



Alexander Fidora and Görg K. Hasselhoff (eds.)

The Talmud in Dispute During the High Middle Ages

Alexander Fidora and Görg K. Hasselhoff (eds.)

The Talmud in Dispute During the High Middle Ages

Universitat Autònoma de Barcelona
Servei de Publicacions
Bellaterra, 2019

Primera edició: desembre de 2019

©dels textos: els autors, 2019

©de la imatge de la coberta:

A list of rabbinic names from the Latin Talmud dossier preserved in the Arxiu Capítular de Girona, ms. 19b, fol. 81v (14th century). All rights reserved.

Edició i impressió:

Servei de Publicacions de la Universitat Autònoma de Barcelona

Plaça de l'Acadèmia. Edifici A

08193 Bellaterra (Cerdanyola del Vallès)

T. 93 581 10 22

sp@uab.cat

www.uab.cat/publicacions

Dipòsit legal: B-26019-2019

ISBN: 978-84-490-8946-6

Imprès a Espanya. Printed in Spain

Tots els drets reservats. Queda expressament prohibida, sota les sancions establertes per la llei, la reproducció total o parcial d'aquesta obra sense l'autorització escrita dels titulars del copyright, tant si és feta per reprografia o per tractament informàtic com per qualsevol altre mitjà o procediment. Queda igualment prohibida la distribució d'exemplars d'aquesta edició sense l'autorització escrita dels autors.

Table of Contents

Preface	7
Paris 1240: Further Pieces of the Puzzle	
<i>Ursula Ragacs</i>	9
<i>De articulis litterarum Papae</i> : A Critical Edition	
<i>Piero Capelli</i>	29
Beyond the Thirty-Five Articles: Nicholas Donin's Latin Anthology of the Talmud (With a Critical Edition)	
<i>Ulisse Cecini and Óscar de la Cruz Palma</i>	59
Textualizing, De-Textualizing, and Re-Textualizing the Talmud	
The Dimension of Text in the <i>Extractiones de Talmud</i>	
<i>Federico Dal Bo</i>	101
Latin Berakhot (3a-4b): Some Observations on the Talmudic Translation	
<i>Eulàlia Vernet i Pons</i>	125
The <i>Extractiones de Talmud</i> from the Tractate bSanhedrin 96a-97a	
<i>Enric Cortès</i>	149
The Latin Talmud and <i>Liber Kríbot</i> : The Religious Hymns of Benjamin bar Samuel in MS Paris BNF Lat. 16558	
<i>Wout van Bekkum</i>	171
The Translation of Maimonides' <i>Dux neutrorum</i> as a Reaction to the Talmud Trial?	
<i>Görge K. Hasselhoff</i>	219
The Influence of the <i>Extractiones de Talmud</i> on Anti-Jewish Sermons from the Thirteenth and Early Fourteenth Centuries	
<i>Alexander Fidora</i>	235
Hieronymus de Sancta Fide and His Use of Sanhedrin	
<i>Moisés Orfali</i>	249
Index of Holy Scriptures	267

Index of Manuscripts	275
Index of Ancient and Mediaeval Names	277

Preface

In 1238/9 Nicholas Donin submitted a list of accusations against Judaism to Pope Gregory IX. These accusations consisted of excerpts from the Talmud that the former Jew and converted Christian had translated into Latin. The pope reacted immediately to these accusations and instructed the bishops and kings across Europe to investigate this ‘*alia lex*’ of the Jews, which he perceived as a threat to both the *lex vetus* and the *lex nova*. The only king to respond was Louis IX, later called ‘the Pious’: in June 1240 he summoned leading Jewish scholars from his kingdom and forced them to debate with Nicholas Donin. According to the Hebrew account of the event, this discussion took place as a public disputation at the royal court, in the presence of King Louis IX’s mother, Blanche of Castile. On 25 and 26 June, Donin engaged with Rabbi Yehiel ben Joseph, and on 27 June with Rabbi Judah ben David. After a few days the ‘disputation’ was terminated, but some two years later the Talmud was publicly burned.

Though the books went up in flames at the Place de la Grève in 1241/2, the controversy on the Talmud continued over the following years, since Gregory’s successor, Pope Innocent IV, called for a revision of its condemnation. It was in this context that the Dominicans of the monastery of St Jacques in Paris engaged in the translation into Latin of a series of Jewish writings, among them a bulk of 1,922 excerpts from the Babylonian Talmud. These excerpts, known as the *Extractiones de Talmud* (1245), as well as a systematically rearranged version of them, survive in ten manuscripts known today. The Latin Talmud translation, which is much larger than Donin’s excerpts, but also more extensive than Ramon Martí’s later translations of the Talmud in his *Pugio fidei*, is a landmark in the history of Christian-Jewish relations. Along with other Latin translations of religious texts from the Middle Ages, such as the Latin Qur’ān, the *Extractiones de Talmud* offer highly valuable insights for the study of cross-cultural engagement during the Middle Ages and beyond, which relate to various scholarly interests in philology, history, religious studies, Jewish studies and Christian theology.

With the generous funding of the European Research Council (European Union’s Seventh Framework Programme (FP7/2007-2013) / ERC Grant agreement n° 613694) this monumental translation has been recently published as volume 291 of the *Continuatio Mediaevalis* in the *Corpus Christianorum*-series by an international team at the Universitat Autònoma de Barcelona, led by Alexander Fidora. Early findings of our research on this text were presented and discussed during an international conference, which took place in the Torre Vila-Puig in Bellaterra from 27 to 28 June 2016. This conference combined close reading sessions of passages from the Latin

Talmud with papers on the historical context of the discovery of the Talmud and its reception during the Latin Middle Ages until the early fifteenth century. The articles in this volume, which accompanies the publication of the critical edition of the *Extractiones de Talmud*, reflect both the close reading sessions and the more systematic reconstruction of Christian attitudes towards the Talmud. In addition, the reader will find critical editions of related Latin translations that were produced between 1238/9 and 1245, some of them edited here for the first time.

Eulàlia Vernet i Pons and Enric Cortès offer samples of a close reading of the Latin translations of Berakhot 3a-4b and Sanhedrin 96a-97b, in the light of the underlying Hebrew/Aramaic texts. As for the historical and systematic reconstructions, Ursula Ragacs revisits the trial against the Talmud in Paris in 1240, focusing on the different versions of the Hebrew account of the events. Federico Dal Bo analyses the Latin Talmud from the point of view of translation studies, distinguishing various hermeneutic exercises of de- and re-textualization which were applied to the text during its translation. Wout van Bekkum sheds new light on an intriguing text contained in the Latin Talmud dossier of the *Extractiones de Talmud*, the *Liber krubot*, a collection of liturgical Hebrew hymns. Görg K. Hasselhoff establishes a direct connection between the translation of the Talmud in the mid-forties of the thirteenth century in Paris and the contemporary translation of Maimonides' *Dux neutrorum*. Alexander Fidora directs the discussion towards later developments, as he traces the use of the *Extractiones* in homiletic literature from the second half of the thirteenth century and first decades of the fourteenth. Such later developments regarding Christian attitudes towards the Talmud are further explored by Moisés Orfali, who examines the work of Jerónimo de Santa Fe (d. 1419). The textual documents offered in this volume include – in chronological order – a new edition by Piero Capelli of Nicholas Donin's 35 Articles against the Talmud, which is based on all extant manuscripts (Loeb's edition from 1880/1 drew on one single manuscript); Ulisse Cecini and Óscar de la Cruz Palma's critical edition of Talmudic fragments which, in all likelihood, were translated into Latin by Nicholas Donin as well, but did not make it into the final version of his articles; and Görg K. Hasselhoff's critical edition of the afore-mentioned *Liber krubot* (= Appendix II of the article by Wout van Bekkum).

