

# *Censorship: Books, the Halakhah, and Jewish Continuity, A Synoptic Overview*

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When he condemned the Talmud in 1558, the Udinese jurist Marquardus de Susannis referred to a compilation of three otherwise unnoted Venetians, Benedict Valerio, Marcus Centani, and Franciscus Longo.<sup>1</sup> Their work, composed in 1553, had persuaded him that the Talmud corrupts the true meaning of the law and the prophets. Its deliriums prove the Jews' blindness and insanity and have made of them 'carnal Idumeans.' No wonder Justinian prohibited *deuteriosis* in his Novel 146, which, de Susannis, as others, took to mean the Talmud (in fact, it was probably midrash, or even, as per Fausto Parente, a Greek translation of the Pentateuch that did not square fully with the Septuagint).<sup>2</sup> De Susannis's perceptions were 'the common opinion,' a legal as well as emotional term, albeit de Susannis himself had taken the time to read what others were saying. He likely also read the condemnations in the 1555 *De sola lectione* (of the Bible) by the Jesuit Francisco de Torres. In the same tones, the theologian of Valencia Juan Luis Vives (1494–1540) wrote to say that the fabulous and blasphemous nature of the Talmud was common knowledge.<sup>3</sup> Anxiety, joined with repulsion, was everywhere; and this widespread negativity may help explain why, exceptionally, the Venetians did not delay in following papal orders. On 21 October 1553, barely a month after the order issued by the Inquisition to burn the Talmud (12 September 1553), the Doge followed suit, repeating the demand for Padua four days later.<sup>4</sup>

Further stimulating the Venetian order was a report issued the same October day by three otherwise unknown *frati*, Don Leonardo, a canon regular, a brother

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<sup>1</sup> MARQUARDUS DE SUSANNIS, *De Iudaeis et Aliis Infidelibus* (Venetiis: apud Cominum de Tridino Montisferrati, 1558), 113r–115r, Part III, chap. 1, pars. 48–50. (This work is available online).

<sup>2</sup> FAUSTO PARENTE, 'The Index, the Holy Office, the Condemnation of the Talmud, and Publication of Clement VIII's Index,' in *Church, Censorship and Culture in Early Modern Italy*, ed. GIGLIOLA FRAGNITO (Cambridge: Cambridge University Press, 2001), 163–93 = FAUSTO PARENTE, 'La Chiesa e il "Talmud": l'atteggiamento della Chiesa e del mondo cristiano nei confronti del "Talmud" e degli altri scritti rabbinici con particolare riguardo all'Italia tra XV e XVI secolo,' in *Storia d'Italia. Annali 11. Gli Ebrei in Italia*, 2 vols., vol. 1, *Dall'alto Medioevo all'età dei ghetti*, ed. CORRADO VIVANTI (Torino: Einaudi, 1996), 521–643.

<sup>3</sup> KENNETH STOW, 'The Burning of the Talmud in 1553 in the Light of Sixteenth Century Catholic Attitudes Toward the Talmud,' *Bibliothèque d'Humanisme et Renaissance* 34, no. 3 (1972): 435–59, esp. 445.

<sup>4</sup> Most recently on Venice, see BENJAMIN RAVID, 'The Venetian Government and Hebrew Books,' in *IR HEFŠI-VAH: Studi di ebraistica e giudaistica in onore di Giuliano Tamani*, eds MICHELA ANDREATTA and FABRIZIO LELLI (Livorno: Salmone Belforte, 2021), 501–38.

Thomas, a Dominican, and Juan Battista di Freschi Olivi, a theologian. We know only their names. Whereas de Susannis referred to the Talmud in an all-inclusive sense, however, these three gave jurisconsults particulars, saying that they took cognizance of the opinion of three *utriusque iuris*, the Reverendissimo domino Vettor da Pozzo, Vicar of the Patriarch of Venice, Don Annibale Grisonio, and the priest Lacom Liunnerio. From them they had learned that the Talmud is called the *Scitbasider*, the six orders of the Babylonian Talmud, divided into texts called *mishnaioth* in Hebrew, along with questions covering a part of ten works called *Ghemara* in Hebrew, with many comments, questions and additions. The name Talmud also applied to a Jerusalem Talmud, ‘qual è molto breve.’ Need one say that they had no inkling of what they were talking about? And it became worse: ‘Per ciascaduna parte di quello se intende ogni una delle ditte cose, che si contieneno in ditto volume da per se com Misnaioth, da per se cioè i ditti texti Pirtheavoth (!)’ Even Moritz Stern, who first published this gibberish, could not follow it.<sup>5</sup> We are reminded of the words of Johannes Reuchlin who, in his 1510 confrontation with the legist Ulrich Zasius, said that the Talmud is a book that everybody criticizes, but no one has read—which, he admitted, included himself.<sup>6</sup>

We should not be surprised. Look at what Giuseppe Petrai says about censors in his own day, in his 1896 *Anecdotes of Rome*: how fatuous they were, removing words like ‘aristocracy’ lest anyone take offense or become angry.<sup>7</sup> What happened to rabbinic literature was an exaggeration of this kind on steroids. Petrai’s *reductio ad absurdum* is a good window into what was happening centuries earlier, which helps explain why the Talmud’s *assumed* perniciousness was blamed for obstructing Jewish conversion. In the words of the Jesuit Francisco de Torres, closely paraphrasing anti-Pope Benedict XIII: ‘The prime cause of Jewish blindness [...] is a certain perverse doctrine that was formulated after Christ and which the Jews call Talmud [...] We have decreed that no one [...] should presume to hear, read, or teach that doctrine.’

