

1. The witnesses (Yehiel, and another rabbi who leaves no personal account of the debate) were seized and were requested to take an oath, "according to inquisitorial procedure."

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<sup>19</sup> Rosenthal, "The Talmud on Trial," 201-223.

<sup>20</sup> Cohen, *The Friars and the Jews*. See also idem, *Living Letters*, esp. chapter 8, and in the subsequent Hebrew translation, *Ke- 'Iver ba-Mareh: Ha-Yehudi be-Tefisat ha-Notsrut bi-Mei ha-Beinayim* (Jerusalem: Mercaz Shazar, 2002).

<sup>21</sup> Baer, "le-Bikoret ha-Vikkuhim," 172. The other basis is the more famous 1263 Debate in Barcelona between Ramban and Friar Pablo Christiani. The most thorough study of this debate is Robert Chazan, *Barcelona and Beyond*.

<sup>22</sup> Baer, "le-Bikoret ha-Vikkuhim," 172.

2. In the context of Gregory IX's novel anti-heresy activities it is reasonable to assume that he would proceed in like manner toward Judaism and Jews.
3. Inter-religious relations were ripe for an inquisitorial act. Mendicants in Montpellier, presumably placed there to fight heresy, burned Jewish texts in 1232 which set a precedent for inquisitorial involvement in Jewish affairs.
4. The format of the Debate's accusations is consistent with inquisitorial formula: the Jews were asked whether the Talmud blasphemes Christianity or contradicts it in any way (such as by seeking out Christian converts or accepting reverting Jews), or if Jews hold views contrary to the Old Testament.<sup>23</sup>

Let us investigate Baer's evidence, each item in turn.

Baer begins his analysis of the two thirteenth-century debates by asserting that the 1240 debate was an inquisitorial process.<sup>24</sup> Two Jews were seized as witnesses, and were enjoined to swear "according to the laws of an [inquisitorial] examination," and, atypically, Yeḥiel avoided taking an oath.

While the taking of oaths was an important part of inquisitorial proceedings, this was not unique to the inquisition. In fact, oaths were a hallmark of the medieval judicial or obligatory process. From university masters to civil litigants, everyone was required to take oaths before filling her or his function.<sup>25</sup>

Practical, political, and public, medieval oaths were highly ritualized and symbolic. Loyalty, hierarchy, and vassalage were important parts of the medieval social fabric, and oaths often worked to shape, influence, and maintain the social, political, and

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<sup>23</sup> Baer, "le-Bikoret ha-Vikkuhim," 173.

<sup>24</sup> Baer, "le-Bikoret ha-Vikkuhim," 172.

<sup>25</sup> On the place of the oath in the Middle Ages, see Liam O. Purdon and Cindy L. Vitto, eds., *The Rusted Hauberk: Feudal Ideas of Order and Their Decline* (Gainesville: University Press of Florida, 1994), p. xvi-xx, and 269-272.

judicial systems in Latin Christendom. Indeed, the classical Latin word for oath, *sacramentum*, could alternatively (or simultaneously) indicate a civil suit, collateral funds pledged in support of a claim, a solemn engagement of vassalage or loyalty, or any spiritually significant object or action.

This multiplicity of meaning speaks to the wide presence of oaths in the Middle Ages. It was only with the multifaceted sense of individual autonomy in the thirteenth century that the oath's clout and significance began to diminish.<sup>26</sup> In fact, one of the offenses – and telltale signs of association – of the Waldensians was that they refused to take an oath.<sup>27</sup> Yehiel's successful dodge of oath-taking is a strong indication that the 1240 debate was not an inquisitorial process.

Yitzhak Baer describes Gregory's pursuit of heresy as innovative and aggressive. Indeed, as Baer notes, Gregory was the first to delegate heresy prosecution to the mendicant orders in the 1230s, and the first to subject Judaism to scrutiny. Baer notes that "the examination of the Talmud... in 1239 was one of [Gregory's] first great acts."<sup>28</sup> Given Gregory's exceptional attention and sensitivity to heresy and its eradication, it stands to reason that he would seek out Jewish texts in search of religiously offensive material. Baer concludes, therefore, that Gregory's pinpointing the Talmud as heretical may be appropriately subsumed under the general inquisition efforts.

However, it should be noted that Gregory's inquisitorial activities were not innovative. Throughout the medieval period the Papal See prosecuted heretics, and this persecution increased in proportion to ecclesiastical centralization of authority and

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<sup>26</sup> Ibid.

<sup>27</sup> See Walter L. Wakefield and Austin P. Evans, *Heresies of the High Middle Ages: Selected Sources Translated and Annotated* (New York: Columbia University Press, 1969), 52, and nos. 34, 35, 37, and 38.

<sup>28</sup> Baer, "le-Bikoret ha-Vikkuhim," 173. This assertion is somewhat surprising given that Gregory's papacy began more than a decade earlier, in 1227.

coalescing of power. In this sense, the inquisition was a natural outgrowth of papal authority, and Gregory's anti-heretical positions were extensions of those of his mentor and uncle, Pope Innocent III; in fact, it was Innocent who launched the Albigensian Crusade in Languedoc in 1209.<sup>29</sup> Gregory's contribution to the scope and power of the inquisition, while noteworthy, was not novel, as Baer would have it. A careful examination of the inquisition's development reveals that Gregory's activities expanded the pursuit of heresy but did not actually break new ground. Therefore, Baer's suggestion that Gregory's association with the 1240 Debate automatically renders this debate an inquisition is problematic.

Furthermore, as important as Gregory IX's activities were to the development of the Inquisition and the suppression of heretical movements, they must be put in the perspective of his other activities. It is not without import that of the 6,183 epistles Gregory wrote he devoted only 235 to heresy, including the establishment of formal heresy inquisition processes themselves. Of all of Gregory's letters, only forty-six dealt with the Jews. Gregory IX's other, less famous concerns such as financial relief for the Holy Land, merited 340 letters in contrast to his publicized 235 devoted to heresy.<sup>30</sup>

It is true that relative quantities of relevant correspondence may not be a faithful or accurate index of the importance of a given subject. However, we may infer that a relatively insignificant number of letters written concerning a given topic postulates a corresponding degree of importance attributed to it by the reigning pontiff. While eliminating heresy was important to Gregory, we must not exaggerate its significance to

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<sup>29</sup> See Shannon, *The Popes and Heresy*, 27. Wakefield and Evans, *Heresies of the High Middle Ages*, 36, note that "it was during the pontificate of Innocent III that real countermeasures to heresy were first devised..."

<sup>30</sup> See Lucien Auvray et al., eds., *Les Registres de Gregoire IX*, 3 vols. (Paris: A. Fontemoing, 1896-1905); Shannon, *The Popes and Heresy*, 10-12; and Rembaum, "The Talmud and the Popes," 203-214.

him. Therefore, Gregory's involvement in the 1240 debate should not necessarily presuppose inquisitorial process in pursuit of heresy.

Third, Baer does not find Gregory's interest in rabbinic texts surprising; after all, men directly responsible to him had subjected these texts to the flames some years earlier. In 1232 or 1233, anti-Maimonists in Montpellier handed the more philosophical books of Maimonides over to local friars present to eradicate heresy; the mendicants then burned these texts. The papal court's interest in rabbinic texts boded ill for the Jews, and this precedent made it all the easier for Gregory to take a jaundiced view of the Talmud a few years later. According to Baer, the 1240 Debate was, at least in part, an outgrowth of earlier inquisitorial activities.

However, the connection between the Maimonidean controversy and the 1240 Debate is far from clear. In all the papal literature surrounding the 1240 Debate and the subsequent burning of the talmuds, the earlier burning of Maimonidian books goes unmentioned. Association between the two Jewish book-burnings is largely absent in contemporary Jewish literature as well. Three separate works, all written in response to the Debate and the subsequent burning of rabbinic texts, failed to mention the Maimonidean controversy or to connect it with the burning of the Talmuds.<sup>31</sup>

The first of three rabbinic works that might have linked the two events and did not was written by Meir (Maharam) of Rothenburg, a student of Yehiel, who had witnessed the burning of the Talmuds in Paris in his youth.<sup>32</sup> This experience was pivotal for him

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<sup>31</sup> That the Hebrew account of the debate makes no mention of the burning of Maimonidean texts is inconclusive. Yehiel may have composed his record of the Debate before the Talmuds were burned in the 1240s.

<sup>32</sup> Ephraim Kanarfogel highlights some of Maharam's accomplishments in "Preservation, Creativity, and Courage: The Life and Works of R. Meir of Rothenburg: On the Occasion of the 700<sup>th</sup> Anniversary of His Death," *Jewish Book Annual* 50 (1993): 249-259.

and years later, as an acclaimed rabbinic leader of German Jewry, Meir composed a eulogy commemorating the event.<sup>33</sup> At that time, German Jewry had little to fear from Maimonidean philosophical texts; the battle had ended years before, and Maimonides's halakhic texts had been accepted. Even though a reference to the burning of Maimonides's texts might have elicited only sympathy and increased the poignancy of the dirge, Meir made no mention of this event in his eulogy.

The second composition was legal in nature. Moses of Coucy, Yehiel's junior colleague in both the Paris yeshiva and in the debate, composed the *Semag* (Sefer Mitsvot Gadol, The Great Book of Commandments) sometime after 1240. This was a highly unusual composition for a member of the Tosafistic school which focused on Talmud, subjecting it to critical analysis. *Semag* was, ostensibly, a commentary on the 613 biblical commandments. However, Moses' lengthy introduction leads the careful reader to understand it as a response to Donin's attacks as well as an appraisal on Jewish religious life and observance.<sup>34</sup>

Moses acknowledged Maimonides's greatness, drawing on the *Mishne Torah* (Maimonides's legal magnum opus) as an important source of material, at times copying him wholesale. The impact the 1240 debate made on Moses, and Moses's admiration for Maimonides, is manifest throughout his work. Yet, Moses never alluded to any connection between the burning of Maimonidean and Talmudic texts.

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<sup>33</sup> For an analysis of this poem see Einbinder, *Beautiful Death*, 73-81.

<sup>34</sup> Here I follow Jeffrey R. Woolf's studies on Moses of Coucy's magnum opus, the *Sefer Mitsvot Gadol*, The Great Book of Commandments, in "Maimonides Revised: The Case of the *Sefer Mitsvot Gadol*," *Harvard Theological Review* 90, no. 2 (1997): 175-203, and idem, "Some Polemical Emphases in the *Sefer Mitsvot Gadol* of Rabbi Moses of Coucy," *The Jewish Quarterly Review* 89, nos. 1-2 (1998): 81-100, rather than the analysis of Yehuda D. Galinsky, "Qum 'Aseh Sefer Torah Mi-Shne Halaqim: Le-Verur Kavvanat Rabbi Moshe mi-Coucy bi-khetivat HaSMaG," *HaMaayan* 35 (1995): 28-30, who sees Moses's entire compilation as a *Mishneh Torah* criticism.

Finally, in Rabbi Korshavyah (Crespia) ha-Naqdan's introduction to his copy of Maimonides' *Mishneh Torah*, this friend of Yehiel briefly presented his colleague's biography. He recalled being in Paris when the Jewish texts were consigned to flames, and in this most appropriate of settings did not mention the burning of Maimonides' texts in southern France some ten years prior.<sup>35</sup> The consistent omission of the burning of Maimonides' texts in conjunction with the burning of the Talmud would cast doubt that the Jews at the time perceived any association between the two events.

In fact, only one source supports the relationship between the Maimonidian controversy in southern France and the Paris debate and ultimate destruction of hundreds of Talmud manuscripts. Writing some fifty years after the burning of the Talmud (or thereabouts<sup>36</sup>), the pro-Maimunist<sup>37</sup> Rabbi Hillel of Verona writes that "forty days did not pass from the burning of [Maimonides's] works until that of the Talmud...and the ashes of the Talmud were mixed with those of [Maimonides's overtly philosophical works which were handed over to the ecclesiastical authorities,] the *Guide for the Perplexed* and the *Book of Knowledge*, since there is still ash at the site."<sup>38</sup>

Given the tendentious nature of this source, Baer's claim that the Maimonidian controversy set a precedent for subjecting rabbinic texts to inquisitorial authorities in 1240 is highly tenuous. Hillel's immediate pro-Maimonidian bias aside, there are historical issues of concern here as well, matters of time and place. It was not forty days, but approximately ten years, between the confiscation of Maimonides's writing and the

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<sup>35</sup> Korshavyah's introduction to his copy of Maimonides is quoted and discussed in Norman Golb, *Toldot ha-Yehudim be-ir Rouen bi-mei ha-beinayim* (Tel Aviv: Dvir Publishing House, 1976), 208-227. For Korshavyah's relationship with Yehiel see *ibid.*, 152-154. I thank Professor Yehuda Galinsky for this reference.

<sup>36</sup> On the date of the Talmud burning see Benjamin Kedar, "Canon Law and the Burning of the Talmud," *Bulletin of Medieval Canon Law* 9 (1979): 79-82.

<sup>37</sup> That is, Hillel was in favor of Maimonides's positive attitude toward the study of philosophy.

<sup>38</sup> Eliezer Ashkenazi, ed., *Ta'am Zekeinim* (Frankfurt am Main: I. Kauffman, 1874), 71.

burning of the Talmud.<sup>39</sup> Furthermore, Hillel's vivid and evocative imagery of the mixing of the ashes of Maimonidean and Talmudic books notwithstanding, his words in no way comport with the facts; Maimonides' writing was burned in Montpellier, the Talmud in front of the Church of Notre Dame. Doubtless Hillel was aware of these discrepancies, and chose to connect the two burnings for rhetorical purposes. Hillel's letter cannot be taken at face value, as Baer would have it.

Baer's fourth argument rests on the purported Christian position that the Talmud contained material offensive or blasphemous to Christianity. Specifically, Christians claimed that contemporary Judaism based on the Talmud, blasphemed Christianity, recruited converts to Judaism, and embraced Jews who wished to return to Judaism after converting to Christianity. Furthermore, the Talmud allegedly challenged aspects of the Old Testament that were important to Christians. According to Baer, this anti-Christian content within the Talmud was responsible for provoking the debate, consistent with inquisitorial policy.

His claim, however, does not stand up in the face of the evidence. Of the allegations documented by Nicholas Donin, most did not directly concern Judaism's relationship with Christianity. Rather, they largely dealt with the nature of the Talmud and rabbinic authority.<sup>40</sup> In fact, as we shall see, the first nine accusations listed by Donin did not mention Christianity at all, and overtly offensive passages or blasphemies to Christianity mentioned in the Talmud were buried in the middle of Donin's account. Moreover, none of Donin's accusations discussed religious conversion or reversion.

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<sup>39</sup> It is likely that Hillel is employing a rabbinic trope of 40 days.

<sup>40</sup> See Appendix A and Chapter Six of this dissertation.

Indeed, the preponderance of accusations concerning rabbinic authority led many to claim that Nicholas Donin was a Karaite,<sup>41</sup> a Jew who denied rabbinic authority.<sup>42</sup> Baer asserted that the anti-Christian (and thus heretical) sentiments Donin cited from the Talmud placed it under the purview of the inquisition. But if this were the case, Donin would have stressed this point in his protocol, and Gregory would have emphasized Talmudic blasphemy in his circular letter. It is therefore difficult to conclude that Talmudic anti-Christian remarks (which had been known to learned and influential members of the Church for hundreds of years) motivated Gregory to initiate an inquisitorial proceeding against the Talmud.

Furthermore, Church doctrine *never* tolerated Jewish blasphemy of Christianity or seeking out converts. Had Gregory suspected the Jews of these activities, he would not have needed to resort to the nascent and largely inchoate apparatus of the inquisition. These activities did not qualify as heresy<sup>43</sup> or fall under the auspices of a heresy inquisition.<sup>44</sup>

Other markers of a heresy trial are absent from the 1240 Debate. For example, only public crimes connected to a specific person were subject to heretical prosecution; a judge could inquire – that is, start a heresy inquisition – about someone who was “infamous” by reputation. The Talmud was not “infamous;” it was denounced by one

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<sup>41</sup> See, for example, Solomon Grayzel, *The Church and the Jews*, 339-340; see also Baer, “Ie-Bikoret ha-Vikkuhim,” 173, n3.

<sup>42</sup> On the schism and beliefs of Karaites, a Jewish sect which reached its peak of influence in the ninth century, see Daniel J. Lasker, “Rabbanism and Karaism.”

<sup>43</sup> Indeed, broadly conceived, a heretic was a Christian who held deviant religious beliefs. In general, nonbelievers (Jews, Muslims, etc.) could not fall under the rubric of heretic. As we will see in Chapter 5 of this dissertation, the Church’s specific problem with the Talmud was not necessarily its content, but its very existence as a body of unmoderated texts.

<sup>44</sup> Incidentally, this would rule out Kedar’s hypothesis that the Jews were violating Christian principles dating back to the Gospels. On the delicate balance sought by the Papal See vis-à-vis the Jews see Solomon Grayzel, “The Talmud and the Medieval Papacy,” and idem, “The Papal Bull *Sicut Judaeis*.”

man, Nicholas Donin. If this Debate were in fact an *inquisitio hereticae pravitatis*, it would be the only one wherein a body of literature, not a person, was tried. Furthermore, Nicholas Donin met Yehiel as prosecutor, not as judge. The decision to burn the Talmud – in effect, finding post-biblical Jewish literature “guilty” – came from the Holy See.

What is more, the rules governing an *inquisitio hereticae pravitatis* were not merely prescriptive. From the fragmentary records we have of early – meaning mid 1200s – heresy inquisitions, it seems that inquisitors were very careful about following protocol.<sup>45</sup> The 1240 Debate, then, exhibited none of the exclusive marks of a heresy trial. If the 1240 Debate were in fact a heresy inquisition, it would serve as a unique example in the history of the *inquisitio hereticae*.

With all the ambiguity surrounding the categorization of a thirteenth-century heresy inquisition, the assumption that the 1240 Debate was an *inquisitio hereticae pravitatis* is understandable. However, assuming that the 1240 Debate was in fact an *inquisitio hereticae pravitatis* was more than just an error in judgment or facile association. For Yitzhak Baer to think that the Paris Disputation constituted a heresy inquisition holds particular significance.<sup>46</sup> This view integrated well with Baer’s philosophy of Jewish history, and how he understood the Jewish place in the Christian world.

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<sup>45</sup> Célestin Douais, ed., *Documents pour servir à l’histoire de l’Inquisition dans le Languedoc*, 2 vols. (Paris: 1900), 2:115-301.

<sup>46</sup> For some background on Baer and his influence see the older work by Isaiah Sonne, “On Baer and his Philosophy of Jewish History,” *Jewish Social Studies* 9 (1947): 61-80; for a nuanced view of Baer and the “Jerusalem School” see David N. Myers, *Reinventing the Jewish Past: European Jewish Intellectuals and the Zionist Return to History* (New York: Oxford University Press, 1995), and idem, “Was there a Jerusalem School?” in *Reshaping the Past: Jewish History and the Historians*, ed. Jonathan Frakel, (Oxford: Oxford University Press, 1994), 66-92. For a comparative analysis of Baer’s philosophy of Jewish history see Isaac E. Barzilay, “Yisshaq (Fritz) Baer and Shalom (Salo Wittmayer) Baron: Two Contemporary Interpreters of Jewish History,” *Proceedings - American Academy for Jewish Research* 60 (1994): 7-69. For a study in the shifts in Baer’s approach and focus see Israel Jacob Yuval, “Yitzhak Baer

While Salo Baron rejected the ‘lachrymose’ conception of Jewish history (that is, framing Jewish history as a concatenation of tragedies for the Jews),<sup>47</sup> Baer was irritated by this view.<sup>48</sup> In an extensive and systematic criticism of Baron's work, Baer not only criticized Baron's views, but expounded his own with an unusual degree of frankness.<sup>49</sup> In that review Baer openly accused Christianity of bearing responsibility for the degradation of the Jews in their exile [galut], indeed, for creating the galut in the first place and for causing the great persecutions Jews suffered:

The Fathers of the Church of the second half of the fourth and the beginning of the fifth centuries...they created the galut of medieval times... It was on the demand of the Christian emperors that orders were issued to curb the religious propaganda of the Jews. They expelled the Jews from the honorary positions in the Empire and abolished the Patriarchate in Eretz [the Land of] Israel, the last sign of Jewish freedom and national honor that was left to the Jews.<sup>50</sup>

Significantly, Baer and Baron also differed in their interpretation of the genesis of the Jewish *servi camerae* of a later age. Baron interpreted that institution as prompted by a desire on behalf of Christian authorities to benefit the Jews and protect them; Baer, in contrast, understood it as an intentional effort to degrade Jews. Finally, refuting Baron's benevolent outlook on the medieval Church and its attitude toward the Jews, Baer stated that:

The reason for the Church's "Realpolitik" in relation to the Jews notwithstanding, its attitude toward them was always guided by principles

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and the Search for Authentic Judaism,” in *The Jewish Past Revisited: Reflections on Modern Jewish Historians*, ed. David N. Myers and David B. Ruderman (New Haven: Yale University Press, 1998), 77-87.

<sup>47</sup> In particular, Baron was sympathetic toward Christian treatment of Jews in the Middle Ages. Baron was appreciative of the alleged legal defenses of the Jews by high church officials and some secular Christian rulers. Indeed, Baron interpreted the medieval Jewish *servi camerae* [“serfs of the [royal] chamber”] as meant for Jewish benefit and protection. The fate of Israel among the nations, he felt, was not as tragic as other historians believed.

<sup>48</sup> See Barzilay, *ibid.*, 14-15, and 40.

<sup>49</sup> Yitzhack Baer, "Review of Baron's *History*," *Zion* 3(1937/1938): 283-301.

<sup>50</sup> Yitzhack Baer, "Eretz Israel ve-galut be-einey ha-dorot shel yemei ha-beinayim," *Zion* 4 (Jerusalem, 1934): 148-171, esp. 151, 155 -1 57.

of faith and tradition. The deeper religious trends in Christianity have always arisen as enemies and cruel persecutors of Judaism, and in most cases it was the Church whose role was decisive in the great expulsions.<sup>51</sup>

It is clear that we cannot know definitively whether the Paris Debate was in fact an *inquisitio hereticae pravitatis* – the medieval Latin term employed to refer specifically to a heresy inquisition, as opposed to the more generic *inquisitio* – since the entire process was so new and unformed, and our documentary evidence is so scattered. Indeed, the variety and diversity of medieval heresy inquisitions has led a number of scholars to abandon the term “The Inquisition.”<sup>52</sup> The possibility that Baer’s interpretation of the event was influenced by his broader conception of Jewish history further muddies our understanding.

However, the discrepancies between what we can know about the 1240 Debate and a standard inquisition of heresy are clear. While it is understandable that one might be led to believe that the 1240 Debate was an anti-heresy inquisitorial process based on the prima facie facts, closer inspection indicates that this does not seem to be the case.

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<sup>51</sup> Baer's "Review of Baron's *History*," *Zion* 3 (1937/1938): 292.

<sup>52</sup> This was advanced by Richard Kieckhefer, *Repression of Heresy in Medieval Germany* (Philadelphia: University of Pennsylvania Press, 1979), and supported by Kelly, “Inquisition and the Prosecution of Heresy,” 440.

## Chapter 5

### Church Control of Texts in the Twelfth and Thirteenth Centuries

#### Introduction

If the 1240 encounter between Yehiel of Paris and Nicholas Donin was not an inquisition seeking to eradicate heresy, what was it? Rather than asserting that this novel development on the Jewish front – Hebrew book investigation and burning – reflected nascent anti-Jewish policies and inquisition, I would like to examine the 1240 Debate in the broader context of twelfth- and thirteenth-century northern European culture, specifically, the emergence of textual communities.

#### The Many Changes of the Twelfth Century

Medievalists have characterized the long twelfth century (referring, for convention's sake, to the period from the first crusade in 1096 to the Fourth Lateran Council in 1215) as revolutionary in a great many ways – agricultural, commercial, technological, literate, intellectual, urban, legal, religious, popular, exegetical, and so on.<sup>1</sup>

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<sup>1</sup> Prime examples of this in the same order are: Georges Duby, Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. C. Postan (New York: Columbia University Press, 1968), 311-73; Robert Lopez, *The Commercial Revolution of the Middle Ages, 950-1350* (Cambridge: Cambridge University Press, 1976); Lynn White, *Machina ex Deo: Essays in the Dynamism of Western Culture* (Cambridge: Harvard University Press, 1968); idem, *Medieval Religion and Technology: Collected Essays* (Berkeley and Los Angeles: University of California Press, 1978); Walter J. Ong, *Orality and Literacy: The Technologizing of the Word* (New York: Routledge, 1988); Brian Stock, *Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton: Princeton University Press, 1983); Michael T. Clancy, *From Memory to Written Record: England 1066-1307*

Much of the inventiveness which characterized twelfth century Western Europe is attributed to ‘the discovery of the individual,’ a profound modification of the twelfth century renaissance. This shift in mentality allowed people greater movement in their choice of intellectual, cultural, and spiritual expression.

Although the phrase ‘discovery of the individual’ appears to denote individual choice in religious expression, it actually suggests that the individual could choose to join a community.<sup>2</sup> Individuality in the modern sense, that is, the image of an individual without formal binding associations or allegiances, was inconceivable in the twelfth or thirteenth century. This notwithstanding, the development of individual self-awareness in relation to communities lay at the core of many medieval advances.<sup>3</sup>

Developments which crystallized in the twelfth century also revived ancient ideals of using collaboration to achieve greater results, as well as the notion that the Other –

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(Oxford: Blackwell, 1993); Ivan Illich, *In the Vineyard of the Text: A Commentary to Hugh's Didascalicon* (Chicago: University of Chicago Press, 1993); C. Stephen Jaeger emphasizes this change in *The Envy of Angels: Cathedral Schools and Social Ideals in Medieval Europe, 950-1200* (Philadelphia: University of Pennsylvania Press, 1994) and idem, *Scholars and Courtiers: Intellectuals and Society in the Medieval West* (Ashgate: Aldershot, 2002); Hastings Rashdall, *The University of Europe in the Middle Ages*, ed. F.M. Powicke and A.B. Emden, 3 vols. (Oxford: Clarendon Press, 1936), and Gordon Leff, *Paris and Oxford Universities in the Thirteenth and Fourteenth Centuries: An Institutional and Intellectual History* (New York: Wiley Press, 1968); John Baldwin, “Masters at Paris from 1179-1215: A Social Perspective,” in *Renaissance and Renewal in the Twelfth Century*, ed. Robert L. Benson and Giles Constable (Cambridge: Harvard University Press, 1982), 138-171; idem, *Masters, Princes, and Merchants: The Social Views of Peter the Chanter and His Circle*, 2 vols. (Princeton: Princeton University Press, 1970); Henri Pirenne, *Early Democracies in the Low Countries: Urban Society and Political Conflict in the Middle Ages and the Renaissance*, trans. J.V. Saunders (New York: W.W. Norton & Company, Inc., 1963); Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge: Harvard University Press, 1983); R.I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250* (London: Basil Blackwell, 1987). For an overview of Church institutional and hierarchical organization, see Augustin Fliche et al., *La chrétienté romaine (1198-1274)* (Paris: 1950); Gabriel Le Bras, *Institutions ecclésiastiques de la chrétienté médiévale* (Paris: 1959). And Philippe Buc, *L’ambiguïté du livre: Prince, pouvoir, et peuple dans les commentaires de la Bible au moyen âge* (Paris: Beauchesne, 1994), 235-377. Buc stresses a revolutionary populist emphasis in medieval exegesis which he suggests led to the Protestant Revolution of the sixteenth century.

<sup>2</sup> On this issue see Caroline Walker Bynum, *Jesus as Mother*, Chapter 3, “Did the Twelfth Century Discover the Individual?”

<sup>3</sup> This self-awareness also contributed to the profusion of confessional manuals, which addressed personal intention and contrition regarding sin. See for example, Leonard Boyle, “The Fourth Lateran Council and Manuals of Popular Theology,” in *The Popular Literature of Medieval England*, ed. Thomas J. Heffernan (Knoxville: University of Tennessee Press, 1988), 30-43.

here defined as a member of the outgroup – was not necessarily the enemy. The economic and social activity that marked the high Middle Ages was fueled by cultural values which necessarily emphasized a degree of good will towards one's neighbor. Only thus could markets thrive, reorganizing and restructuring social relations to deploy new technology (for example the heavy plow), and accommodating increased population in concentrated locales (i.e. cities).<sup>4</sup>

The emerging culture of interdependence was further reinforced as literacy achieved increasing prominence. From about 1150, records of all sorts become more plentiful, and by this time scribes had become a prominent part of the landscape of the Middle Ages.<sup>5</sup> This was particularly true in urban areas, where commerce had reached unprecedented levels of sophistication and business associations stretched across Western Europe, from Flanders to the Mediterranean coast.

By the middle of the twelfth century, King Philip Augustus of France had contributed to this development by initiating fiscal accounts, royal archives, and registers to administer his expanding and increasingly wealthy domain.<sup>6</sup> A group of specialists in administration emerged whose particular technical expertise was based on the written

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<sup>4</sup> R.I. Moore, "Family, Community and Cult on the Eve of the Gregorian Reform," *Transactions of the Royal Historical Society* 30 (1980): 49-69 demonstrates the power of "the crowd" to effect social, economic, and religious change. On the role of cooperation in the twelfth century economic renaissance see the article by Richard Landes, "Economic Development and Demotic Religiosity," in a forthcoming festschrift for Caroline Walker Bynum. I thank Professor Landes for providing me with an advance typescript of his article.

<sup>5</sup> Stock, *Implications of Literacy*, 16-18; Georges Duby, *Rural Economy and Country Life*, 61.

<sup>6</sup> John Baldwin, *The Government of Philip Augustus: Foundations of French Royal Power in the Middle Ages* (Berkeley and Los Angeles: University of California Press, 1986), 24-59.

word.<sup>7</sup> Judicially, laws were codified, essentially editing customs into written form, and written documents replaced oral testimony in trials.<sup>8</sup>

The growth of literacy was particularly evident in the papal curia, which expanded as never before. Pope Innocent III's use of texts in the form of briefs, bulls, or letters<sup>9</sup> expanded and reinforced his authority.<sup>10</sup> Within the constellation of twelfth century developments the new significance of texts played a vital role in the unification and condensation of power that the papal court achieved in the high Middle Ages.<sup>11</sup>

The increasing importance of literacy also facilitated the rise of a distinct aristocracy of lettered secular clerics, consisting of bishops, cardinals, and papal legates, culminating in the Papal See.<sup>12</sup> It was this class, and not the political nobility or monastic

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<sup>7</sup> Duby, *Rural Economy and Country Life*, 62, and Stock, *Implications of Literacy*, 17.

<sup>8</sup> Stock, *Implications of Literacy*, 56-58. Of interest also is the opinion of Brigitte Miriam Bedos-Rezak, "The Confrontation of Orality and Textuality: Jewish and Christian Literacy in Eleventh and Twelfth Century Northern France," in *Rashi 1040-1990: Hommage à Ephraïm E. Urbach*, ed. Gabrielle Sed-Rajna, (Paris: Les Éditions du Cerf, 1993), 234-251, who argues that the increased opposition of Christian literati to the Jews developed in part because heretofore the Jews occupied the role of scribe and literate. With the expansion and rising value of the written word, learned Christians saw the Jews as competitors. In this way Bedos-Rezak adds nuance to R.I. Moore, *The Formation of a Persecuting Society*, who stresses a more political or administrative coalescing in the twelfth century which excluded Jews and others, and Jeremy Cohen, *The Friars and the Jews* and *Living Letters*, who emphasizes a shift in theological position vis-à-vis the Jews put forth by the mendicant orders of the thirteenth century.