We would like to thank all the participants of our conference who revised and submitted their papers as well as the European Research Council for contributing to the publication of these studies. The publication of this book was kindly supported by the AGAUR-research project on religious controversy during the Middle Ages led by Cándida Ferrero at the Universitat Autònoma de Barcelona (2017 SGR 01787 [GRC]).

Alexander Fidora, ICREA, Barcelona
Görg K. Hasselhoff, Dortmund
June 2019

Paris 1240: Further Pieces of the Puzzle*

Ursula Ragacs
University of Vienna

Sometime between 1235 and 1239 the convert Nicholas Donin formulated thirty-five accusations against the Talmud and presented them to Pope Gregory IX. As a result of the accusations, papal letters were sent to archbishops and kings throughout Europe to ask them to confiscate Jewish books. The only one who carried out the pope's demand was the king of France, Louis IX. In 1240 he also presided over a public disputation between Nicholas Donin, who asked for it, and the then already famous rabbinic scholar R. Jehiel ben Joseph. Most of the Latin sources written either in preparation for the event or in consequence of it are assembled in the 238 folio pages of the manuscript Paris, Bibliothèque nationale de France, MS fonds latin 16558. In addition to these Christian sources we also have Jewish ones:

The Hebrew narrative has come down to us in three versions, one of which is a mere fragment. These three versions have been carefully analyzed by Judah Galinsky, who convincingly suggests a chronological sequence. According to Galinsky, the brief Vatican fragment is the oldest of the three versions, the Moscow manuscript is next, and the Paris manuscript – which is the basis for the printed version of the text – is the latest. As the versions become later, they also become less historically reliable in Galinsky's view, at least in their portrayal of the opening of the procedures. However, Galinsky indicates that the overwhelming majority of the material in the Moscow and Paris manuscripts is shared, which means that the Christian charges and the Jewish rebuttals are by and large the same in both.¹

The Hebrew manuscripts referred to above are: Paris, Bibliothèque nationale de France, MS héb. 712; Moscow, National Library of Russia, MS Günzburg 1390; Città del Vaticano, Biblioteca Apostolica Vaticana, MS Vat. ebr. 324. The edition printed on the basis of the Paris manuscript is Samuel Grünbaum's *Sefer Vikkuah Rabbenu Jehiel mi-Paris* (Thorn: C. Dombrowski 1873).

Some of these sources have been recently presented to the interested public in an English translation, with an elaborate introduction written by Robert Chazan. The translation of the Latin sources was produced by Jean Connell Hoff, John Friedman contributed the translation of Grünbaum's Hebrew text. In his introduction to the book, Robert Chazan stated:

* I thank Piero Capelli, Yosi Yisraeli, and Günter Stemberger for their helpful comments on an earlier draft of this paper.

1. Chazan in *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, pp. 20-21 referring to Galinsky, 'The Different Hebrew Versions', pp. 109-140.

The precise details of the trial, its verdict, and its aftermath are by no means entirely clear. Fortunately, we are provided with a range of source materials, although many of these sources are not as detailed as we would wish them to be and leave significant gaps in our knowledge. Especially useful is the fact that our sources emanate from both sides – the Christian and the Jewish. The disparities between the Christian and Jewish perceptions of events remind us tellingly of the reality of alternative perspectives on all human issues and events. Thus, the trial and condemnation of the Talmud – besides its intrinsic importance – offers an intriguing challenge in historical reconstruction.²

The following investigation of two passages of the Hebrew report on the disputation of 1240 was inspired by this statement as well as by Galinsky's article.³

'He Who Passes All of His Seed to Molekh...'

For the first text in question, I provide a transcription based on the Paris manuscript (which I will label P) which supplies the reader with the major difference between this manuscript and the Moscow manuscript (M):

ותפתה האתון ויען. כתוב בתורתכם המעביר כל זרעו למולך פטור. שנ' מזרעו ולא כל זרעו. על זה ועל כיוצא באלה יפלא כל רוח. ומי יאמין לזאת שאם העביר מקצת חייב. ואם הרבה לחטא והעביר כולו פטור.

M} ויקומו ההגמונים לעצק נפלאה. ויאמר הרב אל הצוחקי עוד יבא יום ועת שלא תצחקו על דבר ריק מכם כי להבהילני כוונתכם. והשם עמדי לא אירא. ועתה השיבני על דבריך. מי חטא יותר הורג א' או הורג שנים וג'. ויאמר הורג שלשה. ויאמר הרב כן דברתם. ולמה צחקתם.⁴

P} ויקומו ההגמונים לצחק והמלכה נפלאה. ויאמר הרב עוד יבא יום אשר לא תצחקו על זה. אך תתנחמו על אשר עשיתם אם תוכלו. ועתה ידעתי דרכיכם כי הפכתם ובדעתכם לה' בהילני. והלא טוב ויושר הוא לשמע דברי טרם תצחקו על התורה. ויאמר הרב את אדונתי שמעי נא מילי מי חוטא יותר ההורג איש אחד או ההורג איש אחד או שנים ותפן המלכה והורג שנים וגם איש ההורג ארבעה מהורג שנים. ויאמר הרב כן דברת.

והנה כתוב בתורה ארבע מיתות סקילה שריפה הרג וחנק. וכולם נמסרו לבית דין להרג את המחוייב באחת מאלה. וכל המומת מתודה. שכן מצינו בעכן שאמ' לו יהושע שים נא כבוד לאל ותן לו תודה וכל המתודה מתכפר שאמ' יהושע יעכרך ייל היום. היום הזה אתה עכור ואי אתה עכור לעולם הבא. הילכך כשהעביר מקצת זרעו חייב סקילה ומתודה ומתכפר לו. אבל כשהעביר כל זרעו שחטא יותר מדאי לא ניתן רשות לבית דין לתת לו כפרה. אלא ימות בחטאו. והמקום אשר בידו כל הנפשות ידין אותו כראוי.⁵

2. *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, pp. 2-3.

3. Mentioned in n. 1.

4. Moscow, National Library, MS Günzburg 1390, fol. 87b.

5. BnF, MS héb. 712, fols 45b-46a. The supralinear words transcribe a marginal gloss. For the edited text see *Sefer Vikkuah*, ed. by Samuel Grünbaum, pp. 3-4.

My English translation reads as follows:

Then the donkey opened his mouth and answered: 'It is written in your Torah: "He who passes all of his seed to Molekh is exempt, because it says [in Lev 20:2-3] some of his seed but not all of his seed".⁶ About that and the like, everybody is surprised. Who can believe that, when he passed part [of his seed] he was sentenced, but when he sinned more greatly and passed all of it, he was exempted?'

P {Here, the bishops rose to laugh and the queen was amazed. The rav spoke: 'The day is coming when you will not laugh at this but regret what you have done, if you are able to. And now, I know your ways: you have changed [your way of arguing] as it is your intent to discomfort me. Is it not good and right to listen to my words before you laugh at the Torah?'