A blanket condemnation. Did it matter what exactly the Talmud contains or that Pope Benedict said he had the Talmud examined? The inquisitional decree of 1553 went a bit further than both, saying that ‘nothing would be more conducive to their [the Jews] illumination’ than *burning* the work, which would remove ‘the veil from their eyes.’ The determination was great. So was the apprehension. In the words of de Torres: ‘If you do not interdict’ all the remaining commentaries of the Jews, ‘I fear you will be charged with their blindness at the horrible judgment of the last day.’ Removing the books will open their eyes. They will understand that the rabbis are not the *duces de femore Judae* (Gen. 49:10). Allowing the Jews the Talmud and commentaries makes one

<sup>5</sup> MORITZ STERN, *Urkundliche Beiträge über die Stellung der Päpste zu den Juden* (Kiel: H. Fiencke, 1893), 106–108, no. 105, with no. 104 being the Doge’s decree. The text is cited here precisely as it is in Stern, including Stern’s added exclamation point.

<sup>6</sup> JOHANNES REUCHLIN, *Recommendation Whether to Confiscate, Destroy and Burn All Jewish Books: A Classic Treatise Against Anti-Semitism*, Studies in Judaism and Christianity, ed. and trans. PETER WORTSMAN (Mahwah: Paulist Press, 2000); the *Augenspiegel*, 133. For a favorable view of Reuchlin, see DAVID H. PRICE, *Johannes Reuchlin and the Campaign to Destroy Jewish Books* (New York: Oxford University Press, 2011).

<sup>7</sup> GIUSEPPE PETRAI, *Roma aneddotica*, repr. (1896; Rome: Colosseum, 1987).

guilty of ‘allowing them that which teaches them insanity.’<sup>8</sup> De Torres was fantasizing. And yet he was not alone in imagining Jews actively claiming sovereignty for themselves, a sovereignty which would counter that staple of Christian theology, the assertion that the Shiloh of Gen. 49 had indeed been realized in Christ, the messiah. De Susannis spoke at length, negating further Jewish claims to sovereignty of any stripe. Antonio Ricciullo in the eighteenth century was still harping on the theme. Jews, themselves (sometimes) referred to the Babylonian Geonim as possessing the powers of rulers, but in the sixteenth century they knew well that the Geonic period was long past.<sup>9</sup>

The Talmud’s supposed *deliria*, need one say, were those of its accusers. ‘These people are ignorant,’ protested Bartolomeo Valverde, chaplain of Philip II, in 1584. ‘Those who have been entrusted with the matter [of a new Index],’ he said, ‘are completely unskilled in Greek and Hebrew letters and ignorant in judgment.’<sup>10</sup> As Piet von Boxel has shown, Valverde, who *was* skilled, was also not a lone voice.<sup>11</sup> But the die had been cast. The full condemnation of the Talmud and other—especially so-called magical—works named in *Cum Hebraeorum militia* by Clement VIII in 1593, which was reinforced by putting the Talmud on the Index, in 1596, occurred, not coincidentally, the same year that Jews were definitively ousted from places in the Papal State outside Rome, Ancona, and the Comtat-Venaissin.

An opposing school of thought initiated in thirteenth-century Iberia, to culminate in Ramon Martí’s 1278 *Pugio fidei*, had little chance of winning. The book’s first third is a theological-philosophical discourse on Christian truth; the second is devoted to showing Judaism has been corrupted by a demon, invented by Martí, called Bentamalion; and the last ‘proves’ based on midrashic texts (which Baer denied and Lieberman sustained as real) that the true rabbis believed in Christ. That is, rabbinic literature, properly pruned, could promote conversion.

Martí himself was reserved. His work is neither messianic nor delusional about mass conversion. He speaks of fruit that will slowly ripen: of the pomegranate going from pungent to sweet. The *Pugio* and its claims faded from view, however. In *Esti doctoris gentium* of 1415, Benedict XIII made no reference to a positive use of rabbinic texts. Indeed, the *Pugio* itself so faded that in the early sixteenth century Petrus Galatinus was able to plagiarize and tout its arguments as his own, undetected. Still, he

<sup>8</sup> STOW, ‘The Burning,’ 441, citing de Torres, *De sola lectione*.

