

## The Trial of 1240 against the Talmud: A Reassessment of the Christian Account plus a New Edition\*

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We are in a position to consult two reports regarding the trial against the Talmud that took place in Paris during the year 1240, a trial which led to the burning of several Talmudic manuscripts. One such report is in Latin, while the other is in Hebrew. The former, namely, the *Depositiones* or *Confessiones*, presents itself as a record detailing the interrogation of two rabbis by an assortment of high-ranking ecclesiastics; the Hebrew *Vikkuah*, on the other hand, describes a public dispute held at the French royal court between the Jewish convert Nicholas Donin and a group of rabbis. In this article, alongside a critical edition of the *Depositiones*, I provide a reassessment of the relationship between the above two documents and their divergent description of events.

KEYWORDS: Anti-Jewish Polemic; Talmud Disputation; Burning of the Talmud; Ecclesiastical Inquiry; Critical Edition.

EL PROCESO DE 1240 CONTRA EL TALMUD. UNA REEVALUACIÓN DEL INFORME CRISTIANO MÁS UNA NUEVA EDICIÓN.— Disponemos de dos informes sobre el proceso contra el Talmud que tuvo lugar en París durante el año 1240 y que llevó a la quema de varios manuscritos talmúdicos, a saber, un informe en latín y otro en hebreo. El primero de ellos, las *Depositiones* o *Confessiones*, se presenta como el acta de un interrogatorio de dos rabinos por parte de un grupo de eclesiásticos de alto rango; la *Vikkuah*, en cambio, describe una disputa pública que protagoniza el converso judío Nicolás Donin con un grupo de rabinos en la corte real. Junto con la edición crítica de las *Depositiones*, ofrecemos en este artículo una revisión de la relación entre ambos documentos y sus respectivas descripciones de los hechos.

PALABRAS CLAVE: Polémica anti-judía; disputa del Talmud; quema del Talmud; interrogatorio eclesiástico, edición crítica.

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## 0. INTRODUCTION

In 1238/9 Nicholas Donin submitted a list of accusations against Rabbinic Judaism to Pope Gregory IX. These accusations, known as the Thirty-Five Articles against the Talmud, consisted of excerpts from the Talmud (including Rashi's glosses) that Donin, a convert from Judaism, had translated into Latin. Pope Gregory IX reacted immediately to these accusations, instructing all the bishops and monarchs throughout Europe to seize every copy of the Talmud that lay within their kingdoms and to submit to scrutiny this '*alia lex*' of Jewish origin.<sup>1</sup> The only monarch to respond to this call was Louis IX, 'the Saint': in June 1240, he summoned to Paris the leading Jewish scholars from within his kingdom and obliged them to enter into debate with Christians. As a result of all this, the Talmud exemplars which had been confiscated in France were consigned to the flames at the Place de Grève in 1241/42.<sup>2</sup> In this article, I present a critical edition of one of the documents pertaining to this context, to wit, the Christian account of the proceedings against the Talmud, which contains the depositions of two rabbis.

## 1. CHRISTIAN *VS.* JEWISH ACCOUNT: THE NATURE OF THE PROCEEDINGS

The nature of this so-called "Trial of the Talmud" is difficult to determine, since we possess two differing accounts thereof. Thus, in addition to the Christian account of the events, a Jewish report has come down to us. The former consists of a brief Latin document which sum-

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<sup>1</sup> See the pope's letter addressed on June 9, 1239 to the archbishops of France: "Si vera sunt, quae de iudaeis in regno Franciae et aliis provinciis commorantibus asseruntur, nulla de ipsis esset poena sufficiens sive digna; ipsi enim sicut accepimus, lege veteri, quam Dominus per Moysen in scriptis edidit, non contenti, immo penitus praetermittentes eadem, affirmant legem aliam, quae Talmut, id est Doctrina, dicitur, Dominum edidisse ac verbo Moysi traditam" (Solomon GRAYZEL, *The Church and the Jews in the XIIIth Century. Vol. I: A Study of Their Relations During the Years 1198-1254, Based on the Papal Letters and the Conciliar Decrees of the Period* [Philadelphia, PA: Dropsie College, 1933] p. 240).