<sup>9</sup> Formally, a bull was a weightier and often longer document than a brief, and a letter was a communication of a more private nature. See for example Shlomo Simonsohn, *The Apostolic See and the Jews: Documents: 492-1404* (Toronto: Pontifical Institute of Mediaeval Studies, 1988), p.IX.

<sup>10</sup> While we have no complete registry for medieval popes, Richard Southern, *Western Society and the Church in the Middle Ages* (Harmondsworth: Pelican, 1970), 108-109 has calculated that under Pope Benedict IX (1033-46) we know of an average of only one letter per year. Contrast this with an annual average of 179 letters for Hadrian IV (1154-79), 280 for Innocent III (1198-1216), and 730 for Innocent IV (1243-54). Alexander Murray, "Pope Gregory VII and His Letters," *Traditio* 22 (1966): 149-202 also stressed the growth of papal business as reflected in the output of letters. This body of literature produced by the papal office aside, we cannot forget the great collections of canon law edited by medieval popes. So many collections of canon developed by 1203 that Stephen of Tournai likens them to a pathless forest. Over the thirteenth century the quantity of canon law did not decrease, but it did obtain a coherent arrangement, culminating in Gregory IX's *Decretals* in 1234, which formed the second part of the *Corpus Juris Canonici*. On this aspect of the twelfth century renaissance see Charles Homer Haskins, *The Renaissance of the Twelfth Century* (Cambridge: Harvard University Press, 1927), 193-223, esp. 214-217.

<sup>11</sup> On this see Stock, *Implications of Literacy*, especially 16-18 and passim.

<sup>12</sup> On the expanding power of the papacy through texts, see *ibid.* Geoffrey Barraclough, *Papal Provisions: Aspects of Church History, Constitutional, Legal, and Administrative in the Later Middle Ages* (Oxford: Blackwell, 1938), discusses papal appointment to clerical offices as an effective instrument of control; he notes that whereas in 1050 Pope Leo X appointed no one to ecclesiastical office outside central Italy, in

leadership (regular clerics), which seemed to determine questions of theology and policy. For the purposes of this dissertation, *the Church* (and associated terms) will refer to this class in its fulfillment of this role.<sup>13</sup>

The new proliferation of texts went beyond cementing the authority of the Church. A relationship emerged between the guidelines and realities of behavior: an objective set of rules could govern behavior, independent of the dominant culture, aristocracy, or person. Loyalty and obedience were given to a more or less standardized code which lay outside the sphere of influence of the person.<sup>14</sup> Orthodox religious orders such as Cluny in the twelfth century,<sup>15</sup> for instance, or the Cistercians, were clearly based on texts. The text's interpreter may have been a singularly charismatic personality, as in the case of Cîteaux's Bernard of Clairvaux. But the organizational principles of movements like the Cistercians were text-based.

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1342 Clement VI nominated candidates for 100,000 upper and lower level church offices, a number that is truly astonishing and illustrative of papal power. See pp. viii and 105-106. Walter Ullmann, *The Growth of Papal Government in the Middle Ages* (Cambridge: Cambridge University Press, 1970) is a classic study of the interaction of ideas and events in the rise of papal power. For a detailed treatment of the rise of "the papal monarchy" see Colin Morris, *The Papal Monarchy: The Western Church from 1050 to 1250* (Oxford: Oxford University Press 1990), though his assertions may be exaggerated. Eric W. Kemp, *Canonization and Authority in the Western Church* (New York: Oxford University Press 1948) is a case study of the growth of papal authority in the particular area of canonization. For a biography of the symbol of papal power in the high Middle Ages see Helena Tillmann, *Pope Innocent III*, trans. Walter Sax (New York: North Holland Publishing Company, 1980).

<sup>13</sup> Note that Morris, *Discovery of the Individual*, 92-110, discusses the growth of such an elite group within the context of a literate society.

<sup>14</sup> On this development, and its relationship to heretical movements, see Stock, *Implications of Literacy*. For how texts affected religious beliefs, see Gavin Langmuir, *Toward a Definition of Antisemitism* (Berkeley and Los Angeles: University of California Press, 1990), who argues that it undermined faith (pace Stock), and Anna Sapir Abulafia, *Christians and Jews in the Twelfth Century Renaissance* who argues that the import of texts fortified faith. For how Nicholas Donin manipulated elite churchmen's apprehension of textual communities in his record of the 1240 Debate see the following chapter of this dissertation.

<sup>15</sup> On the twelfth-century revival of Cluny see Edwin Mullins, *In Search of Cluny: God's Lost Empire* (New York: Bluebridge, 2006).

Most importantly, the more objective, text-based set of rules meant that even those who were not literate could be influenced by the culture and rules of literacy.<sup>16</sup> A literate individual who mastered a text could then use this text to reform an illiterate group's thought, perspective, or action – what Brian Stock calls a textual community.<sup>17</sup> This individual may have needed to employ older, pre-literate techniques to influence the group, but the message was based on texts. In a textual community of this sort, the text, and access to it, was seen as the steppingstone to greater communication with God.

### Twelfth-Century Developments and Church Ambivalence

A significant part of the new collective thinking was highly beneficial to Church organization. Religious communities developed all over Western Europe, building a network of ecclesiastical organizations loyal to Rome. Cistercians, Benedictines, and Beguine houses were all part of this development.<sup>18</sup> Later, the popes harnessed the growth of communal organizations, and endorsed societies directly answerable to them – the Franciscan and Dominican mendicant orders.

Communities, when subject to papal authority, proved a boon to Church infrastructure. The twelfth- and thirteenth-century Church was coalescing and forming clearer ideas about what it meant to be a part of the Christian body, and the people who lay beyond it. Setting up a house or school that was loyal to the Church organization expanded and enhanced ecclesiastical power, reach, influence, and veneration.

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<sup>16</sup> Stock, *Implications of Literacy*, 18.

<sup>17</sup> Ibid.

<sup>18</sup> While the Cluniac network represented such an organization in the tenth century, it lost influence in the eleventh century and was revitalized only in the twelfth century. On this aspect of Cluny see the interdisciplinary monograph by Mullins, *In Search of Cluny*.

Thus, the proliferation of religious communities constituted a substantial part of twelfth century optimism and even apocalypticism.<sup>19</sup> However, religious collectives did not always develop in accordance with the desires of the centralized ecclesiastical authorities. Should a religious organization choose to defy Church authority, the repercussions could be ruinous from the papal see's perspective. After all, the ecclesiastical elite recognized religious authority based on apostolic succession.<sup>20</sup> Religious texts in the hands of those who lacked apostolic succession would undermine the traditional religious authority. As such, ecclesiastical authorities were ambivalent about the growth of alternate communities.

Although it was the threat posed by alternate communities of authority that discomfited the Church rather than literacy itself, the Church singled out literacy and literature as targets. Church officials sought to control texts for a number of reasons.

First, the Church recognized the growing importance of written material and knew it could not be ignored; furthermore, to the extent that texts could be used to spread Christianity's message, literature was a useful tool. The Church benefited from the developments of a more assertive, collaborative, society which reinforced Christian ideals. Textual communities loyal to orthodox doctrine enhanced ecclesiastical power.

However, in the eyes of influential churchmen the rise of a literate society provided a breeding ground for a variety of heretical movements.<sup>21</sup> These movements

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<sup>19</sup> See Richard W. Southern, *Scholastic Humanism and the Unification of Europe, Volume I: Foundations* (London: Blackwell, 1997-2003).

<sup>20</sup> Relevant here is the investigation of the Waldensians by Walter Map. See the discussion in Wakefield and Evans, *Heresies of the High Middle Ages*.

<sup>21</sup> Jeffrey Burton Russell, *Dissent and Reform in the Early Middle Ages* (Berkeley and Los Angeles: University of California Press, 1965) 196-199; R.I. Moore, "The Origins of Medieval Heresy," *History* 55 (1970): 21-36; Malcolm Lambert, *Medieval Heresy: Popular Movements from Bogomil to Hus* (London and New York: 1977) , 52; Wakefield and Evans, *Heresies of the High Middle Ages*; see also Stock, *Implications of Literacy*, 98-101.

were heterogeneous, and scholars are disinclined to see a common doctrinal orientation in the heresies of the eleventh and twelfth centuries.<sup>22</sup> Despite this, many heretical movements directed their criticism was directed at the miraculous and the sacramental. Heretical groups, most notably the Cathars and Waldensians, sought textual support to bolster their own beliefs and criticize established Christian doctrine.<sup>23</sup> Although orthodox reformers also sought textual bases for relics, the cult of saints, and liturgical practice, the changes wrought by the escalation of texts challenged Church officials who needed to counter heterodox movements.<sup>24</sup>

There is an additional reason that texts were problematic for leading clerics. Despite the Church's growing centralization, many aspects of the expanding Christian society were difficult for Church authorities to control. With no army to enforce their supremacy, representatives of the Church depended upon the physical or military backing of secular authorities. However, political leaders did not always submit to papal authority in Europe's nascent nations,<sup>25</sup> and without the support of lay leaders, the Church's only means of persuasion would be the somewhat arbitrary religious submission of its adherents.<sup>26</sup> In light of this, people's emerging ability to make conscious decisions about their lives and religion further exacerbated the Church's apprehension.

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<sup>22</sup> Stock, *Implications of Literacy*, 99.

<sup>23</sup> Stock, *Implications of Literacy*, 88-101, and Gavin Langmuir, *Toward a Definition of Antisemitism*, 46-88. See also Heinrich Fichtenau, *Heretics and Scholars in the High Middle Ages: 1000-1200*, trans. Denise A. Kaiser (University Park: Pennsylvania State University, 1998), 52-154, 197-213.

<sup>24</sup> See again Stock, *Implications of Literacy*, 88-101.

<sup>25</sup> Joseph Strayer, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1970), provides a masterful introduction to medieval state formation. This is also the view of Strayer's student and successor, William C. Jordan, *The French Monarchy and the Jews*, 252-259, and idem, *Louis IX and the Challenge of Crusade: A Study in Rulership* (Princeton: Princeton University Press, 1979). Jordan understands the Jewry policy of the Capetian kings as part of their state-building.

<sup>26</sup> For a strongly argued effect of Church dependence on the secular powers for support and reinforcement, see Chazan, *Daggers of Faith*, Chapter 1, as well as his *Church State and Jew in the Middle Ages* (New York: Behrman House Publishing, 1979).

Thus, the intellectual and cultural importance of texts was a field of production area the Church could control, and could hardly afford to ignore. This increased focus on controlling texts set many changes into motion, ultimately creating an environment ripe for Donin's attacks on the Talmud.

### Church Review of Texts

Contemporary religious authors were aware of Church sensitivity to literature. In an expression of respect for the Church's authority, and in reaction to the concomitant threat of the textual society, many authors of the period went to considerable lengths to state and restate their wish to depart in no way whatsoever from the teaching of the Fathers. Authors expressed their desire to renounce in advance any error that might have crept involuntarily into their work, and to bow beforehand to the traditional teaching and authority of the Church. These statements represented a type of self-initiated conformity to apostolic succession and Church hegemony.

Three expressions of this sentiment were often found in prologues to religious texts: a) sentiments of humility and explicit or implicit acts of submission; b) requests that another person correct or emend the text; c) the author's seeking not only correction but approbation of his work as well.<sup>27</sup>

Expressions of humility as a form of Church allegiance appear to have a forerunner in those prologues common to the works, beginning with the late eleventh century, wherein authors humbly declared their lack of literary or intellectual gifts and submitted themselves beforehand to Church's judgment. Statements of this kind were not entirely new in the twelfth century, of course, but their proliferation at this time was

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<sup>27</sup> On medieval censorship, see G.B. Flahiff, "Ecclesiastical Censorship of Books in the Twelfth Century," *Medieval Studies* 4 (1942): 1-22.

unprecedented.<sup>28</sup> When these statements were composed by some of the greatest writers of the century they seemed to smack of literary device. We also cannot dismiss the possibility that approval by others in the Church hierarchy would increase the book's circulation.<sup>29</sup>

Some authors, in apologizing for treating a difficult matter, explained that they were not dogmatizing but opining. Others wished it known that they were writing not so much for the scholarly as for the simple reader, so that any distortion of doctrine should be viewed charitably. More confident individuals offered the excuse that lack of time prevented them from bestowing on their work the care they should like to have given it. The typical formula for humility, however, was one in which an author, having been asked to write (most often by an unknown person), protested that only obedience or the desire to gratify, or the fear of offending (unspecified) authorities could have led him to comply with the request to write.<sup>30</sup>

Many authors, aware of the power of the text, voluntarily sought examination of their work upon its completion. Even authors who were firm and unquestioned Christian believers chose to have their books examined. In doing so, authors and scholars were demonstrating their submission to the Church hierarchy.

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<sup>28</sup> This had been noted as early as the nineteenth century. See *Histoire littéraire de la France* (Paris, 1829-1895), IX:29. See also Flahiff, "Ecclesiastical Censorship," 2 and 8, who reinforces this position. See Flahiff as well (ibid.) for a categorization of the various modes of censorship common in the twelfth century.

<sup>29</sup> This was indeed the stated purpose of a number of requests for censorship, among them Orderic Vitalis, Eckbert of Schönau, Wolbero of Saint Panaleon, and a number of others. Indeed Flahiff, "Ecclesiastical Censorship" (p. 15) asserted that, "the most complete type of informal censorship...is that where the writer himself...states specifically his desire for approval...in order that his work may be communicated to others." Robert Somerville and Bruce C. Brasington, *Prefaces to Canon Law Books in Latin Christianity: Selected Translations, 500-1245* (New Haven: Yale University Press, 1998), do not discuss this aspect of the prefaces they translate, yet it is a normative feature in their work.

<sup>30</sup> On the numerous examples of this sort see Flahiff, "Ecclesiastical Censorship," 10n55.

Over the twelfth and thirteenth century, authors submitted their completed work to elite secular churchmen<sup>31</sup> with increasing frequency as a prerequisite for dissemination, asking for it to be examined, corrected, and emended in every way possible.<sup>32</sup>

Authors chose to solicit Church approval of a treatise for a number of reasons. When dealing with a particularly sensitive theological question, Church approval could forestall accusations of heterodoxy or heresy.<sup>33</sup> A Church endorsement could also encourage wide readership.<sup>34</sup> But more importantly it was a concrete way for the author to identify with and submit to the authority of the Church.

One of the earliest examples of voluntary submission to textual review is that of Hugh of Amiens, bishop of Rouen. Between the years 1130 and 1134, Hugh completed his *Dialogues* on various theological questions. This work was begun at the behest of Hugh's relative Matthew, then Cardinal of Albano, with whom he grew intimate while both were at St. Martin-des-Champs in Paris. Upon its completion, Hugh sent his work to the cardinal with a note urging him to indicate what might need correcting.<sup>35</sup>

This was not the only instance of appeal to the cardinal as reviewer. An unknown Bernard sent a certain Matthew a sermon on the Gospel beseeching him to emend it.

This time there could be no question that the intent was genuine: in a symbolic gesture,

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<sup>31</sup> The term secular here designates those who worked among the laity (as opposed to regular clergy, who did not). For a review of the secular clergy in the twelfth century see for example Joseph H. Lynch, *The Medieval Church: A Brief History* (London and New York: Longman, 1992), 194-5, 209-210.

<sup>32</sup> For a representative list of text vetting by select secular clergy see Appendix B.

<sup>33</sup> See Flahiff, "Ecclesiastical Censorship," 10-12. Thijssen discusses various forms of theological censure in Thijssen, *Censure and Heresy* (Philadelphia: University of Pennsylvania Press, 1998).

<sup>34</sup> Flahiff, "Ecclesiastical Censorship."

<sup>35</sup> *ibid.*, 12.

Bernard actually sent along a small knife with which the cardinal could remove objectionable sections.<sup>36</sup>

The importance of ensuring that a text would meet theological approval was elucidated when Bernard of Clairvaux himself had recourse to a critic. Bernard turned to his friend and fellow critic of new university methods of study, William of Saint-Thierry, to evaluate his treatise on grace and free-will.<sup>37</sup> To be sure, Bernard served as critic as well as subject. Gerhoh of Reichersberg (d. 1169), always careful to submit himself in advance to Church teachings, took the added precaution of sending his *Liber de Simoniacis* to Saint Bernard, asking him to confirm that his book was in strict conformity with the Christian truth.<sup>38</sup>

The need to ensure approval of religious texts extended beyond the English Channel. In 1159 John of Salisbury dedicated his *Polycraticus* to Thomas Beckett, assuring Beckett that everything contained therein was subject to his examination. John's submission of his book despite his great reputation for scholarship and piety could hardly fail to inspire others to submit their writing for scrutiny.<sup>39</sup>

While most of our evidence concerning authors' desire for review comes from purely religious texts, the case of Godfrey of Viterbo demonstrates that the ecclesiastical concern about literature in circulation extended beyond explicitly religious works. In 1186 Godfrey addressed his *Pantheon* to Pope Urban III, asking for the pope's approval.

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<sup>36</sup> *ibid.*

<sup>37</sup> *ibid.*, 12-13. Note that it was William who first appealed to Bernard to take action against Peter Abelard, which resulted in the council at Sens in 1140 where Abelard was to defend himself against charges of heresy.

<sup>38</sup> *Ibid.*, (passim) further notes that Gerhoh asked Eberhard, Archbishop of Salzburg, to examine Gerhoh's commentary on Psalms. After Eberhard approved of Gerhoh's commentary, Gerhoh sent his work to Pope Eugene III to share in the work of correction. Many years later, Gerhoh turned to Pope Alexander III with a request to correct certain Christological works.

<sup>39</sup> On John's dedication to Beckett see Christopher Brooke, "John of Salisbury and His World," in *The World of John of Salisbury*, ed. Michael Wilks, (Oxford: Oxford University Press, 1984), 7.

Even though the work was not overtly religious, dealing with history, Godfrey wanted the vicar of Saint Peter to judge his text on matters both earthly and heavenly.<sup>40</sup>

Upon examination of some of the above-mentioned texts, it becomes apparent that the authors did not want to circulate their work until it had received some kind of approval from authorities. Thus the monk Alan of Lille, a man of unquestioned scholarship and orthodoxy, betrayed the preoccupation typical of an author when he besought Hermengald, abbot of St. Gilles, to examine, judge, and approve his *Liber in Distinctionibus Dictionum Theologicalium* "before he delivers it publicly to the ears of others."<sup>41</sup>

To be sure, Alan commanded a degree of respect rare in his period.<sup>42</sup> Nonetheless, he felt compelled to have his book examined before allowing for its dissemination. Nor was Alan the only revered cleric to do so. As we have seen, Gerhoh of Reichersberg, one of the twelfth century's *grands veneures d'heresie*, regularly begged for an inspection of his texts. After the celebrated archdeacon of Bath, Peter of Blois, completed his treatise *De praestigiis fortunae*, a student asked to read it. Peter responded curtly that he might not have it yet; the book must be subjected to approval prior to public circulation.<sup>43</sup>

Perhaps no other set of circumstances provides as highly instructive an example of the desire for Church approval as that of Ralph of Niger. Ralph, native of England, arrived in Paris in 1160 as a student. Ralph eventually became a university master and

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<sup>40</sup> Flahiff, "Ecclesiastical Censorship," 17.

<sup>41</sup> *ibid.*, 16.

<sup>42</sup> On Alan's life, career and writings, see G.R. Evans, *Alan of Lille: The Frontiers of Theology in the Late Twelfth Century* (Cambridge: Cambridge University Press, 1983).

<sup>43</sup> Flahiff, "Ecclesiastical Censorship," 16. University masters (teachers) were expected to compose treatises which were often made up of their lecture notes. Students would then circulate these notes among themselves.

died sometime after 1194. His works, marked by an interest in biblical studies as well as his method of commenting on Scriptures and the allegorical character of his *De Re Militari*, suggest that Ralph was associated with the tradition that emanated from the school of St. Victor.<sup>44</sup>

Although there was little of the dialectician about him to arouse Church suspicion or unease, Ralph did not content himself with mere expressions of humility or desire for correction.<sup>45</sup> Even as an established master in Paris as late as 1190, he regularly had his commentaries on Scripture vetted by Maurice de Sully (1163-1196), bishop of Paris, and William of Champagne of the White Hands, archbishop of Rheims.<sup>46</sup> Ralph entreated these men of distinction to examine his work for both style and content before he allowed it public access.

Ralph Niger did not allow his book to be copied for several years as he repeatedly attempted to obtain papal approval. Early in 1191, after Maurice de Sully and Sens Archbishop Guy de Nuyers passed their positive review to Pope Clement III, Ralph eagerly awaited papal approbation. However, the pope died shortly thereafter, and his commission had no further force. While the fate of Ralph's opprobrium remains unknown, this episode is illustrative of the lengths to which a medieval writer would go to obtain ecclesiastical approval.

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<sup>44</sup> *De re militari* is a study of holy war, specifically the Third Crusade, *cum* Bible commentary. On Ralph's relationship to the Victorine school see Beryl Smalley, *The Study of the Bible in the Middle Ages* (Notre Dame: University of Notre Dame Press, 1964), 113-134.

<sup>45</sup> For an outline of Ralph of Niger's biography and works see G.B. Flahiff, "Ralph Niger: An Introduction to his Life and Works," *Mediaeval Studies* 2 (1940): 111-121.

<sup>46</sup> On William's highly influential role in the Latin Church see John R. Williams, "William of the White Hands and Men of Letters," in *Anniversary Essays in Mediaeval History*, ed. John L. La Monte and Charles H. Talyor (Boston: Houghton Mifflin Company, 1929), 365-389.

In sum, the prevalence of authors' seeking approval for their texts suggests that this request went beyond mere formula or formality. Authors' prefaces and letters ranged in tone from mere expressions of humility and apologies for undertaking so difficult a task, to general submission in advance to ecclesiastical authority and even explicit requests for the correction of certain works. One might be tempted to classify all of these as empty literary formulae, but the case of Ralph of Niger shows that these requests constituted a preliminary step in a procedure that resulted in a careful regulation of texts, ensuring that their authors, and the students of these authors, remained in the fold and under the care of the Church.

As we have seen, texts' potential authority heightened Church sensitivity, fostering an internal network of peer submission of texts. Churchmen recognized the power of writing and understood the importance of demonstrating their willingness to seek ecclesiastical approval. By the end of the twelfth century, however, the Church was also cognizant of literature that was circulating outside their purview. With an acute sense of textual reach, Church authorities began to take a more proactive stance regarding "outside" literature. In light of twelfth-century advances the Church now felt a heightened need to review, and if necessary, ban literature it found offensive.

This review of authors who sought approval for their texts indicates that a cadre of elite secular clergy took a leadership position in overseeing texts; likely this is another aspect of instituting hierarchy in Christian society.<sup>47</sup> Although members of the monastic orders produced many new manuscript copies as well as authored new texts, they did not

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<sup>47</sup> For some examples of hierarchy in social and religious ritual see Mervyn James, "Ritual, Drama and Social Body in the Late Medieval English Town," *Past and Present* 98, no. 1(1983): 3-29; John Bossy, "The Mass as a Social Institution, 1200-1700," *Past and Present* 100, no. 1 (1985): 29-61; and Sarah Beckwith, *Signifying God: Social Relation and Symbolic Act in York's Play of Corpus Christi* (Chicago: University of Chicago Press, 2001).

take a leadership role in text supervision; this role was becoming almost entirely a matter for members of secular Church aristocracy. Only ranking clerics such as cardinals, bishops of important dioceses, or ranking abbots were sought – that is, members of the apostolic succession.<sup>48</sup>

### Church Efforts to Contain Texts

By the beginning of the thirteenth century the Church grew increasingly alarmed by the developments of the twelfth century renaissance. Heresy seemed to be growing uncontrollably, secular authorities were not heeding papal calls, and new and dangerous ideas were percolating at the University of Paris, the generative center of medieval theology. For a church hierarchy that feared a ferment of thought which (it feared) gave rise to heresy, masters who displayed an original turn of mind aroused suspicion.

It should not surprise us, therefore, that after 1200 an increasing number of leading Christian thinkers came under scrutiny. Throughout the century, numerous scholastic works were condemned, accused of heresy or errors in doctrine.<sup>49</sup> Simon of Tournai was accused of heresy, John Scotus Eriugena's teaching was censured,<sup>50</sup> and in

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<sup>48</sup> For a representative sample of the relationship of vettors and vettees see Appendix B of this dissertation.

<sup>49</sup> The literature on medieval intellectual heresy is vast. See, inter alia, Leff, *Paris and Oxford Universities*; idem, *Heresy in the Later Middle Ages: The Relation of Heterodoxy to Dissent c. 1150-1450* (Manchester and New York: Manchester University Press, 1967); Fichtenau, *Heretics and Scholars*; Peter Biller and Barrie Dobson, eds., *The Medieval Church: Universities, Heresy, and the Religious Life: Essays in Honor of Gordon Leff* (Suffolk, United Kingdom and Rochester, New York: Boydell Press, 1999); Susan Reynolds, "Social Mentalities and the Case of Medieval Skepticism," *Transactions of the Royal Historical Society* 1 (Sixth Series) (1991): 21-41; Thijssen, *Censure and Heresy*; Peter Biller and Anne Hudson, eds., *Heresy and Literacy, 1000-1530* (Cambridge: Cambridge University Press, 1994); Luca Bianchi, *Censure et liberté intellectuelle à L'université de Paris (XIII-XIV siècles)* (Paris: Les Belles Lettres, 1999); Alexander Murray, *Reason and Society in the Middle Ages* (Oxford: Clarendon Press, 1978); and John Baldwin, *The Scholastic Culture of the Middle Ages, 1000-1300* (Lexington, Mass.: D.C. Heath and Company, 1971).

<sup>50</sup> J. Warichez, *Les Disputationes de Simon de Torunai* (Louvian: Spicilegium Sacrum Lovaniense Bureaux, 1932), pp. xix-xxvi.

1210 the Council of Paris condemned certain works of Aristotle, as well as the works of Almaric of Bène.<sup>51</sup>

### The Case of Peter Abelard

While Church authorities occasionally recalled and suppressed books prior to the twelfth century,<sup>52</sup> it was in that century that this practice became commonplace.

The first and most resounding case of ecclesiastical book banning was a significant turning point with regard to the ensuing attitude toward heretical teaching.

Peter Abelard was credited with initiating the intellectual acceleration of the twelfth century. A brilliant and influential philosopher, dialectician, and teacher, Abelard's arrogance and willingness to challenge authority likely contributed to his rebounding from one post to another. When charges were leveled against Abelard's writings in 1140, he was summoned to appear at Sens with his celebrated book on the Trinity.

According to Abelard – and he is the unique source for these details – nothing incriminating could be found in his text, resulting in a quandary for the legate as to what to do with him and his book. Finally, the legate condemned the book to be burned by the author's own hand. This decision did not stem from the book's heretical content; rather,

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<sup>51</sup> On these censures see Thijssen, *Censure and Heresy*, and Henri Denifle and Emile Chatelain, eds., *Chartularium Universitatis Parisiensis*, 4 vols. (Paris: 1889-1897).

<sup>52</sup> For example, Gottschalk was anathematized in 849 for his trinitarian and predestination beliefs as was Berengar of Tours in 1050 and 1059 for denying transubstantiation.

it was the fact that Peter had “taught the book publicly and allowed copies to be made without its being approved by the pope or Church.”<sup>53</sup>

Beyond presuming to teach in the first place, Abelard chose to expound his lesson to a mixed “public.” In doing so, Abelard obscured a fundamental distinction between the laity and clergy,<sup>54</sup> as the Church deemed these sermons inappropriate for the laity. By disseminating this information to the laity, Abelard was defying the authority of the Church who had placed restrictions on exposing Holy Writ to an unworthy audience.<sup>55</sup>

After being censured at Sens in 1140 and condemned at Rome in the following year, Abelard followed the advice of Peter the Venerable and joined him in the monastery at Cluny.<sup>56</sup> Before a gathering of the cloistered community — not on the “highways and byways,” where Abelard's enemies alleged that he had spread his message — Peter returned to the spoken word, but when he did so, it was never on his own initiative. What was reprehensible for *magister Petrus* had become acceptable in Peter the monk.<sup>57</sup>

One century later, Abelard's work and thought had gained sufficient acceptance to be incorporated into the core curriculum at the University of Paris.<sup>58</sup> This was made

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<sup>53</sup> Peter Abelard, *Historia Calamitatum* in (PL 178: 140-150), Dicebant enim, ad damnationem libelli satis hoc esse debere, quod nec romani pontificis nec ecclesiae auctoritate eum [libellum] commendatum legere publice presumpseram atque ad transcribendum iam pluribus eum [libellum] ipse prestissem.

<sup>54</sup> For the judgment and its context, with a focus on the ideological battle between Abelard and Bernard of Clairvoux, see Peter Godman, *The Silent Masters: Latin Literature and Its Censors in the High Middle Ages* (Princeton: Princeton University Press, 2000), 3-31, 93-103, 70-72, and 135-137.

<sup>55</sup> This is further supported by the fact that a number of the nineteen condemnations against Abelard issued at the 1140 Council at Sens are not actually found in Abelard's extant works. On this discrepancy see Jeffrey B. Russell, ed., *Religious Dissent in the Middle Ages* (New York: John Wiley & Sons, 1971), 79-83.

<sup>56</sup> Giles Constable, ed., *The Letters of Peter the Venerable* 1 (Cambridge: Harvard University Press, 1967), 14-17.

<sup>57</sup> Constable, *Letters of Peter the Venerable* 1, ep. 115, p. 307: “Hoc magister Petrus fine dies suos consummavit, et qui *singulari scientiae magisterio*, toti pene orbi terrarum notus, et ubique famosus erat, in illius discipulatu, qui dixit: ‘Discite a me quia mitis sum et humilis corde,’ mitis et humilis perseverans, ad ipsum ut dignum est credere, sic transivit.”

<sup>58</sup> On the role of Abelard in the university see John Baldwin, *Masters, Princes and Merchants*. For the continuing importance of Abelardian thought in scholasticism see also Julia Barrow, Charles Burnett, and

possible by Abelard's decision to submit to Church authority. Had Abelard not done so, his work would probably have been lost and forgotten.

### The Case of Gilbert de la Porrée

A similar procedure of literary censure occurred with Gilbert de la Porrée. In 1147 Gilbert de la Porrée was denounced by several teachers, including Peter Lombard, for his questionable commentary on Boethius' *De trinitate*. It is doubtful that Gilbert de la Porrée, Chancellor of Paris University in 1141 and teacher of John of Salisbury, would have drawn hostile notice to himself in 1147-8 had Abelard's opponents not created a precedent for censorship.<sup>59</sup>

In his 1148 meeting with Gilbert, Pope Eugene III required that Gilbert make changes in the text. Until such time as these alterations were completed, the book was not to be taught, kept by anyone, or given to be copied.<sup>60</sup> Although Gilbert repeatedly stated his willingness to retract any errors that might be found in his writings, the issue of Gilbert's errors ended in an impasse when it was discovered that, due to an administrative mishap, no one had brought his book to the 1148 meeting.<sup>61</sup>

As a result, the question of Gilbert's orthodoxy was to be postponed until the following year; meanwhile, the pope was to have Gilbert's treatise scrutinized. From a doctrinal point of view this result was indecisive, and Gilbert himself was not censured

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David Luscombe, "A Checklist of the Manuscripts Containing the Writings of Peter Abelard and Heloise and Other Works Closely Associated with Abelard and His School," *Revue d'histoire des textes* 14/15 (1983/1984): 183-302, and Yukio Iwakuma, "Some Hither-to Unedited Texts on Logic in ms Wolfenbüttel, 56.20 Aug. 80: An Edition," *Journal of Fukui Prefectural University* 1 (1992): 1-28. (I thank Professor Iwakuma for making me aware of his article.) For an argument of a more limited role Abelard's thought played in thirteenth century Paris see Jeffrey E. Brower's appendix Jeffrey E. Brower and Kevin Guilfooy, eds., *The Cambridge Companion to Abelard* (Cambridge: Cambridge University Press, 2004).