And the rav said [to the queen]: 'Please milady, listen to my words. Who sins more, the one who kills one man or the one who kills one or two men?' The queen answered: 'The one who kills two and also the one who kills four [sins more] than the one who kills two'. The rav said: 'You have spoken correctly'.}

M {The crowd rose to laugh about that and the queen and the bishops were amazed by it. The rav said to the ones laughing: 'The day and the time will come when you will no longer laugh about "a word, meaningless to you"⁷ as it is your intention to discomfort me. [But] "the Lord is with me I do not fear".⁸ And now, answer me about your words. Who sins more, the one who kills one man or the one who kills two or three?' He answered: 'The one who kills three'. The rav said: 'You have spoken correctly and why did you laugh?}

For behold, four methods of execution are mentioned in the Torah: stoning, burning, slaying [by the sword] and strangulation, and all of them have been allotted to the court in order to execute the convicted by one [of them].⁹ And anyone sentenced to death confesses, for thus we have found in the case of Achan, whom Joshua instructed: "My son, pay honour to the Lord, the God of Israel, and make confession to him".¹⁰ Whoever confesses, is [granted] atonement, as Joshua said to him: "The Lord will bring calamity upon you today".¹¹ "Today you will be troubled but you will not

6. B. Sanhedrin 64b.

7. Cf. Deut 32:47.

8. Ps 23:4.

9. Compare m. Sanhedrin 7:1 and its commentary in b. Sanhedrin 49b.

10. Josh 7:19.

11. Josh 7:25.

be troubled in the world to come".¹² And it follows that when he passes some of his seed [to Molekh] he deserves to be stoned¹³ and he confesses and atones. But, if he passes all of his seed, so that his sin is inordinate, it is not within the authority of the rabbinic court to grant him atonement. Rather, he shall die in his sinfulness, and God, in whose hand is the fate of all souls, shall sentence him properly'.¹⁴

In 'The Different Hebrew Versions of the "Talmud Trial" of 1240 in Paris', Judah Galinsky observes that the two major manuscripts of the Hebrew report, Paris and Moscow, contain this text but that it is missing in the fragmentary Vatican manuscript, which in Galinsky's opinion is the oldest and most reliable of the three manuscripts.¹⁵ To this observation he adds: 'This passage was singled out by Baer as being particularly problematic since it does not appear in any of the official documents surrounding the events of 1240'.¹⁶ Galinsky's conclusion is that the author of the two longer versions of the Hebrew report added the debate about the Sanhedrin text to these versions and that in reality it was not discussed during the disputation.¹⁷ However, Galinsky also remarks: 'It is also worth noting that the question about *molekh* was raised by Christian polemicists, although not necessarily during the events of 1240 in Paris'.¹⁸ Let us reconsider Galinsky's thoughts step by step, starting with his first argument.

Galinsky's first argument is based on the very short and fragmentary Vatican manuscript. According to Galinsky, it consists of ten lines only, which are hard to decipher. Galinsky did not provide us with a transcription of the Hebrew text, so I worked with his English translation:

The Responses (*teshuvot she-heshiv*) of Rabbi Jehiel of Paris to Paul [!] the Apostate (*le-Paul ha-min*).¹⁹

The words of Lemuel,²⁰ Rabbi Jehiel, who spoke before [representatives of] the monarchy (*lifney ha-malkhut*) and the ecclesiastics to dispute the apostate Donin, may his name be blotted out.²¹

12. B. Sanhedrin 44b. *Sefer Vikkuah*, ed. by Samuel Grünbaum, p. 4, and thus *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 134, shortened the biblical quotes together with a part of their explanation which makes the argumentation hard to follow. Both of the manuscripts give this part of the text in full length.

13. See Lev 20:3.

14. Compare *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, pp. 133-134.

15. Galinsky, 'The Different Hebrew Versions', p. 133 and p. 135.

16. Galinsky, 'The Different Hebrew Versions', p. 135 with reference to Baer, 'The Disputations of R. Yechiel of Paris and of Nachmanides', p. 175.

17. In Galinsky, 'The Different Hebrew Versions', Galinsky did not express this conclusion explicitly but he did so in his earlier article Galinsky, 'Mishpat ha-Talmud be-shnat 1240 be-Paris', p. 63.

18. Galinsky, 'The Different Hebrew Versions', pp. 131-132, n. 60.

19. Concerning the name Paul, Galinsky, 'The Different Hebrew Versions', p. 132 explained: 'Even a cursory glance at the text reveals that R. Jehiel is responding in this tract to Donin and not to the other famous apostate Paul Christian'.

20. See Prov 31:1.

21. Galinsky, 'The Different Hebrew Versions', p. 132.

They ordered that no Jew be admitted there but the rabbi himself, so that he alone should answer old questions from days of yore (*she'elot yeshanot mi-yemey kedem*) [...] And he was obligated to respond to all of their cleverness (*ve-hutzrakh lehashiv 'atzat kullam*).²²

<... > They [or 'He']²³ asked the rabbi: Answer 'yes' or 'no' concerning what is written in your books ('*anneh 'o hen 'o lav 'al ha-devarim ha-ketuvim be-sifrekhem*').²⁴

The apostate...said: Hear how they shame (*mevazzim*) <...> <...> <...> <...> Anyone who mocks the words of the Sages is sentenced to excrement according to the law of heaven [*din shamayim*].

He [i.e., R. Jehiel] answered: that it was referring to another [i.e., another Jesus], for with regard to the Nazarene it is [said] that he distorted, incited, and led astray – and many people were named Jesus.

Then he [i.e., Donin] asked: citing from a wax tablet that was in his possession [*me'otah she-hotze' ketav hakuk bi-yemino*]²⁵ that [it states] his name was Jesus of Nazareth.

And he [i.e., R. Jehiel] answered with an example: All those born in Paris who are named Louis are called by the name of Paris. So too there were many Jesuses in the city of Nazareth, for it is the name of a city, [and] he is called Jesus the Nazarene, because of the city.²⁶

Galinsky was well aware of the fact that the argumentation on the base of such a short text is problematic. Nevertheless, he was convinced that it 'has preserved an independent and most probably more original version'²⁷ than the Paris and Moscow manuscripts.

As the base of his conclusion, Galinsky formulated two arguments: According to the first, the short Vatican manuscript provides us with a far more believable description of the procedure actually executed in Paris than the longer versions.²⁸ The second argument says that the Sanhedrin text on the Molekh and its discussion, which Galinsky thought of as an addition of the author of the longer Hebrew versions, are missing in the fragment altogether. After the part about the procedure the Vatican manuscript immediately continues with the description of the encounter, starting with the topic of Jesus in the Talmud. In Galinsky's view this description of the event resembles the Latin texts of R. Jehiel's and R. Judah's 'confessions' much

22. Galinsky, 'The Different Hebrew Versions', p. 134, n. 67 explained why he decided to translate *etzah* with 'cleverness'.

23. Galinsky, 'The Different Hebrew Versions', p. 134, n. 68 said: 'The end of the word is not legible and therefore may either be read as *sha'al* or as *sha'alu*'.

24. Galinsky, 'The Different Hebrew Versions', p. 134.

25. Galinsky, 'The Different Hebrew Versions', p. 133, n. 65 explains that the Hebrew can be understood as speaking of a wax tablet in Donin's hand.

26. For the dialogue see Galinsky, 'The Different Hebrew Versions', pp. 132-133. The final two lines of the fragment which are, according to Galinsky, difficult to read clearly speak about a quote from b. Sanhedrin 67a that is also quoted in the longer versions.

27. Galinsky, 'The Different Hebrew Versions', p. 135.

28. Galinsky, 'The Different Hebrew Versions', p. 134.

better than the longer Hebrew versions, which in his view can be seen as the proof for the reliability of the Vatican manuscript.²⁹

My first objection to Galinsky's argumentation is that, to make it work, it needs to see the longer Hebrew versions as untrustworthy while the Latin texts have to be accepted as trustworthy. Concerning our text in question this means that we have to accept the texts of the Latin 'confessions' as the proof that our text was not discussed during the Paris meeting. However, it is well known – because obvious at first sight – that the major part of the Talmudic quotes debated in Paris did not find its way into the Latin 'confessions'. For example, the whole dispute about the text 'the best of the goyim you shall kill', analyzed at length below, is missing in both texts. Yet, as far as I know, until now nobody has suggested that it was not discussed during the disputation at all.