<sup>9</sup> On this theme, see my forthcoming ‘An Illicit Community: Some Stories Don’t Change,’ in the *festschrift* for Thomas and Elizabeth Cohen, ed JOHN HUNT, et al. (Toronto: University of Toronto Press, 2023). See ANTONIO RICCIULLO, *Tractatus de iure personarum extra ecclesiae gremium existentium, cui propter argumenti similitudinem annexus est alter Tractatus de Neophytis* (Romae: sumptibus Io. Angelo Ruffinelli et Angeli Manni, 1622), 110–111, lib. 2, cap. 40.

<sup>10</sup> STOW, ‘The Burning,’ 448.

<sup>11</sup> PIET VAN BOXEL, ‘Robert Bellarmine Reads Rashi: Rabbinic Bible Commentaries and the Burning of the Talmud,’ in *The Hebrew Book in Early Modern Italy*, eds JOSEPH R. HACKER and ADAM SHEAR (Philadelphia: University of Pennsylvania Press, 2011), 121–32.

and others were the vanguard of what Fausto Parente called the ‘two strata’ approach, which was also an atrium to censorship.

Enter that late fifteenth-century Johannes Reuchlin. Reuchlin, with his argument that the Talmud was useful (for missionizing, of course), has been credited with opening a humanistic, more tolerant approach to Jews. But if anything, humanists, certainly many leading ones, were the Jews’ enemies. Members of the humanist camp, including Platina, the founder of the Vatican Library, spearheaded the movement to canonize Simonino of Trent.<sup>12</sup> Indeed, Reuchlin’s famous reference to ‘Jewish humanity’ turns out to originate in a passage from the late thirteenth-early fourteenth-century canonist Giovanni d’Andrea who, in turn, was drawing on Gratian’s *Decretum, de poenitentia, dist. 2, c. 5, par. 5*, titled *Caritas*.<sup>13</sup> *Caritas* speaks of the need to recognize the humanity of those who are *proximi*, and one might think this line of reasoning was beneficial to relations with Jews. Yet as adopted by d’Andrea, and then Reuchlin and others, what one has is a rewording of Pauline ideas or, as Augustine states in his otherwise vitriolic tract *Adversus Iudaeos*, to achieve their conversion. Jews are to be approached with the ‘sweetness of lips.’ References to *Caritas* might also be a trap. In the earlier fourteenth century, Oldradus da Ponte cited the canon in a *consilium* in which he urged expelling Jews whose ‘behavior’ could no longer be corrected, namely, by their ultimately becoming Christians. With respect to these Jews, *Caritas* had failed.<sup>14</sup> Slightly milder, but still pointed, in the seventeenth century, Giacomo Pignatelli, also citing *Caritas*, wrote to say that Jews had rights, but their conversion through exploiting severe canonical limitation was foremost. We might add that when papal letter after papal letter, as well as Marquardus de Susannis, say that Christianity receives Jews out of *Caritas*, the reference, following Stephan Kuttner, is to the justice on which the world stands. But the reference was also to justice, humanity—and, by interpretation—conversion bundled together. Aquinas, for example, linked humanity to the power to reason, which he then tied to Christian belief. By definition, the *proximi* of the canon, who were *homines naturae nostrae*, must be—or about to become, as in the case of the

<sup>12</sup> See KENNETH STOW, ‘The Catholic Church and the Jews,’ in *The Cambridge History of Judaism*, 8 vols., vol. 7, *The Early Modern World, 1500–1815*, eds JONATHAN KARP and ADAM SUTCLIFFE (Cambridge: Cambridge University Press, 2017), 15–49.

<sup>13</sup> GIOVANNI D’ANDREA, *Novella in Decretales Gregorii IX*, on bk 5, title 6, *De Iudaeis*; Reuchlin, in his *Augenspiegel*, trans. WORDSMAN; GRATIAN, *Caritas*: ‘Non illi tantum proximi nostri credendi sunt, quos nobis gradus sanguis iungit, sed proximi nostri credendi sunt omnes homines naturae nostrae, sicut dixi, participes.’

<sup>14</sup> GIACOMO PIGNATELLI, *Consultationum Canoniarum pro publico usu quotidiano, ad eminentiss. ac reverendiss. Principem Iacobum Rospigliosium S. R. E. Card.* (Romae: 1668), tom. 7, 192. Pignatelli has a fierce diatribe against Christian service to Jews, including the matter of Christians purchasing kosher meat. Yet Pignatelli is a ‘moderate’ who fully supports the presence of Jews in Christian places and guarantees their rights as *cives*. He himself cites the canon *Caritas*, applying its general statement to Jews—he had been preceded by Oldradus da Ponte and Johannes Reuchlin—but not to favor Jews; rather, he goes on to posit that ‘papam Iudaeorum tutorem esse,’ ‘the pope is the Jews’ guardian.’ Oldradus, as Pignatelli had to have known, followed his citation by saying Jews could be expelled, with which Pignatelli disagrees. OLDRADUS, *consilium* 264 in NORMAN ZACOUR, *Jews and Saracens in the Consilia of Oldradus da Ponte* (Toronto: Pontifical Institute of Mediaeval Studies, 1990), 62.