<sup>59</sup> R. L. Poole, *Illustrations of Medieval Thought and Learning* (London: 1920), 153.

<sup>60</sup> Karl Joseph von Hefele, *Histoire des conciles*, trans. H. Leclercq (Paris: 1908), 5:832-838.

<sup>61</sup> On this episode see Hefele, *Histoire des conciles*, 5:812-838.

for heresy. Regarding the book, however, the decision was clear-cut: it was not to be disseminated in any form.

### The Case of Almaric

The case of Master Almaric of Bène in the beginning of the thirteenth century is highly instructive for our purposes.<sup>62</sup> Almaric was a member of the faculty of theology at the University of Paris. In 1204 he was accused by some members of the university of maintaining a unique method of teaching and learning and of formulating opinions and judgments distinct and separate from all others.<sup>63</sup> Of greatest concern was Almaric's recruiting students to study unapproved texts – or at least unapproved commentaries. After hearing Almaric's position and the contrary views presented by scholars of the university, Pope Innocent III decided against him.

It is important to note that the purpose of the proceedings against erring academics was correction rather than punishment. An academic who was willing to recant the views that his superiors found problematic could be fully exonerated. Almaric was made to recant his views, but did not do so to the satisfaction of the papal authorities.<sup>64</sup> He died shortly thereafter and was punished posthumously by exhumation and reburial in unconsecrated ground. Almaric was excommunicated by all churches in the vicinity of the monastery of St. Martin de Champs where he was initially buried.

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<sup>62</sup> On Almaric, see most recently J.M.M.H. Thijssen, "Master Almaric."

<sup>63</sup> Henri F. Delaborde, ed., *Oeuvres de Rigord et de Guillaume le Breton, historiens de Philippe-Auguste* (Paris: 1882), 230-231.

<sup>64</sup> The precise nature of the Almarican heresy is not spelled out in the source material. Heresies scholars attribute to the Almaricans can be grouped around three themes: pantheism, the attainment of spiritual perfection on earth, and antisacramental views. It should be noted that Thijssen, "Master Almaric," is of the opinion that the term "pantheism" encapsulates the Almaricans' heresy.

The severity of Almaric's punishment was an ecclesiastical response to the widespread nature of Almarican influence. Reportedly, the Almaricans had been actively preaching in some of the important dioceses of the Ile-de-France such as Paris, Troyes, and Sens.<sup>65</sup> Thus, Almaric and his followers represent one of the first clearly textual communities to be banned.

The study of these three accused academics reveals a progression in the Church's apprehensions. In the case of Abelard, who was the first, the heresy accusations against him personally were ultimately dismissed (though his books were burned). Gilbert's case, which took place some years later, was slightly more incriminating. His book was suppressed, and Gilbert evaded conviction through circumstance rather than vindication. However, Almaric's punishment was the most severe – despite his willingness to recant, he was excommunicated and buried in unconsecrated ground. This reflects increased sensitivity to uncontrolled texts on the part of Christian authorities, and its impetus to act with greater severity – a condition which ultimately contributed to the 1240 Debate.

### Papal Control Over Universities

The controversy surrounding these three individuals was evident on the broader spectrum as well. Abelard, Gilbert, and Almaric were university masters, a factor which contributed to the increased scrutiny of universities at this time. Teaching at the Paris schools were growing increasingly crucial to the papacy at this time, as the place of texts

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<sup>65</sup> For the steps a 1210 Parisian synod took against Almaric and his followers, see Thijssen, "Master Almaric." On the widespread activity of the Almaricans see Wakefield and Evans, *Heresies of the High Middle Ages*, 260, and Jeffrey B. Russel, *Dissent and Order in the Middle Ages: The Search for Legitimate Authority* (New York: 1992), 76-79.

in urban society was eclipsing oral culture by the early thirteenth century.<sup>66</sup> As such, when doctrine and text were produced in western Christendom's think-tank in this expansive age, the papacy began to act with extreme caution.

Early ecclesiastical opposition to the new learning was voiced by Bishop Stephen of Tournai, who inveighed against the novel developments of the universities at Paris in 1197. Stephen accused schools of neglecting study of the church fathers in favor of their own self-promoting compositions. Moreover, contrary to the sacred canon and traditional practice, there was public disputation about the incomprehensible deity: the Incarnation and the Trinity. Without clerical management and control, such sensitive issues threatened to result in errors and blasphemies.<sup>67</sup>

Senior clerics rarely sanctioned or censured an individual Paris master or his stances. However, in 1210 Innocent III limited the number of theology professors at Paris to eight, allowing him greater control over the quality and theological culture of the university.<sup>68</sup> Pope Honorius III reiterated this bull in 1218.<sup>69</sup>

The most extensive papal restrictions came in 1210, when the Council of Paris excommunicated Almaric of Bène, and forbade the use of Aristotle's *Physics* and *Metaphysics*.<sup>70</sup> These papal documents, reiterated in 1215, did not specify actual offenses. The ambiguity surrounding the reason for these papal restrictions is underscored by the scatter of scholarly opinion, with suggested targets ranging from

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<sup>66</sup> On the development of the Parisian university and the role of the papacy during a crucial period of its development see Stephen C. Ferrollo, *The Origins of the University: The Schools of Paris and their Critics, 1100-1215* (Stanford: Stanford University Press, 1985), esp. 288-295.

<sup>67</sup> Lynn Thorndike, *University Records and Life in the Middle Ages*, (New York: Columbia University, 1945), I:47-48.

<sup>68</sup> *Ibid*, I:65.

<sup>69</sup> *Ibid*, I:85.

<sup>70</sup> Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, 1:70.

allegations of pantheism to the dualism of the Cathars.<sup>71</sup> The ecclesiastical restrictions placed on university literature, popular texts, and communities whose beliefs were deemed theologically unacceptable, further attested to the fears of the Church: the possible undermining of apostolic succession and Church domination of procedure and ecclesiastical policy.

Concerns about the dangers of texts and their resulting communities came to a head with Peter Lombard's *Sentences*. Peter Lombard was the bishop of Paris and a twelfth century theology master at Notre Dame. His book, the *Sentences*, achieved enormous popularity and influence. Still, the *Sentences* was attacked by Walter of St. Victor, who did not like its method. Ultimately, the clout of the Fourth Lateran Council was necessary to establish the orthodoxy of the book and its author.<sup>72</sup>

Opponents of the book were less concerned by the *Sentences'* content than with its popularity and potentially dangerous influence. Lombard's *Sentences* served as the center of an important textual community within the university's theology department. Thus, the controversy surrounding the most influential university textbook in the Middle Ages speaks to the new awareness within the Church of the importance of communal organizations, and the place that texts occupied in those communities.<sup>73</sup>

The struggle to incorporate Aristotle's work into the university curriculum is also illustrative of ecclesiastical concern. Over the twelfth century the entire corpus of

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<sup>71</sup> See Thijssen, "Master Almaric," 47. On this see Hastings Rashdall, *The Universities*, I:355; and Wakefield and Evans, *Heresies of the High Middle Ages*, 39. On Catharism in Northern French universities see Peter Biller, "Northern Cathars and Higher Learning," in *The Medieval Church: Universities, Heresy, and the Religious Life: Essays in Honor of Gordon Leff*, ed. Peter Biller and Barrie Dobson (Woodbridge, UK: Ecclesiastical History Society and The Boydell Press, 1999), 25-54.

<sup>72</sup> Flahiff, "Ecclesiastical Censorship," 7.

<sup>73</sup> See for example, Mary Martin McLaughlin, *Intellectual Freedom and its Limitations in the University of Paris in the Thirteenth and Fourteenth Centuries* (New York: Arno Press, 1977), chaps. one and two; Thijssen, *Censure and Heresy*; and Godman, *The Silent Masters*.

Aristotelian literature was recovered and translated into Latin. Aristotelian thought wrought a double revolution in scholasticism, for it introduced new methods of logic and turned philosophy into an important discipline in its own right. Furthermore, familiarity with Aristotelian methodology demanded that the Christian texts be reexamined in a new light.<sup>74</sup>

The teaching of a text unsanctioned by the Church at the University of Paris was unacceptable, and between 1210 and 1230 Aristotle's more philosophical works were banned. However, after the Papal See examined these texts in 1231, they were formally permitted to be studied at the university.<sup>75</sup> The banning of Aristotle's texts' prior to papal examination, and subsequent reinstatement, suggests that it was not their content but their lack of formal Church approval which had rendered them problematic.

### Vernacular Bibles

The importance of the Bible in the Middle Ages is evident in art and manuscript-production, in liturgy and the practice of prayer, in music, in the monastic world, in law, in the schools and universities, in literature, in commerce, and in the understanding of time and history. Biblical texts were especially influential.<sup>76</sup>

Until the late twelfth century the Bible was at least as important as other means of propagating Christianity. Sermons, art, and liturgy were all examples of ways to disseminate the faith and keep it under control; priests, as part of the apostolic succession,

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<sup>74</sup> One important study of this scholastic development is Gordon Leff, *Paris and Oxford Universities*, esp. chapter four.

<sup>75</sup> Flahiff, "Ecclesiastical Censorship," 7. For a record of the papal positions on texts in the universities see Denifle and Chatelain, *Chartularium Universitatis Parisiensis*, 1:60-84.

<sup>76</sup> On the stress of the text of the Bible rather than other representations of the Bible, see James H. Morey, *Book and Verse: A Guide to Middle English Biblical Literature* (Chicago: University of Illinois Press, 2000), chapter 1, esp. 9 and 12-23.

were entrusted to spread the Word of God. When literacy achieved importance in the twelfth century, however, the means of transmitting Christian ideals and theology became more focused on the text and on anyone who could interpret it. Indeed, Stephen Jaeger sees a “body-text shift” between the eleventh and thirteenth centuries which was part of a “tremendous shattering of tradition” where we move from a charismatic culture to an intellectual culture, which takes us from authority to reason, from real presence to symbolic (with important repercussions for Christian theologians seeking to understand the Incarnation and the Eucharist), from realism to nominalism, from itinerant kingship (real presence) to administrative (representative) kingship, from oral to written transmissions. Increasingly, handing down the Christian position became less a matter of “who” than “what.”<sup>77</sup>

Therefore, the Church elite was entrusted with the sacred transmission of the Bible in all its forms, and undertook the sacred responsibility to manage it, ensuring that religious instruction remained within members of the apostolic succession. Latin was the “secret and mysterious” language used to ensure the dominance of the educated elite. As long as the actual text of the Bible was limited to those who knew Latin, the Church was able to control the spread and commentary of religious text.

The possibility that lay people could learn to understand Latin, especially those speaking romance vernaculars not terribly different from Latin, posed a threat to the Church. Knowledge of Latin could allow studious listeners and readers independent knowledge of the text. In the words of one thirteenth-century philosopher,

he who guards his tongue is wise. One who speaks Latin in the presence of Romance speakers, and above all the laity, so that they understand

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<sup>77</sup> See Jaeger’s *Scholars and Courtiers: Intellectuals and Society in the Medieval West* (Burlington, VT: Ashgate Variorum, 2002); and idem, *The Envy of Angels*, esp. 4-11.

everything, is to be excoriated. And one who always speaks Latin obscurely so that no one understands him except clerics, is to be praised. And so all clerics ought to speak their Latin as obscurely as they are able, and not in the presence of romance speakers.<sup>78</sup>

Thus learning Latin – and thereby acquiring access to the world of learning, especially Scripture – was discouraged because it threatened the position of the literate and religious elite.

What the Church needed to address now, however, was the proliferation of non-Latin religious writings which were accessible to the lay populace. This literature included anything from sermons and performative dramas to strictly non-canonical versions of the Bible.<sup>79</sup> Together with other contemporary religious literature, the Bible was a sacred text whose dissemination required Church monitoring. In order to maintain their handle on the Christian faith, an important avenue open to the church hierarchy was to severely control the spread of bibles, particularly vernacular bibles which were much easier for the uninitiated to read.

Pope Gregory VII disallowed vernacular bibles in the eleventh century. When King Vratislaus of Bohemia asked Gregory VII in 1079 for permission to perform sacred rites in Slavonic the pope prohibited this, for such a course would necessitate translating parts of Scripture:

...we can by no means favorably answer this petition of yours. For it is clear to those who reflect often upon it, that not without reason has it pleased Almighty God that Holy Scripture should be a secret in certain

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<sup>78</sup> Michael Richter, "Latina Lingua sacra vel vulgaris" in *The Bible in Medieval Culture*, ed. W. Lourdaux and D. Verhlest (Leuven: Leuven University Press, 1979), 16-34, esp. 33, quotes the thirteenth century philosopher Virgilius from Cordoba: Qui custodit linguam suam sapiens est. Ille est vituperandus qui loquitur latinum circa romancum, maxime coram laicis, ita quod ipsi met intelligunt totum. Et ille est laudandus qui semper loquitur latinum obscure, ita quod nullus intelligat eum nisi clerici; et ita debent omnes clerici loqui latinum suum obscure in quantum possunt et non circa romancium.

<sup>79</sup> On what a vernacular bible meant in medieval society, see Brian Murdoch's *The Medieval Popular Bible: Expansions of Genesis in the Middle Ages* (Cambridge: D.S. Brewer, 2003), 1-10.

places, lest, if it were plainly apparent to all men, perchance it would be little esteemed and be subject to disrespect...<sup>80</sup>

Translating Scripture, apparently, would make it too readily available to those who lacked proper learning and at risk for misuse. As with other religious literature, one has the sense that the pope wanted to keep the Bible for himself and for those he could trust.

Gregory VII's letter forbidding the performance of sacred rites in the vernacular was not included in Gratian's *Decretum*, suggesting that the issue was not considered important at that time. But within one hundred years the issue of vernacular texts had achieved some urgency, and the question of vernacular texts and religious expression featured prominently at the Third Lateran Council. Walter Map, papal legate of Alexander III to the Third Lateran Council, described the fierce opposition to vernacular literature in his *De nugis curialium*.

The papacy's concerns associated with the proliferation of vernacular translations persisted with Alexander's successor, Innocent III, a central figure in the question of vernacular bibles and the question of lay piety. In some respects, Innocent III appears to have been accommodating of the use of vernacular texts. He went so far as to establish a rule under which members of one sect of lay religious in Lombardy – the Humiliati – lived communally and preached to one another.<sup>81</sup> Innocent recognized and valued the piety of simple folk, and consented to lay preaching and vernacular texts – provided he could ensure the absence of any heresy.

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<sup>80</sup> Quoted and translated in Margaret Deanesly, *The Lollard Bible and other Medieval Biblical Versions* (Cambridge: Cambridge University Press, 1920), 24.

<sup>81</sup> See Brenda Bolton, who points out in "Innocent III's Treatment of the Humiliati," in C.J. Cuming and D. Baker, eds. *Studies in Church History: Popular Beliefs and Practices* (Cambridge: Cambridge University Press, 1972), that licenses were required from bishops for any preaching.

Innocent's tolerance of authorized vernacular text use by the laity is most clearly articulated in his dealings and dialogue with the community of Metz. In a letter dated July 12, 1199, Innocent responded to concerns of the Bishop of Metz about French translations and lay use of biblical texts:

The Bishop of Metz has signified to us that...a multitude of laymen and women, led by a desire of understanding scriptures have translated for themselves the gospels...into the French tongue. They intend with this translation...to preach to each other...Now although the desire of understanding holy scriptures, and zeal for exhorting in accordance with them, is not to be reprehended but rather commended; yet in this matter certain laymen appear to be justly accused: because they hold secret conventicles...<sup>82</sup>

Innocent's initial reaction upon learning that laypeople in Metz were reading vernacular bibles was rather positive. His lone reservation, apparently, was the unsupervised secret meetings where laymen and women studied and preached.<sup>83</sup> Here too, it was not Bible study or vernacular texts per se that were offensive to the Church, but rather Bible study that was unsupervised or unsanctioned:<sup>84</sup>

“Assuredly there is nothing that is not laudable in the desire to understand the Scriptures, but to meet in secret, to usurp the ministry of preaching, to dispense with the ministry of the priest, to the extent of scorning it, there lies the evil, and some remedy must be devised... There remains for you, therefore, but one thing to do, namely to obey. Do so voluntarily, and you will not be compelled by force.”

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<sup>82</sup> This was promulgated by Gregory IX in 1234. See Morey, *Book and Verse*, 45.

<sup>83</sup> Innocent's letter reveals a subtle and measured approach to the question set to him by the Bishop of Metz. This gave rise to some scholarly debate as to Innocent's intention – was really opposed to biblical translation per se or was he merely reiterating Map? Regardless, as Innocent's letter has been cited through the ages, it conveyed at the very least that translations were indeed forbidden by the pope. What powerful individuals are thought to have said is always more important than what they may have intended. On this issue see Deanesly, *The Lollard Bible*, esp. 32-33, Leonard E. Boyle, “Innocent III and Vernacular Versions of Scripture,” in *The Bible in the Medieval World: Essays in Memory of Beryl Smalley*, ed. Catherine Walsh and Diana Wood (Oxford: Blackwell, 1985), 97-112, and Morey, *Book and Verse*, 33-34 for a summation of the debate.

<sup>84</sup> Innocent takes a subtle and measured approach to the question set to him by the Bishop of Metz. This is most apparent in the opposite interpretations of this letter by Deanesly, *The Lollard Bible*, and Bolton, “Innocent III's Treatment.”

To the bishop, the pope added:

“Why do you not tell me whether these people err as regards the faith, whether they depart from wholesome doctrine? Inquire into this without delay; be in a position to tell me especially who is the author of that translation; what is his object in view; what faith do they who read it profess, and the reason of their teaching? Do they hold our Apostolic See and the Roman Church in veneration? We desire to be clearly informed concerning these things for our guidance.”

Innocent’s letter is highly instructive. He was not opposed to the laity studying Scripture; in fact he initially encouraged it – strictly within the framework of the papal court. While ultimately Innocent took issue with uncontrolled preaching and secret gathering which he feared would lead to heresy, he did not perceive vernacular bibles as intrinsically threatening.<sup>85</sup>

The popularization of Scripture in the language of the country continued apace with the growth of the pro-Biblical movement. However, the Church ultimately regarded the “conventicles” founded in the city of Metz for the purpose of Bible study as heterodox. In fact, shortly after Innocent’s letters circulated, unauthorized translations of religious literature were shunned.

Evidence of this outright suppression appears in Alberic’s account for the year 1200: “Likewise in the city of Metz a [heretical] sect was swarming, the Waldensians, and certain abbots were sent to preach, who burnt certain books translated from Latin into Romance, and they extirpated the aforementioned sect.”<sup>86</sup> In addition to Metz,<sup>87</sup> mention

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<sup>85</sup> On this episode in Metz and the exchange of letters see Leonard E. Boyle, “Innocent III,” 97-107. Boyle carefully translates the correspondence and argues vigorously that Innocent was not opposed to vernacular versions of the Bible, in Metz or anywhere else.

<sup>86</sup> Alberic of Trois-Fontaines, *Chronica Albrici monachi Trium Fontium a monachi novi monasterii Hoiensis interpolate*, ed. Paul Scheffer-Boichorst, MGH SS, XXIII:631-950. On this see both Boyle, “Innocent III,” and Deanesly, *The Lollard Bible*, as well as Morey, *Book and Verse*. “Item in urbe Metensi pullulante secta que dicitur Valdensium, directi sunt ad predicandum quidam abbates, qui quosdam libros de Latino in Romanum versos combusserunt et predictam sectam extirpaverunt.”

of vernacular translations in connection with anathematizing heresy occurred at Liege in 1202,<sup>88</sup> and at Trier in 1231,<sup>89</sup> as well as Rheims;<sup>90</sup> biblical translations were further forbidden by the council of Toulouse in 1229<sup>91</sup> and by an act of the king of Aragon and his bishops in 1234.<sup>92</sup> Northern Europe was awash in vernacular religious literature and broad efforts were made to suppress it.

### Popular Study Groups and Papal Reaction

In contrast, within the purview of the Church, many religious writings in the vernacular were accepted and even encouraged. The Fourth Lateran Council endowed parochial priests with the power to receive the confessions of all parishioners' mortal sins at least once a year. In addition to confessing sins, the penitent was to be contrite, to present a clean heart. As such, Church dignitaries developed a wave of penitential literature directly concerned with the penitent and her or his education. Since contrition and purity of heart – the personal efforts of the penitent – had gained significance in confession and penance, it was important that the individual penitent receive some instruction in how to confess properly, how to combat sin, how to develop the sought–

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<sup>87</sup> Samuel Berger, *La Bible française au moyen âge: Etude sur les plus anciennes versions de La Bible écrites langue d'oïl* (Paris: Hatchette, 1884), 38, ff.

<sup>88</sup> Paul Fredericq, ed., *Corpus documentorum Inquisitionis Hereticae Pravitatis Neerlandicae*, 5 vols. (Ghent and The Hague, 1889-1906), I:63.

<sup>89</sup> Fredericq, *Corpus documentorum*, II:41.

<sup>90</sup> Berger, *La Bible française*, 116.

<sup>91</sup> Hefele, *Histoire des conciles*, 2:1498.

<sup>92</sup> *ibid.*, 5:1037 and 2:1559. The issue of vernacular bibles and their influence was, apparently, a matter of some scholarly dispute at the turn of the century. See Berger, *La Bible française*, and Paul Meyer's review essay thereof in *Romania* 18, 121-141. For further bibliography on this matter see Haskins, "Robert le Bougre," 255n.7.

after purity of heart. We should not be surprised, then, by an appreciable increase in penitential literature in the vernacular all over Europe at this time.<sup>93</sup>

The Church acceptance of the vernacular within the structure of certain Christian ritual was evident in other areas as well. At Worcester in 1229, Church officials determined that the lay person was to be instructed in the Creed “in the language known to him” before being admitted to confession. At Salisbury in 1217 Bishop Richard Poore ordered that the Creed be taught in the vernacular and that the form of marriage be proposed and expounded to the bride and groom in their mother tongue.<sup>94</sup> Consistent with Innocent’s position, the issue was not a fear of the vernacular, but rather a fear of unsupervised and uncontrolled religious texts.

Innocent’s protégé Pope Gregory IX shared his mentor’s view concerning vernacular texts and incorporated part of Innocent’s letter in his *Decretals* by which it attained universal canonical application.<sup>95</sup> The prohibition of vernacular texts was in fact repeated and expanded at the Council of Toulouse in 1229 under Gregory IX, and the papal legate, Cardinal Romain Frangipani. The introduction to the register of this Council notes that it was well attended by cardinals, archbishops, and bishops:<sup>96</sup>

“Lay people shall not have books of Scripture...and they shall not have these books in the vulgar tongue. Moreover we prohibit that lay people should be permitted to have books of the Old or New Testament, except perchance any should wish from devotion to have a psalter, or a breviary for the divine office, or the hours of the blessed Virgin: but we most

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<sup>93</sup> Quoted in Boyle, “The Fourth Lateran Council,” 34-35. Boyle attributes the flowering of vernacular religious literature in the latter half of the thirteenth century and beyond to the constitution of the Fourth Lateran Council beginning *Omnia utriusque sexus*.

<sup>94</sup> *Ibid.*

<sup>95</sup> Emil Friedberg, ed., *Corpus Iuris Canonice* (Leipzig, 1881), 2:785.

<sup>96</sup> For a summary of the articles of the Council of Toulouse see Hefele, *Histoire des conciles*, 5:1494-1501. For a general treatment see John Hine Mundy, *The Repression of Catharism at Toulouse: The Royal Diploma of 1279* (Toronto: Pontifical Institute of Mediaeval Studies, 1985).

strictly prohibit their having even the aforesaid books translated into the vulgar tongue.”<sup>97</sup>

Toulouse was not yet an archbishopric, but the synod held there extended far beyond provincial authority. Its decrees were confirmed by the archbishops of Narbonne, Bordeaux, and Auch, many bishops and other prelates, by the legate of the Apostolic See, Bonaventura, Cardinal of St. Angelo; it was also signed by the Count of Toulouse and a number of secular barons.<sup>98</sup> Later, in Béziers, a 1246 council declared that “theological books shall not be kept either...in Latin...or in the vulgar tongue.”<sup>99</sup> ‘Theological books’ no doubt referred to vernacular bibles, consistent with Etienne’s words about the heretical usurpation of preaching: “And especially of the Gospels and other books of the New Testament, which they learn...in the vernacular...”<sup>100</sup>

One would suppose that a Church founded upon a Scripture containing sections that were at least twice removed from the original (Septuagint and Vulgate) would be sympathetic to any orthodox, non-heretical treatment of same. However, the case of the Waldensians (which will be discussed in the next section), whose orthodoxy was never in question, demonstrates that all unauthorized vernacular translations of Scripture were anathematized.<sup>101</sup> As a body of uncontrolled religious literature, translations of the Bible were subject to mandatory review by the Church.

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<sup>97</sup> Cited and translated in Deanesly, *The Lollard Bible*, 36-37. “Ne laici habeant libros Scripturae, praeter psalterium, et Divinum officium: at eos libros ne habeant in vulgari lingua. Prohibemus etiam, ne libros veteris testamenti aut novi, laici permittantur habere: nisi forte psalterium, vel breviarium pro Divinas officiiis, aut horas beatae Mariae aliquis ex devotione habere velit. Sed ne praemissos libros habeant in vulgari translatos, arctissime inhihemus.”

<sup>98</sup> On this see Deanesly, *The Lollard Bible*, 36.

<sup>99</sup> Giovan Domenico Mansi and Philippe Labbe, eds., *Sacrorum Conciliorum, nova et apissima collectio* (Graz: Akademische Druck-u. Verlagsanstalt, 1960), 23:724.

<sup>100</sup> Deanesly, *The Lollard Bible*, 38-9, 307-309.

<sup>101</sup> On the orthodoxy of the Waldensians, see Deanesly, *The Lollard Bible*, 26-42, esp. 30. Even the severest critics of earlier Waldensians, such as Etienne de Bourbon, Walter Map, and Alan of Lille, make no accusation of heresy or the falsity of their translation. On the lone exception to the case, see Deanesly, *The Lollard Bible*, 30n1. More recently Morey, *Book and Verse*, chapter two, supports Deanesly’s

## Waldo and the Birth of Waldensianism

It is in the person of Peter Waldo that the Biblicist agitation found its most ardent exponent. Waldo was a citizen of the city of Lyons in France about the year 1170. The sudden death of one of the prominent citizens of Lyons at a banquet so shocked Waldo that he gave his property to the poor, taught them to imitate the voluntary poverty of Christ and the Apostles, and forthwith began to translate the Bible into the vernacular.<sup>102</sup> Waldo began preaching, and according to the reports of various Church members, Waldensians spread throughout Latin Christendom.<sup>103</sup> Despite Waldo's pietistic intentions, Church authorities objected to Waldo's independence; Waldo's rapidly growing coterie did not ease Church antipathy.

The orthodoxy of the Waldensians was affirmed even by their opponents. The Dominican friar Etienne de Bourbon excoriated Waldo for translating parts of the Bible. However, he made no mention of doctrinal or behavioral deviance; if anything, Etienne was guardedly optimistic about Waldo's proposal to "observe evangelical perfection."<sup>104</sup> Regarding their actual translations, we have only one record accusing the Waldensians of error and even that one does not attribute any detrimental significance to the perceived mistranslations.<sup>105</sup>

Walter Map, legate of Pope Alexander III at the Third Lateran Council in 1179, refuted the Waldensians. Map's account appears in his *De nugis curialium*:

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position. On the Waldensians see Malcolm Lambert, *Medieval Heresy*; Wakefield and Evans, *Heresies of the High Middle Ages*, 202-208; and Edward Peters, *Heresy and Authority in Medieval Europe* (Philadelphia: University of Pennsylvania Press, 1980) .

<sup>102</sup> It is possible that other texts such as the *Sentences* were also translated. See Lambert, *Medieval Heresy*, Deanesly, *The Lollard Bible*, and Morey, *Book and Verse*.

<sup>103</sup> The classic review of Waldensianism is Lambert, *Medieval Heresy*.

<sup>104</sup> Quoted and translated *ibid.*, 26.

<sup>105</sup> Quoted in Deanesly, *The Lollard Bible*, 30.

“At the Roman Council under Pope Alexander III I saw some Waldensians, simple illiterate men, called after their leader Waldo, who was a citizen of Lyons, on the Rhône. They offered the open book written in the French tongue, in which was contained the text, with a gloss, of the Psalter and many of the books of the two Testaments. They pressed very earnestly that the right of preaching should be confirmed to them; for in their own eyes they were learned, though in reality hardly beginners. It is the common case that birds which do not see snares or nets think that there is a free passage everywhere. ...Do we not see that those who practice themselves all their days in subtle discourse, who hardly can either entrap others or be entrapped, the explorers of the deepest depths – are not they, fearing offense, always cautious in their utterance about God, whose state is so high that that neither praise nor the strength of prayer can mount to him unless His mercy draws it? In every letter of the divine page there flit on the wings of virtues so many sayings, there is heaped up such wealth of wisdom that any to whom the Lord has given the means can draw from its fullness. Shall then the pearl be cast before swine, the word be given to the ignorant, whom we know to be unfit to take it in, much less to give out what they have received? Away with such a thought, uproot it! From the head let ointment go down to the beard and thence to the clothing; from the spring let the water be led, not puddles out of the streets.”<sup>106</sup>

Map’s tone was sarcastic, his similes unflattering, and his tenor condescending.

The bird metaphor delineated Map’s most serious objection, and the two *nonne* clauses rhetorically contrasted the university scholars with the rude Waldensians. Map’s objection was not that neophytes had dared to produce a bible, but that they presumed to offer interpretations in matters properly addressed only by those qualified to do so. As with aforementioned cases like Abelard, Porree, and Almaric, control rather than heresy

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<sup>106</sup> Walter Map, *de Nugis Curialium*, ed. Montague Rhodes James (Oxford: Oxford University Press, 1914), 124: “Vidimus in concilio Romano sub Alexandro papa tertio celebrato Valdesios, homines ydiotas, illiterates, a primate ipsorum Valde dictos, qui fuerat ciuis Lugduni super Rodanum, qui librum domino pape presentauerunt lingua conscriptum Gallica, in quo textus et glosa Psalterii plurimorumque legis utriusque librorum continebantur. Hii multa petebant instancia predicacionis auctoritatem sibi confirmari, quia periti sibi uidebantur cum uix essent scioli. Moris etenim est ut aues, que subtiles non uident laqueos aut rete, liberos ubique credant meatus. Nonne qui capciosus exercitantur tota uita sermonibus qui capere et capi uix possunt, profunde rimatores abissus, nonne hii timentes offensam reuenter omnia de deo proferunt, cuius tam celsa dignitas ut nulle possint ad eam laudes uel oracionum uirtutes ascendere nisi misericordia traxerit illas? In singulis diuine pagine apicibus toto uolitant pennis uirtutum sentencie, tot sapencie accumulatur opes, ut de pleno posit haurire cui[cun]que Deus donauerit in quo. Nunquid ergo margarita porcis, uerbum dabitur ydiotis, quos ineptos scimus illud suscipere, nedum dare quod acceperunt? Absit hoc, et euellatur. A capite descendat unguentum in barbam, et hinc in uestimentum; a fonte deriuentur aque, non a plateis paludes

was the issue here. This was emphasized by Map's paraphrase of Psalm 132.<sup>107</sup> This psalm celebrates the fraternity of the priestly caste, and Map was outraged by the efforts of the interlopers.