Secondly, I cannot accept Galinsky's observation that the texts of the Latin 'confessions' and the one of the Hebrew fragment resemble each other because they mention or miss the same topics. On the contrary, the comparison of the texts shows the exact opposite:

The Hebrew text of the Vatican manuscript starts with a short description of the procedure the meeting should have followed, after which the passages about Jesus in the Talmud are discussed. No other topic is mentioned in between these two, our Sanhedrin text is missing.

The Latin text of R. Judah's confession starts with the topic of Jesus in the Talmud. No other topic is mentioned before this one. Our Sanhedrin text is missing. Thus, this text resembles the one of the Hebrew fragment just in one topic.³⁰

The Latin text of R. Jehiel's 'confession' starts with three topics. It reads:

- [I.] Predictus magister Vivo nullo modo voluit iurare.
- [II.] Dixit quod liber Talmud nunquam mentitus est.
- [III.] Dixit quod Ihesus Noceris est Ihesus Nazarenus, [...] ³¹

Hoff's translation reads as follows:

- [1] The aforesaid Master Vivo was in no way willing to swear an oath.
- [2] He said that the book of the Talmud never lied.
- [3] He said that Jesus Noceris is Jesus of Nazareth [...] ³²

Our Sanhedrin text is missing. The first topic may be read as a 'procedural' one and thus accepted as an equivalent to the one of the Hebrew fragment, although the contents are different. However, for the second topic there is no equivalent in the

29. See Galinsky, 'The Different Hebrew Versions', p. 135 and p. 137.

30. For the text see *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 124.

31. Loeb, 'La controverse de 1240 sur le Talmud', p. 55 based on BnF, MS lat. 16558, fol. 230va.

32. *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 122.

Hebrew fragment. Galinsky defined the first two topics of the Latin text as ‘preliminaries’ to the Talmudic passages about Jesus.³³ However, preliminary or not, an equivalent to the second of these two topics is missing in the Hebrew fragment. Therefore, this Latin text, too, differs from the Hebrew one.

The comparison shows that neither R. Judah’s ‘confession’ nor R. Jehiel’s match the text of the Hebrew fragment. Rather, we have three different versions describing the same event. The answer to the question as to why the authors of the different texts chose to mention one topic but avoided another still remains open. Consequently, this also applies to the question of why our Sanhedrin text is missing in the Latin texts as well as in the Hebrew fragment. Let us now turn to Galinsky’s second argument.

According to Galinsky, Baer said that the Talmudic quote does not appear in ‘any of the official documents surrounding the events of 1240’.³⁴ Galinsky does not specify what he means by ‘official documents’ but some pages earlier he already states: ‘It is worth noting that Baer’s difficulty with Donin’s questioning the Talmudic law of *molekh* remains, since there is no parallel to it in any of the related Latin documents’.³⁵

Nearly all of the Latin sources concerning the disputation of Paris in 1240 – such as the thirty-five accusations of Nicholas Donin, the two ‘confessions’ of R. Judah and R. Jehiel, and the various papal letters – are contained in the manuscript Paris, Bibliothèque nationale de France, MS fonds latin 16558. While the texts mentioned were already published before Baer wrote his article, the major part of the manuscript, the so-called *Extractiones de Talmut*, has appeared only recently.³⁶ Speaking of the Latin sources on the event, Baer explained that he used only the ones published, and that the unpublished rest of the Latin manuscript needed further investigation.³⁷ Our Sanhedrin text is contained twice in this part.³⁸ Galinsky must have known this, since his reference to Christian polemicists, who supposedly also discussed our text in question, is based on an article by David Behrman in which this information is given.³⁹ Obviously, Galinsky did not make use of this information. So, let us reconsider Galinsky’s last remark as mentioned above.

33. Galinsky, ‘The Different Hebrew Versions’, p. 135 n. 72. However, on p. 138, n. 80 he states that both topics have equivalents in both longer Hebrew versions.

34. Galinsky, ‘The Different Hebrew Versions’, p. 135 with reference to Baer, ‘The Disputations of R. Yechiel of Paris and of Nachmanides’, p. 175.

35. Galinsky, ‘The Different Hebrew Versions’, p. 131, n. 60.

36. Cecini and de la Cruz have edited the so-called sequential version of the *Extractiones de Talmud* as volume 291 of the *Continuatio Mediaevalis* of the *Corpus Christianorum*-series. The edition of the thematic version of the *Extractiones* is in preparation.

37. Baer, ‘The Disputations of R. Yechiel of Paris and of Nachmanides’, p. 172.

38. BnF, MS lat. 16558, fol. 27c and fol. 160c. The second passage can be found in the afore-mentioned edition of the *Extractiones de Talmud per ordinem sequentialem*, p. 295.

39. See Behrman, ‘Volumina Vilissima’ p. 195, n. 18.

Galinsky, referring to the aforesaid article of David Behrman, writes: 'It is also worth noting that the question about *molekh* was raised by Christian polemicists, although not necessarily during the events of 1240 in Paris'.⁴⁰ Galinsky's term, 'Christian polemicists', seems to point to some unknown authors, who, as the rest of the sentence indicates, would have had no connection to the Paris event at all. In fact, however, the title of Behrman's article makes clear that the text in question is a sermon written by none other than Odo of Châteauroux (1190-1273). In his earlier article Galinsky, quoting the Behrman article, acknowledges Odo's authorship.⁴¹ Nevertheless, and due to reasons unmentioned, in neither of the two articles does he pay close attention to the text of the Latin sermon.⁴²

Behrman called Odo 'one of the spear heads (*sic*) of the condemnation of the Talmud in Paris'.⁴³ From 1238 to 1244 Odo was the chancellor of the University of Paris. In 1244 he became the cardinal-Bishop of Tusculum. Concerning the events around the disputation, he is mostly known for his avid efforts to convince Pope Innocent IV of the necessity to burn the Talmud at the stake and his condemnation of it in 1248.⁴⁴ In addition to that, we have a Jewish source which in all likelihood shows Odo to have been personally and directly involved in at least one argumentation with R. Jehiel. This text was written by R. Joseph ben R. Nathan ha-Official, who is probably also the author of the Hebrew report of the disputation of Paris.⁴⁵ In his polemical treatise, *Joseph ha-Meqanne (Joseph the Zealot)*, R. Joseph reported a face-to-face discussion between 'the chancellor of Paris' and R. Jehiel about the correct understanding of Num 23:24.⁴⁶ In view of what we have said, it seems more than appropriate to assume that Odo knew every detail of what had been discussed during the disputation of 1240 – which is exactly what the sermon that Behrman edited reflects.⁴⁷

In his long explanation of the Sanhedrin text, as reported in the Paris and Moscow manuscripts, R. Jehiel emphasized that, according to the Sanhedrin text, a rabbinic court is allowed to guarantee atonement after confession only if the crime

40. Galinsky, 'The Different Hebrew Versions', p. 131-132, n. 60.

41. Galinsky, 'Mishpat ha-Talmud be-shnat 1240 be-Paris', p. 63.

42. Galinsky, 'The Different Hebrew Versions', p. 132, n. 60 and Galinsky, 'Mishpat ha-Talmud be-shnat 1240 be-Paris', p. 63 each just referred back to Behrman, 'Volumina Vilissima', p. 195, where Behrman supplies his readers with a very short summary of the content of the Sanhedrin text as well as the frame in which Odo used it.