Jews in Pauline thinking—Christians. Which is to say that when Reuchlin invoked Jewish humanity, he was not turning over a new leaf.

In a similar conversionary context, we mention Pico della Mirandola who, through Kabbalah, as argued by Wyrzsubski, developed an entire midrashic exegesis to demonstrate Christ's messiahship. Others were Adriano Fino (Hadrianus Finus), Robert Bellarmine and Sixtus of Siena, the latter, like Tommaso Campanella, arguing both to burn and to exploit the 'good parts' of rabbinic writings, especially the 'true' kabbalah. The most forceful exponent was Andrea Maes (Masius), who claimed: 'No book is more appropriate to convince the Jews than the Talmud; to assert the opposite is ridiculous. I myself had begun to collect materials (from the Talmud) for a book that would have won the Jews for Christianity. But in my great indignation at your [inquisitional] bungling, I threw it all into the fire.' Maes would also have objected to the Froben edition of the Talmud in Basle in 1578, whose accompanying Christological interpretations so mangled the text that it was never put on sale.<sup>15</sup>

One might suggest that, however much negative views of the Talmud were driven by fantasy, so, too, was the hope, moving in the opposite direction, that Talmudic materials might persuade masses of Jews to convert—for instance, as expressed in the writings of Paul of Burgos, Paolo Sebastiano Medici, and Giulio Morosini (regardless of the latter two's vitriol). Equally hopeful was another convert, Fabiano Fioghi, who translated prayers like the Ave Maria and Office of the Blessed Virgin into Hebrew. Ludovico Carrito drew on the Kabbalah to say that 'there are three lights,' clearly intimating the Trinity. Or 'Yavo Shiloh ve-Lo' = *Yeshu*. The use of this expression was so widespread that it entered de Susannis's manual of Jewry law.<sup>16</sup>

Hebrew censors themselves were most often converts employed by printers of Hebrew books, charged with producing a text clean enough to pass muster with (the all too often ill-prepared) Christian censors. Much has been written. Yet we must be wary. None of these convert-censors were the Jews' 'friends.' Nor, as per Amnon Raz-Krakotzkin, do I see them as mediators, creating Jewish space. Krakotzkin's book is thorough and must be read.<sup>17</sup> Yet it is difficult to see where people devoted to increasing Jewish conversions, as were so many learned converts, were also working for Jewish benefit; these were not 'career-converts' like Heine, Mahler, and Strauss. Toaff, for example, points to Antonio Costanzi, in the mid-eighteenth century, whom he calls the last of the censors. However, Toaff also makes a strong case that Costanzi is the horror of a priest, the volcano, who enters the cell of Anna del Monte and literally rapes her psychologically with his dances, his use of a crown above her head, and his pouring of water on her body in the presence of ten other priests—and Anna, as I

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<sup>15</sup> All cited in STOW, 'The Burning.'

<sup>16</sup> See on these writers in KENNETH STOW, *Catholic Thought and Papal Jewry Policy, 1555-1593* (New York: The Jewish Theological Seminary-KTAV, 1977).

<sup>17</sup> AMNON RAZ-KRAKOTZKIN, *The Censor, the Editor, and the Text: the Catholic Church and the Shaping of the Jewish Canon in the Sixteenth Century*, Eng. trans. JACKIE SIMON FELDMAN (Philadelphia: University of Pennsylvania Press, 2007).

have shown, really existed, her underlying story no doubt is true.<sup>18</sup> Costanzi was not a censor devoted to preserving texts for Jewish use. Were there exceptions to the rule? Perhaps. That, however, is the point: exceptions! Besides, censors who were converts like the Modenese Camillo Yagel de Correggio and his son Ciro in the early seventeenth century, as Federica Francesconi has shown, directed their labors to erasing aspersions and bringing out what they saw as positive references to Christianity. If anybody was working to make room for a ‘Jewish space,’ it was Rabbi Nathanel Trabotti, who had been coopted into working with these two.

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A word on periodization. Actual attacks on rabbinic literature were sporadic in the thirteenth and early fourteenth century: Paris, Barcelona, Pope John XXII, and the Inquisitor Bernard Gui, with Benedict XIII a flash in the pan. A sustained assault dates from Reuchlin’s battle with Zasius, in 1510, through the final condemnation by Clement VIII in 1593/1596. Nevertheless, suspicion of Jewish literature was a permanent feature in Christianity. It had to be.