On the surface, Map was calling for the necessity of proper qualifications. But a reading of Map in light of the biblical echoes he employed reveals Map's arrogating any possibility of biblical study to a dominant elite. In the same chapter, Map stated as much: "quos si admiserimus, expellimur" (if we let them in, we will be expelled).

Coalescing at the end of the twelfth century, members of the Waldensian movement were largely illiterate; the earliest dated extant Waldensian bible dates to the mid-thirteenth century Paris.<sup>108</sup> Despite the oral nature of its delivery, however, religious officials recognized the importance of the vernacular text to the Waldensian society. Church authorities recognized the Waldensians as an unauthorized textual community and therefore, sought to control it concretely by anathematizing Waldensian texts. Ecclesiastical leaders were as eager to eradicate this movement as it was to efface the more literate Cathar network, though elimination of the latter did prove a good deal more vexing.

That Church officials were intent on destroying the unambiguously orthodox, yet independent, Waldensians is highly illustrative. In the climate of the thirteenth century the Church was uneasy about the growth of self-conscious communities and could not tolerate an autonomous community, especially one of a religious nature. The case of f

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<sup>107</sup> Map, *de Nugis Curialium*, 126. "Ecce quam bonum et quam decorum habitare fraters in uno sicut unguentum optimum in capite quod descendit in barbam, barbam Aaron, quod descendit super oram vestimentorum eius." (Behold how good and how pleasant it is for brethren to dwell together in unity, like the precious ointment on the head, that ran down upon the beard, the beard of Aaron, which ran down to the skirt of his garment.)

<sup>108</sup> Berger, *La Bible française*, 35-50.

Waldo may serve as a prototype then, suggesting that vernacular bibles were not problematic per se. Rather, it was these bibles' cooption by movements which were independent or not aligned with apostolic succession that aroused ecclesiastical ire.

This may also explain, at least in part, the seemingly excessive reaction by the Chancellor of the University of Paris to the Waldensian heresy as expressed by one Echard, a baker of Rheims, probably in the beginning of the 1230s. Following a sermon castigating Echard wherein the chancellor focused on communities of literacy, the council of Rheims decreed that the books of Holy Scripture should no longer be translated into the Gallic tongue. The chancellor reserved his greatest rhetorical flourish for alternate communities: "the congregation of those who form a pernicious union; its bakers are the sowers of schism...and [Echard] was handed over to the oven of temporal punishment and then to the oven of Hell."<sup>109</sup>

This was not the chancellor's only sermon casting Echard as a prime enemy. In a number of sermons delivered at Lyon, he railed against heretics, not for serious doctrinal offenses, as would be expected, but rather for their usurpation of preaching and confession, privileges exclusive to those in apostolic succession. Summing up the faults of the Waldensians, the chancellor concludes: "Those heretics who sin like Echard, the baker of Rheims, hold wrong opinions concerning the power of the keys." Heresy, then, was not merely a theological problem. Based on the chancellor's condemnation of Echard, the issue of heresy was supervisory and managerial in nature as well as

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<sup>109</sup> For a fuller treatment of Echard, see Haskins, "Robert le Bougre," and idem, "The Heresy of Echard the Baker of Rheims," in *Studies in Medieval Culture* (New York: Frederick Ungar Publishing, 1929), 245-256.

religious.<sup>110</sup> Bible translation or interpretation, especially by those who lacked apostolic succession, was threatening to the ecclesiastical hierarchy.

Echard was condemned by a local council and burned. At his sentencing, the council forbade translation of the Bible into the vernacular.<sup>111</sup> This ban on vernacular bibles is a sharp illustration of increasing efforts by the Church to control literacy.

### Peter Comestor, the Exception that Proves the Rule

It is important, however, to note a significant exception to Church bans on translated or glossed bibles. By 1173 Peter Comestor, chancellor of Notre Dame in Paris, completed his magnum opus, the *Historica scholastica*.<sup>112</sup> Peter produced the *Historica* as a biblical abridgement and gloss for students at the cathedral school of Notre Dame. By the thirteenth century the *Historica* became a ‘set book’ in the schools and formed the subject of lecture courses.

Comestor’s intended audience, however, went beyond the universities. Because of its comprehensive assembly of apocryphal and legendary elements – it runs from Genesis through the Ascension of Christ in the synoptic gospels – and because of its frequent translation and paraphrase, the *Historica* was the single most important medium through which a popular Bible took shape. According to Rosemarie McGerr, editor of the prologue and the text of Chapter 11 of the *Historica* (PL 198:1065, commenting on

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<sup>110</sup> Bernard of Clairvaux’s letter to Archbishop Henry of Mainz assailing Rudolph the monk on the eve of the Second Crusade is also telling: “I find three things most reprehensible in him: unauthorized preaching, contempt for Episcopal authority, and incitement to murder...” Cited in translation in Robert Chazan, *Church State and Jew*, 102-103

<sup>111</sup> See Haskins, "The Heresy of Echard."

<sup>112</sup> Particulars of Comestor’s life are scarce. What we know of Comestor’s life has been studied in Saralyn R. Daly, “Peter Comestor: Master of Histories,” *Speculum* 32 (1957): 62-73, and Ignatius Brady, “Peter Manducator and the Oral Teachings of Peter Lombard,” *Antonianum* 41 (1966): 454-490. See also David Luscombe, “Peter Comestor,” in *The Bible in the Medieval World: Essays in Memory of Beryl Smalley*, ed. Katherine Walsh and Diana Wood (Oxford: Oxford University Press, 1985), 109-129.

Gen. 2:3, wherein God is said to rest on the seventh day),<sup>113</sup> Comestor also wanted to offer orthodox church teaching to a readership with a limited grasp of biblical vocabulary or basic theology. Comestor identified speakers, characters, and situations that he could be sure a broader audience would recognize.<sup>114</sup>

Peter's *Historica*, then, was a medieval bible which enjoyed widespread influence and authority in learned and lay circles.<sup>115</sup> Beryl Smalley's study of Comestor demonstrated his significant influence on medieval vernacular religious literature, which was perhaps greater than that of any other in the high Middle Ages.<sup>116</sup> A quantity of vernacular bibles were written from the twelfth to the fourteenth centuries, and the *Historica scholastica* underlies nearly every one of those texts.<sup>117</sup> In fact, later Bible translators forestalled possible objections to their work by including Peter's commentary.

Comestor was dubbed 'Master of the Histories,' as Peter Lombard was called 'Master of the Sentences.'<sup>118</sup> Yet, unlike Peter Lombard, Peter Comestor's work was

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<sup>113</sup> Rosemarie Potz McGerr, "Guyart Desmoulins, the Vernacular Master of Histories, and His *Bible historiale*," *Viator: Medieval and Renaissance Studies* 14 (1983): 211-245.

<sup>114</sup> *Ibid.*, 225

<sup>115</sup> On the widespread and disparate influence of the *Historica*, see Maria C. Sherwood-Smith, *Studies in the Reception of the 'Historica scholastica' of Peter Comestor: The 'Schwarzwaldler Predigten', the 'Weltchronik' of Rudolf von Ems, the 'Schlastica' of Jacob van Maerlant and the 'Historiebijbel van 1360'* (Oxford: Society for the Study of Medieval Languages and Literature, 2000).

<sup>116</sup> Friedrich Stegmüller lists translations of the *Historica* into Old French (1194), Saxon (1248), Dutch (1271), Portuguese (fourteenth century) and other languages. See his *Reportorium Biblicum medii aevii*, 11 vols. (Madrid, 1950-1995), 4:6567-6571. For more on the literary tradition of the *Historica Scholastica* see James H. Morey, "Peter Comestor, Biblical Paraphrase, and the Medieval Popular Bible," *Speculum* 68 (1993): 6-35.

<sup>117</sup> On this see Morey, "Peter Comestor," 25. On the general importance of the *Histories* across literate society, see Mark John Clark, "A Study of Peter Comestor's Method in the *Historia Genesis*" (PhD diss. Columbia University, 2002), Introduction.

<sup>118</sup> The *Historica* received papal approval at the Fourth Lateran Council in 1215. The general chapter of the Dominican order meeting at Paris in 1228 stipulated that, with Peter Lombard's *Sentences* and the glossed bible, the *Historica* be studied in a kind of triadic core curriculum. "Statuimus autem ut quelibet provincia fratribus suis missis ad stadium ad minus in tribus theologie providere teneatur, et fratres missi ad studium in ystoriis et sentenciis et textu et glosis precipue studeant et intendant." Quoted in Andrew G. Little and Franz Pelster, *Oxford Theology and Theologians c. A.D. 1282-1302* (Oxford: Clarendon Press, 1934), 25n.2.

never called into question.<sup>119</sup> This was the case despite the fact that Comestor's work could have been problematic for several reasons.<sup>120</sup>

First, the variety of sources for Comestor's *Historica* was formidable, and his methodology should have raised theological questions.<sup>121</sup> In fact, as Smalley notes, "Odd as it may seem, Comestor showed rather more reserve on the Christian apocrypha for all their color and piety, than he did on rabbinic traditions of the Old Testament."<sup>122</sup>

Second, Jewish learning had a profound influence on Comestor's intellectual milieu. Comestor was certainly exposed to Hebrew biblical commentary while he lived and worked as a prominent theologian in Troyes, which was perhaps the epicenter of Northern French rabbinic learning. Some of the greatest rabbis and Jewish scholars of the time lived in or around Troyes, and we know these men had extensive contact with Christian scholars. Though there is no explicit record of their meeting, the debt of the *Historica* to Jewish Old Testament commentary is demonstrable.<sup>123</sup> As we shall see in the next chapter, Christian exegetes of the thirteenth century were harshly criticized for incorporating Jewish exegesis. Yet we find no criticism of Comestor's Jewish influence

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<sup>119</sup> Raymund Maria Martin, "Notes sur l'oeuvre littéraire de Pierre le Mangeur", *Recherches théologie ancienne et médiéval* iii (1931), 54-5.

<sup>120</sup> The most recent study of the *Historica scholastica* is by Clark, "A Study of Peter Comestor's Method."

<sup>121</sup> Beryl Smalley, "Some Gospel Commentaries of the Early Twelfth Century," in *Gospels in the Schools, c. 1100-1280* (London: 1985), 37-85.

<sup>122</sup> Smalley, "Peter Comestor," 116. Indeed, a number of scholars point out that the *Historica* was an exception to the widespread prohibition of vernacular bibles, without seeking to understand why this was so. See for example Morey, *Book and Verse*, 32-42, and Deanesly, *The Lollard Bible*, 54-58.

<sup>123</sup> Morey, "Peter Comestor," writes that Peter used Hebrew traditions either through direct contact or as preserved in Andrew of St. Victor's works (14). This supports the position of Esra Shereshevsky, "Hebrew Traditions in Peter Comestor's *Historica Scholastica*," *Jewish Quarterly Review* 59 (1968-1969): 268-289. Shereshevsky has been criticized by Samuel T. Lachs, "The Source of Hebrew Traditions in the *Historica Scholastica*," *Harvard Theological Review* 66 (1973): 385-386, who maintains, inter alia, that Jerome can account for the Hebrew material and that proximity does not prove influence. For a summation of the argument, see Louis H. Feldman, "The Jewish Source in Peter Comestor's commentary on Genesis in his *Historia scholastica*," in *Begegnungen zwischen Christentum und Judentum in Antike und Mittelalter: Festschrift für Heinz Schreckenberg*, ed. Mitarbeit von Karina and Thomas Lehnardt (Göttingen: Vandenhoeck and Ruprecht, 1993), 93-121.

as we do with members of the Victorine school or Nicholas de Lyra, who was influenced by the same Jewish school, if not by identical people.

Finally, in another methodological digression from standard biblical commentary, Comestor displayed a sense of historical development in his acceptance of change from the early Church to his present.<sup>124</sup> This was in direct contrast with more mainstream approaches like that of the Paris master, Peter the Chanter. As John Baldwin demonstrates, the Chanter looked back nostalgically to the early Church, mourning its difference from the powerful institution he belonged to. Comestor accepted that times change, and institutions change along with them.<sup>125</sup>

Comestor's work was approved, and widely accepted, despite his denial of various apocryphal motifs. Its methodological daring notwithstanding, the *Historica* gained further popularity when the Dominican order stipulated in 1228 that it be studied, along with Peter Lombard's *Sentences*.

Peter Comestor's *Historica Scholastica* earned the approval of William of Champagne, Archbishop of Rheims. That Comestor sought ecclesiastical review of his book is not surprising; this seems to have been almost de rigueur for ambitious authors in the late twelfth century. It is noteworthy, however, that the *Historica* was found acceptable and even encouraged; it was endorsed at the Fourth Lateran Council.

One likely explanation is that the *Historica* was completed and achieved a degree of fame shortly before the Fourth Lateran Council in 1215. This council was dedicated in part to reawakening and focusing lay spirituality, and thus the *Historica* was perfectly poised to become a primary text for biblical instruction in the thirteenth century. As a

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<sup>124</sup> In addition, he freely cited non-Christian sources. See Beryl Smalley, *The Study of the Bible*, xii-xiii.

<sup>125</sup> John W. Baldwin, *Masters, Princes and Merchants*.

work of literature the *Historica* transformed the Bible, which can be very strange and intractable, into a coherent and entertaining medium.

Although it resembled a vernacular Bible which, by the mid-thirteenth century, should have been outlawed, the *Historica* was written by an “insider’s insider.” Comestor was a man who had breathed Northern French intellectual and church culture from the moment he was born and rubbed shoulders with the theological policy-makers of the Middle Ages. A pupil of Peter Lombard, Comestor was said to have fulfilled the express wish of the *Didascalicon* and to have displayed Victorine influence. That is, the *Historica* integrates many areas of knowledge in an attempt to show that they are parts of a whole that is necessary for a person to master in order to achieve her or his natural perfection and heavenly destiny.<sup>126</sup> Comestor’s ‘insider-ness’ was further demonstrated when he dedicated the *Historica* to the Bishop of Sens, Guillaume aux Blanches Mains.

As a member of the club, Comestor was allowed certain leniencies that were not permitted to an ‘outsider’ at this juncture. Thus, Comestor’s experience differed from that of Waldo. When a man of Comestor’s stature, position, and learning composed a vernacular Bible, the Church was only too happy to embrace it and expand its circle of influence. Vernacular literature per se was not the issue; rather, the Church was concerned only with religious writings and teaching that were not sanctioned by ecclesiastic elites.

## Conclusion

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<sup>126</sup> See Smalley, *Study of the Bible*, 196-243. Comestor’s attention to the *sensus literalis* and his openness to Jewish interpretation would serve as two examples of the Victorine influence. Smalley notes: “it is often said that the *Historia Scholastica* of Peter Comestor fulfills an express wish of [Hugh of St. Victor’s] *Didascalicon*...” (ibid. 198).

In a period when the prominence of texts was beginning to eclipse the influence of individual priests (*what* was said over *who* said it, as Brian Stock puts it), control over religious writings grew all the more important. From the middle of the twelfth century until the reestablishment of the universities in Germany in the fourteenth century, echoes still lingered of the condemnation of Abelard and of the charges against Gilbert de la Porrée.<sup>127</sup> While books were not actively sought for heresy, they were examined and condemned once they had been cited and made known to the ecclesiastical authorities.

Note the difference between what precipitated a formal inquiry into heresy as opposed to the impetus for addressing unmonitored texts. As we have seen, Church concerns over heterodoxy were concerned with ideas. Should a book be investigated as part of an inquisitorial proceeding, this investigation would focus on the book's content as a point of concern in the broader issue of eradicating heresy.

In contrast, religious texts *qua* texts elicited a desire for compliance and control. This desire might be expressed by the author or elite churchmen – it did not necessarily reflect the agenda of an inquisition into heresy. Significantly, the desire for text control was independent of the book's actual content.

This apprehension becomes more comprehensible when studied against its historical backdrop. Significant developments of the twelfth century were driven by people's emerging awareness of the benefits of community. Religious communities in particular, based on new or old orders, proliferated, and one of the most important types of 'community' emerging in the twelfth century was that which was based on communal

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<sup>127</sup> On the transfer of university culture from France to Germany see Michael Shank, "*Unless You Believe You Shall Not Understand:*" *Logic, University, and Society in late Medieval Vienna* (Princeton: Princeton University Press, 1988).

study of texts. While the Church benefited from this social maturation, it also recognized the danger that lay therein.

Because of the growing independent power of texts, individual members of the Church felt it necessary to have their literary productions approved by other theological authorities. This submission to Church review was not an obligatory supervision imposed by an authority; on the contrary, it was often sought voluntarily by the author and accorded only after he had begged for it. This suggests that it was important for authors to demonstrate their theological fealty in this milieu of growing religious deviance which was often based on the written word.

There seems to have been no machinery or formal system of operation to initiate the task of book evaluation in the Middle Ages. A pattern emerges, however, beginning with the case of Abelard: a book of questionable integrity was first brought before local bishops or papal legates (note that they did not seek out books outside of acceptable bounds). Papal representatives would then question the person responsible for the literature about the work. Ultimately, the book could be condemned to the flames if it did not receive approval. This process was repeated when the Church faced the challenge posed by the major heresies of the time, Catharism, and Waldensianism.

The Church carried out this identical protocol when investigating the content of the Talmud. The Jews had been studying the Talmud for centuries, unimpeded by religious authorities. Only when offending passages contained in rabbinic literature were brought to Pope Gregory's attention (by Nicholas Donin) did he make inquiries. He called the representative of the Jewish scholars (Yehiel of Paris) to defend the work; ultimately the Talmud failed to pass Christian muster and was condemned to the flames.

Fears surrounding independent, textual communities created a climate which was ripe for Nicholas Donin's attacks. As we shall see, Donin's goal was to portray the Jews as a textual community in the eyes of the Church. The Talmud gave him the means to achieve that goal.<sup>128</sup>

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<sup>128</sup> I will discuss the nature of Jews' relationship to texts and whether they in fact met the criteria of a 'textual community' in the conclusion of this dissertation.

## Chapter 6

### Nicholas Donin's Anti-Jewish Strategy and Aims in his Thirty-five *Articulae*

In the 1240 Debate, Nicholas Donin attacked the Talmud as a deviant body of literature whose influence demonstrated the dangers of unsupervised texts. This claim resonated with contemporary Church concerns about the diffusion of religious knowledge to the laity. However, Donin's case against the Jews was not limited to accusations of their adherence to unmonitored texts. In addition to exploiting prevailing concerns about texts in general, Donin addressed the unique purpose that Jews and their texts served in Christian theology.

Church policy endorsed subjugation and limited persecution of contemporary Jews, because Jewish misfortune was viewed as divine proof of Christian truth and Jewish perfidy. However, the Jews filled a crucial role in Christianity's past and future. As the recipients of the Old Testament, Jews were important for documenting Christianity's historicity and authenticity. Through adhering to the Old Testament Jews served as living history, demonstrating the veracity and antiquity of Christian faith. In the denouement of the End of Days, the Jews, as God's first chosen people, were to recognize their historic error, accept Jesus Christ as the messiah, and usher in the Second

Coming.<sup>1</sup> The Jewish place in Christian theology thus militated for acceptance of Jews in Christian society while, paradoxically, making a case against such acceptance.

These eternal Christian truths were not, however, the only factors brought to bear in the Church's Jewry policy;<sup>2</sup> intellectual developments of the high Middle Ages played a crucial role as well. Christian scholars' emerging emphasis on the literal meaning – the *sensus literalis* – of various texts gave them new appreciation for Jewish biblical exegesis and familiarity with the Old Testament. Pursuing the literal or straightforward sense<sup>3</sup> of Scripture necessitated, for many Christian exegetes, understanding the Bible in its original language. To this end, Christian scholars sought out rabbis and openly cited Jewish exegesis; the growth of cities facilitated this cooperative work since it brought Jewish and Christian scholars within easy reach.

As we shall see, this rapprochement was a double-edged sword, for the recognition of Jewish exegetical methods could undermine Christian exegesis and faith. Shared interest and respect for Jewish interpretation may have enhanced personal interreligious relationships, but it also strained theological confidence. The specific pitfalls of legitimizing Jewish biblical expertise were particularly salient as the Church

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<sup>1</sup> This theme is present in the Paul's Second Epistle to the Galatians, upon which Augustine based the more benevolent aspects of his Witness Doctrine – namely, that the Jews and their lifestyle are to be protected. By the beginning of the twelfth century the conversion of the Jews played an important role in Christian eschatology. Thus, we find diverse thinkers of the high Middle Ages, such as Bernard of Clairvaux, Peter the Venerable, Anselm of Canterbury, Peter Alfonsi and Joachim of Fiore all discussing the Jews with a millennial eye. For a nuanced approach to the Augustinian Doctrine of Jewish Witness see Cohen, *Living Letters*.

<sup>2</sup> *Jewry law* or *Jewry policy* generally refers to Christian material concerning the Jews. The legal scholar Guido Kisch, who examined Jewish legal status in medieval Germany, coined this term. See his *The Jews in Medieval Germany: A Study of their Legal and Social Status* (New York: 1970), and Cohen, *Under Crescent and Cross*, 30-51.

<sup>3</sup> What exactly this pursuit meant for a given medieval exegete could be complicated, and not necessarily what a modern scholar would expect. Smalley compares the experience of the world of medieval exegesis to that of Alice in Wonderland. See *Study of the Bible*, 1-9.

struggled with textual communities during this volatile period (as noted in the previous chapter).

Additionally, religious tensions did not only emanate from without. Members of the Church were also grappling with questions of doctrine, most notably the Incarnation and its contemporary form, the transubstantiation of the Host. For two centuries before transubstantiation became doctrine in the Fourth Lateran Council in 1215, the Church struggled to understand why, and how, God becomes man. Nor did the Fourth Lateran Council end that struggle. The sensitivity to verifiable and empirical truth which developed in the high Middle Ages forced many to continue questioning the doctrine of transubstantiation.

Specific contemporary Church vulnerabilities such as these provided Nicholas Donin with effective ammunition against the Jews. First, in suggesting that the Talmud had supplanted the Bible among Jewish believers, Donin exploited Church insecurities about textual communities. For Christian leaders, unmonitored texts often generated a fear of heretical religious literature or heterodox interpretation. Although Jews could not technically be guilty of heresy, their unmonitored texts might prove offensive to Christianity nonetheless. Second, by charging that Jews were neglecting the Bible in favor of the Talmud, Donin also effectively nullified the Jewish *raison d'être* in Christian theology.<sup>4</sup> As we will see, Christian thought maintained that Jews serve as keepers of the Bible in the Christian world. Finally, in his subsequent attacks, Donin cited Talmudic passages which he presented as mockeries of anthropomorphism, exploiting Church tension concerning the doctrine of Incarnation and transubstantiation. In the climate of

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<sup>4</sup> On this theme see Rembaum, "The Talmud and the Popes."

Jewish-Christian scholarly interaction these questions were compounded by the threat of superior Jewish facility with the Hebrew biblical text.

This chapter will demonstrate how Donin addressed the highly ambivalent role Jews and Jewish literature played for Christian theologians. The Church leaders' pervasive apprehension about unsupervised interpretation of texts, along with Christian questions of faith, enabled Donin to build a damaging case against rabbinic literature. This chapter will also provide a structural analysis of Donin's document, with particular attention to the selection of his arguments.

### The Augustinian Witness Doctrine

As noted previously, the 1240 Debate came on the heels of an era marked by accelerated population growth, rapid economic expansion, and stabilization of political boundaries. Additional developments, such as the proliferation and import of texts, resulted in a period of intellectual and cultural ferment. Contemporary advances wrought new tensions and anxieties. With a burgeoning body of literature and proliferating viewpoints, religious dissent became a greater concern.

One activity that typified many of the heresies of medieval Europe was heretics' interpreting the Bible to justify their own ideologies and institutions or to attack those of the Church. The Cathars in particular attacked the Old and New Testaments as the revelation of the material God of Evil and subjected them to scathing criticism.<sup>5</sup> Cathar attacks were an extreme form of what the Church feared about unauthorized religious

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<sup>5</sup> For a striking example of Cathar criticism of the Old and New Testaments dating to the middle or late thirteenth century, see *Archives de l'Inquisition de Carcassonne*, fully cited in Henry Charles Lea, *A History of the Inquisition in the Middle Ages* (New York: Cosimo, 2005), 1:563-567.

literature. Additionally, autonomous communities of interpretation presented a broader and more varied, if less theological, imminent challenge to Christian dominance. Without proper guidance and supervision, Christian policymakers feared that independent textual communities could develop unacceptable religious doctrine. During this unsettling period the Jews were in a unique position to protect the integrity of the Old Testament from the challenges posed by heretical groups.

Augustine was the first to develop the position which cast the Jews in an essential Christian eschatological role,<sup>6</sup> as explicated in *De civitate Dei* 18:46, and more fully in *Enarrationes in Psalmos* 40:14.<sup>7</sup> First, as a persecuted, downtrodden, and dispersed nation, the Jews represented living proof of the consequences of rejecting Christianity. Augustine also perceived the Jews as serving an additional, more positive purpose. The Jews, through maintaining their commitment to the Old Testament, could testify to its authenticity.

An important northern French figure of the twelfth century, Peter of Blois (d. 1203), clearly demonstrated the impact of the Augustinian idea. In the introduction to his polemical work *Contra perfidum judaeorum*, written shortly before 1200, he stated that “Etiam Judaeis vita hodie indulgetur quia capsarii nostri sunt, dum ad assertionem nostrae fidei prophetas circumferunt et legem Mosaicam.”<sup>8</sup> It is the Jews’ role as book-bearers that asserts the truth of the Christian faith, according to Peter of Blois, which

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<sup>6</sup> Kenneth Stow, in a somewhat contrarian article, downplays the witness doctrine. See his “Conversion, Apostasy, and Apprehensiveness: Emicho of Flonheim and the Fear of Jews in the Twelfth Century,” *Speculum* 76 (2001): 911-933.

<sup>7</sup> Cohen, *Living Letters*, 19-65, maps out Augustine’s development of this doctrine.

<sup>8</sup> *PL*, 207. 826. On this and on Peter the Venerable’s conception of the Jewish role in Christianity see Arthur Lukyn Williams, *Adversus Judaeos* (Cambridge: Harvard University Press, 1935), 233-240, 384-401, and Cohen, *Living Letters*, 245-270.

justifies the existence of Jews in our midst. Contemporary Jews served Christianity as subservient book-bearers, testifying to the Old Law.

Christian writers of the twelfth century did not abandon Augustine's Jewry position, but they did expand upon it in light of some of the new challenges they faced. Peter the Venerable (d. 1156 at Cluny), while attacking the Jews, acknowledged that Christians and Jews cherish the same Old Testament books<sup>9</sup> and even praised the Jews for preserving the biblical text intact throughout the centuries.<sup>10</sup>

Peter's tortured approach to Jews is reflected in his letters:

So the fully just severity of God has dealt with the damned, damnable Jews from the very time of the Passion and death of Christ – and will do so until the end of time. Those who have shed the blood of Christ, their brother according to the flesh, are enslaved, wretched, fearful, mournful, and exiled on the face of the earth – until...the remnants of this wretched people shall turn to God once the multitude of the Gentiles has already been called.<sup>11</sup>

For all the punishment Jews had justly earned since the Crucifixion, the Jews were, nevertheless, not without redemption. Ultimately the Jews would perceive the Christian truth and join the faithful.<sup>12</sup>

Whereas Peter the Venerable merely allowed for Jews to join the Christian faithful in the End of Days, Bernard of Clairvaux saw this conversion as imperative to ultimate salvation. In his excoriations against Crusaders' violence against Jews, Bernard

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<sup>9</sup> *Corpus Christianorum Continuatio Mediaevalis* 58:99.

<sup>10</sup> Peter the Venerable, *Contra sectam Saracenorum*, in *Schriften zum Islam*, ed. Reinhold Gleis (Altenburg: CIS Verlag, 1985), 120-124.

<sup>11</sup> Peter the Venerable, in Constable, *Letters*, 1:327-330. For a small sample of Peter's anti-Jewish deprecations see the citations amassed by Jean-Pierre Torrell, "Les Juifs dans l'oeuvre de Pierre le Venerable," *CCM* 30 (1987), 331-346, esp. 338, and Alexander Patchovsky, "Feindbilder der Kirche: Juden und Ketzer im Vergleich (11.-13. Jh.)," in *Juden und Christen zur Zeit der Kreuzzüge*, ed. Alfred Haverkamp (Sigmaringen, Germany, 1998). See also Amos Funkenstein, "Basic Types," 380 and "Hatemurot," 137-140. It is reasonable to view Peter as having been impressed with Augustinian views of the Jews.

<sup>12</sup> This tension is also found in other scholastics. See Jack Watt, "Parisian Theologians and the Jews: Peter Lombard and Peter Cantor," in Biller and Dobson, *The Medieval Church*, 55-76.

invoked the Augustinian proof-text of Psalm 59, congratulating Christian princes for subjugating the Jews to a harsh captivity.<sup>13</sup> But the verse continued that “‘they will be converted toward the end of time.’ If the Jews were to be utterly wiped out, how could one hope for their promised salvation, their eventual conversion, at the end of time?”<sup>14</sup>

This apocalyptic extension of Augustine’s doctrine may be a reflection of what M.D. Chenu calls the “delirious messianism” attributed to the “evangelical awakening” of the twelfth century.<sup>15</sup> Delirious or not, Bernard’s eschatological orientation does explain his attitude toward the Crusade and the Jews. The military and social parameters of the Crusade contributed to the Crusade’s sacramental efficacy. The Jewish role in the process whereby God would eventually save the Christian faithful determined the Jews’ necessity for Bernard, and he defended the Jews in accord with established paradigms of biblical, patristic, and monastic theology. Like early twelfth-century chronicles of the First Crusade, Bernard construed the participants in the drama of the Crusades as archetypes, players in the divinely ordained enactment of salvation history.<sup>16</sup>

Thus, by the middle of the twelfth century, there is a sense, at least for some important theologians, that the Jews had a critical role to play in the story of ultimate Christian salvation. As part of the ultimate deliverance, the Jews, the original rejecters of Christ, would finally comprehend the Christian truth and do penance. Aside from the Jewish role as blind bearers of the Old Testament, the Jews had an important role to play

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<sup>13</sup> For his defense of the Jews, Bernard received accolades in Rabbi Ephraim of Bonn’s memoir of the Second Crusade, a noteworthy phenomenon. See Eidelberg, *The Jews and the Crusaders*, 121-122.

<sup>14</sup> Cohen, *Living Letters* 236.

<sup>15</sup> For examples, see Chenu, *Nature, Man, and Society*, 268-269.