43. Behrman, 'Volumina Vilissima', p. 191.

44. See *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, pp. 98-101 for the correspondence between Odo and the Pope and pp. 26-30 where Chazan gives a detailed examination of it.

45. See Chazan in *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 21 and n. 34. Galinsky, 'The Different Hebrew Versions', p. 136 supposed that R. Joseph in fact wrote the two versions preserved in the Moscow and Paris manuscripts.

46. See Schwarzfuchs, 'La vie interne des communautés juives', p. 31. The Hebrew text is to be found in *Sepher Joseph Hamekane*, § 36 p. 53-54.

47. Behrman, 'Volumina Vilissima', p. 195 apparently supposed that Odo's source for all of the Talmudic quotes mentioned in his sermon were the *Extractiones* but, according to what is said below, this is not likely.

committed is of minor importance. Galinsky already pointed out that R. Jehiel, or the Hebrew texts, stressed the part which speaks about the role that the confession of a sin plays in its atonement.⁴⁸ The short quotes contained in the *Extractiones* do not reflect this view.⁴⁹ Odo's sermon, however, not only does that but may in fact be a direct refutation of R. Jehiel's explanation. The text reads as follows:

Item legitur Leuit. XX° [20:2]: *Si quis de semine suo dederit ydolo Moloch, morte moriatur, populus terre lapidabit eum*. Hoc iudicium Iudei falsificant auctoritate predicti libri, in quo scriptum est quod si dederit totum, tunc interfici non debet, quia haec propositio *de* dicit partem. Qui enim totum dat puniendus est maiori pena quam morte. Ille qui dat partem liberator per mortem, qui uero totum dat, non, immo dampnabitur. Sed quaeritur de his duobus quorum unus dedit totum, alter partem. Isti duo mortui sunt, aut penituerunt, aut non penituerunt; si non penituerunt: neuter est liberatus, sed uterque dampnatus, si penituerunt: liberabuntur, dicente Domino, Ezech. XVIII° [18:21-22], *Si autem impius egerit penitentiam, ab omnibus peccatis suis, que operatus est, et custodierit uniuerfa* [Note: Vulgate: *universa omnia*] *precepta mea, et fecerit iudicium, et iusticiam: uita uiuet, et non morietur. Omnium iniquitatem eius, quas operatus est, non recordabor*, et Ier. XVIII° [18:8]: *Si penitentiam egerit gens ista a malo suo*, [Note: Vulgate: *Si paenitentiam egerit gens illa a malo suo, quod locutus [sic] sum aduersus eam: agam...*] *agam et ego penitentiam super malo, quod cogitavi ut facerem*.⁵⁰

My English translation reads as follows:

It also says in Lev 20:2 'if someone gives [some] of his seed to the Molekh he shall be sentenced to death, the people of the land shall lapidate him'. The Jews distorted this sentence [by using] the authority of the aforementioned book, in which is written that, if someone gives all [of his seed to the Molekh], one is not allowed to kill him, as the preposition 'of' [in Lev 20:2] means only part of it.⁵¹ As a matter of fact, the one who gives all [of his seed to the Molekh] has to be punished [by a penalty] much more severe than death. He who gives only part [of his seed] finds atonement through [his] death, [but] he who gives [it] all, does not [find atonement] but is condemned.

48. Galinsky, 'Mishpat ha-Talmud be-shnat 1240 be-Paris', p. 64. In n. 73 Galinsky noted that Grünbaum's edition of the *Vikkuah* differs in this specific point from the version of the Moscow manuscript. This is correct but the difference is caused by Grünbaum's abridgement of his base text, Paris manuscript. While the two manuscripts differ in part, they provide us with identical versions on this specific point. See my translation of the text above.

49. I thank Dr. Ulisse Cecini, member of the project *The Latin Talmud*, for making his transcriptions of these two parts of the manuscript available to me. For the second instance, see now also *Extractiones de Talmud per ordinem sequentialem*, p. 295.

50. Behrman, 'Volumina Vilissima', p. 204. For his summary of this text see pp. 195-196.

51. B. Sanhedrin 64b.

The question is about these two, the one who gave all [of his seed to the Molekh] and the other who gave just a part of it. Both of them are dead, whether they confessed [their sin] or not. If they did not confess, none of them atoned [for his sin] but both are condemned. If they confessed, both found atonement, as the Lord said: 'But if the wicked will turn from all his sins that he has committed, and keep all my statutes, and do that which is lawful and right, he shall live, he shall not die. All his transgressions that he has committed, they shall not be mentioned unto him: in his righteousness that he has done he shall live'⁵² and 'If that nation, against whom I have pronounced, turn from their evil, I will repent of the evil that I thought to do unto them'.⁵³

Quoting Lev 20:2 and summarizing its interpretation as given in the Sanhedrin text, Odo stated that with this text the Jews falsified the biblical law as formulated in Ezekiel and Jeremiah because according to these verses anyone sentenced to death penalty who confesses his crimes finds atonement, regardless of the type and importance of his crimes. If Odo had not known R. Jehiel's view of the matter as expressed in the longer Hebrew versions, what reason would he have had to formulate this statement?

To summarize what has been said so far, we may state that contrary to Galinsky's conclusions the evidence he used allows us to assume that the versions of the Paris and Moscow manuscripts concerning the argumentation about the Talmudic quote on the Molekh are most likely to reflect part of what was discussed during the disputation of Paris 1240. In addition to that, we have some more Jewish sources to support our conclusion.

As is well known originally four rabbis were chosen to answer Donin's accusations. One of them was R. Moses ben Jacob of Coucy. In his work, *Sefer Mitzvot Gadol* (*SeMaG*), started about 1240 and finished in 1247,⁵⁴ we find the following quote:

ועוד תניא העביר כל זרעו פטור שנאמר כי מזרעו נתן למולך זרעו ולא כל זרעו, ויש טעם בזה לתשובת המינים מפני שבמיתת ב"ד מתכפרין המומתין וזה עשה כל כך עבירה גדולה שאין הקב"ה רוצה שיהא לו שום כפרה...⁵⁵

My English translation reads as follows:

And it is also taught: 'He, who passes all of his seed is exempt'⁵⁶ because it says: 'because he hath given [some] of his seed unto Molekh'.⁵⁷ 'Some of his seed' and not 'all of his seed'. And here there is a reasonable response to the infidels [*teshuvat*

52. Ezek 18:21-22.

53. Jer 18:18.

54. Galinsky, 'The Significance of Form', p. 295.

55. *SeMaG*, negative precepts no. 40.

56. B. Sanhedrin 64b.

57. Lev 20:3.

ha-minim] because as a consequence of the death penalty [imposed] by the court, the ones condemned to death find atonement, but this one committed such an enormous crime that the Lord, blessed be he, did not want him [to have] any atonement.

This text is obviously a shorter version of the rather long explanation of R. Jehiel. Galinsky accepts it as being inspired directly by the events of 1240 although also this text does not convince him that the description of the debate about the Sanhedrin text, as given in both longer Hebrew versions, was not an addition of the author of these texts.⁵⁸ However, if we bear in mind that Odo's text reflects R. Jehiel's explanation as well as this text it seems more plausible to accept it as further proof of the historical correctness of the longer Hebrew versions than to suppose the opposite.