Christianity is built on two foundations: the belief in Jesus as savior and the supersession of Judaism. From the first, therefore, Christianity was forced to challenge Jewish textual interpretation, dependent as it was on winning its challenge. How else to interpret Paul’s saying in Romans 9 that the true inheritors of Abraham are his spiritual offspring? Jews had always understood descent literally, physically. Jews did not read Isaiah as predicting a coming messiah (as Fausto Parente sustains it should be read, accepting Christian exegesis like that of Mowinkel). Isaiah’s source of salvation, his ‘seed of Jesse,’ was King Hezekiah, as H. L. Ginzburg meticulously explained in class (a similar warning applies to reading Zechariah’s reference to ‘my servant Branch, *‘avdi tsemah*’ [chapter 3] as anything but a contemporary vision of the post-exilic [the Babylonian exile of 586–536 B.C.E.] divine restoration of the high priesthood, the subject of the entire chapter, and the newly rededicated Jerusalem cult). This meant that Christians—ignoring the true *peshat*, the simple meaning—had to square *their* reading of Isaiah with *their* concept of the text, to wit, Mowinkel. Or accuse the Jews of falsification which happened already in the indisputably literary dialogue of Justin Martyr with Trypho the Jew, in 135. Irving Resnick tells us that Justin Martyr (ca. 100–ca. 165) claimed he found verses supporting Jesus’s messianic pretensions in Ezra and Jeremiah, which were unknown to his Jewish interlocutor, leading Justin to declare that the Jews deleted these passages from the Scriptural text?<sup>19</sup> The idea that Jews were perverting scripture textually and interpretatively recurs in the ninth-century Agobard

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<sup>18</sup> ARIEL TOAFF, ‘Giovanni Antonio Costanzi. Ultimo censore di libri ebraici a Roma (1745-1756 ca.),’ in *Minchat Yehudà. Saggi sull’Ebraismo Italiano in memoria di Yehudà Nello Pavoncello*, eds ANGELO PIATTELLI and MYRIAM SILVERA, special issue, *La Rassegna Mensile di Israel* 67, no. 1–2 (2001): 203–21. On Anna del Monte, and her trials in the Roman Casa dei Catecumeni, in 1749, see KENNETH STOW, *Anna and Tranquillo, Catholic Anxiety and Jewish Protest in the Age of Revolution* (New Haven: Yale University Press, 2016).

<sup>19</sup> IRVING RESNICK, ‘The Falsification of Scripture and Medieval Christian and Jewish Polemics,’ *Medieval Encounters* 2, no. 3 (1996): 347–80.

of Lyons and three centuries later in the convert Petrus Alphonsus. It also underlies Justinian's Novel 146 prohibiting *deuterosis*, an edict with echoes in de Susannis, as well as in Hugo Grotius's *Remonstrantie* in Protestant Holland (1615), although Grotius uses the Novel to justify prohibiting the Talmud—I suspect to avoid using solely Catholic and papal reasoning.<sup>20</sup>

Yet if so many believed Jews perverted Scripture, what grounds is there for saying that Augustine persuaded the entire Christian world that, because Jews *preserved* the true biblical text, they should be sustained in Christendom?<sup>21</sup> Fortunately, this is a problem for those who speak of an Augustinian theory. What really sustained Jews in Christendom was not Augustine, but a Pauline theology that made a Jewish presence and ultimate conversion integral to Christian teaching. Both of these concepts were supported by a fully articulated body of canons that existed by no later than the tenth century, many of which were derived from the pre-existing Justinianic body of law. The first ones to cite Augustine's acclaimed citation of Psalm 59:12 were the thirteenth-century popes, beginning with Innocent III. However, they were using Augustine as no more than a proof-text. For Augustine himself, the Jews, beyond being bearers of Scripture, were the essence of carnality confronting—and opposing—to Christian spirituality; they were also *capsarii*, slaves, permanently subservient and lacking in public authority.<sup>22</sup> To return to our specific topic, what this means is that we should reject the commonly voiced assertion that the thirteenth-century attack on the Talmud was a product of the discovery that Jews were not transmitters of biblical verity. That 'discovery'—however incorrect—had been a staple for centuries.

How, then, to interpret what happened? If we correctly jettison the idea that a sharp awakening to Jewish textual perversion made an attributed Augustinian vision of reality no longer applicable, we must look elsewhere. And, as I have argued, despite many competing interpretations, if we broaden our perspective to look at developments in Paris, in the schools and university as a whole, then another—logical—explanation unfolds.<sup>23</sup> Namely, as Karl Morrison masterfully wrote, Paris was the hub of an approach that demanded that Christian life, teaching, and law be biblically rooted. A non-biblically based legal-theological system would threaten that approach. One thinks immediately of the Talmud. However, such a system also existed

<sup>20</sup> *Remonstrantie* par. 16, which allows books deemed not blasphemous. However, the Talmud is blasphemous, it turns out. The *Remonstrantie*, never applied, are a Protestant version of de Susannis, including both accepting the 'reality' of ritual murder, although Grotius finds that none of the evil things said about Jews are decisive. He leans on Roman Law, but with a good dose of the canons. He also wants it to be clear that Jews are a religion, not a *societas* which exercises even a modicum of political power, regarding which, he cites the Code, bk 1, title 9, law 1. Jews, therefore, must register their marriages before civic authorities. See DAVID KROMHOUT and ADRI K. OFFENBERG, eds, *Hugo Grotius's Remonstrantie of 1615* (Leiden: Brill, 2019).

<sup>21</sup> 'Sustained,' not 'tolerated,' whose Latin root, *tolerare*, means to privilege, not to be confused with 'tolerance.'