<sup>2</sup> See Paul Lawrence ROSE, "When Was the Talmud Burnt in Paris? A Critical Examination of the Christian and Jewish Sources and a New Dating. June 1241," *Journal of Jewish Studies* 62 (2011) pp. 324-339.

marizes the responses to the charges leveled against Rabbi Yehiel ben Joseph of Paris, also known as Vivo of Meaux, and Rabbi Judah ben David of Melun in the presence of Odo of Châteauroux, Chancellor of the University of Paris, the Archbishop of Sens and the Bishop of Senlis. These so-called *Depositiones* (or *Confessiones*) depict a quasi-inquisitorial procedure, which is based on the Thirty-Five Articles against the Talmud, although the author of these Articles, namely, Nicholas Donin, is conspicuously absent from the Latin account.<sup>3</sup>

Considerably richer in detail is the Jewish account, that is, the *Vikkuah Rabbenu Yehiel* (Disputation of our Master Yehiel), which was drafted in all likelihood by Rabbi Joseph ben Nathan (a member of the Official family). If one accepts the latter's account, King Louis IX's mother, Blanche of Castile, presided over the events that took place at the royal court. In stark contrast to the *Depositiones*, the *Vikkuah* describes the trial as a public disputation, in which Nicholas Donin was pitted against four distinguished rabbis. On June 25 and 26, 1240 Donin engaged with Rabbi Yehiel ben Joseph, and on the 27 with Rabbi Judah ben David; no report is given, however, of the further disputation with two additional rabbis summoned to that same court, namely, Rabbi Samuel ben Solomon of Falaise and Rabbi Moses ben Jacob of Coucy. While it is impossible to deny the coincidence between several of the accusations present within both the Christian and the Jewish accounts, as may be seen in the notes to the edition given below, the general setting and the *dramatis personae* of the two documents clearly differ.<sup>4</sup>

<sup>3</sup> For the critical edition, see below. All previous editions have drawn on but a single manuscript, namely, codex *P*, described below; see Isidore LOEB, "La controverse de 1240 sur le Talmud," *Revue des études juives* 1 (1880) pp. 247-261; 2 (1881) pp. 248-270; 3 (1881) pp. 39-57: edition 55-57 (*editiones minores* by J. ÉCHARD, Ch. DU PLESSIS D'ARGENTRÉ, A. KISCH and Ch. MERHAVIA). For an English translation, see John FRIEDMAN, Jean Connell HOFF and Robert CHAZAN, *The Trial of the Talmud: Paris, 1240* (= *Medieval Sources in Translation* 53 [Toronto: Pontifical Institute of Mediaeval Studies, 2012]) pp. 122-125.

<sup>4</sup> See the edition by Samuel GRÜNBAUM, *Sefer Vikkuah R. Yehiel* (Thorn: C. Dom-browski, 1873 [in Hebrew]); Piero Capelli is currently preparing a critical edition of the *Vikkuah*. For an English translation, see FRIEDMAN'S rendering in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, pp. 126-168.

In trying to make sense of these two competing representations of events – namely, one in which we have a strictly legal procedure led by distinguished clergymen, and the other a staged public disputation with the Jewish convert Nicholas Donin –, historians have proposed various hypotheses.<sup>5</sup> At each end of the scholarly spectrum of debate concerning the precise nature of the “Trial of the Talmud,” one encounters an extreme position. The first such calls into question the historical trustworthiness of the *Vikkuah*, by presenting it as a literary construction of the events on the part of Joseph ben Nathan. The second hypothesis, on the other hand, tries to play down the historical importance of the Latin *Depositiones* itself. Somewhere between these two extremes, however, one meets a variety of approaches which attempt to reconcile both accounts with each other.