A slightly different version of this text, also quoted in the name of R. Moses of Coucy, is contained in a manuscript of R. Isaac b. Judah ha-Levi's work *Pa'aneah Raza*, a compilation of Torah commentaries of different Tosafists composed 'in northern France during the last decades of the thirteenth century'.⁵⁹ Interestingly, this manuscript also contains an almost verbatim quote of the core of R. Jehiel's explanation, stating: 'ידבר זה שאל רונין' המין יש'ו לרבי הר"ר יהיאל מפרי' ('And [about] this [Talmudic passage] Donin the heretic, may his name be blotted out, asked R. Jehiel of Paris [...]')⁶¹ The fact that the rest of the text is very similar to the Paris and Moscow versions indicates that the copyist had a copy of these texts, or at least of one of them, in his hands. As the manuscript stems from the fourteenth or fifteenth century, the question of whether our text was also part of the original text of the compilation remains open to further investigation. If so, this would mean that the texts of the longer Hebrew versions were spread and accepted soon after their composition, which would also mean that they were in fact written not long after the event itself. Let us now turn to our second passage.

'The Best of the Goyim You Shall Kill'

At one point in the disputation Nicholas Donin gave a lengthy speech using one biblical and two rabbinic quotes as a start. Obviously, the biblical text should insult the Jews whereas the two rabbinic quotes marked the actual beginning of the speech. In it Donin expressed his conviction that the rabbinic literature stipulates anti-so-

58. Galinsky, 'Mishpat ha-Talmud be-shnat 1240 be-Paris', p. 63. Before him Woolf, 'Some Polemical Emphases in the *Sefer Mišvot Gadol* of Rabbi Moses of Coucy', p. 94 described our text as one which 'appears to have been drawn directly from the proceedings in Paris'.

59. Kanarfogel, *The Intellectual History*, p. 163. The text can be found in Gellis, *Sefer Tosafot Hashalem*, Vol. 13, p. 195, sect. 5.

60. Either the copyist of the manuscript erred by writing 'Ronin' instead of 'Donin' or the one transcribing it did so.

61. MS Warsaw 260 according to Gellis, *Sefer Tosafot Hashalem*, Vol. 13, p. 194, sect. 3. Gellis, *Sefer Tosafot Hashalem*, Vol. 1, p. 27 dated this manuscript to the fourteenth or fifteenth century.

cial Jewish behaviour towards the Christians. According to the Paris and Moscow manuscripts this part of the text does not indicate any sources for the Jewish texts quoted. In his translation Friedman supplied us with these missing sources but as the following will show for at least one of the two rabbinic texts this seems not to be the best choice. The Hebrew text according to the edition of Grünbaum, and thus manuscript Paris, reads as follows:

ועוד זאת וירם קולו ויאמר בנים סכלים אתם כאשר התרתם לשפוך דם גוים, ומי הביאכם עד כה דא־
מריתו טוב שבגוים הרוג, ואמריתו הגוים והרועים בהמה דקה לא מורידין בבור ולא מעלין מן הבור
ואפילו טובע בבור לא נתחייבתם להעלותו הכזה נהיה מימי קדם?⁶²

Friedman's text with notes reads as follows:

And once again, he [Donin] raised his voice and said, 'You are foolish folk,⁶³ since you permit the spilling of gentile blood.⁶⁴ And who brought you to that which you say, 'The best of the gentiles shall you kill'.⁶⁵ And you say, 'Gentiles and shepherds of small cattle, [we do not] throw them into a pit nor [do we] rescue them from a pit'.⁶⁶ Even when drowning in the pit, you are not obligated to bring him up. Has there been anything like this since antiquity?'⁶⁷

After Donin ended his speech, R. Jehiel started his counterargument as follows:

פערת פיך בראשית ברוח קדים חרישית על פירוש טוב שבגוים הרוג הידעת איפא נהרת ובאיזה ספר
נכרת כרותותו?⁶⁸

Friedman's translation reads as follows:

First, you opened your mouth like a deafening east wind about the meaning of 'Kill the best of the gentiles'. Do you know where it appears and from which book it is taken?⁶⁹

To that Donin answered:

ויאמר לא, אך רש"י גדול הי' ובקי ובו האמנתם יותר ממשה רבכם.⁷⁰

62. *Sefer Vikkuah*, ed. by Samuel Grünbaum, p. 8, BnF, MS héb. 712, fol. 49b.

63. Jer 4:22.

64. Deut 12:23-25 and Ibn Ezra on Gen 9.

65. *Hesronot HaShas*, Avodah Zarah, *Tosafot* 26b.

66. *Talmud Babli*, Sanhedrin 57a and Avodah Zarah 24b [sic].

67. *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, pp. 145-146.

68. *Sefer Vikkuah*, ed. by Samuel Grünbaum, p. 9, BnF, héb. 712, fol. 50a.

69. *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 148.

70. *Sefer Vikkuah*, ed. by Samuel Grünbaum, p. 9, BnF, héb. 712, fol. 50b.

Friedman's translation reads as follows:

I do not. But Rashi was a great scholar and an expert. And you trust him more than Moses, your rabbi.⁷¹

R. Jehiel's answer to Donin's first statement makes clear why the mentioning of any source for Donin's quote 'the best of the goyim you shall kill' in the translation of the first passage at this point is a bit counterproductive: It masks the fact that the crucial point of the debate is the question of which rabbinic source Donin was referring to.

From the viewpoint of the question of which historical details this Hebrew text really reports, Donin's answer to R. Jehiel's question is puzzling: Why did Donin suddenly and seemingly out of the blue mention Rashi? Did he just try to change the subject or are we missing the context in which this reference actually belonged?

The Latin reports do not help to answer these questions as they do not mention this specific argumentation at all. However, the Hebrew version in the Moscow manuscript helps, as it provides us with exactly the words we need to understand what must really have happened:

[...] אך רבכם ש"י שהיה גדול ובקי הבא בפירוש חומש שלו ובו האמנתם יותר ממושה רבכם.⁷²

My English translation reads as follows:

[...] but your teacher Sh[lomo] Y[itzaqi = Rashi], who was [a] great [scholar] and an expert, quoted [this] in his explanation to the Chumash [= Pentateuch]. And you trust him more than Moses, your teacher.

This version of the Hebrew text makes clear that Donin was referring to a gloss made by Rashi to the Bible. Obviously, Rashi quoted the rabbinic text in this gloss but did not mention its source. Otherwise, Donin would most certainly not have alluded to Rashi but quoted directly from the rabbinic text Rashi used.

From the viewpoint of our reconstruction two further questions have to be answered: First, to which biblical commentary of Rashi did Donin exactly refer? Second, how could he be sure that, without explaining it explicitly, his opponent would understand what he was talking about? To answer these questions we have to turn to Donin's thirty-five accusations against the Talmud.

Accusation number nine picked up on an older Christian anti-Jewish charge stating that the Jews of the Middle Ages preferred the rabbinic explanations of the Bible to the Bible itself.⁷³ With reference to this practice, Donin accused the Jews

71. *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 148.