<sup>22</sup> See on Augustine's participation in the evolution of repressive legislation, CAPUCINE NEMOPEKELMAN, *Indaeorum Querellae... La législation relative aux Juifs, de la fin de l'Empire Romain au début de Moyen Age occidental (IV<sup>e</sup>-VII<sup>e</sup> siècles)* (PhD diss., Université Paris X Nanterre, 2005).

<sup>23</sup> On Paris as a bastion of biblical primacy, see KARL F. MORRISON, *Tradition and Authority in the Western Church, 300-1140* (Princeton: Princeton University Press, 1969).

within the Christian orbit, and it should have been the object of a Parisian attack. I am speaking of the newly edited canon law of the *Decretals*, which was a collection principally (not exclusively) of edited papal edicts. Yet the *Decretals* could not be attacked head on. Those Parisians who challenged the papacy directly learned the hard way: I am referring to the Spiritual Franciscans, epitomized by the tract of 1258 of Guillaume de St. Amour, *De periculis novissimorum temporum*, which viewed the pope in Rome as the Antichrist. Guillaume was excommunicated, and the radicals fled (to feature, actually in a toned-down version, in Umberto Eco's *Name of the Rose*).<sup>24</sup>

Yet an indirect attack could be—and was—made, a ‘discreet warning,’ by impugning that other non-scriptural legal structure that was the Talmud. Not, however, by the mendicants, as popularly thought. But by the ‘seculars’ at the University, whose Chancellor and the Bishop of Paris at the time of the Talmud’s burning, William of Auvergne, was one of King Louis IX’s closest advisors. A name-count of the signatories to Eudes de Chateauroux’s 1248 condemnation reveals a clear majority of seculars (Parisian Masters) who voted that the Talmud was a *nova* [not the biblical] *lex*; as, by implication, the *Decretals* were as well. The Masters were also concerned with blasphemy and, as Fausto Parente correctly notes, Gregory IX was as well. Did he realize that there was a hidden agenda? Perhaps, but Innocent IV did, and perfectly. Following, or perhaps preceding his commentary on the *Decretals*, Innocent wrote that it was for blasphemy or ‘heresies in their own law’ that his predecessor, Pope Gregory, ordered the Talmud burned. Revealingly, Innocent spared the books Jews claimed they needed; Jews themselves were not heretics nor, as de Susannis once more explains in detail, could they, as Jews, ever be.<sup>25</sup>

When attacks continued, the authors were kings. As the 1007 Anonymous wrote (backed up by Meir ben Simeon, likely in just these years; see my *Levi’s Vindication*), the Pope obeys the Law; the King is capricious.<sup>26</sup> But as a royal initiative, the attacks—which, note, had always been Parisian-centered (if not Parisian-limited)—were destined to lose steam. The debates, the protocols, and the details are of importance, but they should not distract us from the real crux: the unverbally censure of non-scripturally based papal law.

As for Innocent’s decision to return books, it was not out of kindness. Rather, it opened the door to those taking a midway position. It may also have responded less to Jewish entreaties than to those of the one person who played a central role in both forming the *Decretals* and then leading the way at Barcelona in 1263 and after: Raymond Penyaforte, paving the way also for future Reuchlins. Return the books, so that we

<sup>24</sup> The writings of the Spiritual Franciscans such as Peter John Olivi are even more radical than Eco dares to make them; see ERNST BENZ, *Ecclesia spiritualis: Kirchenidee und Geschichtstheologie der franziskanischen Reformation* (Stuttgart: W. Kohlhammer, 1934). As for the arabesque library in the novel, its model is surely the maze of stairways found in the library of the Pontifical Gregorian University in Rome whose odd routes so clearly match Eco’s description.

<sup>25</sup> On Innocent IV and charges against the Talmud, see BENJAMIN Z. KEDAR, ‘Canon Law and the Burning of the Talmud,’ *Bulletin of Medieval Canon Law* 9 (1979): 79–82.

<sup>26</sup> KENNETH STOW, *Levi’s Vindication* (Cincinnati: Hebrew Union College Press; Pittsburgh: University of Pittsburgh Press, 2017).



may exploit them, was the idea, especially knowing that extraordinary scholars such as Ramon Martí and his aides knew how to carry off the maneuver. It has been cogently argued that Barcelona spearheaded a conversionary campaign.<sup>27</sup> Martí himself, in fact, had modest expectations, but he did have hopes.

Linking Penyaforde to both Paris and Barcelona, one may object, that should have come to light before, but seeing the link requires first accepting my interpretation of the Parisian attack. Regardless, one has to explain why a person as close to Gregory IX as Raymond Penyaforde, who had assembled the *Decretals* by 1234, a time so close to the burnings of seven years later, would not have cautioned that burning rabbinic literature might be damaging, precluding his (Penyaforde's) eventual success at the grand Dispute in Barcelona, in 1263, and its aftermath. The Parisian episode thus ended because the pope wanted it to end—just as its ending was justified by Barcelona, which initiated what would eventually turn into a conversionary flood.