<sup>16</sup> On the Crusade’s eschatological dimension as appreciated by Bernard, see Bernard McGinn, “Saint Bernard and Eschatology,” in *Bernard of Clairvaux: Studies Presented to Dom Jean Leclercq*, ed. Dom Jean Leclercq (Washington: 1973), 161-185, esp. 182-183; and more recently Hans-Dietrich Kahl, “Crusade Eschatology as Seen by St. Bernard in the Years 1146 to 1148,” in *The Second Crusade and the Cistercians*, ed. Michael Gervers (New York, Cistercian Publications, 1992), 37-47.

in the future as well. Limited tolerance for Jews in Latin Christendom is directly related to Augustine's Witness Doctrine.

The Augustinian conception of the Jews reached its ultimate expression when it became part of the papal rationale for tolerating Jews through the declaration of Innocent III in his preface to the *Constitutio pro Judeis*:

Although the Jewish perfidy is in every way worthy of condemnation, nevertheless because through them the truth of our own faith is proved, they are not to be severely oppressed by the faithful. Thus the prophet says, "Do not kill them, lest at any time they forget your Law," or, more clearly stated, you shall not destroy the Jews completely, so that the Christians should never by any chance be unable to forget Your Law, which, though they themselves fail to understand it, they display in their book to those who do understand.<sup>17</sup>

The influence of the Augustinian tradition is reflected in Innocent's message. The Jews were not to be eliminated as they served an important function for Christians. Augustine's biblical source for his Christological conception of Jews is also identical to that of Innocent. The Augustinian principle expressed in the letters of his great-uncle Innocent III undoubtedly shaped Gregory IX's conception of the link between Christian toleration of the Jews and Jews serving the Church as carriers of the Bible. Gregory was also likely to have been influenced by his papal predecessor Honorius III and the general intellectual currents at the time. It would seem, then, that for Pope Gregory IX the role of the Jews and the Bible were inextricably intertwined.<sup>18</sup>

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<sup>17</sup> Licet perfidia Judeorum sit multipliciter improbanda, quia tamen per eos fides nostra veraciter comprobatur, non sunt a fidelibus graviter opprimendi, dicente propheta. Ne occideris eos ne quando obliviscantur legis tue, ac si diceretur appertius, ne deleverisw omnino Judeos, ne forte Christiani legis tue valeant oblivisci, quam ipsi non intelligentes, in libris suis intelligentibus representant. See Grayzel, *The Church and the Jews*, 92 and 154, for a similar stance by Honorius III, Innocent's successor and Gregory IX's predecessor.

<sup>18</sup> For a related analysis see Rembaum, "The Talmud and the Popes," 201-223.

Gregory IX specifically noted the interrelatedness of the Jews, Scripture, and Christianity in his bull of September 5, 1236. In castigating Crusaders in France for their gratuitous attacks on Jews, Gregory asserted that Jews must be tolerated because “the proof of the Christian faith comes...from their archives and that, as the prophets have testified, although they should be as the sands of the sea, yet in the End of Days a remnant of them shall be saved, because the lord will not forever spurn His people”<sup>19</sup> In other words, the Jews exist for the sake of the Church, carrying with them the Bible, the source that verifies Christian faith.<sup>20</sup> Despite any possible misgivings by the papacy about Jews and their Bible, the papacy recognized the eschatological place of the Jews.<sup>21</sup>

Aside from theological considerations, Gregory also recognized a more immediate purpose for Jews. Many of the heresies of medieval Europe involved heretics’ interpreting biblical texts to justify their own ideologies and institutions or to attack those of the Church. As noted in the previous chapter, clerical fears surrounding unsanctioned texts led the Church to ban vernacular religious literature circulating among Christians.

In contrast, in the eyes of Church officials, religious literature of the Jews (which was presumed to be Bible-centered)<sup>22</sup> served the immediate and pressing purpose of combating the heresy born of independent texts and their communities. The papacy recognized the Jewish function as *capsarii* (book-bearers) and needed Jews and their

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<sup>19</sup> “Quasi ex archivis ipsorum Christiane fidei testimonia prodierunt, et propheta testante, si fuerint velut arena maris, ipsorum tandem reliquie save fient, quoniam repellat in sempiternum Dominus plebem suam.” (Grayzel, *The Church and the Jews*, 226). Here and throughout this dissertation I rely on Grayzel’s translations, with occasional minor changes which are my own.

<sup>20</sup> It is interesting to note that one of the actions specifically condemned by Gregory was the burning of Jewish books (“ac libris suis incendio devastatis”); see Grayzel, *The Church and the Jews*, 228. Possibly the pope thought these books were part of the “Jewish archives” and hence worthy of protection.

<sup>21</sup> Kenneth Stow makes a similar point in his *The “1007 Anonymous” and Papal Sovereignty: Jewish Perceptions of the Papacy and Papal Policy in the High Middle Ages* (Cincinnati: Hebrew Union College, 1984). This is also the position of Jeremy Cohen, *The Friars and the Jews* and *Living Letters*. According to Cohen, it was when the Church became aware of Jews failing in this role that Jews were deemed heretics.

<sup>22</sup> On Christian awareness of nature of rabbinic literature in the twelfth century see Amos Funkenstein, *Perceptions*, 177-201.

books to refute doubters and heretics. Therefore, although the Church had long been aware of Jewish post-biblical texts, it tacitly allowed them even though they could not monitor their content.<sup>23</sup>

On the other hand, the realization that the Jews held an entire corpus of literature which *superseded* the Bible invalidated the Jewish role in Christian theology and undermined Jewish authority as possessors of the *Hebraica veritas*. Jews could no longer serve their crucial function as keepers of the original Bible if they no longer concerned themselves with it, having replaced it with the independent and supposedly superior Talmud. Suddenly, allowing specifically *Jewish* autonomous texts had disastrous repercussions which shook the foundations of a millennium of Church Jewry law.

Gregory's disappointment in the Jews' failure to fulfill their Christian mission is evident in his primary allegation. In his 1239 letter to the leaders of Latin Christendom, the pope emphasized, "...they are not content with the Old Law which God gave Moses in writing; they ignore it completely..."<sup>24</sup> According to Gregory, the Jews ignored the Bible completely and had replaced it with a *lex alia*, the Talmud. Gregory found it unacceptable that the post-biblical Jewish texts had supplanted the Bible.

Gregory's proactive response to Donin's accusations is understandable, then, especially given the background of heretical misuse of the Bible. Based on Donin's information, Pope Gregory was convinced that the time-honored reasons for Christian tolerance of the presence of the Jews had seriously eroded. Just when Jews were most needed to fulfill their Christian-Augustinian destiny and prove the legitimacy of

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<sup>23</sup> On this phenomenon see Rembaum, "The Talmud and the Popes," 203-224. For more on the limitations on Christian religious literature, see Chapter 4 of this dissertation.

<sup>24</sup> "Lege veteri, quam Dominus per Moysen in scriptis edidit, non contenti, immo penitus pretermittentes eadem..." Grayzel, *Church and the Jews*, 240.

Christianity and its texts, to help combat heresy and to demonstrate the truth of Catholic doctrine as Augustine had noted and Gregory himself had suggested, they had forsaken the Bible for the Talmud. Worse, precisely at the time when Jews were called upon to perform their Christian duty, they were almost as guilty of shirking their responsibilities as the heretics were.<sup>25</sup>

One can argue that Judaism's enmeshment in so many areas of Christian life would have made it easier for Gregory to adopt a less vigorous approach. However, the Church was in the midst of a multi-front campaign against deviant or independent religious movements. The times demanded a response to any serious threat to Christian doctrine and Bible. Gregory's heightened consciousness of the need for the Jews to fulfill their Augustinian role at this time played directly into the hands of Nicholas Donin.

#### Jewish-Christian Scholarly Interaction Around the Bible

In light of the proliferation of independent textual communities and heresy, the Jews' abandonment of their assigned eschatological role came at a critical point. However, the timing of this abandonment was significant from other perspectives as well.

Historian Aryeh Graboïs noted a correspondence between the progress of urban society and international commerce and the development of biblical studies in the twelfth century.<sup>26</sup> At this time, masters at urban schools became exposed to the influence of various elements of the cities' population. The residing of Jewish scholars and Christian theologians in the same town promoted daily contacts and continuous interaction between

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<sup>25</sup> On this point see Rembaum, "Talmud and the Popes."

<sup>26</sup> See Aryeh Graboïs, "The Hebraica Veritas and Jewish-Christian Intellectual Relations in the Twelfth Century," *Speculum* 50 no. 4 (October 1975): 613-634, esp. 615-617. See also David Berger, "Judaism and General Culture," 79-81, and idem, "A generation of scholarship," 4-14, reinforces this position.

them. Should the Christian scholar need an explanation of the sense of a particular biblical text, a meeting with a learned Jew could be readily arranged and did not necessitate the inconvenience of a long or dangerous journey.<sup>27</sup>

Hugh of St. Victor (1096-1141), the influential Parisian philosopher and exegete, followed Jerome and Augustine's advice to study Scripture in its original language, Hebrew, as far as he could. Hugh's disciple Andrew tells us that his master learned the literal sense of the Pentateuch from the Jews, a claim which was confirmed by Hugh's *Notulae*.<sup>28</sup> For difficult and uncertain passages in particular, Hugh compared the Vulgate with a literal Latin translation of the Hebrew, often preferring the latter to the Vulgate.

But Hugh's knowledge went beyond comparing the Hebrew (or literal translations thereof) and Vulgate versions of the Bible. He offered at least one explanation which can be found in the eleventh-century commentary of the Champaignois rabbinic authority Rashi (Rabbi Solomon Yitzhaki, 1040–1105), also recorded by a later Jewish commentator, Joseph Qara (d. c. 1150). A number of exegetical passages can be found in the work of Hugh's contemporary Rashbam (Rabbi Samuel ben Meir, d. 1158). Hugh's

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<sup>27</sup> Grabois, "The Hebraica Veritas," 619-629. Here Grabois emphasizes this development in Paris. See also, Emily Taitz, *The Jews of Medieval France: The Community of Champagne* (Westport, Conn.: Greenwood Press, 1994). See also Ephraim Kanarfogel's *Jewish Education in the High Middle Ages* (Detroit: Wayne State University Press, 1992), where he notes that twelfth-century advancements of Jewish and Christian study evolved in close proximity. Generally, that Jews were enmeshed in medieval culture has become a historiographical commonplace. See Berger, "A Generation of Scholarship."

<sup>28</sup> Smalley, *The Study of the Bible*, 102. This was a rare accomplishment indeed for a Christian scholastic of the twelfth century. In fact it would seem that Hugh's Hebrew was little more than rudimentary, as he continued to consult Jews on their text; nor does Hugh use the Hebrew texts of the Prophets. In the early manuscripts of the *Notulae* Hugh resorted to Latin transliterations of the Hebrew rather than the original Hebrew lettering. Still, his efforts were rare enough in the twelfth century; even in the thirteenth century when there was some study of Hebrew among scholastics, a thorough knowledge of Hebrew among Christians was largely the domain of Jewish converts.

unashamed reference to his Jewish teachers as *Hebraei* implies that he did not fear any negative repercussions for appealing to Jewish scholarship.<sup>29</sup>

Hugh's students, most notably Richard and Andrew (and likely some others whose names have been forgotten), continued in their master's attention to literal exegesis.<sup>30</sup> Andrew quoted extensively from the northern French Jewish school of biblical exegesis.<sup>31</sup> Furthermore, he seems to have had personal contact with local rabbis; the variety of words-of-relating—*dicunt*, *tradunt*, or *asserit*—indicate this.<sup>32</sup> By the end of the thirteenth century the mystical anti-scholastic tendency conquered St. Victor and the more literalist current represented by Hugh; however, under the Victorines, biblical exegesis with an eye toward the *Hebraica veritas* played an important role in the intellectual ferment of the high Middle Ages.<sup>33</sup> The Victorines managed to secure for biblical scholarship a share in the inquisitive energy which abounded at Paris.<sup>34</sup>

Paradoxically, Christians acknowledged Jewish expertise in interpreting Old Testament texts even when Jewish interpretation cast Christianity in a negative light.<sup>35</sup> King Louis IX himself was aware of the Christian disadvantage in debating Jews over

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<sup>29</sup> See Smalley, *The Study of the Bible*, 149-156. See also Louis Rabinowitz, *The Social Life of the Jews of Northern France in the XII-XIV Centuries, as Reflected in the Rabbinical Literature of the Period* (New York: Hermon Press, 1973) from which Smalley's data emanates.

<sup>30</sup> See Smalley, *The Study of the Bible*, 101-112. See also Samuel Kraus and William Horbury, *The Jewish Christian Controversy from the Earliest Times to 1789* (Tübingen: Mohr, 1996), 79-90.

<sup>31</sup> See Rainer Berndt, "L'Influence de Raschi sur l'exégèse d'André de Saint Victor," in *Rashi Studies*, ed. Zvi Arie Steinfeld (Ramat Gan: Bar Ilan, 1993), vii-xiv, and Gorge K. Hasselhoff, "Raschi und die Christliche Bibelauslegung dargestellt an dem Kommentaren zum Neuen Testament von Nicolaus von Lyra," *Judaica* 62, no. 3 (2006): 193-215, which builds on Herman Hailperin, *Rashi and the Christian Scholars* (Pittsburgh: University of Pittsburgh Press, 1963).

<sup>32</sup> Smalley, *The Study of the Bible*, 149-173.

<sup>33</sup> Smalley, *The Study of the Bible*, 196-263, traces the influence of the Victorine literalist school through three of the most influential scholars of the period: Stephen Langton, Peter the Chanter, and Peter Comestor. For a more recent overview of accelerated Christian knowledge of Hebrew see Gilbert Dahan, *Les Intellectuels chrétiens*, 239-270. Despite the nascent desire to learn Hebrew it must be remembered that the number of Christians who had Hebrew facility at any point in the high Middle Ages was very small.

<sup>34</sup> Smalley, *The Study of the Bible*, 235-263.

<sup>35</sup> On this and other paradoxes in the medieval world which exacerbated Jewish-Christian relations, see Anna Sapir Abulafia, *Christians and Jews in the Twelfth-Century Renaissance*, 1-3.

Scripture. In an attempt to prevent Christian embarrassment, he forbade rank-and-file Christians from debating Jews on biblical texts, preferring that the Christian “stick a knife in the Jew until he is dead.”<sup>36</sup> Doctrinally, polemically, exegetically, and historically, Christian thinkers respected the link between Jews and the Old Testament.

Nevertheless, the Christian awareness of, and reliance on, Jews and their texts could be a mixed blessing. Did the use of Jewish sources as *auctoritates* conform to the underlying premise of the Jewish-Christian relationship? Could granting a particular measure of truth to Jewish texts alter the Christian perception of contemporary Judaism? If contemporary Christological interpretation of the Old Testament leaned toward conveying its literal meaning, Christian appreciation of the *Hebraica veritas* and its historical sense could suggest a legitimization of Jewish traditions. This might, in turn, undermine the basic contrast between carnal Judaism and spiritual Christianity at the heart of the *Adversus Judaeos* tradition.

When a Christian exegete of the high Middle Ages expounded the historical meaning of a biblical passage, perhaps even at the expense of its christological meaning, or when he approached a rabbi for advice in interpreting such a text, he assuredly did not intend to affirm the rectitude of Judaism. Yet, in attributing relevance and importance to the contemporary Jewish understanding of the letter of the law, his exegesis could suggest an endorsement of Jewish views at the expense of Christian beliefs.

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<sup>36</sup> See John of Joinville’s *Histoire de saint Louis*, ed. J. Natalis de Wailly (Paris: Librairie de I. Hachette, 1872), chapter 10, which records Louis’ remark. For more on Louis’ reputation as a hater of Jews see William C. Jordan, *The French Monarchy and the Jews*, 147 and 299. Interestingly, Peter of Blois also warned against challenging Jews in matters of faith. See Smalley, *The Study of the Bible*, 235.

For example, in Andrew of St. Victor's reading of Isaiah 7:14 ('Behold a virgin will conceive and bear a son'), Andrew provided the Jewish interpretation of the verse (per Rashi). He then continued,

These are the darts which the Jews hurl against us, calling us perverters and violent distorters of Holy Writ. There is no need for us to answer them...Nor would it be useful. Were we to enter the lists [of respondents] with strength unequal to the doubtful contest, we might perhaps yield. Then the Jews, victorious, would not insult not only us...<sup>37</sup>

Andrew displayed his adherence to the straightforward interpretation of biblical texts, an orientation which he identified with Jewish exegesis. Nonetheless, Andrew recognized that relying on Jewish exegetical methods could undermine fundamental Christian beliefs.

One can thus appreciate the apprehension of Richard of St. Victor (d. 1173) when he said about Andrew,

I have found many things stated rashly...In many places the Jewish opinion is given as though it were not so much the Jews' as his own, and as though it were true. On that passage, 'Behold a virgin will conceive and bear a son,' [Master Andrew] gives the Jewish objections or questions without answering them; and it appears as though he has given them victory since he leaves them as though unanswerable.<sup>38</sup>

In his pursuit of the *sensus literalis*, perhaps even more ardently than his teacher Hugh, Richard set himself a problem. He valued the learning and information Jewish scholars have given him, and wanted to derive its full benefit. At the same time, he could not accept their interpretation without abjuring his own faith.

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<sup>37</sup> PL 195:601; translated in Smalley, *The Study of the Bible*, 163.

<sup>38</sup> PL 196:601-602; translated in Smalley, *The Study of the Bible*, 156-157. On Andrew of St. Victor and the accusation of his 'Judaizing' exegesis, see Smalley, *The Study of the Bible*, 164. Michael A. Signer has done a number of studies on Andrew and his relationship with the Jews. See Signer, "Ha-pulmus ha-anti-yehudi shel Andrus mi-Saint Victor," in *Ha-miqra be-rei mefarshav: Sefer zikaron le-Sara Kamin*, ed. Sara Japhet (Jerusalem: Magnes Press, 1993), 412-420; and Signer, "The *Glossa ordinaria* and the Transmission of Medieval Anti-Judaism," in *In a Distinct Voice: Medieval Studies in Honor of Leonard P. Boyle, O.P.*, ed. Jacqueline Brown and William P. Stoneman (Notre Dame: University of Notre Dame Press, 1997), 591-605.

It should not be surprising, therefore, that the enthusiasm with which some prominent Christian exegetes sought rabbinic instruction aroused resentment among others. In the high medieval academy, increased study of a minority viewpoint did not necessarily lead to greater understanding and acceptance. It could just as easily lead to greater bifurcation between Christians and Jews.<sup>39</sup> For example, in a gloss on a canon of Gratian's *Decretum*, which asserted the authority of the Hebrew text of the Old Testament, Rufinus reworked a statement of Jerome to establish that contemporary Jewish books were no longer trustworthy.<sup>40</sup>

In fact, Jeremy Cohen has argued that it was this very interaction — wherein Aryeh Grabois finds interreligious cooperation and mutual respect — which gave rise to the increased anti-Judaism of the thirteenth century.<sup>41</sup> Ultimately, the presumed role of the Jews and “their” Bible, and their relationship with ecclesiastical authorities, had negative repercussions. For, where the Old Testament had once served to ensure Jewish presence in Western Christendom, it now could serve as its greatest theological liability.

Members of the Church hierarchy were already uncomfortable with the relationship between the Jews, the Bible, and Christianity. They could not argue with Augustinian precedent for tolerating Jews and valuing their usefulness as “Bible librarians.” At the same time, however, acknowledging Jewish supremacy over sacred

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<sup>39</sup> Aside from Jeremy Cohen, “Scholarship and Intolerance in the Medieval Academy: The Study and Evaluation of Judaism in European Christendom,” in *Essential Papers on Judaism and Christianity in Conflict: From Late Antiquity to the Reformation*, ed. Jeremy Cohen (New York: New York University Press, 1991), 310-344; see on this theme Kathleen Biddick, “The ABC of Ptolemy: Mapping the World with the Alphabet,” in *Text and Territory: Geographical Imagination in the European Middle Ages*, ed. Sylvia Tomasch and Sealy Gilles (Philadelphia: University of Pennsylvania Press, 1998), 124-145, who makes a similar point regarding Jewish and Christian cartographers. H. de Lubac, *Exégèse médiévale. Les quatre sens de l'Écriture*, 2 vols. (Paris: Aubier, 1959-1961), also makes this point repeatedly.

<sup>40</sup> On this see Jeremy Cohen, “Scholarship and Intolerance in the Medieval Academy,” 310-344.

<sup>41</sup> *Ibid.*, and *The Friars and the Jews*. See also Funkenstein, *Perceptions*.

texts was dangerous and threatening. The Christian tolerance for the Jews had been stretched to the breaking point when Nicholas Donin initiated his attack on rabbinic texts.

Donin was well aware that the theological fulcrum on which Jewish existence hung was their relationship with the Old Testament. No doubt Donin, familiar with the venerable Augustinian Doctrine of Witness, was also sensitive to the new and vital role Jewish scholars played in the intellectual climate of northern Europe, and the tensions this brought forth. By undermining the Jewish place in Christian thought, Donin would ensure that the theological justification for Jews remaining under the Cross would remain tenuous, at best.

#### A Textual Analysis of Donin's Arguments

Throughout his life, Nicholas Donin made several unsuccessful attempts to incite Christian officials against his former coreligionists. Donin's calculated goading was characterized by a flair for novelty. In the wake of four blood libels in 1235, Frederick II investigated the accusations leveled against the Jews, which included statements from a number of converts from across northwestern Europe. We can positively identify only one former Jew: Nicholas Donin. He said that Jews require human sacrifice and blood in their Passover rituals, an unprecedented accusation.<sup>42</sup> When informing Pope Gregory IX

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<sup>42</sup> For a background of the ritual murder libel see Ronald Po-chia Hsia, *Ritual Murder Libel: Jews and Magic in Reformation Germany* (New Haven: Yale University Press, 1988), Introduction. R. Jacob ben Elijah of Venice implicated Nicholas Donin in the libelous (and unsuccessfully persuasive) report to Frederick II.

For a pre-1240 background of Nicholas Donin, see Merchavia, *Ha-Talmud be-rei ha-Natzrut*; Solomon Grayzel, *The Church and the Jews*, 339-340; R. Chazan, "1240 Reconsidered," 15; Y. Shatzmiller, "ha-im he-elil ha-mummar Nikolas Donin et alilat ha-dam?" *Mehkarim be-toledot Am Yisrael ve-Eretz Yisrael* 4 (1978): 178-182; and Merchavia's response, "Kelum he-elil Nikolas Donin et ha-alilat ha-dam?" *Tarbiz* 49 (1980): 111-121. More recently see Yuval's *Shenei Goyim*, 287-293. To the best of my knowledge, general medievalists (as opposed to Jewish historians) have not dealt with Nicholas Donin at all. On the disparity of focus between Jewish and general medievalists, see Chapter 1 of this dissertation.

of Jewish activities harmful to Christianity, it is likely that Donin would choose his accusations carefully and that he would employ a creative approach.

As we shall see, Nicholas Donin indeed crafted a deliberate progression of allegations to build and buttress a specific argument. His care in choosing his indictments is evidenced by his selectivity. Although the Talmud contained a great many passages which could be construed as offensive to Christianity, Donin named only thirty-five.<sup>43</sup>

Publicly engaging Jews in formal religious dialogue was a novel idea in its own right. Moreover, the issues Donin raised represented a different style of Christian attacks on Judaism as well. Heretofore the thrust of Christian polemic followed well-charted lines of christologically-read verses in the Hebrew Bible.<sup>44</sup> Additionally, the twelfth-century renaissance intellectual world view allowed some Christian polemicists to accuse Jews of inferior intelligence or of being subhuman for subscribing to the irrationality of the *sensus literalis* of the biblical texts.<sup>45</sup> But even in these instances the issues revolved around the text of the Old Testament which had been debated for centuries.<sup>46</sup>

Donin broke new ground in anti-Jewish polemic when he chose to focus his attacks on the Talmud. I divide Donin's allegations into four broad claims: The Talmud is an autonomous body of literature; the Talmud contains anti-Christian, anti-social,

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<sup>43</sup> See the two-volume dissertation of Merchavia, "Ketav-hayad Ekstractziones," who analyzes the *Extractiones*, a book that documents these offensive passages throughout rabbinic literature.

<sup>44</sup> See David Berger, *The Jewish-Christian Debate*, 8-10, and Daniel J. Lasker, *Jewish Philosophical Polemics*.

<sup>45</sup> This has been convincingly demonstrated by Anna Sapir Abulafia in *Christians and Jews in the Twelfth-Century Renaissance*, and *Christians and Jews in Dispute: Disputational Literature and the Rise of Anti-Judaism in the West (c. 1000-1150)* (Aldershot: Ashgate, 1998).

<sup>46</sup> Amos Funkenstein published a classic article articulating the persecutory aspects of the twelfth-century renaissance for the Jews of northern Europe, particularly regarding the Old Testament. It has been reprinted a number of times. For an English translation see his *Perceptions*, 177-201. More recently Daniel Lasker supported Funkenstein's position against Jeremy Cohen in Lasker's "Jewish-Christian Polemics at the Turning Point: Jewish Evidence from the Twelfth Century," *Harvard Theological Review* 89, no.2 (1996), 161-173.

passages; the Talmud directly attacks Christian beliefs; and the Talmud contains anthropomorphic passages mocking the Incarnation and transubstantiation.

### The Talmud as an Autonomous Body of Literature

A close reading of Nicholas Donin's thirty-five articles of accusation supports the thesis that church officials would be alarmed by the problematic existence of autonomous texts and what can result from such literature. Donin felt his most trenchant strategy would be to expose rabbinic texts as an independent body of literature. He then demonstrated that Church fears concerning autonomous texts were in fact realized by the Jews and their Talmud.

Nicholas Donin began building his case from the foundation. The Jews have a body of texts, he began, called the Talmud. The Jews believe that this Talmud, the orally transmitted word of God, was transcribed and formed into a textual corpus by the rabbis. The rabbis, as the exclusive arbiters of the Talmud, had the power to overrule the biblical text.

It is one thing to know that Jews had developed and were in possession of rabbinic literature. A Christian cleric of the thirteenth century could well understand the need for texts to consolidate religious legal developments. In fact, Gregory IX himself had edited the *Decretals*, a considerably large compendium of canon law. It is quite another, however, to learn that the Jews considered their body of post-biblical texts to be of divine origin and higher authority than the Bible. In contrast to the plentiful Christian theological and religious literature which abounded in the twelfth and thirteenth

centuries, Donin argued, the Talmud was not subordinate to the Bible and could even override it.

Donin cited Talmudic passages as evidence:

In it is contained, among other inanities, the notion that the aforesaid sages and scribes are superior to the prophets. For so it reads in the order of Yeshuot, tractate Bava Batra (that is the Last Gate) in the first chapter: Rav Uvzim said, "Since today the Temple has been destroyed prophecy is removed from the prophets and given to the sages. Objection: Is a sage the same as a prophet? Indeed, for prophecy was taken from the prophets but not from the sages. Amemar said, "A sage is superior to a prophet."<sup>47</sup>

In other words, a prophet, who was divinely inspired and whose wisdom is included in the scriptural canon, could be overruled by a rabbi.

With this citation, Donin demonstrated that the Talmud was not a set of texts that remained isolated with little value or import to the broader Jewish community. Rather, the Jewish conception of the Talmud affected Jewish practice, since contemporary Jewish custom neglected biblical study in favor of the study of the Talmud. Furthermore, according to Donin, obedience to this extra-biblical corpus was all-encompassing: Jews who ignored it were deemed guilty of not living in accordance with Jewish lawbooks.

Donin pointed out that:

Anyone who does not heed that which they [the sages] say deserves to be put to death [as it is written in the Talmud]: '...heed the law of the sages more than the law of the Torah for the Torah has positive and negative commandments [for which there is no death penalty] but one who transgresses the word of the sages is subject to death.'<sup>48</sup>

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<sup>47</sup> Folio page 211; Loeb, 259-260: In qua inter cetera inania continentur, quod dicitur sapientes et scribe melius valent quam prophete. Hoc legitur in cezer lessuot, in macecta Bava Batra (quod interpretatur Porta Ultima), in primo peroc (i.e. capitulo): Dicit Rab Uvzim "A diequa domus sanctuarii fuit deserta accepta est prophecica a prophetis et data est sapientibus." Obicit: "Sapiens nonne est propheta ipse? Eciam, sed quamvis assumpta fuerit a prophetis, a sapientibus non fuit accepta. Dicit Amemar: Et sapiens melior est quam propheta." Talmudic passages will be cited using the author of the Debate. That is, when Donin quotes a Talmudic passage I will cite where in his record of the Debate it is mentioned.

<sup>48</sup> Folio 213; Loeb 262: "Morique debet qui non servavit que dixerunt...esto velox in verbis scribarum magis quam in verbis legis, quia in verbis legis est fac et non fac supra sine morte et qui transgreditur verba scribarum debitor est mortis."

The claims of rabbinic texts, then, were not merely understood as theoretical, but were actually put into practice in Jewish communities – a serious threat to a Christian leadership sensitive to the power of texts. Additionally, in pointing out that the rabbis had the power to overrule the Bible, Donin highlighted contents which must have struck a nerve with Church leaders and thinkers. For example, Donin noted that the Bible commands that a ram’s horn be blown on Rosh Ha-Shana, and the rabbis forbade this should the holiday occur on the Sabbath. Thus, the rabbis could adjust the laws of Jewish holidays as they saw fit.<sup>49</sup>

Furthermore, the Talmud prohibited children from studying the Bible, favoring the Talmud: “Study of the Bible is proper and not proper [modus est qui non est modus]. [Study of] Mishna and Talmud [together] is superior and one receives reward for it; but as for Talmud, there is no better way to study than this.”<sup>50</sup> As children were taught Talmud at the expense of the Bible, the Talmud supplanted the Bible at the most fundamental, grassroots level.

Finally, Donin cited the Talmudic comment of Rava: “How foolish are the people who stand before the [Torah scroll] and not before a [sage]! For in the Torah it says ‘he shall be struck forty times’ and the rabbis came and diminished it by one...”<sup>51</sup> Furthermore, “They [the sages of the Talmud] must be believed even if they declare the

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<sup>49</sup> Folio 212; Loeb, 259-260.

<sup>50</sup> Folio 212; Loeb, 263-264. “Qui studet in Biblia, modus est qui non est modus; in Mysna, et Talmud modus est super quo datur premium; sed in Talmud non est modus melior illo.”

<sup>51</sup> Folio 212-213; Loeb, 263-264: “Tam stulti sunt homines qui coram rotulo assurgunt et coram magno homine non assurgunt at vero in libro scriptum est in rotulo: ‘XL percuciet illum (Deut. Xxv 3) et venerunt magistri et diminueverunt unum...’.”

left right and the right left. Rashi [the highly influential eleventh-century northern-French rabbi] said ‘if they [the sages] tell you that the right is left or vice-versa.’<sup>52</sup>

Learning that Jews lived their lives according to this set of earthly texts whose perceived divine status superseded that of the Bible represented the worst of the danger posed by unsupervised texts.<sup>53</sup> Indeed, Donin drew a causative connection between these autonomous texts and alleged Jewish antipathy toward Christians and Christianity, appealing to Church apprehensions about unmonitored texts.

#### Anti-Christian and Anti-Social Passages in the Talmud

Donin cited selected passages which epitomized Jewish hatred and exclusion of Christians. By permitting Jews to keep and study the Talmud without any supervision by a Christian body, Christians allowed the Jews to propagate unacceptable religious beliefs, many of which Donin delineated in his accusations: antipathy toward Christians, Christianity, and Christian society; decadence, irrationality, and blasphemy.