72. Moscow, National Library, MS Günsburg 1390, fol. 93b.

73. See Chazan on Peter the Venerable in *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan,

of his days of prohibiting their children from studying the Bible and of urging them to study the Talmud instead. As an example of the anti-social texts they were – in his opinion – forced to read in the Talmud, in accusation number ten Donin quoted the following text:

X^{us}. IN QUIBUS QUI PRO LEGE DIXERUNT: OPTIMUM XPISTIANORUM OCCIDE. Hoc legitur in *Elle semoz* (Exod. XIV, 7): ‘*Tulitque [Pharao] sexcentos currus electos quotcunque in Egypto curruum fuit.*’ – Glossa Salomonis: ‘Unde erant illa animalia? Si Egypciorum, nonne scriptum est [ib. IX, 6] quod mortua sunt omnia animalia eorum, et si de Israel, nonne scriptum est: *Omnes greges pergent nobiscum, non remanebit ex eis ungula* [ib. X, 26]’; unde ergo fuerunt? Non nisi de hoc quod qui timuit verbum Domini de servis Pharaonis fecit confugere servos suos et iumenta in domos; per hoc dicebat Rby Symeon: Optimum goym occide, melioris serpentum contere caput’; q. d. ex quo illi qui boni fuerunt et timuerunt verbum Dei tradiderunt animalia sua ad persequendum populum Domini, optimus goym tamquam malus occidi potest.⁷⁴

Hoff’s English translation reads as follows:

AMONG THEM [ARE] SOME WHO PRESCRIBED AS LAW: KILL THE BEST CHRISTIAN. One reads this in *Elle Shemot* (Ex 14:7): ‘And [Pharaoh] took six hundred select chariots and however many chariots there were in Egypt’. Solomon’s gloss, ‘Where did those animals come from? If they belonged to the Egyptians, is it not written that all their animals were dead (Ex 9:6)? But if they belonged to the Israelites, is it not written, ‘All our cattle shall go with us; not a hoof of them shall be left behind’ (Ex 10:26)? Where, then, do they come from? Nowhere else than from this: that one of the servants of Pharaoh who feared the word of the Lord had his servants and cattle take refuge together in the houses [during the plagues]. For this reason Rabbi Shimon said: ‘Kill the best of the *goyim*, crush the head of the better of the serpents’; as if to say that, because those who were good and feared the word of God handed over their animals to pursue the Lord’s people, the best of the *goyim* can be killed as well as a bad one.’⁷⁵

This text tells us that the source for Donin’s unspecified rabbinic dictum was Rashi’s commentary to Ex 14:7. Obviously, Donin referred to it because he assumed that his opponent was familiar with the texts and arguments of his thirty-five accusations.

The correctness of Donin’s assumption, and thus also the correctness of our reconstruction, is confirmed by R. Jehiel’s answer to Donin. In view of its content and

p. 13-14. And more recently Friedman, ‘Anti-Talmudic Invective from Peter the Venerable to Nicholas Donin (1144-1244)’.

74. Loeb, ‘La controverse de 1240 sur le Talmud’, pp. 263-264, with a French translation as well as a list of rabbinic texts containing variants of the rabbinic dictum. See also the new edition by Piero Capelli in this volume.

75. Hoff in *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 108.

wording it is clear that the rabbi was responding to Donin's accusation number ten. However, by making use of Donin's admitted lack of knowledge of Rashi's rabbinic source he brilliantly turned it against his opponent. The Hebrew text reads as follows:

ועתה חטאתך אודיעך ואגיד לך האמת, והנה הוא חרות במסכת סופרים בפ' י"ו⁷⁶ ושם תמצאנה, וכת' שם במלחמה טוב שבגוים הרוג והדין נותן כך על המקרא דכתיב ויקח כל סוס רכב מצרים במלחמה פרעה ואותם סוסים מהיכן היו והלא מתו כל סוסי מצרים בברד לא נשאר מקנה⁷⁷ רק אל הירא דבר ה' אשר הנס מקנהו אל הבתים והם נתנו סוסייהם אל פרעה להלחם בישראל ומכאן אמר ר' שמעון טוב שבגוים במלחמה הרוג כי אין לך אדם כשר ונאמן שכיון שבא להלחם עמך שלא בא להרגך ואם בא להרגך השכם להרג^{78,79}

Friedman's translation reads as follows:

Now, I shall clarify your sin, and I shall tell you the truth. Look, it is written in Tractate Soferim in Chapter 16, and there you will find it. It is written, 'In war you should kill the best of the *goyim*'. And the law permits this, based on Scripture, where it is written that [Egypt] took 'every chariot horse'⁸⁰ for the war of Pharaoh. Where did these horses come from? Did not every horse in Egypt die in the [plague of] hail? No livestock survived.⁸¹ Only among those who feared the word of the Lord, who brought their livestock into the houses, [did the horses survive]. But they gave their horses to Pharaoh to do battle against Israel. For this reason, Rabbi Shimon said, 'In a war, you should kill the best of the *goyim*'. For there is no man so proper and faithful who goes to do battle with you, who does not come to kill you. And if he has come to kill you, 'rise early to kill him [first]'.⁸²

According to the Latin text of Donin's accusation number ten no source for our rabbinic dictum is given. If we compare the short quote with rabbinic sources, we find that its most plausible source is the Mekhilta.⁸³ R. Jehiel's answer to Donin makes clear that he too spoke about Rashi's commentary. However, instead of quoting the rabbinic dictum according to the Mekhilta he quoted a variant of this text as given in Tractate Soferim. This modification, as minimal as it was, was decisive for his argumentation as it is this variant which states that a goy may only be killed by a Jew in time of war and when attacking him.

76. Massekhet Soferim 15,7.

77. See Ex 9:6-25.

78. B. Berakhot 58a.

79. *Sefer Vikkuaḥ*, ed. by Samuel Grünbaum, p. 9, with sources supplied by me. BnF, héb. 712, fol. 50b has the same text as Grünbaum. In the parallel of Moscow, National Library, MS Günzburg 1390, fol. 93b only the sequence of some of the sentences differs slightly.

80. Ex 14:9.

81. *Ibid.*, 9:25.

82. *Talmud Bavli*, Berakhot 9. [Sic]. Find the whole quote in *The Trial of the Talmud*, trans. by Friedman, Connell Hoff, Chazan, p. 149.

83. Mekhilta de Rabbi Yishmael to Ex 14:7.

In addition to all the sources mentioned so far we have one more source at hand which provides further evidence for the accuracy of our reconstruction. R. Isaac ben Hayyim, a student of R. Jehiel and a compiler of a Torah commentary called *Peshatim la-Torah*, reported in his commentary to Ex 14:7 that his teacher R. Jehiel was asked about Rashi's commentary on this verse by a heretic. The content of this very short text does not reflect the elaborate answer of R. Jehiel as quoted above.⁸⁴ However, the text allows us to conclude that R. Jehiel was more than once confronted with the rabbinic dictum on the basis of Rashi's commentary to Exodus, and not on the basis of a rabbinic text containing it. As the manuscript stems from the fourteenth century,⁸⁵ the question of whether the short text was also part of the original compilation of the *Peshatim la-Torah* remains open. If so, the text raises further questions: Did this questioning happen before, during or after the disputation? Who was the heretic asking? Did this discussion motivate Donin or did his disputation of the text with R. Jehiel encourage others to do the same?

Conclusion

Our investigation concerned two passages of the Hebrew report on the disputation of Paris 1240. In the first one Donin and R. Jehiel argue about a rabbinic text contained in Sanhedrin 64b, according to which a person who passes all of his seed to the Mol-ekh cannot atone for this sin while the one who gave only part of it can. According to Galinsky this text does not reflect an actual part of the debate but was added to the Hebrew texts by their author. In the second passage Donin asked the rabbi about a Jewish text that states that the Jews were allowed to kill even the best of the goyim (gentiles), but when asked about the rabbinic source of the dictum, failed to name it. Rather than that, and seemingly without reason, he stated that the Jews preferred Rashi's commentary to the Bible to the Bible itself. By means of comparison of the relevant texts we were able to show that the first passage in all likelihood actually reflects part of the historical disputation. For the second passage we found the context to which it must originally have belonged.