The first such position, which casts doubt on the historical trustworthiness of the *Vikkuah*, dates back to an article by Yitzhak Baer from the year 1931, which describes the Jewish account as being a literary fiction since it fails to conform to the standards of an inquisitorial trial, in which the accuser, that is, Nicholas Donin, would not have been able to play an active part.<sup>6</sup> While, on the one hand, Baer’s argument is problematic insofar as it projects inquisitorial procedures back onto events which occurred at a time when such procedures were still in flux,<sup>7</sup> on the other, his general conclusion to the effect that the *Vikkuah* was a literary invention has appealed to more than one scholar. Most recently, e.g., Harvey J. Hames has suggested that we conceive of the *Vikkuah* as a refashioning of the above events in light of the disputation of Barcelona which took place between Pau Cristià and Moses ben Nahman in 1263. In his words, “Joseph ben Nathan Official constructed his fictitious account in a way similar to that of Nahmanides’s account of the Barcelona Dispu-

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<sup>5</sup> Some of these have been summarized recently in Isaac LAMPURLANÉS, *Excerptum de Talmud. Study and Edition of a Thirteenth-Century Latin Translation* (Turnhout: Brepols, 2020) pp. 32-34.

<sup>6</sup> See Yitzhak BAER, “The Disputations of R. Yehiel of Paris and of Nahmanides,” *Tarbiz* 2 (1931 [in Hebrew]) pp. 172-187.

<sup>7</sup> For this criticism, see, among others, William Chester JORDAN, “Marian Devotion and the Talmud Trial of 1240,” in *Religionsgespräche im Mittelalter*, eds. Bernard LEWIS and Friedrich NIEWÖHNER (Wiesbaden: Harrassowitz, 1992) pp. 61-76: 65-66.

tation, and reinterpreted what happened in the 1240s in light of the current concerns of the Parisian Jewish community in the late 1260s and early 1270s.”<sup>8</sup> Accordingly, the *Vikkuah* is held to mirror the setting and dynamics of the Barcelona disputation, over which King James I had presided, and may best be understood as a strategic reflection made on the eve of the second Paris disputation in around the year 1269, a disputation over which Pau Cristià would once more have held sway.<sup>9</sup>

At the opposite end of the scholarly spectrum, one finds attempts to disqualify, or at least to downplay, the Christian report. This opinion was held by prominent scholars such as Robert Chazan, who stated in an article from 1988 that the *Depositiones* “are of unknown provenance and of dubious value” and that they “seem to represent merely a tendentious depiction of the examination of the two scholars and a none-too-well informed or organized depiction at that,” adding that “they certainly contribute nothing of substance to our understanding of the proceedings in Paris.”<sup>10</sup> As a result, in the article in question, Chazan’s own depiction of the events is largely based on the presentation offered by the *Vikkuah*. In his introduction to the translation of the Christian and Jewish accounts, Chazan has, in the interim, expressed himself in a less categorical manner, albeit not without certain reservations, insofar as he explains that the *Depositiones* “are obviously not formal stenographic records of the statements of these rabbis. Rather, they seem to be notes of Christian observers interpreting the claims of the rabbis.”<sup>11</sup>

As regards the various ‘intermediate’ hypotheses, which strive to reconcile both of the above accounts, the most obvious ploy available,

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<sup>8</sup> Harvey J. HAMES, “Reconstructing Thirteenth-Century Jewish-Christian Polemic. From Paris 1240 to Barcelona 1263 and Back Again,” in *Medieval Exegesis and Religious Difference. Commentary, Conflict and Community in the Premodern Mediterranean*, ed. Ryan SZPIECH (New York: Fordham University Press, 2015) pp. 115-127 (notes on pp. 241-246): 120.

<sup>9</sup> On the second Paris disputation, see Joseph SHATZMILLER, *La deuxième controverse de Paris. Un chapitre dans la polémique entre chrétiens et juifs au Moyen Âge* (Paris-Louvain: Peeters Publishers, 1994).

<sup>10</sup> Robert CHAZAN, “The Condemnation of the Talmud Reconsidered (1239-1248),” *Proceedings of the American Academy for Jewish Research* 55 (1988) pp. 11-30: 19-20.