It should be remembered that for all the anti-Christian invective Donin quoted from the Talmud, in a certain sense informed Christians were likely unmoved. To be sure, learning of the specifics of rabbinic comments about Christianity did not endear Jews to Christians. However, these sentiments were unsurprising for a religion whose adherents killed Jesus Christ and openly denied Christian truths for better than a

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<sup>52</sup> Folio 213; Loeb, 264: Et credi debet eisdem si sinistram dextram dicerent vel e contrario dextram verterent in sinistram..glosa Salomonis: Eciam si dicant tibi super dextra quod sit sinistra et super dextra [lege:sinistra] quod sit sinistra [lege: dextra].

<sup>53</sup> Although canon law would also seem to supersede the Old and New Testaments, canon law was perceived as falling within a tradition of interpretation subject to the New Testament (and the Old Testament, which was fulfilled in the New).

millennium.<sup>54</sup> In fact, as noted in Chapter 3, the Jews could not technically be viewed as heretics because they had never believed in Christianity in the first place.

For Donin, then, highlighting the inherently blasphemous and anti-Christian nature of these Talmudic statements was likely a secondary goal. Rather, in describing these inflammatory contents of the Talmud Donin was offering the Church an example of the potential danger of unmonitored texts and their surrounding communities.

To this end, Donin revealed that Talmudic law regarding Christians was gallingly anti-Christian. For, as Donin noted, the Talmud taught that “one can deceive a Christian without committing a sin...For in the Mishna it stated, ‘should a Jew-owned ox gore a non-Jewish [extranei] ox the Jew is exempt [from payment]; should a non-Jewish ox gore a Jew-owned ox, the non-Jew must pay full damages...’”<sup>55</sup>

Donin then cited an equally damning, and more comprehensive, Talmudic passage indicating that Jewish antipathy for Christians was represented in Talmudic law.

Should a Christian and a Jew face each other in a Jewish court of law,

Rabbi Ismael says...if you can find for the Jew according to Jewish law do so and tell [the other party] this is our law. [If the Jew should be victorious based] on ‘the law of the *goyim* [gencium seculi]’ then make [the Jew] victorious, and tell him (the Christian) this is *your* law. [If the Jew would lose either way] then approach [the Christian] with fraud and deception. And Rabbi Simeon says: Stealing from a *goy* is forbidden; but [keeping] a lost object is permitted [concessa]...<sup>56</sup>

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<sup>54</sup> Aside for the work of Langmuir, Abulafia, et al., see for example Joshua Trachtenberg, *The Devil and the Jews: The Medieval Conception of the Jew and its Relation to Modern Anti-Semitism, with a foreword by Marc Saperstein* (Philadelphia: Jewish Publication Society, 2002); Frank E. Manuel, *The Broken Staff: Judaism through Christian Eyes* (Cambridge: Harvard University Press, 1992).

<sup>55</sup> Folio 213; Loeb 266-267: Et Xpistianorum quilibet arte qualibet vel ingenio potest decipi sine peccato...in Mysna ubi dicitur, Bos Israel qui cornupecerit bovem extranei immunis est, et bos extranei qui cornupecerit bovem Israel sive sit simplex sive cornupeta, reddet dampnum integrum.”

<sup>56</sup> Folio 214; Loeb, 214: “...dicit Rby Hysmael: Goy (Xpistianus) et Israel qui venerunt coram te ad iudicium, si potes facere quod Israel in iudicio optineat, fac et dic ei, ita est iudicium nostrum; in iudicio goym (gencium seculi) fac eum lucari et dic ei (Xpistiano) sic est iudicium vestrum; si non, venietur contra ipsum per astucias et fraudes. Et infra dicit Rby Symeon, Rapina goy (Xpistiani) vetita est, sed amissio rei sue absoluta est (i.e. concessa)...”

This proved that, beyond the Jews having replaced the Bible with an autonomous body of literature that served no Christological purpose, this literature, in fact, insulted Christianity. With these arguments Donin demonstrated that those who studied Talmud embodied the potential dangers inherent in an unsupervised textual community. Moreover, the fact that Talmudic literature was regularly transmitted to the next generation meant that rabbinic offenses were not something the Church might overlook. To make things worse, this community had a relatively broad readership, and more importantly, a widespread community of adherents.

Donin then went beyond the Talmud's allegedly anti-Christian nature, accusing it of undermining common practices and norms which characterized and defined so much of the medieval fabric of society and relationships. Oaths, so important in medieval culture, were described by Donin as meaningless to the Talmud Jew: "One who does not want to keep his oath can annul in advance his oaths which he will make in the coming year."<sup>57</sup> The most solemn day of the Jewish year, Yom Kippur, was inaugurated with the annulment of all oaths of the incoming year, with malice aforethought.<sup>58</sup>

With his most practical and perhaps most inflammatory accusations, Donin accused the Talmud of teaching that deceiving or killing Christians is not a sin. He cited sources which encouraged inequitable justice systems and encouraged the death of even the best of Christians. Donin pointed out that "Rabbi Simeon directed, the best of the

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<sup>57</sup> Folio 214; Loeb, 267: "Et quicumque iuramento aliquo vult non teneri in anni principio protestetur quod vota et iuramenta eius non valeant que faciet illo anno."

<sup>58</sup> This must have been particularly disconcerting to the Christian audience in light of the importance medieval culture attached to oaths.

*goyim* – kill, the best of snakes, pound his head...”<sup>59</sup> Donin noted that this particularly odious comment was cited by Rashi (Ex. 14:7), establishing that the mindset represented by this remark was not limited to the Talmud but had staying power, being ‘canonized’ in Rashi’s Bible commentary.

Therefore, argued Nicholas Donin, this independent body of literature rendered the Jews unfit for society. Their unfettered texts had endorsed anti-social behavior, so that Jews could not be trusted to conduct business affairs fairly. Their entire justice system was corrupt. Finally, Jewish post-biblical literature turned them into killers of Christians.

It is questionable whether Donin expected his accusations of Jewish immorality to be terribly effective. Christians lived among Jews and dealt with them on a daily basis — indeed, both Jewish and Christian sources indicate that there was too much interaction altogether — and were well aware of Jewish behavior. Furthermore, both Jewish and Christian sources routinely discussed financial connections between Jews and Christians; it is unlikely that the Church would uncritically accept the position that Jews were consistently deceitful or that Jews were enjoined to kill the best Christians as a practical matter.

However, Donin’s primary aim was to demonstrate the dangers of allowing texts to circulate unsupervised. Additionally, as an opening salvo, advancing these accusations could be effective. Donin appears to have been merely priming his audience for more penetrating anti-Talmud citations – i.e., Talmudic condemnation of Christian ideology.

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<sup>59</sup> Folio 213; Loeb, 264: “...hoc dicebat Rby Symeon: Optimum goym occide, melioris serpentum contere caput.”

## The Talmud directly attacks Christian beliefs

Throughout their independent literature, Donin claimed, the Jews regularly expressed profound hostility toward the Christian God, Christian symbols, and Christians. Nicholas Donin accused the Talmud of disparaging two aspects of Jesus's incarnation on Earth, both of which were central according to Christian theology. The first was Jesus's birth – by a virgin, through Immaculate Conception (parthenogenesis). The second was his death and resurrection three days later.

Donin quoted the Talmud as saying that “Jesus issues from an adulterous relationship. Jesus is not a pure part of the Godhead, but a bastard son, a *mamzer*,<sup>60</sup> born of an adulteress and a certain [man] whom they call in the vernacular Pandera.”<sup>61</sup> By turning Jesus into a *mamzer*, the Talmud's Jesus narrative ridiculed the claim that Jesus was born of a virgin. The Jewish biography of Jesus might indicate, for those Christians who entertained questions about the idea that Mary was impregnated by the Holy Spirit, that the Gospel's birth story was nothing more than a cover-up of a more sordid conception.

Nor did Jesus return and appear to his disciples after a three-day interim, to finally reside “with his Father in Heaven.” For in the Talmudic version of events, Jesus continues to suffer for his evil, being boiled in hot excrement in hell for mocking the words of law:<sup>62</sup>

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<sup>60</sup> The status of a *mamzer* (or his female counterpart, *mamzeret*) in halakha is quite severe. They cannot marry into “the congregation of God,” and must be satisfied with marginal groups such as converts or other *mamzerim*. Furthermore, it is virtually impossible for the stain of *mamzerut* to be erased from the bloodline – quite a statement for Donin and Yehiel's audience to hear about Christ the Son of God.

<sup>61</sup> Folio 216; Loeb 49: “De Xpisto eciam dicere non verentur quod mater eius eum de adulterio concepit ex quodam qui ab eis Pandera vulgariter appellatur.”

<sup>62</sup> Folio 215; Loeb 48: “Et quod idem Ihesus in stercore calido patitur in inferno, quoniam irridebat verba sapientium prefatorum.”

It is recorded, Onkelos, the nephew of Titus, considered converting to Judaism... Onkelos raised Jesus [using necromancy] and asked him, 'who is powerful in the other world?' [Jesus] said, 'Israel.'... [Onkelos] asked, "What is the law [what is your punishment] regarding that man [you, that is, Jesus]?" 'In boiling excrement...' <sup>63</sup>

The Talmud claims, then, that not only was Jesus never resurrected, but that, to this very day, he is dead and sits in Hell.

In combination with the subsequent charge, this charge was rendered all the more damaging. Nicholas Donin went on to quote the Talmud as saying that "Jews do not suffer the pain of hell more than twelve months (as opposed to Christians, who suffer longer)." <sup>64</sup> In his Talmudic support for this claim, Donin noted that though it was generally true that Jewish suffering in the afterlife was limited, the most nefarious of Jews such as "the *mess matym* [*meshumadim* = apostates], and those who denied the law... and those who sin and cause others to sin... descend to hell and are judged forever..." <sup>65</sup> According to the Talmud, then, Jesus eternally suffers humiliating and painful punishment in the company of history's worst villains.

Here Donin left his readership with the taste of Talmudic blasphemy of Christianity. Donin quoted Talmudic passages which attacked the very fundamentals of Christian faith. Jesus was not the Son of God, but a bastard; he had not gone to Eternal Reward, but was suffering eternal humiliating damnation. Jesus's mother was not a

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<sup>63</sup> Folio 215-216; Loeb 48-49: "Encloz filius sororis Tythut (Titi) fuit, et voluit Iudeus fieri; et infra: Ivit et fecit ascendere Ihesum in phitonia (in caldeo dicitur nequigua, in hebreo orif) dixitque ei: Quis valens in alio seculo (i.e. qui meliores) Dixit ei: Israel. Quid est adiungi eis? Respondit Bonum eorum quero, malum suum [lege: eorum?] non quero, 'quia omnis qui tangit eos, quasi tangeret ein pupilla oculi sui.' Dixit ei: Iudicium illius hominis in quo [i.e. Iusu]? Respondit ei: In stercore bullienti, quia omnis deridens super verba sapiencium iudacatur in stercore bullienti" ...

<sup>64</sup> Folio 217; Loeb 54: "Continentur eciam in doctrina prefata quod Iudei ultra XII menses penam inferni minime patientur, nec ulterius potest eis pena Gehenalis nocere."

<sup>65</sup> Folio 217; Loeb, 53: "Mess matym apostate a fide, et qui abnegaverunt legem, et qui abnegaverunt resurreccionem mortuorum, et illi qui dederunt timorem suum in terra vite presentis et illi qui peccaverunt et alios fecerunt peccare sicut Ieroboam filius Naboth et socii sui, descendunt in infernum et iudicantur in eo a generacione in generacionem..."

virgin, but a whore — a particularly provocative accusation in light of the important Marian cult in mid-thirteenth century northern France.<sup>66</sup>

Nicholas Donin presented damning evidence for his accusations. As Donin presented it, the Talmud as an autonomous body of literature contained unacceptable positions on key elements of the Jesus narrative. Nevertheless, in a certain sense Jews might have been excused for maligning Jesus; they had, after all, rejected him for 1200 years and blindly continued to do so. Blasphemous allegations of this sort might be no more than a theologian would expect from the Jews.

However, Donin furthered his argument against autonomous literature in general and the Talmud in particular when he connected theory to practice. Donin cited the Talmudic law that indecent language was only permitted when used in contempt of the Church:

All curses are forbidden, except curses against *avoda zara* (the Church).<sup>67</sup>  
Here Donin made a rare interjection into his mass of Talmudic quotes:  
“These words are in tractate *Megilla*... From where the Jews habitually call the Blessed Mother polluted and a prostitute, and the Eucharist a polluted sacrifice: they call the Blessed Mother *themea* (that is, polluted) and *kezeza* (that is, a prostitute), the Eucharist *zeva tame* (that is, a polluted sacrifice).<sup>68</sup>

Churchmen at all levels of the apostolic infrastructure, from the Vicar of Christ to the parish priests, were subject to special rabbinical critique, particularly during Jewish

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<sup>66</sup> On this see William C. Jordan, “Marian Devotion,” 61-76.

It is likely that the Christian audience was particularly galled by these accusations, as they reflected a heretical Albigensian theology, where the corporeal is evil. See later in this chapter for a discussion of theologians' struggles with the Incarnation and Transubstantiation.

<sup>67</sup> Folio 216; Loeb 49: “Adhuc dicunt quod quelibet verba polluta proferre, peccatum est, exceptis que in contemptum ecclesie vergere dinoscuntur:...Omnis blasphemia vetita est preter blasphemia avozazara (ecclesie).”

<sup>68</sup> Folio 216; Loeb 49: “Eadem verba sunt in Mohed, in macecta Meguilla, in perez Hacore ez ha meguilla. Unde habent in usu quod beatam virginem pollutam ac meretricem et eucharistiam sacrificium pollutum appellant; beatam scilicet virginem themea quod est polluta, et kezeza quod est meretrix vocant; eucharistiam zeva tame quod est sacrificium pollutum. On the significance of denigrating the Eucharist see anon. On the significance of denigrating the Virgin Mary see Jordan, “Marian Devotion.”

prayers.<sup>69</sup> Jews might suffer in Hell for a limited period, but Christians, those not privileged to study “this law [the Talmud],” were destined for eternal damnation.<sup>70</sup>

Nicholas Donin did not only accuse the Talmud of attacking unshakeable Christian beliefs, a charge to which Christian believers could respond with confidence. Donin also advanced a more focused argument that would exploit some of the intellectual vulnerabilities of Christians and Church intelligentsia, specifically, the Incarnation and the Eucharist.

### Anthropomorphism

One of the significant elements of the twelfth-century renaissance was the increased interest in available classical material and the urge to find more. At this time, Church officials were forced to confront the existence of an impressive body of knowledge outside Christianity. The indivisibility of faith and rational thought was a fundamental tenet of medieval scholasticism. Therefore, religious scholars had no choice but to incorporate classical authorities into Christian thought. As a result, twelfth-century theologians were enthusiastically absorbing a great amount of thought regarding reason and natural law.<sup>71</sup>

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<sup>69</sup> The rejection of apostolic succession is also a mark of contemporary heresies, especially that of the Waldensians.

<sup>70</sup> Folio 213; Loeb 264-5: “Et Xpistianus quiescens vel studens in lege...pene mortis subdatur...Dicit Rby Iohan, Goy qui studet in lege debitor est mortis...”

<sup>71</sup> Fundamental to any study of the shifts in thinking in the twelfth-century renaissance is an appreciation of what was actually meant by ‘reason’ and ‘rational thought’ in this period. *Ratio* in its most essential sense was the intuitive quality which human beings possess and with which they are able to perceive truth. The gift of reason to humanity implanted in humankind constituted an element of the divine. Reason not only linked man to what was divine; it also united men on account of their common possession of reason. But because reason was understood to originate with God and come to humanity through God, reason was also used by twelfth-century thinkers to understand more about God. In a technical sense, *ratio* was the organization, categorization, and formalization of knowledge, knowledge which now included Greek and Roman works, especially Aristotle. See Anna Sapir Abulafia, *Christians and Jews in the Twelfth Century Renaissance*. See also Heinrich Fichtenau, *Heretics and Scholars*, Part Three.

For example, in Peter Abelard's *Dialogus inter Philosophum Judaeum et Christianum* the philosopher asks his audience, "Did some rational consideration induce you into your respective religious schools of thought?"<sup>72</sup> This approach to faith and formulations of belief implicitly raised the question of why, logically and rationally, people had faith or believed as they did. Christian scholars needed to reformulate expressions of belief so that they did not defy logic or conflict with empirical knowledge. As high medieval thinkers rapidly confronted classical philosophy, particularly the works of Aristotle,<sup>73</sup> new approaches to knowledge demanded a precise reconsideration of established Christian doctrine. This was particularly true of the doctrine of the Incarnation.

Essential to twelfth-century theological inquiries into the doctrine of the Incarnation was the question of how an ineffable, transcendent, majestic God could take on the body of a man. How did God become man and, even more pointedly, why should God have wanted to become man in the first place? The act of God becoming man and living among human beings, whom He had made His brothers, consumed twelfth-century thinkers.<sup>74</sup>

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<sup>72</sup> As translated in Pierre J. Payer's edition of Abelard's *A Dialogue of a Philosopher with a Jew and a Christian*, (Toronto: Pontifical Institute of Mediaeval Studies, 1979), 26.

<sup>73</sup> On the place of Aristotle in the medieval academy see Mary McLaughlin, *Intellectual Freedom*; E. Gilson, *La Philosophie au moyen âge*, vols. I and II (Paris: Payot, 1922); P. Glorieux, "L'enseignement au moyen âge: Techniques et methods en usage à la Faculté de Théologie de Paris au XIIIe siècle," *Archives d'histoire doctrinale et littéraire du moyen-âge* 35 (1968): 65-186. More recently, see Tom Clanchy, *Abelard: A Medieval Life* (Blackwell, 1999) and John Marenbon, *The Philosophy of Peter Abelard* (Cambridge: Cambridge University Press, 2006), and Brower and Guilfooy, *Cambridge Companion to Abelard*.

<sup>74</sup> The research on this topic is vast. For a synopsis of the problem and how it affected medieval thinkers see Gavin Langmuir, *History, Religion, and Antisemitism* (Berkeley and Los Angeles: California University Press, 1990). See also the works of Anna Sapir Abulafia.

Christian believers (and in their own way, nonbelievers) questioned many aspects of the Incarnation.<sup>75</sup> For example, the idea of Christ's human origin, tainted by his mother's Original Sin, conflicted with the notion of God's being without sin. Additionally, many questions surrounded the paradoxical nature of God's divine omnipotence and His human limitations. The belief that God endured fatigue, hunger, thirst, stripes, and crucifixion was highly problematic in light of His supremacy. The necessity for God to suffer and die in order to redeem His people, and His powerlessness to save Himself from death, was suggestive of weakness and limited capabilities. As we shall see, a large portion of Donin's citations from the Talmud relate directly to these questions of faith.

Questions about the Incarnation became even more salient with the public miracle of transubstantiation, as Christians also wrestled with the belief that the physical objects of the bread and wine actually became (as opposed to merely symbolizing) the body and blood of Jesus Christ. The daily celebration of the transubstantiated Host made theological questions about the Incarnation, which could otherwise have been "intellectualized" away, into a conundrum confronted regularly. Although the Incarnation and transubstantiation were not interchangeable, twelfth-century trust in empirical or observable evidence allowed a strong conceptual identity to develop between transubstantiation and Incarnation.

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<sup>75</sup> Gavin Langmuir, *Toward a Definition of Antisemitism*, and idem, *History Religion and Antisemitism*, discusses numerous occasions where Christian thinkers and laity wrestled with the matter of Jesus' incarnation. According to Langmuir, the discomfort with paradoxes of Christian faith, especially when these paradoxes were constructed on conflicts with observable data, gave rise to what he called an "irrational" anti-Semitism. See anon.

Thus, explaining the Incarnation and the nature of a corporeal Jesus Christ was a burning issue in the academies of the twelfth and thirteenth centuries.<sup>76</sup> Christian polemicists, philosophers, and theologians were deeply concerned with this issue, as the various forms the Incarnation paradox took, and the variety of explanations offered, amply testify.<sup>77</sup> They grappled with the implications of the Incarnation for individual human beings and for society at large.

Berengar of Tours (d. 1098) was the first to bring these new questions to the attention of medieval Christian theologians.<sup>78</sup> Berengar struggled with the idea that the bread of the Eucharist could be changed in substance into the body of Christ.<sup>79</sup> As a result, he developed his theory of consubstantiation, where he posited that the wine and wafer became the images of the body and blood of Christ, but did not undergo a physical change. Thus, the Eucharist did indeed spiritually feed the faithful, but this was because

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<sup>76</sup> Additionally, Christian intellectuals were likely spurred by the challenge of heretical doctrine which denied the sanctity of any corporeal bodies. David Berger, *The Jewish-Christian Debate*, Appendix 2; see also Sapir Abulafia's work, and John Marenbon, *Later Medieval Philosophy (1150-1350): An Introduction* (London: Routledge and Kegan Paul, 1987), for a discussion of the place of the virgin birth within the confines and academic structure of the university.

<sup>77</sup> This tension was further exacerbated by Jewish responses to the Incarnation. While these responses may have taken different forms in Ashkenaz and Sepharad (Iberia), Jews questioned the logic and purpose of it. See Daniel J. Lasker, *Jewish Philosophical Polemics Against Christianity in the Middle Ages* (Hoboken: Ktav Press, 1977).

<sup>78</sup> See the extended analysis in Brian Stock, *Textual Communities*, esp. 273-287. A detailed study of Berengar's challenge to the Church is contained in Richard W. Southern, "Lanfranc of Bec and Berengar of Tours," in *Studies in Medieval History Presented to Frederick Maurice Powicke*, ed. R. W. Hunt, W. A. Pantin and R. W. Southern (Oxford: Clarendon Press, 1948), 27-46. On Berengar see also A. J. MacDonald, *Berengar and the Reform of Sacramental Doctrine* (London: 1930), 310. It is the opinion of Thomas Aquinas that Berengar was the first to err concerning the Eucharist. See Aquinas, *Summa Theologiae*, III, Q.75, A1.

<sup>79</sup> Berengar's familiarity with grammar – part of the revived classical curriculum of the trivium – made him doubt the doctrine of transubstantiation. Berengar knew the grammatical rule that a sentence loses its meaning if its subject is destroyed by its predicate. According to Berengar, this would be the case if Jesus Christ's words at the Last Supper, *hoc est corpus meum*, (this is my body) and the priest's repetition of those words at the moment of consecration of the Host brought about the change of bread into the body of Christ. For that would mean that the predicate of the sentence, *est corpus meum* (is my body), had destroyed its subject, *hoc* (this, meaning the bread), by taking away the subject's intrinsic nature of being bread. This is an excellent example of how grammar can stimulate thoughts about God! On this see Sapir-Abulafia, *Christians and Jews in the Twelfth Century Renaissance*, 26, and Southern, "Lanfranc of Bec and Berengar of Tours," 27-46, where Southern emphasizes the opacity of the boundary between grammar and dialectic.

of its invisible status as the body and blood of Christ. As such, the wine and wafer concurrently held both sacred and mundane properties.

In 1050, Berengar was condemned for this thesis at the Council of Vercelli. Even though Berengar's work was burned and he was compelled to recant his views on the Eucharist, he continued to proclaim his heretical position. In addition, his doctrine had attracted wide attention including opposition from some of the most celebrated thinkers of his day, among them Peter Damian and Lafranc of Pavia.

The news spread throughout Western Europe that one of the most highly regarded contemporary clerics had challenged the assertion that the consecrated bread and wine of the Eucharist became Christ's true body and blood on rational, empirical grounds.

Berengar's number of supporters was reportedly so great that "the whole church everywhere has been infected."<sup>80</sup> With Berengar of Tours and the controversy surrounding transubstantiation, the medieval conflict between what is often called reason and faith, or reason and revelation, reached new heights.

It was largely in response to Berengar that Anselm of Canterbury composed his 1098 work, *Cur deus homo* ("Why did God Become Man," or "Why a God-Man?").<sup>81</sup> In his book, Anselm argued for the necessity of God's becoming human in the interest of human salvation. *Cur deus homo* served as a basic textbook in the universities and was the point of departure for future discussion on the dogmas of Incarnation and

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<sup>80</sup> On this see Langmuir, *Toward a Definition of Antisemitism*, 118, and more generally 100-133.

<sup>81</sup> This is the view of Jeremy Cohen, Anna Sapir Abulafia, and most vigorously, Langmuir, *Toward a Definition of Antisemitism*. This was not always the historiographical trend. Some have understood the pagan in Anselm's work to refer specifically to Muslims or Jews. Abulafia convincingly argues that this is not the case. See her "Theology and the Commercial Revolution: Guibert of Nogent, St. Anselm and the Jews of Northern France," in *Church and City*, ed. David S. Abulafia (Cambridge: Cambridge University Press, 1992), 23-26; and idem, "Christians Disputing Disbelief: St. Anselm, Gilbert Crispin and Pseudo-Anselm," in *Religionsgespräche im Mittelalter*, ed. Bernard Lewis and Friedrich Niewöhner (Wiesbaden, 1992), 131-135.

transubstantiation. Anselm's mastery of logic only strengthened the trend of the period and encouraged others to develop their own rational capacities and apply them to religious problems.<sup>82</sup>

Anselm's efforts notwithstanding, by the middle of the twelfth century many Christian thinkers became uncomfortable with their religion's teachings about the divinity of Jesus once they began to focus on his life as a human being. In 1215 the Fourth Lateran Council tried to settle the issue by promulgating transubstantiation as dogma.<sup>83</sup> Though the doubts continued, the cult of the body of Christ, of the consecrated Host, was extensively developed. By 1264, the new feast of Corpus Christi was made official and was celebrated throughout the Latin West.<sup>84</sup> The experience of consuming and joining Jesus by participating in the Mass pervaded the mystical literature and art of the period,<sup>85</sup> and miracles of the Host abounded.<sup>86</sup>

But was Christ really present in the Host? In response to evolving doubts concerning the immanence of the Divine Presence, far-reaching intellectual efforts were

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<sup>82</sup> On Anselm's life and ideas, see above all Richard W. Southern, *Saint Anselm: A Portrait in a Landscape* (Cambridge: Cambridge University Press, 1990); David Knowles, *The Evolution of Medieval Thought* (New York 1962), 98-100. *Cur deus homo* has been termed "breathtaking," "remarkable," and "a virtuoso performance with few rivals in the history of Christian thought." See Gillian Rosemary Evans, "The *Cur Deus homo*: The Nature of St. Anselm's Appeal to Reason," *Studia theologica* 31 (1977), esp. 38, and Jaroslav Pelikan, *The Christian Tradition*, 3:106-7.

<sup>83</sup> Questions continued to surround the doctrine of transubstantiation. See for example Thomas Aquinas, *The Eucharistic Presence*, trans. William Barden (New York: 1965). See also J. H. Strawley's entry, s.v. "Eucharist (to end of Middle Ages)" in Hastings, *Encyclopedia of Religion and Ethics* (New York: 1914) 5:554. The tendency to divide transubstantiation schools into two patristic traditions is overly simplistic. On this topic see Charles E. Sheedy, *The Eucharistic Controversy of the Eleventh Century against the Background of Pre-Scholastic Theology* (Washington, D.C.: The Catholic University, 1947), and more recently David Burr, *Eucharistic Presence and Conversion in Late Thirteenth-Century Franciscan Thought* (Transactions of the American Philosophical Society, 1984).

<sup>84</sup> See Miri Rubin, *Corpus Christi: The Eucharist in Late Medieval Culture* (Cambridge: Cambridge University Press, 1992).

<sup>85</sup> This theme undergirds much of the work of Caroline Walker Bynum. See her *Holy Feast Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley and Los Angeles: University of California Press, 1998); idem, *Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion* (New York: Zone Books, 1992); and idem, *Jesus as Mother*.

<sup>86</sup> Caroline Walker Bynum produces dozens of examples throughout her work.

made to correlate Christ's invisible presence with the empirical reality of the bread and wine. The questions were answered by theories of concomitance and transubstantiation which were so sensitive to empirical questions that they even acknowledged questions such as whether a mouse could eat Christ's body and, if so, how long the body of Christ continued to exist within the mouse.

In his landmark study of the sociology of religion, Gavin Langmuir defined irrational thought as emerging when individuals preserve belief "by the suppression or compartmentalization of their capacity to think rationally and empirically about segments of reality and the projection on those realities of associations created by their non-rational thinking."<sup>87</sup> In this case, irrationality set in when many Christians with doubts about transubstantiation suppressed their rational empirical knowledge about the nature of objects and human beings in order to continue to subscribe to what they wished to believe. This tension was turned against the Jews because they embodied the denial of exactly those cherished beliefs about which so many doubts existed.<sup>88</sup>

The Host was the most precious symbol of Christian community and identity. The Eucharistic Host was not just Jesus Christ in substance. It symbolized Christian social structure and unity. Indeed, when Jesus said, "Hoc est corpus meum" ("This is my body") many medieval theologians took "Hoc" (This) to refer symbolically to the Christian social body.

The very practices through which high and late medieval Christian culture was experienced held the Eucharist to be central and precious, and led to a growing sensitivity

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<sup>87</sup> Langmuir, *History, Religion, and Antisemitism*, 157.

<sup>88</sup> *Ibid.* Also of note is Langmuir's *Toward a Definition of Antisemitism*. Sapir-Abulafia uses Langmuir's methodological tools but argues for an over-confident rather than under-confident Church. See her introduction in *Christians and Jews in the Twelfth Century Renaissance*.

to the marginality of the Jews. The Jews carried difference in their bodies, in their rejection of Christian truths, in their palpable mundane Otherness. Inasmuch as the Eucharist came to symbolize much that was possibly shared among Christians in their communities, those who could never aspire to Eucharistic wholesomeness became more clearly distinguished as different, as not belonging. When Donin accused the Talmud of mocking the corporeal God, this alleged mockery was not just theological; it was a mockery of Christian society as well.<sup>89</sup>

To protect their faith, Christian thinkers were forced both to develop their own rationalizations and explain the disbelief of the Jews. This need increased in the late twelfth and thirteenth centuries when Christians sought to persuade others of the truth of their gospel and were compelled to explain why most Jews rejected it.<sup>90</sup> For example, in keeping with a scholastic leitmotif, one prominent explanation for the Jews' refusal to understand the Biblical statement that Jesus Christ is God and man and the Messiah foretold by the prophets, was that Jews were less than rational, less than human.<sup>91</sup>

In an ironic twist, Jews were frequently exploited in order to prove the truth of the Incarnation and transubstantiation. By the end of the thirteenth century, when so much had been staked on the reality of Christ's physical presence in the Mass, Jews were regularly accused of torturing Christ by assaulting the consecrated Host. Proof was

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<sup>89</sup> See Mervyn James, "Ritual, Drama and Social Body," and John Bossy, "The Mass as a Social Institution." Celebrating the symbol of the Host merged with celebrating the presence of God in the Host in the Corpus Christi plays. See for example Sarah Beckwith, *Signifying God*. The Christian anthropomorphic understanding of the Host, and Christ as representing the Christian social body, lie at the heart of Miri Rubin's story in *Gentile Tales: The Narrative Assault on Late Medieval Jews* (New Haven: Yale University Press, 1999).

<sup>90</sup> Berger, "Mission to the Jews," and Benjamin Kedar, *Crusade and Mission: European Approaches toward the Muslim* (Princeton: Princeton University Press, 1984), discuss the Christian emphasis on missionizing efforts aimed at Islam. Also of note is Robert Chazan's *Daggers of Faith*.