In addition to what we have said, our investigation points us to another possibility as to why the event of 1240 might have happened and where to look for more traces of it. In one of his articles mentioned above, Galinsky, referring to Israel Ta-Shma, suggested that before his conversion Nicholas Donin had been part of a group of Jews who rebelled against their teachers, the leading Tosafists of their time and

84. See Kanarfogel, *The Intellectual History*, p. 339, and n. 135 for the Hebrew text according to Ms. Oxford, Bodl. 2343, fol. 16a. In his note Kanarfogel pointed to Gellis, *Sefer Tosafot ha-Shalem*, Vol. 7, p. 185, where a version of this text can be found according to which the one questioning R. Jehiel was his pupil and not a heretic. I understand Kanarfogel's version to be a corrected version of Gellis' text as both based their texts on the same manuscript.

85. Gellis did not provide a date for this manuscript. Therefore I refer to the one noted in the online catalogue of the National Library of Israel.

their attempt to replace the authority of the local *minhag* with the authority of the Babylonian Talmud.⁸⁶ Ta-Shma saw Donin's attack on the Talmud, and the disputation following it, as his attempt to end this original inner Jewish conflict once and for all.⁸⁷ Thus the fact that R. Jehiel ben Joseph of Paris, R. Judah b. David of Melun, R. Samuel b. Solomon of Château Thierry and R. Moses b. Jacob of Coucy – the four rabbis who, according to manuscript Paris⁸⁸, were gathered initially to answer Donin's accusations – were well known tosafists, and in the case of R. Jehiel and R. Moses even Donin's former teachers, surely was no coincidence. It might even have been helpful for the publicity of Donin's case that R. Jehiel together with R. Judah and R. Samuel also acted at that time as the *bet din* of Paris.⁸⁹ Thus, what ended as a public affair might have started in a personal disagreement between rabbis of the tosafist circle and their students. As our investigation has shown, in two cases the literature these rabbis left behind provides us with traces of the event. It is likely that a more systematized and detailed research effort on this material will bring to light more of these traces.

Bibliography

Manuscripts

Moscow, National Library of Russia, MS Günzburg 1390.

Paris, Bibliothèque nationale de France, MS fonds latin 16558.

Paris, Bibliothèque nationale de France, MS héb. 712.

Città del Vaticano, Biblioteca Apostolica Vaticana, MS Vat. ebr. 324.

Primary Sources

Extractiones de Talmud per ordinem sequentialem, ed. by Ulisse Cecini and Óscar de la Cruz, Turnhout: Brepols, 2018).

Sefer Tosafot ha-Shalem, Commentary on the Bible, Vol. 1: Bereshis-Noach, ed. by Jacob Gellis (Jerusalem: Mifal Tosafot Hashalem Publ., 1982) [Hebrew].

Sefer Tosafot ha-Shalem, Commentary on the Bible, Vol. 7: Bo-Beshalach, ed. by Jacob Gellis (Jerusalem: Mifal Tosafot Hashalem Publ., 1987) [Hebrew].

Sefer Tosafot Hashalem, Commentary on the Bible, Vol. 13: Acharei-Kedoshim, ed. by Jacob Gellis (Jerusalem: Mifal Tosafot Hashalem Publ., 2011) [Hebrew].

86. Galinsky, 'Mishpat ha-Talmud be-shnat 1240 be-Paris', p. 46, n. 4 with reference to Ta-Shma, 'Rabbi Yéhiel de Paris'.

87. Ta-Shma, 'Rabbi Yéhiel de Paris', p. 217.

88. According to the version of Moscow, National Library, MS Günzburg 1390, fol. 86a R. Jehiel asked for only 'two wise men' to help him claim his case but their names are not mentioned.

89. Kanarfogel, *The Intellectual History*, p. 65.

- Sefer Vikkuah Rabbenu Jehiel mi-Paris*, ed. by Samuel Grünbaum (Thorn: C. Dom-browski, 1873) [Hebrew].
- The Trial of the Talmud, Paris, 1240*, Hebrew texts trans. by John Friedman, Latin texts transl. by Jean Connell Hoff, Historical essay by Robert Chazan, Mediaeval Sources in Translation, 53 (Toronto: Pontifical Institute of Mediaeval Studies, 2012)
- ‘La controverse de 1240 sur le Talmud’, ed. and transl. by Isidore Loeb, *Revue des Études Juives*, 1 (1880), 247-261; 2 (1881), 248-270; 3(1881), 39-57.
- Sepher Joseph Hamekane auctore R. Joseph b. R. Nathan Official (Saec. XIII), ex manu scriptis [sic] edidit et notis instruxit*, ed. by Judah Rosenthal (Jerusalem: Mekize Nirdamim 1970) [Hebrew].
- R. Moses of Coucy, Sefer Mitzvot Gadol (SeMaG), Online Responsa Project of the Bar Ilan University* (= ed. Schlesinger, Jerusalem, 1995) [Hebrew].
- Mekhilta de Rabbi Ishmael, Online Responsa Project of the Bar Ilan University* (= ed. Horowitz-Rabin, 1970) [Hebrew].
- Massekhet Soferim, Online Responsa Project of the Bar Ilan University* (= ed. Hig-ger, New York, 1930-1937) [Hebrew].

Secondary Works

- BAER, F[ritz] I., ‘The Disputations of R. Yechiel of Paris and of Nachmanides’, *Tarbiz*, 2/2 (1931), 172-187 [Hebrew].
- BEHRMAN, David, ‘Volumina Vilissima. A Sermon of Eudes de Châteauroux on the Jews and their Talmud’, in *Le brûlement du Talmud à Paris 1242-1244*, ed. by Gilbert Dahan (Paris: Cerf, 1999), pp. 191-209.
- FRIEDMAN, Yvonne, ‘Anti-Talmudic Invective from Peter the Venerable to Nicholas Donin (1144-1244)’, *Le brûlement du Talmud à Paris 1242-1244*, ed. by Gilbert Dahan (Paris: Cerf, 1999), pp. 171-189.
- GALINSKY, Judah D., ‘Mishpat ha-Talmud be-shnat 1240 be-Paris: ‘Vikuah R. Yeh’iel’ ve-‘Sefer ha-Mizvot’ shel R. Moshe mi-Coucy’, *Shenaton ha-Mishpat ha-Ivri*, 22 (2001-2003), pp. 45-69 [Hebrew].
- , ‘The Significance of Form: R. Moses of Coucy’s Reading Audience and His *Sefer ha-Mizvot*’, *AJS Review*, 35/2 (2011), 293-321.
- , ‘The Different Hebrew Versions of the “Talmud Trial” of 1240 in Paris’, in *New Perspectives on Jewish-Christian Relations, In Honor of David Berger*, ed. by Elisheva Carlebach, and Jacob J. Schacter, The Brill Reference Library of Judaism, 33 (Leiden/Boston: Brill, 2012), pp. 109-140.
- KANARFOGEL, Ephraim, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, (Detroit/Mich.: Wayne State Univ. Press, 2013).
- SCHWARZFUCHS, Simon, ‘La vie interne des communautés juives du nord de la France au temps de Rabbi Yéhiel et des ses collègues’, in *Le brûlement du Talmud à Paris 1242-1244*, ed. by Gilbert Dahan (Paris: Cerf, 1999), pp. 23-37.
- TA-SHMA, Israel M., ‘Rabbi Yéhiel de Paris: l’homme et l’œuvre, religion et société

(XIII^e siècle)’, *Annuaire – Ecole pratique des hautes études, Section sciences religieuses*, 99 (1991), 215-219.

WOOLF, Jeffrey R., ‘Some Polemical Emphases in the *Sefer Mišwot Gadol* of Rabbi Moses of Coucy’, *The Jewish Quarterly Review*, 89/1-2 (1998), 81-100.