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Yet up to now, we have talked in sweeping theoretical terms. What was happening on the ground? I leap over centuries (Luca Andreoni argues well that the politics of censorship remained unchanged from the 1590s until 1753) and turn to the writings of Tranquillo Corcos (1660–1730), the signal intellectual and leadership-figure during the entire Roman ghetto period. I turn not to his response regarding the censorship worked by the vitriolic converted preacher, Lorenzo Virgulti, following the 1728 confiscation of books in Ancona, which Andreoni and Martina Mampieri have analyzed thoroughly.<sup>28</sup> Rather, I wish to focus on other of his writings, in which Corcos was not defending 'suspect' books, but 'using' them outright. Corcos knows a great deal; I would wager large chunks of the Talmud itself, but concealed well from view that his response to challenges by Gioachino Stefani,<sup>29</sup> who claimed Jews must devolve property strictly according to biblical procedure, was approved by the censor Giovanni Pastrizio;<sup>30</sup> but, then, as Federica Francesconi unties the package for seventeenth century Modena, almost everything can be read two ways.<sup>31</sup> Corcos thus makes reference to Maimonides and the *Tur* of Yaacov bar Asher. However, he disguises his direct knowledge by telling readers he is citing Bartolucci's grand *Bibliotheca*. Somehow, he also gets away with citing the Protestant Buxtorf. To be sure, as Corcos writes in

<sup>27</sup> See ALEX. J. NOVIKOFF, 'Toward a Cultural History of Scholastic Disputation,' *American Historical Review* 117, no. 2 (2012): 331–64.

<sup>28</sup> LUCA ANDREONI and MARTINA MAMPIERI, "Tutta l'arte de Rabini": un caso di confisca di libri ebraici ad Ancona: controllo e conflitto (1728),' in *L'Inquisizione e gli ebrei. Nuove ricerche*, ed. MARINA CAFFIERO, with the participation of GIUSEPPINA MINCHELLA (Rome: Edizioni di Storia e Letteratura, 2021), 49–81.

<sup>29</sup> Corcos's polemic against Stephani is *Informazione del Rabino Tranquillo V. Corcos ebreo romano per provare che l'ebreo può far testamenti e disporre delle sue facultà* (Romae: typis R. Cam. Apost., 1699), a copy of which is found in Archivio medievale e moderno, fondo AMM, Università degli ebrei di Roma, Archivio Storico della Comunità Ebraica di Roma, henceforth ASCER, b. 1Ud, 2 inf. 2, fasc. 05.

<sup>30</sup> Pastrizio is mentioned by RICHARD GOTTHEIL, *s.v.* 'Christian Hebraists,' in *Jewish Encyclopedia*, vol. 6, 300–304, as someone known only to Steinschneider.

<sup>31</sup> FEDERICA FRANCESCONI, "This passage can be read differently..." How Jews and Christians censored Hebrew texts in early modern Modena,' *Jewish History* 26, no. 1–2 (2012): 139–60, esp. 151.

his reply to Virgulti, everything to which he, Corcos, referred had been ‘censored’ (*scasato*), but Corcos also no doubt knew exactly what was missing: just follow the formulae used by censors for two centuries and fill in the blanks, especially for passages known by heart.

However, caution had its limits, and in his response to the attacks of Paolo Medici, with whom Corcos tangled in a *Memoriale* of 1697, he throws prudence to the wind.<sup>32</sup> Apart from the abovementioned Rashi (actually Shlemo Yarhi, a fourteenth-century mathematician Corcos confuses with Rashi), Corcos cites Levi ben Gershon, Rashba’a, Solomon ibn Gabirol, as Avicenna, Ovadia Bertinoro, Abraham ibn Ezra, Midrash Raba on Bereshit, the recent Yohanan Treves, Avraham Saba, whose *Zror haMor* was notorious for calling priests demons, the *Mabzor Kolbo* (which he does not mention as among the books confiscated in 1728),<sup>33</sup> Avudraham, Ovadia Sforno, Yosef Caro, and the *Ma’avar Yaboq* of Aharon Berechiah Modena. These are not authors, including Corcos’s near contemporaries Treves and Aaron Berechiah, that one can cite without understanding the context, that is, the Talmud itself (or extracts of it). It is worth noting that Corcos could also cite Luther and Calvin, Augustine, Robert Bellarmine, Origen, Tertullian, and Paul of Burgos, as well as Alfonso Tostado (via Abravanel).<sup>34</sup>

The entire apparatus of prohibition and censorship thus proved to be highly porous. Andreoni also points to Jewish exploitation of ambivalences such as the one, for example, which led to the return of so many books in 1728. And, already in 1510, Reuchlin noted that any book was easily available from Ottoman lands; no doubt not easy to accomplish, but possible, just as it was possible to travel there to study. Van Boxel cautions that, by this time, the works circulated freely, if with censorial intervention, because the conversionary hopes pinned on mining texts had waned.<sup>35</sup> A hope based on books, perhaps—but not the papally directed conversionary program itself, at least with respect to individuals represented by those who like Anna del Monte and over twenty others during the mid-eighteenth century, the *fattori* were ordered to deliver to the *Catecumeni*, as the Roman House of Converts was called by the Jews of Rome’s ghetto. Regardless of the ultimate return of so many volumes, the

<sup>32</sup> *Alla Sacra Congregazione del S. Officio per l’Università degli Ebrei, Memoriale* (Romae: Typis Rev. Apost., 1697) (copy from ASCER).