<sup>91</sup> This is the thesis of Sapir-Abulafia's *Christians and Jews in the Twelfth-Century Renaissance* and *Christians and Jews in Dispute*.

provided by blood or cries supposedly emanating from the miraculous tortured Host or by the discovery of a mutilated wafer in a Jew's house.<sup>92</sup>

Indeed, one of the memorable tales of Host desecration concerns a Jewish man who allegedly threw the Host into a pot of boiling water, saying, "If you are indeed Jesus Christ of Mary the Virgin as the Christians say, real son of God and Man... show me your power, so that I may believe in you and preach your power. If you do so I shall... observe the Christian [faith] loyally and extol you as God Almighty forevermore."<sup>93</sup> After a short while the Host turned into a lovely boy, and stood up as a young man. The Jew and his daughter converted as they said they would.

The narrative's power to edify is strongly demonstrated, as the Jew's address to the Host was largely a paraphrase of the Lord's Prayer. A variety of Eucharistic figures was displayed here: the Host, the child, the man. On the one hand this was an 'old fashioned' story of witness and proof. Yet it acquired its edge from the blasphemous violent act of the Jew, who was ultimately convinced of Jesus' transubstantiation in the sacred wafer.<sup>94</sup>

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<sup>92</sup> See Miri Rubin, *Gentile Tales*, 39; Trachtenberg, *The Devil and the Jew*; Langmuir, *Toward a Definition of Antisemitism*; and Sapir Abulafia, *Christians and Jews in Dispute* and *Christians and Jews in the Twelfth Century Renaissance*.

<sup>93</sup> Rudolph of Schlettstadt, quoted in E. Kleinschmidt, ed., *Historiae Memorabiles: Zur Dominikanerliteratur und Kulturgeschichte des 13. Jahrhunderts* (Cologne, 1974), 55. Rudolph's collection of 55 *exempla*-like tales was written down in 1303. Twenty of these tales involve Jews, the remainder are tales of witches, demons, and the like. See also the important study of Miri Rubin, *Gentile Tales*, esp. 84. This study should be read against the background of idem, *Corpus Christi*. See also the important essay of Gavin Langmuir, "The Tortures of the Body of Christ," in Waugh and Diehl, *Christendom and its Discontents*, 287-309. In this essay Langmuir highlights the violent impact that the Host accusation had in thirteenth- and fourteenth-century Germany.

<sup>94</sup> Paolo Uccello (with the help of Justus van Ghent) famously depicted the Host Desecration libel of 1290 Paris on the predella in Urbino, which was completed in 1474. On this depiction see first Marilyn Aronberg Lavin, "The Altar of Corpus Domini in Urbino: Paolo Uccello, Joos Van Ghent, Piero della Francesca," *The Art Bulletin* 49, No. 1 (Mar., 1967): 1-24. Dana E. Katz, "The Contours of Tolerance: Jews and the Corpus Domini Altarpiece in Urbino," *The Art Bulletin* 85, No. 4. (December 2003): 646-661, "updates" Lavin's work, setting the depiction within the development of depiction of the Host Desecration libel in its various local artistic reincarnations (rather than within a more literature-based background), and within the context of "social marginalization and otherness."

In the wake of these tales, thousands of Jews were killed<sup>95</sup> and new shrines were erected for the allegedly profaned Hosts.<sup>96</sup> Clearly then, transubstantiation and the Incarnation were doctrinal issues which not only challenged Christian credulity but also strained already troubled Jewish-Christian relations.

The urgency of the Incarnation as a topic of debate within the context of Christian polemics lay in the fact that Jews were denying a doctrine which Christians were at great pains to embrace among themselves. Inherent in the question of God's humanity was the question of His human qualities. Ultimately, God (or at least a part of Him) took human form, suffered, and died to atone for humanity's sin. Though corporeal, it would be a theological inconsistency for Christ-the-human to be flawed.

Nicholas Donin's devoting more than one third of his accusations to talmudic anthropomorphic texts is therefore understandable, as many theologians wrestled with this paradox. Christian thinkers regularly asserted that anyone rational should grasp the spiritual dimensions of the Incarnation. Reason should inform the faithful that the Virgin Mary's body was spotless and pure inside and out because she was free of sin. Its sublime purity made it the ideal place for God to assume man.<sup>97</sup>

Guibert, Abbot of Nogent, took this logic to the next step, positing that bodies were pure so long as they lacked sin. In contrast to all other human beings, there was not even a hint of sin in Jesus Christ – his body was as pure as possible. Referring to the

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<sup>95</sup> Rubin, *Gentile Tales*, Introduction.

<sup>96</sup> It is worth noting that the earliest documentation of Host desecration was in thirteenth-century Paris. On this anti-Semitic canard see Miri Rubin, *ibid.*

<sup>97</sup> E.g., *PL* 160:1110-1112. Anna Sapir-Abulafia, *Christians and Jews in the Twelfth Century Renaissance*, also recounts a number of important twelfth century scholastics who take this position. For many twelfth-century scholastics the human facility to reason took on theological dimensions. Those who could not see the "reason" in the Christian faith were seen as irrational, and somehow less than human.

Virgin Mary, Guibert asserted that the parts which engendered Jesus Christ were purer than the mouths of those whom he accused of being her detractors.<sup>98</sup>

Guibert was not the only one to contend that the assumption of human flesh did not compromise the deity of Christ. Peter the Venerable also rejected the notion that the essence of God could be tainted by the impurities of the human condition. Rather, Jesus's flesh was exalted by the fact that God had assumed it.<sup>99</sup>

Moreover, Peter added, Jesus Christ embodied the unity of one person made up of diverse substances. Jesus' different actions expressed the properties of these different substances. Thus, influential thinkers like Guibert and Peter the Venerable rationalized the Incarnation by saying that God did not simply change into man; human nature was assumed by God without effecting a change in God's divinity. God, even as a human, remained pure and infallible.<sup>100</sup>

Peter the Venerable and Peter Alfonsi took a most interesting approach in their response to the question of God's Incarnation within their *Adversus judaeos* tracts. Both Peters turned the tables on the Jews by accusing them of blaspheming God through anthropomorphic mockeries. The attribution of human characteristics demeaned the divine majesty and perfection of God. Thus, it was the Jews, and not the Christians, who gave God (the Father) a body.

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<sup>98</sup> Guibert notes all this in his polemical *De incarnatione contra Iudeos*, PL 156:489-528. On the relationship between Guibert and Anselm see Jeroslav Pelikan, "A First-Generation Anselmian, Guibert of Nogent," in *Continuity and Discontinuity in Church History: Essays Presented to G. H. Williams* (Lieden, 1979), 71-82.

<sup>99</sup> Yvonne Friedman, ed., *Petri Venerabilis adversus Iudeorum inveteratam duritiem*, (Turnhout: Brepols, 1985), 28-33.

<sup>100</sup> We must also conceive of the urgency of clerics' efforts to understand the nature of Christian mysteries within their battle with the dualist heresy of the Cathars, which rejected corporal sanctity. For an application of this idea with respect to female holiness, see Bynum, *Fragmentation and Redemption*, especially "Women Mystics and Eucharistic Devotion in the Thirteenth Century."

While Peter Alfonsi supported this position with biblical citations, Peter the Venerable devoted an entire section of his anti-Jewish polemic to an attack on the Talmud.<sup>101</sup> Peter the Venerable's anti-Jewish polemic contained the first sustained Christian attack which targeted the Talmud. The impact of this novel approach is debatable, but it is noteworthy that some of the issues Peter the Venerable raised were mirrored in Donin's later arguments.<sup>102</sup>

In light of contemporary Christian concerns surrounding anthropomorphism it should not be surprising that Nicholas Donin devoted fully eleven articles in his protocol (15–25) to Talmudic anthropomorphic texts which often describe God as an inferior being. Donin cited narrative passages in the Talmud that suggested that the Jews, like the Christians, attributed human qualities to God. However, Donin argued, Talmudic anthropomorphic attributions also perverted the godly nature of the Incarnation. The

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<sup>101</sup> See earlier in this chapter. The former Jew Peter Alfonsi claimed the rabbis erred because they refuse to read the anthropomorphic words of Scripture as a prefiguration of Jesus Christ, whose human nature did not impinge on God's majesty; on Peter Alfonsi's anti Jewish literature see *Petrus Alfonsi's Dialogue Against the Jews*, trans. Irven M. Resnick (Washington DC: Catholic University of America Press, 2006). Peter the Venerable cites aggadic texts from the Talmud, often twisting their contents to prove his point (see Friedman, p. xx). In Peter's version of the tales the rabbis are incredibly rude to God and treat Him as an intellectual equal, at best. They even imply that He is a fool and a liar (ibid. 5, II357-359, p. 134). In Peter's hands, then, the legends of the Talmud prove that Jews have stripped God of His omnipotence and transformed Him into a vulnerable man who can cry and be outsmarted in debate. Gavin Langmuir, *Toward a Definition of Antisemitism*, 131-133 and 197-208, sees a formulation of nonrational belief, where doubting Christians project their disbelief onto Jews. See Funkenstein, "Ha-temurot," who argues that this set the stage for future Christian polemics, and Cohen, *The Friars and the Jews*, who rejects this proposition. Peter the Venerable's stance toward the Jews has been studied extensively. See Yvonne Friedman, "An Anatomy of Anti-Semitism: Peter the Venerable's Letter to King Louis VII, King of France (1146)," in *Bar-Ilan Studies in History*, ed. Pinhas Artzi (Ramat-Gan: 1978), 87-102; Manfred Kniewasser, "Die antijüdische Polemik des Petrus Alfonsi und des Abtes Petrus Venerabilis von Cluny," *Kairos* 22 (1980): 34-76; Marianne Awerbuch, "Petrus Venerabilis: Ein Wendepunkt im Anti-judaismus des Mittelalters?" *Christlich-jüdische Begegnung im Zeitalter der Frühscholastik* (Munich: 1980), 177-196; Gavin I. Langmuir, *Toward a Definition of Antisemitism*, 197-208. The best study of Peter and the Jews is Torrell, "Les Juifs." On the relation and influence of Alfonsi's work on Peter the Venerable's, see Anna Sapir Abulafia, "Bodies in the Jewish-Christian Debate," in *Framing Medieval Bodies*, ed. Sarah Kay and Miri Rubin, (Manchester: Manchester University Press, 1995), 123-137, esp. 127, and Friedman, *Petri Venerabilis*, esp. pp. xiv-lxx, on the dating of the text and the relationship of the work of the two Peters.

<sup>102</sup> This raises the interesting question of the relationship between Peter the Venerable and Nicholas Donin. It would appear that there is little in common between the approaches of Peter and Donin: The former is willing to sacrifice textual accuracy to intensify his arguments, while the latter evinces a fealty to the text. Indeed, this would support the prevailing view that Peter's polemic was not very influential.

texts which Donin quoted described godly flaws, intellectual inferiority to the rabbis, emotional weakness, and mendacity.

Donin cited Talmudic texts which indicated that God experienced emotion, regret, limitations, and even failings. According to these texts, He prayed (to Himself), was sorrowful, contrite, angry, and at least attempted to show compassion. At times God lied and instructed people to lie. Furthermore, His failings were not just self-contained. God could be challenged by people, and defeated by them in argument.

Nicholas Donin revealed that the Talmud described a fickle God: God curses himself [for vowing to consign the Jews to subjugation,] and seeks absolution; God...cries at length the first part of every night ‘woe is me who destroyed my house and burned my palace and sent my children into exile.’ God lied to Abraham...and commanded Samuel to lie.”<sup>103</sup>

God, according to Donin’s depiction of the Talmud, was also limited and weak: “After the Temple was destroyed God measured for Himself four cubits’ space where He studies Talmud.”<sup>104</sup> He also had difficulty controlling His emotions. He took oaths in anger only to repeal them, and wept regularly.<sup>105</sup> Furthermore, He prayed (to Himself!) to have compassion for the Jews: “What does He pray for? Rav Pappa said... ‘that My devotion [pietates] should dominate My anger, and may My devotion unfurl over my

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<sup>103</sup> Loeb 40-43; Folio 214d-215d. “Et sibi maledixisse quia iuraverat et absolucionem exinde postulasse...ac...clamans...veh mihi qua distruxi domum et combussi palacium meum et captivavi filios meos inter gentes seculi. Item dicunt eum Abrahe fuisse mentitum. Et Samueli prophete mandasse mentiri.”

<sup>104</sup> Loeb 43-44; Folio 215c. “Et postquam templum deseruit ad mensuram IIII brachiorum certus sibi locus remansit ubi studet in prefata doctrina.”

<sup>105</sup> Loeb 40; Folio 214d.

Jews, and may I conduct Myself with [the Jews] in a devoted way, and may My interactions with them be in accordance with justice.”<sup>106</sup>

The shortcomings the Talmud attributed to God were not limited to emotions. Intellectually, too, God proved inferior to the sages. In a dispute between Rabbi Eliezer and the sages Rabbi Eliezer called upon the heavens to support his case:

A heavenly voice [bat-qol] said, ‘what are you [sages] next to Rabbi Eliezer, he speaks the truth everywhere!’ Rabbi Joshua rose and said “[The Law] is not in heaven...(Deut. 30)’ what does this mean? That the Law was given to us at Mt. Sinai and it says therein, ‘after the majority you shall incline (Ex. 32).’” Rabbi Nathan met Elijah and asked him, “What did God do at that time?” Elijah responded, “He smiled and said, ‘my children have defeated me, my children have defeated me.’”<sup>107</sup>

Of particular interest is Donin's fifteenth article, his first to mock the notion of a corporeal God. According to Donin, the Talmud accused God of sinning. His prooftext was the following story told in the Talmud, one we have already seen in the context of Yehiel's report:

It says God made the two great luminaries and then it says the greater luminary and the smaller luminary (Gen. 1:46). The moon said to God, it is impossible for two kings to wear one crown. God said, minimize yourself. The moon said, because I said an agreeable thing to you I have to be the one to minimize? God saw that the moon remained unhappy, and God said bring an atonement sacrifice for Me for minimizing the moon, and this is what Resh Lakish said, why is the [atonement] sacrifice of the first of the month brought? God said, this sacrifice is an atonement for Me for minimizing the moon.<sup>108</sup>

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<sup>106</sup> Loeb 45; 215d-216a. “Quid orat? Dicit Rav Pappa, Sit voluntas coram me quod pietates mee super Iudeos meos, et deducam me cum filiis meis in modum pietatis, et quod intrarem cum eis in mensuram iudicii.”

<sup>107</sup> Loeb, 45-46; Folio 215d-216a. “...super quadam disputatione inter Rby Elyezer et sapientes discipulos, ibi dicitur: Respondit Rby Elyezer omnes responsiones seculi et non receperunt ab ipso... Dicit eis: Si est sicut ego, de celis probent xivit filia vocis (vox Dei) et dixit eis: Quid est vobis juxta Rby Eliyezer, verum enim est sicut ipse in omni loco. Surrexitque Rby Iossua super pedes suos et ait: ‘Non est in celis illa’ scilicet est non est in celis illa? Iam data est nobis super montem Syna et scriptum est in ea: ‘Post plura declinabis.’ Invenit Rby Nathan Hylam et dixit ei: quid dixit Deus in illa hora? Respondit: Risit et dixit, vicerunt me filii mei, vicerunt me filii mei.”

<sup>108</sup> Loeb 39-40; Folio 214d. “Scriptum est: ‘Fecit Deus duo magnan luminaria’ et scriptum est: Luminare magnum et luminare parvum.’ Dixit luma coram sancto benedictus sit ipse: Domine seculi, est possibile duobus regibus quod serviant uni corone? Dixit ei Deus: Vade et minor te ipsam. Dixit coram eo: Domine

This story described a God who was the exact opposite of the Christian God. A fundamental element of Christian theology maintained that God descended to earth, adopted human form as Jesus, who died and suffered – indeed, served as a sacrifice – for humankind's sins. The Talmud, in contrast, depicted a God who sinned and needed atonement. And only humanity, which in Christian thought was inherently flawed and sinful, had the power to effect God's forgiveness.

Thus, Donin argued, while Jewish texts actually supported the position of a God with human aspects, they denied the true nature of Jesus's humanity, perverting it instead. The anthropomorphic God of the Talmud did not exhibit kindness and sacrifice, but rather weakness. Instead of a God who forfeited His life for humankind, the Talmud's anthropomorphic God committed errors of judgment against the Moon, for which He felt eternally guilty and was obligated to compensate.

In one fell blow Donin accomplished two goals. As we have seen, conceptualizing anthropomorphism and transubstantiation was progressively difficult for thinking Christians in the high Middle Ages. Here, Donin shored up Christian faith in transubstantiation by citing its validation in the Talmud. In Gavin Langmuir's terminology, the Christian argument was nonrational: even the Jews, in their perverted faithless way, accept anthropomorphism.<sup>109</sup>

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seculi, quia dixi coram te verbum decens, minorabo me. Dixit ei Deus: Vade et presis diei et nocti. Dixit ei: Quid valor candele ad meridiem? Dixit ei Deus: Vade et Israel computent in te dies et annos. Et ait illa: Similiter per dies computabunt terminos suos sicut scriptum est... Afferte super me indulgenciam quod minoravi lunam, et hoc est quod dicit Relakys: Quare demittatus est edulus principii mensis? Quoniam dicitur in eodem... Dixit Deus, edulus iste sit in indugenciam super me quod minoravi lunam."

<sup>109</sup> Gavin Langmuir discusses this phenomenon in his *History, Religion, and Antisemitism*, 155-162. Langmuir develops this further in "Doubt in Christendom" in his *Toward a Definition of Antisemitism*, chap. 5.

Simultaneously, Donin disparaged Jewish texts for the way in which they supported anthropomorphism. The notion that an all-powerful God could err and obsequiously seek forgiveness was diametrically opposed to a Christian's relationship with her or his God. As the Jews perverted the meaning of the Old Testament through rabbinic texts, they both validated and distorted the concept of a God who becomes human.

By highlighting anthropomorphic texts within the Talmud, Donin exploited a recognized weakness in Christian theology. These passages made a mockery of an article of Christian faith about which Christians themselves were insecure. Ultimately, Donin's arguments suggested, this insecurity was the result of allowing literature to be disseminated and studied without Church authorization.

### Conclusion

At Nicholas Donin's initial approach in 1239, Pope Gregory was sufficiently alarmed to call on secular and religious leaders of Latin Christendom to examine, and if necessary, confiscate rabbinic texts. We can now readily understand Gregory's reaction to Nicholas Donin's report.

From the pope's viewpoint this situation directly influenced the Church. The Jews had abandoned the position and function assigned them by Christian tradition and thus had perpetrated a grievous wrong. The existence of the Talmud undermined one of the Jews' most important divinely ordained *raison d'être*.

Unquestionably this realization provoked Pope Gregory. However, as the Vicar of Christ representing a millennium-old institution, he was bound by tradition. The papacy was a traditional system — for example, the inquisition gestated for decades

under several popes before it emerged as a full-blown organized response to Christian heresy.<sup>110</sup> Similarly, over the course of centuries, the Crusades developed from a largely inchoate assembly to an army with a structured mission.<sup>111</sup> How was the Church to respond to this disappointing revelation about Jewish texts within accepted Church protocol?

Gregory could not in good conscience challenge the Jews on grounds of “breach of theological contract” for independently supplanting the Bible with the Talmud — this would have required too great a theological, institutional, and mental shift. He could demand, however, that Jewish literature be subject to clerical oversight. As we saw in Chapter Four, textual communities (both heretical and orthodox) which were founded without permission or supervision from a high-level cleric were disbanded. Likewise, the Talmud, the text responsible for Jews' abandoning their Christological role and promulgating anti-Christian sentiment, could become subject to clerical approval, just like other contemporary religious literature.

In the eyes of the Church, adherents to Jewish post-biblical literature legitimately constituted an independent textual community. When it came to dealing with unauthorized literature, the Church had a generic procedure in place which could be applied to the “Jewish problem.” By focusing on this aspect of post-rabbinic literature the pope was well within his rights, and abilities, to censor and possibly ban Talmudic texts.

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<sup>110</sup> Shannon, *The Popes and Heresy*; Kedar, *Crusade and Mission*.

<sup>111</sup> This is the consensus among scholars of the Crusader attacks upon the Jewish Rhineland communities. Indeed, recently David Malkiel put forth the thesis that Crusaders did not offer Jews the opportunity to save their lives through conversion, but murdered them outright. See his “Jews and Apostates in Medieval Europe – Boundaries Real and Imagined,” *Past and Present* 194 (2007), 3-34; and Kenneth Stow’s article, “Conversion, Apostasy, and Apprehensiveness.”

The case of Jewish post-biblical texts served Nicholas Donin's aims in vilifying the Jewish population in western Christendom. Moreover, it also served as a more generic example of the perceived dangers unmoderated texts posed to the medieval Church. Thus, in addition to responding to a uniquely *Jewish* threat, Gregory was reacting to far-reaching medieval developments which had reached a critical stage in the thirteenth century.

Gregory responded to rabbinic texts the way he responded to *all* religious texts — he sought control, to ensure that they would not be read the “wrong” way, by the “wrong” people. This further explains the process by which the Talmud was condemned — the books were to be first censored, like many of the books written by scholars at the time. Consistent with other unauthorized texts, Gregory sought to obtain the offending texts, analyze them, and, depending on their content, allow them back into free circulation, release a censored version, or confiscate and destroy them (as ultimately happened to the Talmud in 1242).

The 1240 Debate is an important event in examining the shift toward increased anti-Jewish activity, particularly on the part of ecclesiastical dignitaries, throughout medieval Europe. As the first sustained public attack on rabbinic literature, the 1240 Debate served as the point at which Jewish literature came to be viewed as unacceptable to the thirteenth-century Church.

But as this chapter has demonstrated, the Church focus on Jewish literature was not motivated solely by anti-Jewish sentiment per se. Rather, the ecclesiastical efforts to contain or control rabbinic texts emanated from a largely Christian milieu. For example, upon examination of the Christian religious and cultural background surrounding the

1240 Debate, it becomes apparent that heretical content in the Talmud itself was not the motivating factor in Gregory's activities regarding the Talmud, as many scholars would suggest.<sup>112</sup>

Rather, much broader heretical movements -- generated in part by the proliferation and importance of texts in the Christian world -- gave the Church cause for fear. At this juncture, when the Church called on the Jews to fulfill their Christian duty, Gregory recognized that the Jews had forsaken their role as guardians of the Old Testament and could no longer fulfill their function as “witness people.”

By making Gregory aware that Jews were forsaking their Augustinian role at this critical juncture, Nicholas Donin could most effectively accomplish his goal, i.e., the undermining of Jewish life. Additionally, he may have anticipated that casting the Talmud as autonomous literature would provide Gregory with a procedure to follow in dealing with these texts, for in this regard the Church bureaucracy had an established, ongoing system wherewith to contend with such literature. In this way Donin was able to deal a blow to Jewish intellectual creativity and morale, from which it might recover with great difficulty, if at all.

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<sup>112</sup> This is Jeremy Cohen's overarching thesis. See his *The Friars and the Jews*, esp. 76.

## Chapter 7

### **Rethinking Christian and Jews in the Middle Ages**

It has been the working premise of this dissertation that Yehiel and Nicholas Donin capitalized on their experience of the 1240 Debate to communicate distinct messages to their exclusive audiences. This study departs from the classic, positivist approach to these documents whereby scholars examine the documents in tandem in an effort to recreate the debate. Instead, this dissertation has studied each document in isolation, gleaning insight into each document's unique audience and milieu.

Studying each document in its particular context leads to another departure from generally accepted ways of studying debate literature. Most often religious polemic is studied from a Jewish perspective in an effort to understand why the tide turned against the Jews at some point in the twelfth or thirteenth century. While anti-Judaism may be an acknowledged part of the medieval landscape, it is one of many factors impacting on the medieval Jewish experience.

In a departure from interpreting polemical literature as an expression of anti-Judaism per se, this dissertation has revealed relevant features of the Christian milieu which provide a more nuanced view. Beyond general anti-Jewish sentiments, broader Christian factors such as apprehensions surrounding unmoderated textual communities played a role in the 1240 Debate. Donin exploited this point of anxiety in Christian culture and brought it to bear on Jewish literature. His protocol cannot be properly understood solely in the context of Jewish-Christian polemic and relations. This

influence of the wider Christian context is a new perspective – one which is gained by expanding studies of this debate beyond the traditional Judeocentric approach.

This dissertation also rejects a positivist historical approach in favor of analyzing the report as a literary narrative. This process offers new insight into the composition of Yehiel's audience, as Yehiel used *melitza* to address the learned class exclusively. Jews less intimate with Jewish literature would find the style pointlessly laborious.

Indeed, we can see that Yehiel addressed the specific needs of this population, particularly that of religious doubt. Historical scholarship points to contemporary Jewish concern over what Jews saw as an alarmingly high rate of conversion among the more educated Jews. Yehiel's protocol addressed this concern. Additionally, because Yehiel was the first Jewish participant in formal religious debate, he offered inheritors of his role the benefit of his experience. Yehiel's protocol, therefore, should not be read as reportage, but rather as a manual. Yehiel warns the future debater of issues likely to be raised in a similar debate, and offers a number of possible responses to these issues.

Although the study of the two reports in isolation has revealed a great deal about their distinct contexts, we have also seen that a number of features were shared by Yehiel and Donin and their readers. Both Jewish and Christian leaders recognized religious doubt in their audiences; both were aware of Jewish and Christian explication of biblical texts; both recognized the essential nature of the Talmud for the Jews.

Indeed, these parallels reflect recent research on the Jewish experience in medieval Europe. Since the late twentieth century the historiography of the cultural interface of medieval Jews and Christians has undergone significant change. Until the 1970s the prevailing impression of northern European Jewry in the High Middle Ages

continued to be one of an insular community, hostile to and ignorant of the society that surrounded it.<sup>1</sup> Though historical scholarship had long acknowledged that Jews in Latin Christendom spoke the vernacular and picked up words or phrases from Latin,<sup>2</sup> the established view of Ashkenazi Jewry as isolated from the developments of the high Middle Ages remained unaltered.<sup>3</sup>

In the last generation, arguments have been presented that would have seemed implausible thirty years ago: that northern European Jews discussed biblical texts with Christians in non-polemical contexts,<sup>4</sup> that Jewish exegesis was profoundly influenced by both the Jewish-Christian confrontation and the intellectual atmosphere of the twelfth-century renaissance,<sup>5</sup> that Jews may have been tempted by Christianity and converted more often than we imagined,<sup>6</sup> that Jewish religious ceremonies arose and developed in conscious and subconscious interaction with Christian rituals,<sup>7</sup> that martyrdom itself reflects a religious environment shared with the dominant culture and even an awareness of its evolving theology,<sup>8</sup> and that images of self and other were formed through constant,

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<sup>1</sup> See, for example, Israel J. Yuval, "Yitzhak Baer."

<sup>2</sup> See for example David S. Blondheim, *Contribution à la lexicographie française d'après des sources rabbiniques* (Paris: H. Champion, 1910); and Arsène Darmesteter, *Les gloses françaises dans les commentaires talmudiques de Raschi* (Paris: H. Champion, 1929-1937).

<sup>3</sup> See David Berger, "A Generation of Scholarship." Interestingly, David Berger allows for Ashkenazic interest in technological advances and intense curiosity about the natural and mechanical phenomena that surrounded them, but attributes this to the *lack* of cultural engagement with the majority culture. See his "Judaism and General Culture," 57-141; esp. 117-125.

<sup>4</sup> Aryeh Grabois, "The *Hebraica Veritas*," 613-34.

<sup>5</sup> A mini-literature has grown up around this theme. See the overall argument presented in Elazar Touitou, "Shitato ha-Parshanit shel ha-Rashbam al Reka ha-Metsiut ha-Historit shel Zeman," in *Iyunim be-Sifrut Hazal ba-Mikra u-betoledot Yisrael: Mukdash li-Prof. E. Z. Melamed*, ed. Y. D. Gilat et al. (Ramat Gan, 1982), 48-74. For a particularly good discussion containing some important methodological observations, see Avraham Grossman, "Ha-Pulmus ha-Yehudi ha-Notzri ve-haparshanut ha-Yehudit la-Mikra be-Zarfat ba-Meah ha-Yod-Bet," *Zion* 91 (1986): 29-60.

<sup>6</sup> Avraham Grossman, *Hakhmei Tsarfat*, 502-03.

<sup>7</sup> Ivan G. Marcus, *Rituals of Childhood* and supporting works; Yisrael Yuval, *Shenei Goyim*, 219-66. More recently see the monographs of Simha Goldin, *Ha-yihud ve-hayahad*.

<sup>8</sup> See Jeremy Cohen, "Gezerot tatnu," and Shmuel Shepkaru, "To Die for God: Martyrs' Heaven in Hebrew and Latin Crusade Narratives," *Speculum* 77 (2002): 311-41.

shifting interaction with the surrounding Christian majority,<sup>9</sup> and that Jewish and Christian family life developed along similar lines.<sup>10</sup> Most recently, Jonathan Elukin described a life of daily cooperation between medieval Jews and Christians, and the violence directed at Jews did not undermine Jewish participation in the daily rhythms of European society.<sup>11</sup> All these debates were framed within the most recent generation of historical scholarship.<sup>12</sup>

In one striking parallel development not mentioned in the historical literature, both Jewish and Christian leadership used letter-writing to construct and solidify their respective authority.<sup>13</sup> Although in both Jewish and Christian epistolary exchanges, the letter-writers' personal acquaintance with their correspondants was often limited, the letters professed friendship and respect, frequently in terms of deep love and unity. Such relationships were highly relevant to the conditions of contemporary life. We must remember that a letter was a considerable gift, involving effort and expense in writing and delivery. To receive a letter from a respected political or spiritual figure was

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<sup>9</sup> David Berger, "Al tadmitam," 74-91; Robert Chazan, *Medieval Stereotypes*; and Ivan Marcus, "A Jewish-Christian Symbiosis: The Culture of Early Ashkenaz," in *Cultures of the Jews: A New History*, ed. David Beale (New York, 2002), 449-518.

<sup>10</sup> Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton: Princeton University Press, 2004).

<sup>11</sup> Elukin, *Living Together, Living Apart: Rethinking Jewish-Christian Relations in the Middle Ages* (Princeton: Princeton University Press, 2007).

<sup>12</sup> This concentrated review of the field is based on David Berger, "A Generation of Scholarship." A useful snapshot of the "state of the field" and recent historiographical trends are provided by Ram Ben-Shalom, "Medieval Jewry in Christendom," in *The Oxford Handbook of Jewish Studies*, ed. Martin Goodman (Oxford and New York: Oxford University Press, 2002). For more on the subject of medieval Jewish historiography see Levin, "'Jewish Conversion to Christianity,'" chapter 1.

<sup>13</sup> On the role of letters in forming an elite and influential body see Colin Morris, *The Discovery of the Individual*, 96-107 for the Christian world, and Simha Goldin, "Company of Disciples," for a similar process in the Jewish world.

flattering indeed. Written correspondence provided initiation into a class of influential intellectuals, and letters also provided this class with a sense of community.<sup>14</sup>

This system of letters created a network for people of common mind. Hildebert (d. 1138) was fond of writing that the existence of a “commonwealth of friendship,” provided its members with a basis for political action.<sup>15</sup> For learned Christian leaders of the high Middle Ages who sought to reform Christian society – “the Church” – correspondence with a wide range of friends was fundamental to their attempt to influence policy. These connections were used to “place” sympathizers, as when Bernard of Clairvaux wrote to Archbishop Theobald of Canterbury to recommend John of Salisbury “a friend of me and of my friends.”<sup>16</sup> We have seen in Chapter 5 that authors wished to demonstrate their allegiance to the Church by having their texts vetted. In a related fashion, then, written correspondence further cemented membership in an elite class.

In a corresponding development in the Jewish world of northern France, leaders of the various Talmudic academies throughout Ashkenaz formed a “Community of Colleagues,” in Simha Goldin’s terminology.<sup>17</sup> Aside from teaching Talmud, many of these colleagues also served as judges or consultants in religious courts, and consulted one another on difficult issues through a complex but efficient letter exchange system.<sup>18</sup>

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<sup>14</sup> For the role the twelfth century renaissance played in letter-writing, see Morris, *The Discovery of the Individual*.

<sup>15</sup> Quoted in Morris, *Discovery of the Individual*, 104.

<sup>16</sup> *Ibid.*, 107.

<sup>17</sup> Goldin, “Companies of Disciples’ and ‘Companies of Colleagues’: Communication in Jewish Intellectual Circles,” in *Communication in the Jewish Diaspora: The Pre-Modern World*, ed. Sophia Menache et al. (Leiden: E. J. Brill, 1996), 127-138. On the structure of the medieval rabbinic academy see Ephraim Kanarfogel, *Jewish Education*.

<sup>18</sup> On the different roles played by rabbinic leaders in France and the rabbinic leaders of Germany, see Ephraim Kanarfogel, “Religious Leadership During the Tosafist Period: Between the Academy and the Rabbinic Court,” in *Jewish Religious Leadership – Image and Reality*, ed. Jack Wertheimer (New York:

The practice of frequent and wide consultation served a number of purposes. The obvious function of these consultations was the clarification and implementation of halakhic matters. It was in this culture of letter-writing that responsa literature reached great heights. Furthermore, in a communal system where consensus was a priority,<sup>19</sup> achieving unanimity from a broad spectrum of scholars was advantageous.

Significantly, as was the case for the Christian elite, involvement in this lettered correspondence also signified status and membership in an exclusive and self-confident group. Collaborating with a network of colleagues contributed to solidarity among the intellectual or religious leadership. As both Christian and Jewish religious leaders found great value in written communication, this would serve as another indication supporting a culturally integrated Jewish society in medieval Europe.

At the same time, a presumption of universal similarity between Ashkenazic culture and the wider Christian world can be misleading. For example, the premise of Jewish enmeshment in Christian society is so widely accepted today that scholars assume that Rashi “must have” been familiar with contemporary Christian scholarship, and that when writing his commentary on the Pentateuch, Rashi “must have” done so with Christian exegesis and truth claims in view – all in the absence of any explicit evidence that would support such a position.<sup>20</sup>

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Jewish Theological Seminary Press, 2004), 265-305. On the communication between tosafists see Simha Goldin, “Communities,” and Aryeh Graboīs, “The Use of Letters as a Communication Medium among Medieval European Jewish Communities,” in *Communication in the Jewish Diaspora: The Pre-Modern World*, ed. Sophia Menache (Leiden: E.J. Brill, 1996), 93-105.

<sup>19</sup> See Ephraim Kanarfogel, “Unanimity, Majority, and Communal Government in Ashkenaz during the High Middle Ages: A Reassessment,” *Proceedings of the American Academy for Jewish Research* 58 (1992): 79-106, and his expansion on this theme in idem, “The Development and Diffusion of Unanimous Agreement in Medieval Ashkenaz,” in *Studies in Medieval Jewish History and Literature III*, ed. Isadore Twersky and Jay Harris, (Cambridge: Harvard University Press, 2000), 21-44.

<sup>20</sup> Sarah Kamin, *Bein Yehudim le-Notzrim be-parshanut ha-mikra* (Jerusalem: Magnes Press, 1991), 32, and Kraus and Horbury, *Controversy*, 83, are forthright on the point. Both assume that Rashi was aware of the

In particular, Jewish and Christian societies diverged regarding the role of texts. An important aspect of the rise of textual communities in Latin Christendom was the Church's concomitant apprehension of who might interpret those texts and use them to support unorthodox views. This does not seem to be reflected in the Jewish experience in the medieval West.

Simha Goldin frames the rabbinic academies of Ashkenaz as a teacher-disciple dynamic. The personality of the teacher formed the core of the academy. Significantly the academy, or yeshiva, was known by the teacher's name, rather than by the town or community in which it was located. The students, usually ten to fifteen in number, ate, lived, studied, and prayed in the master's house. This intimacy was accompanied by a marked openness between the teacher and his students. The students felt free to argue with their teacher, and he, in turn, allowed and even encouraged these disputes in the interests of sharpening his own opinion and the thought processes of his students.<sup>21</sup>

When this intimate group broke up, some students would inevitably establish yeshivot of their own. Ephraim Kanarfogel has provided evidence that students opened their own academies without authorization from their teachers. In one case – the only such case Kanarfogel identified in medieval northern Europe – did a master, Rabbenu Tam, actually object to his students' (the brothers Moses and Samuel of Evreux) opening an academy.<sup>22</sup>

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Christian challenges to Judaism, and sought to respond to them in his commentary to the Pentateuch. See Shaye D. Cohen, "Does Rashi's Torah Commentary Respond to Christianity?" for a rebuttal to these claims. See also Lockshin, *Rashbam's Commentary*, "Introductory Essay."

<sup>21</sup> Aside from Kanarfogel's monograph on the subject, see Mordechai Breuer, NEED HEBREW TITLE "Le-ḥeker Ha-typologia shel Yeshivot Ha-maarav Bi-mei Ha-beinaim," in *Perakim be-toldot ha-ḥevra ha-yehudit bi-mei ha-beinaim u-beit ha-ḥadasha: Mukdashim le-Professor Yaakov Katz be-melot lo shivim ve-ḥamesh shana*, ed. Emmanuel Etkes and Yoseph Salmon (Jerusalem: Magnes Press, 1980), 45-55.

<sup>22</sup> "There are no other Tosafist sources that refer specifically to the right of a student to open an academy...it is not at all surprising." Kanarfogel, "Rabbinic Authority," 239. In this case, R. Tam's

Still, even these students did not hesitate to openly refute their teacher's position. Responding to their teacher, the brothers argued that the Talmudic rules were no longer relevant: "For the Talmudic texts, the commentaries, the novellae, the [halakhic] compositions, they are the teachers of men. And all [is determined] by one's perspicacity."<sup>23</sup> Nor was this position considered rebellious or even beyond the mainstream. Rabbi Isaac ben Samuel (Ri ha-Zaqen of Dampierre; fl. 1190),<sup>24</sup> nephew and successor of R. Tam, concurred with the position of the brothers of Evreux. Explaining the Talmudic rule forbidding a student from deciding matters of law in a place proximate to his teacher, Ri stated:

However, now that legal rulings and decisions are in written form, and everyone can look into legal rulings [and books] and render a decision, a rabbi does not retain as much honor...[Therefore a student may rule] if [the teacher] is not in right in front of him.<sup>25</sup>

That is, due to the persecutions and Jewish relocations through Jewish history, the most effective teachers of Torah were now texts rather than people.<sup>26</sup>

Regarding text-management, then, Jewish and Christian universities were far apart. In the Jewish academies, texts were always 'open-source.' It would seem that public acceptance (or rejection) of a work after its dissemination would determine its

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objection stemmed from the talmudic dicta which require that a student receive his teacher's approbation in order to decide matters of law, and that the student not render legal decisions in a place proximate to his teacher out of respect for a student's primary teacher [*rebbei muvhaq*]. See BT *Sanhedrin* 5b; *Eruvin* 62b; *Berakhot* 31b. On another occasion R. Tam considered removing rabbis from their position as yeshiva heads. See Kanarfogel, "Rabbinic Authority," 239. See Reiner, "Rabbenu Tam," Chazan, "The Blois Incident," and Urbach, *Baalei ha-Tosafot*, 60-84, for a discussion of R. Tam's singularly forceful personality.

<sup>23</sup> The brothers' position is recorded by Rabbi Aharon Hacoen of Lunel, *Orhot Hayim* (Jerusalem: 1957), 64b. For more on the issue of texts upstaging rabbinic authority see Kanarfogel, "Rabbinic Authority," 236, and idem, *Jewish Education*, 55-57, and his notes there.

<sup>24</sup> For a discussion on Ri and his influence see Urbach, *Baalei ha-Tosafot*, chapter 6.

<sup>25</sup> Kanarfogel, "Rabbinic Authority," 241-242.

<sup>26</sup> Maimonides provides this explanation for a similar development in the Introduction to his *Mishne Torah*.

weight (or lack thereof).<sup>27</sup> Among the Jewish learned, the freedom to write and disseminate texts allowed for a proliferation of texts without direction of an influential elite. In contrast, at the University of Paris texts were strictly monitored, which focused and limited academic expansion. There was an established curriculum of texts, all of which were subject to papal approval.<sup>28</sup>

One important feature of a textual community was the increasing prominence of the written word. With regard to development of a textual society within the Jewish community the picture is more complex. To be sure, texts' rising status in the later Middle Ages affected the Jewish world as well. Basic Jewish literacy was taken as a matter of course. In order to recite prayers and study Jewish texts, Jews, or at least Jewish males, were at least minimally literate in Hebrew. Indeed, letters written in the vernacular, spoken languages employed Hebrew rather than Latin characters.<sup>29</sup>

At the same time, the Ashkenazi relationship with oral aspects of its culture was highly valued, particularly with regard to communal traditions. Ashkenazi Jews were

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<sup>27</sup> This is also indicated in Maimonides' introduction to his *Mishne Torah*. There he writes that the Talmud became canonized through its ubiquitous acceptance by all Jewish communities, while the geonic corpus (the work of the Babylonian rabbis who followed immediately after the end of the Talmudic era) was less successful since it was more regionalized and did not have "the approbation of the entire Jewish people."

<sup>28</sup> In general on the topic of universities, see the classic by Gordon Leff, *Paris and Oxford Universities*. On the role of the papacy in medieval universities see 27-74, 187-240. See also Chapters Five and Six of this dissertation.

<sup>29</sup> There are a number of indications supporting the claim of widespread Jewish education. A student of Peter Abelard writes that, in contradistinction to Christians, Jews "...put as many sons as they have to letters, that each may understand God's law. A Jew, however poor, even if he had ten sons would put them all to letters..." See A. Landgraf, *Commentarius Cantabrigiensis in Epistolas Pauli e Schola Petri Abelardi* (Notre Dame, 1937), 2:434, translated in B. Smalley, *The Study of the Bible*, 78. See also R.W. Southern, *Scholastic Humanism*, 11. Robert Chazan, *Medieval Jewry in Northern France*, 20, may be stretching the point when he writes of a "well-developed school system for both elementary and advance education" in the Jewish communities of northern France. See also Rabinowitz, *Social Life of the Jews*, 213-220. For a comparison of the educational levels in Ashkenaz and Sepharad see I. Ta-Shma, "Shiput Ivri u-mishpat Ivri be-Meot ha 11-12 bi-Sfarad," *Shenaton ha-Mishpat ha-Ivri* 1(1974): 349-355. Also noteworthy is the thirteenth century Jewish Provençal scholar Rabbi David Kimhi (Radak) who writes that "Jews...from their youth until their maturity rear [their children] in Torah study." See Frank Talmage, ed., *Sefer ha-Berit* (Jerusalem 1974), 26. The subject of Jewish education in Ashkenaz is treated thoroughly in Kanarfogel, *Jewish Education*, esp. chaps. 1, 4-5.

convinced that their communal practices and rituals were authentic, even though communal practice sometimes differed from textual prescription. In these cases, rather than bend to the authority of the text the communities of Ashkenaz chose to interpret the texts to conform to the custom, or to override the text altogether. Indeed, there are numerous Talmudic passages in which the tosafists may have overtly fashioned the law so as to better align with regnant practice. The written word was perceived in a manner which justified the orally-transmitted status quo.<sup>30</sup>

The study of theology represents another important point at which the Jewish and Christian intellectual societies differed. While the expansion of higher education flourished for both Jews and Christians over the course of the high Middle Ages, the intellectual discourse was radically different. As we have seen, Christian thinkers highly valued the study of theology – “the queen of sciences.” The mysteries of the Christian God, especially the Eucharist and Incarnation, were important areas of research at the great universities of Paris.

For the Jews of northern France, on the other hand, the abundant anthropomorphic verses in the Bible notwithstanding, anthropomorphism was a virtual non-issue. In a comprehensive study, Ephraim Kanarfogel has found little evidence of controversy over anthropomorphism: “Indeed, we have been unable to positively identify any Ashkenazic

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<sup>30</sup> See Haym Soloveitchik, "Religious Law and Change," 205-13. See also Soloveitchik's *Yeynam*. For a survey of the legal status of custom, see Menachem Elon, ed., *The Principles of Jewish Law* (Jerusalem: Keter Publishing House, 1975), s. v. *Minhag*. For a discussion of custom overriding written law (*minhag mevattel halakhah*), see *ibid.*, columns 97-99. I do not mean to imply that the tosafists would never abolish a custom which they found entirely groundless. See, for example BT *Bava Batra* 2a s.v. ha-Shutafin, where the tosafist discusses a *minhag shetut*, or a foolish custom. For contemporary similarities (or differences) in the Jewish world, see Haym Soloveitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," *Tradition* 28, no. 4 (Summer 1994), 64-131.

rabbinic scholars who espoused radical... forms of anthropomorphism.”<sup>31</sup> It would seem, then, that while both Jews and Christians were concerned with religious doubt, the forms this doubt took diverged, as did the approaches to dealing with it.

A number of differences, then, divided Jewish and Christian academies. For one, the yeshiva was less formal in structure than the university. At a point of the yeshiva student’s determination, he could open his own independent academy. The university was far more ordered. Students studied a set, approved curriculum – not determined by the individual teacher as in a yeshiva – and were required to study for a certain number of years and reach a level of proficiency before obtaining a license to teach.

The yeshiva and the university also differed in substance. In contrast to the university, the yeshiva was unconcerned with theological questions.<sup>32</sup> Yeshiva scholars, the Tosafists, preferred to focus on the internal logic of the Talmudic text. Fears of heresy were virtually unheard of in Ashkenaz. As we have seen, this was not the case in the universities. There, the scholastic study of theology often pushed Christian scholastics to the edge of orthodoxy, or beyond it.

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<sup>31</sup>Ephraim Kanarfogel, “Varieties of Belief in Medieval Ashkenaz: The Case of Anthropomorphism,” in *Rabbinic Culture and Its Critics*, ed. Daniel Frank and Matt Goldish (Detroit: Wayne State University, 2006). I thank Professor Kanarfogel for sending me a typescript of his article in advance of publication. Medieval rabbis often understood the anthropomorphic comments in the Bible allegorically, or as a means for God to communicate to human beings.

<sup>32</sup> Consider also the words of Soloveitchik, “Religious Law and Change,” 213: “The Ashkenazic community never developed, possibly never wrote a line of religious philosophy.” On the dearth of philosophic interest note also Joseph Dan, *The Esoteric Theology of Ashkenazi Hasidism* (Jerusalem: Bialik Institute, 1968). Similarly, Daniel Lasker’s work on Jewish philosophy in polemics does not touch on medieval northern Europe. Ora Limor and Israel Jacob Yuval, “Skepticism and Conversion: Jews, Christian, and Doubters in *Sefer ha-Nizzahon*,” in *Hebraica Veritas? Christian Hebraists and the Study of Judaism in Early Modern Europe*, ed. Allison P. Coudert and Jeffrey S. Shoulson (Philadelphia: University of Pennsylvania Press, 2004), 159-180, esp. 174, write that the first Ashkenazi polemical work to appeal to philosophy is the *Sefer ha-Nizzahon*, composed in early fifteenth-century Germany.

I would like to offer a speculative explanation for these differences. While precise numbers are difficult to come by, the Jewish population in northern Europe was quite small, and the number of yeshiva students even smaller.<sup>33</sup> As noted, a rabbi would often teach no more than a dozen students. This being the case, the total number of northern European yeshiva students was sufficiently small for students' reputations to spread easily. Formal approval or passing tests was simply not needed in such a small, closed environment.

In terms of numbers, the university differed radically from the yeshiva. In the early twelfth century the schools of Paris had over 100 masters and thousands of students; under Louis IX the number of students may have been in the tens of thousands. Under such conditions the only way to function effectively was to institute formal procedures.<sup>34</sup>

As for why Ashkenazic Jews did not study philosophy or theology, perhaps the question should be asked in the reverse: why should they? The text that formed the center of their study, the Talmud, was largely legal in nature. In contrast, the Bible (especially the New Testament) and the writings of the Church Fathers were often narrative and moralistic. Unlike the legalistic texts of the Talmud, classical Christian

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<sup>33</sup> See M. Gross, *M Gallia Judaica: Geographical Dictionary of France*, (Paris 1897); Kanarfogel, *Jewish Education*, chapter 1; and Kenneth Stow, "The Jewish Family in the High Middle Ages: Form and Function," *The American Historical Review* 92, no. 5 (Dec. 1987): 1085-1110. On the Jewish communal size in northern France see also S. Albeck, "Yahasos shel Rabbenu Tam le-Vaayot Zeman," *Zion* 19 (1954), 72-119; S.W. Baron, "Rashi and the Jewish Community of Troyes," in *Rashi Anniversary Volume*, ed. H.L. Ginsberg (New York, 1941), 45-67; and B. Blumenkranz, "Quartiers juifs en France (XIIe, XIIIe, XIVe siècles)," *Mélanges de philosophie et de littérature juives* 3-5 (1958-1962): 73-91; and Chazan, *Medieval Jewry in Northern France*, 32-33.

<sup>34</sup> On the universities and the city of Paris see John W. Baldwin, *City on the Seine: Paris under Louis IX, 1226-1270* (New York: Macmillan, 1975). On the formal procedures at medieval universities see, inter alia, Gordon Leff, *Paris and Oxford*; John Baldwin, *Masters, Princes, and Merchants*; Chenu, *Nature, Man, and Society*; R.W. Southern, *The Making of the Middle Ages* (New Haven: Yale University Press, 1961); idem, "The Schools of Paris and the School of Chartres," in *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson and G. Constable (Cambridge: Harvard University Press, 1982), 113-132; Jacques Verger, *Culture enseignement et société en Occident aux XIIIe et XIVe siècles* (Rennes: Presses Universitaires de Rennes, 1999).

texts presented more opportunities for theological inquiry.<sup>35</sup> Although Christian legal texts abounded in the twelfth and thirteenth centuries – indeed many of the high medieval popes were trained as canon lawyers – the study of the law was centered in the University of Bologna, while theology was the focus of the Paris schools.

The protocols of the Paris Debate have served as a linchpin and a springboard. As a linchpin, these documents convoke a variety of currents and anxieties pervading in thirteenth-century Christian and Jewish culture. Additionally, careful examination of the protocols served as a springboard for investigating various forms of medieval religious polemic and exploring the nature of the Inquisition in the early thirteenth century. From the vantage point of the debate records, this study also looked at the literate culture of the high Middle Ages and concomitant apprehensions of the Church.

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<sup>35</sup> It is noteworthy that the Hasidei Ashkenaz (German Pietists), who flourished in the same period as the tosafists, critiqued the tosafist education policy on related grounds. The Pietists took the tosafists to task for neglecting Bible studies in favor of the Talmud. The Pietists were concerned by the failure to utilize biblical study as a source of moral instruction. The study of the biblical text could be used to awaken and encourage fear of God (*yirat ha-Shem*): "When he teaches Scripture the teacher must be able to make the student grasp religious issues such as respect for the Torah and awareness that God is the source of all sustenance. When the student grows older, he should be taught about divine reward and punishment." See J. Wistinetski, ed., *Sefer Hasidim* (Frankfurt a/M: 1924). Of course, the Hebrew Bible is more legalistic than the New Testament, and "fear of God" and learning about divine reward and punishment are a far cry from theology. But the German Pietists understood that books of law do not arouse reflections on God. See Kanarfogel, *Jewish Education*, chapter 6 for more on the educational critique of the Hasidei Ashkenaz.

## **Appendices**

## Appendix A

### Disparity of Accusations between the Latin and Hebrew Records of the 1240 Debate

35 Articulae	<b><u>Latin Account</u></b> (accusations Donin raises)	<b><u>Hebrew Account</u></b> (accusations Donin raises, as reported by Yehiel)
1	<b>The Jews say that the Talmud is from God.</b>	This accusation is not mentioned.  Nor are Donin's supporting texts.
2	<b>The word of God is transmitted by tradition [orally].</b>	This claim is not mentioned.  Nor are Donin's supporting texts.
3	<b>It [the Talmud] was inserted in their minds.</b>	This claim is not mentioned.  Nor are Donin's supporting texts.
4	<b>The Talmud was preserved without being written down, until it had to be written down for fear of it being forgotten.</b>	This claim is not mentioned.  Nor are Donin's supporting texts.
5	<b>In the Talmud, among other absurdities, one will find that the sages are superior to the Prophets.</b>	Regarding the particular accusation: Not mentioned directly by Yehiel.  Nor are Donin's supporting texts.
6	<b>The sages can destroy the [Written] Law.</b>	Yehiel's Donin mentions this accusation as part of a list of final accusations.

7	<b>One must believe the sages when they say the right is left and the left is right</b>	This specific claim is not mentioned.  Nor are Donin's supporting texts.
8	<b>One who does not heed the words of the sages is subject to death.</b>	This is claim is not mentioned.  Nor are Donin's supporting texts.
9	<b>They prohibit children from studying the Bible, but prefer the Talmud.</b>	This claim is not mentioned.  Nor are Donin's supporting texts.
10	<b>In their Law it says the best of the Christians – kill.</b>	Yeḥiel's Donin makes this specific claim.
11	<b>A Christian who observes Saturday or studies the Law is subject to death.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
12	<b>One can deceive a Christian without committing a sin.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
13	<b>One who does not want to keep his oath can annul in advance his oaths which he will make in the coming year.</b>	Yeḥiel's Donin raises this issue.
14	<b>Three Jews are empowered to absolve someone of all oaths.</b>	Yeḥiel's Donin raises this issue.
15	<b>God sins.</b>	Yeḥiel's Donin raises this issue.
16	<b>God repeals vows made in anger.</b>	This is claim is mentioned by Yeḥiel's Donin, but only as part of Yeḥiel's response to Article 17.

17	<b>God curses Himself for vowing and seeks absolution.</b>	Yeḥiel's Donin raises this issue.
18	<b>Each night He speaks ill [<i>maledicere</i>] of Himself for abandoning the Temple and sending Israel into servitude.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
19	<b>They say God lied to Abraham.</b>	This is claim is not mentioned.  Nor is the supporting text.
20	<b>And commanded the prophet Samuel to lie.</b>	This is claim is not mentioned.  Nor are the supporting texts.
21	<b>After the temple was destroyed God measured for Himself four cubits' space where he studies [<i>prefata</i>] doctrine.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
22	<b>Every day [God] studies and teaches children who died before they knew this [Talmud].</b>	This is claim is not mentioned.  Nor are the supporting texts.
23	<b>He prays to Himself to have compassion for the Jews.</b>	This is claim is not mentioned.  Nor are the supporting texts.
24	<b>And He responds that He is vanquished in a dispute concerning doctrine.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
25	<b>He weeps thrice daily.</b>	This claim is not mentioned.  Nor is the supporting text.

26	<b>They are not afraid to say that Jesus's mother conceived Him in adultery from a certain [man] whom they call in the vernacular Pandera.</b>	Yeḥiel's Donin makes the same accusation, and cites a similar, if not identical, passage.
27	<b>And that same Jesus is suffering being boiled in hot excrement in hell for mocking the words of law.</b>	Yeḥiel's Donin makes the same accusation, and cites a similar, if not identical, passage.
28	<b>They say that whoever uses indecent words commits a sin, unless he uses it in contempt of the Church.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
29	<b>They use dishonorable language for the Roman pope and Christianity.</b>	The only similar accusation that Yeḥiel's Donin mentions refers to the prohibition of calling a <i>goy</i> beautiful, in the list of final accusations.
30	<b>Three times a day in their most important prayer they curse the king, the ministers of the Church, and all others, and Jews who are their enemies.</b>	Yeḥiel's Donin mentions this briefly.
31	<b>In the aforementioned doctrine [the Talmud] it says that Jews do not suffer the pain of hell more than 12 months and that the punishment in gehenna cannot exceed 12 months.</b>	Yeḥiel's Donin mentions this accusation as part of a list of final accusations.
32	<b>Anyone who studies this law in the present is guaranteed for the future.</b>	This is claim is not mentioned. Nor is the supporting text.
33	<b>And they consider all fasting a sin.</b>	This is claim is not mentioned. Nor is the supporting text.

34	<b>They say that Adam had sex with all the irrational [animals; brutis], and Eve with the Serpent.</b>	Yeḥiel's Donin mentions this accusation as part of his list of final accusations.
35	<b>Ham abused his father Noah.</b>	This is claim is not mentioned.  Nor is the supporting text.

The following claims are mentioned by Yeḥiel's Donin, and are not raised in the body of the 35 Articles of Nicholas Donin:

1. The age of the Talmud
2. The rationality of Moloch
3. Various specific anti-*goy* Talmudic comments
4. Historical empiricism

## Appendix B

### A Representative Sample of the Vetting Relationship in Christian Europe

1. Bishop Hugh of Amiens submitted his work to Cardinal Matthew of Albano.<sup>1</sup>
2. Bernard (not of Clairvaux) submitted his work to Cardinal Matthew of Albano.<sup>2</sup>
3. Saint Bernard of Clairvaux submitted his work to Abbot William of Saint Thierry.<sup>3</sup>
4. Gerhoh of Reichersberg submitted his work to Saint Bernard.<sup>4</sup>
5. Twenty five years later, Gerhoh submitted his work to Eberhard archbishop of Salzburg.<sup>5</sup>
6. In England Aelred of Rievaulx submitted his work to Gilbert Foliot bishop of London.<sup>6</sup>
7. Abbot Peter de la Celle submitted his work to John of Salisbury.<sup>7</sup>

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<sup>1</sup> PL 192:1142: "...quae autem non vera videris, mihi penitus ascribes, nec recipias, sed mutual charitate, ut corrigi debeant, mihi benigne referas."

<sup>2</sup> PL 184: 1021: "...Super hoc igitur quaeso vos in me pietatis et charitatis abundare visceribus quatenus et ignoscatis mihi quod distuli, et emendetis vobis incorrectum quod obtuli. Auctoritate namque prudentiae vestrae reservavi id corrigendum et suppliciter offero. Et cultellum qui vulgo quinniens noncupator, habens manubrium de ebore, cum chartula mitto quatenus imposturam, quam avulsione dignam adjudicaveritis, meo gladio succidatis." "...

<sup>3</sup> PL 182:1001: "...Proinde illud legite primus et, si judicaveritis, solus ne si proferatur in medium magis forte scriptoris publicetur temeritus quam lectoris aedificetur charitas. Quod si palam fieri utile probaveritis, tunc si quid obscurius dictum adverteritis quod in re obscura servata congrua brevitate dici planius potuisset non sit vobis pigrum et emendare per vos aut mihi resignare emendandum..."

<sup>4</sup> PL 194:1162: "Ut igitur ego potius cum paucis veritati consonem quam cum multis errem, per tuam paternam prudentiam instrui cupio, an in his, que continent subsequens libellu, veritatis et spbrietatis verba loquar...opto autem hunc libellum..."

<sup>5</sup> PL 193: 662: "...ad te pervenire, ut examinetur te primo et, si judicas solo lectore. Si autem videbitur spiritui pietatis habitatori tui pectoris, ut ad plurimorum veniat noticiam, tunc rogo, si que in eo corrigenda, vel tu corrigas vel mihi corrigenda suggeras."

<sup>6</sup> PL 195:361-362: "Hinc est, pater amantissime, quod studium meum, si quod est in litteris sacris, ad tuae discretionis examen credidi referendum, ut ubi sanum sapio tua me confirmet autcotitas, ubi haestio te docente mihi luceat veritas, ubi erro corrigat me tua sancta severitas." Ibid. 363-364: "Licet igitur magnum sit sapienti vel modicum tempus otio dare, non pigeat, rogo, Dominum meum tantillum tempus perdere, quo ex his quae scripsimus vel resecare superflua vel supplere hiantia vel universa delere possitis."

8. Peter Comestor<sup>8</sup> and Peter of Poitiers<sup>9</sup> submitted their work to the archbishop of Sens (and later Rheims) William of the White Hands.
9. Godfrey of Breuil submitted his work to Stephen, bishop of Tournai.<sup>10</sup>
10. John of Salisbury submitted his work to Thomas Becket.<sup>11</sup>
11. Alan of Lille submitted his work to Hermengald, abbot of St. Gilles.<sup>12</sup>
12. Godfrey of Viterbo submitted his work to Pope Urban III.<sup>13</sup>
13. Herbert of Bosham submitted his work to William of the White Hands, and to the Papal See.<sup>14</sup>
14. Ralph of Niger submitted his work to a number of cardinals, and the pope himself.<sup>15</sup>

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<sup>7</sup> PL 195:13-14: "Rogo autem ut si rationabiliter forte judicaveritis huius libri compositionem et in aliquo utilem Christianae religioni fore perspexeritis, in commune eum venire faciatis ut sit in scandalum generationi illi pessimae cunctis diebus."

<sup>8</sup> PL 198:1053-1054: "...Verumtamen quia stylo rudi opus est lima, vobis, Peter inclyte, limam reservave ut huic operi, Deo volente, et correctio vestra splendorem et auctoritas praebat perennitatem..."

<sup>9</sup> PL 211:789-790: "...Tuae igitur bonitatis erit sicut tuus est mos humilibus favere opus humiliter elaboratum multisque vigilitis causa communis commode elaboratum paterna manu suscipere, susceptum splendore correptionis illustrare, correptis auctoritatem praebere."

<sup>10</sup> *Chart. Univ. Par.*, I:48-49: "Calicem plenum mixto vestre destinavi pater eruditionis examinandum iudicio, quatinus utrumque sit in minimis vestris, eius videlicet vel status vel eversio. Continet autem mixtum dupliciter..."

<sup>11</sup> PL 210:117: "...omnia uero tuo reseruantur examini, ut tibi maior et iustior corrigendi quam michi scribendi gloria debeat."

<sup>12</sup> PL 210:686: "...tuae igitur bonitatis erit sicut tuus est mos humilibus favere opus humiliter elaboratum multisque vigiliis causa communis commode elaboratum paterna manu suscipere, susceptum splendore correptionis illustrare, correptis auctoritatem praebere."

<sup>13</sup> MGH, SS XXII:131: "Quare, si quod ystoriarum opus nova per aliquem institutione conficitur, ratio suggerit, ut, antequam in publicum deveniat, apostolico examini presertur; quatinus, si acceptione dignum esse perpenditur, eius mandato et iudicio approbetur et ab eo vires auctoritatemque recipiat, cui terrene et caelestia divinitus sunt commissa. Eapropter, reverendissime pater, hoc opusculum...ante vestrum examen perferre disposui."

<sup>14</sup> On this episode see Flahiff, "Ecclesiastical Censorship," 17-18.

<sup>15</sup> See *ibid.*, 17-22. For more expanded remarks regarding Ralph of Niger see Flahiff, "Ralph of Niger: An Introduction to His Life and Works," *Mediaeval Studies* II (1940): 104-126.

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