<sup>33</sup> See <https://footprints.ctl.columbia.edu/>. This project, Footprints, at Columbia University, lists all the books censored in Italy that could be found, a list that is remarkably limited; indeed, it does not include most of the titles Corcos mentions in responding to Medici.

<sup>34</sup> Corcos twice cites Abulense, that is, Abulense of Avila, no doubt referring to *Alphonsus Tostatus*, *Tostatus Abulensis*, and in Spanish as *El Tostado* or *El Abulense* (ca. 1410–3 September 1455), a theologian, and one not always uncontroversial with respect to papal power, who wrote commentaries on the historical books of the Bible and whose commentaries were used by Abravanel. Corcos may have known of Tostado from reading Abravanel. See SOLOMON GAON, *The Influence of the Catholic Theologian Alfonso Tostado on the Pentateuch Commentary of Isaac Abravanel*, *The Library of Sephardic History and Thought* (New York: KTAV, 1993). The problem is that as a *Speculum* 70, no. 4 (1995): 910–11 review puts it, Gaon shows the great similarities, but one cannot say definitively—or with direct proof—that Gaon is correct. The reviewer notes that Tostado is highly influenced by Abraham ibn Ezra.

<sup>35</sup> VAN BOXEL, ‘Robert Bellarmine Reads Rashi,’ efenc121–32.

confiscations themselves, first, in Ancona and, then, in Rome three years later, had to have created anxiety—and doubt.<sup>36</sup> Add to this the repressive initiatives of Benedict XIV as he facilitated ‘offerings’ of children for baptism during the 1740s, followed by crushing restrictions at the hands of Pius VI in 1775. Laxity, if any, therefore, was likely a function of indecision on the part of the Inquisition whether to burn or exploit, together with the perennial—indeed, canonically mandated—need for pragmatism with Jewish communities, regardless of periods of high tension and pressure.

In the event, the question of specific books and their contents pales if we realize that, in depriving Jews of their literature, the popes had a more ominous intention which becomes clear by looking at the subjects of Corcos’s responses. Not his reply to Paolo Medici, which is traditional polemic. Nor the defense of *tefillin* and *mezuzot* in his *Pergamene*, a text that deserves serious inspection for its mystical content, which is likely not, as has been ventured, standard kabbalah but rather ideas of the high medieval *hasidei Ashkenaz*. The crunch comes in Corcos’s response to Gioacchino Stephani on inheritance. It comes again in Corcos’s defense of Jewish marital law in the sad Pallorella case, where previous adultery, even under the most extenuating circumstances, made marriage for the errant widow to her adulterous lover halakhically illegal. What Corcos was defending, perhaps reluctantly, in the Pallorella instance is the right of Jews to govern their lives according to the halakhah, which—without the Talmud—cannot be done. And to bolster his case, he cites the approval of the 1524 Charter of Daniel da Pisa but, even more, a constitution by Sixtus V from 22 October 1586, both of which specify that Jews may observe ‘rites, constitutions, and laws.’ Corcos knew full well that, as of 1621, the Rota had commanded Jews to live strictly by *ius commune*. And canonists like Antonio Ricciullo had said Jewish law was ‘dead.’<sup>37</sup> Here, of course, in denying the halakhah legitimacy, was the ultimate form of censorship and deprivation—a ‘logical’ development of all that had come before.<sup>38</sup> That it occurred at the moment of the nadir of papal-Jewish relations should be no surprise.

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We end, however, by asking whether modernity has brought with it signal change. Perhaps; the Talmud is no longer prohibited, whether for Jews or anybody else. Nonetheless, in the Vatican Library it is pure accident alone that enables readers to put their hands (physically) on this work. One must climb to a balcony and turn left toward its very end. Only somebody looking for these tomes would run across them. Ambivalence, if not more, seems to flourish still today.<sup>39</sup>

<sup>36</sup> ASCER, b. Ub1 1 inf. 2, loose folios.

<sup>37</sup> RICCIULLO, *Tractatus de iure personarum extra ecclesiae gremium existentium*, 111–112, lib. 2, cap. 40.

<sup>38</sup> See STOW, *Anna and Tranquillo*, for greater detail on the effects of the 1621 decision.

<sup>39</sup> Did not, after all, Pope John Paul II tell the Jews in their synagogue that ‘you are our elder brothers,’ a passage which, much more than he wished, surely, recalled this passage’s formulation by Paul in Romans 9, who said ‘the elder shall serve the younger.’