<sup>11</sup> See CHAZAN’S “Introduction” in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 17.

of course, is to reduce the historical value attaching to each such account. Judah M. Rosenthal, for instance, claimed in 1956 that “neither report gives eyewitness accounts of the trial.”<sup>12</sup> According to this view, the ‘truth’ probably lies somewhere in between the Christian and the Jewish account. More inspiring is Judah Galinsky’s recent approach.<sup>13</sup> For, as Galinsky has shown, there exist two versions of the *Vikkuah*, namely, the standard version and another such contained in Moscow, National Library of Russia, Günzburg, Ms. 1390 (plus a Vatican fragment of a yet further account).<sup>14</sup> Textual comparisons have led him to conclude that both versions were written by Joseph ben Nathan Official: the Moscow version immediately after the disputation, the standard version after the burning of the Talmud. Now, according to Galinsky, the former adheres more closely to the Christian description of the trial “as [being] that of an investigative committee of clerics who must decide whether the materials presented by Donin are enough to condemn the Talmud. Donin may be present but the authority lies with the committee.”<sup>15</sup> The discovery of an earlier Hebrew version of the *Vikkuah* would thus bring into closer harmony some of the most salient discrepancies to be found between the Christian and the Jewish account.

Notwithstanding the subtlety of certain of these approaches, in my view, they all miss the crucial point, that is, the existence of two sets of proceedings against the Talmud, proceedings which are referred to, respectively, in the Christian and the Jewish accounts. This solution to the problem of the divergent accounts is, in fact, all but new, since it had

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<sup>12</sup> Judah M. ROSENTHAL, “The Talmud on Trial: The Disputation at Paris in the Year 1240,” *The Jewish Quarterly Review* N.S. 47:1 (1956) pp. 58-76: 74.

<sup>13</sup> See Judah GALINSKY, “The Different Hebrew Versions of the ‘Talmud Trial’ of 1240 in Paris,” in *New Perspectives on Jewish-Christian Relations. In Honor of David Berger*, eds. Elisheva CARLEBACH and Jacob J. SCHACTER (Leiden–Boston: Brill, 2012) pp. 109-140.

<sup>14</sup> For some critical observations on Galinsky’s arguments, see Ursula RAGACS, “Paris 1240: Further Pieces of the Puzzle,” in *The Talmud in Dispute during the High Middle Ages*, eds. Alexander FIDORA and Görgo K. HASSELHOFF (Bellaterra: Universitat Autònoma de Barcelona. Servei de Publicacions, 2019) pp. 7-27, as well as HAMES, “Reconstructing Thirteenth-Century Jewish-Christian Polemic,” pp. 126-127.

<sup>15</sup> GALINSKY, “The Different Hebrew Versions of the ‘Talmud Trial’ of 1240 in Paris,” p. 120.

already been advanced by Jeremy Cohen in his seminal book *The Friars and the Jews* as early as 1982. Cohen claimed “that according to the Latin manuscript describing the whole judgment against the Talmud, two types of proceedings took place. The first probably comprised the famous disputation between Nicholas Donin and Rabbi Yehiel ben Joseph of Paris, held under royal auspices [...] The second kind of proceeding may have consisted of a more formal inquisitorial interrogation conducted before a panel of distinguished judges.”<sup>16</sup> In other words, the Latin dossier on the Talmud affair of the 1240s, which includes the Christian account edited below, speaks, in fact, of two distinct proceedings against the Talmud. This observation, however, has not received a great deal of attention within the prevailing scholarly discussion, probably for the reason that Cohen failed to quote from or discuss the text to which he implicitly referred. The text Cohen had in mind – to which he only made passing reference in a cumbersome footnote –<sup>17</sup> corresponds to the dossier’s introduction to the *Depositiones*. In what follows, I transcribe the text according to the four extant manuscripts, that is, *P* fol. 230va, *G* fol. 38va, *C* fol. 76va and *Z* fol. 421v (424), which are described in detail below:

Denique nolo<sup>18</sup> vos in futurorum cautelam et maiorem certitudinem praecedentium hoc<sup>19</sup> latere quod cum super combustione librorum Talmud praescripta mirabilia et his<sup>20</sup> similia continentium coram christianissimo rege nostro Ludovico causa fuisset aliquamdiu ventilata, tandem dedit nobis alios auditores, videlicet archiepiscopum Senonensem, episcopum Silvanectensem, cancellarium<sup>21</sup> Parisiensem, nunc autem Tusculanum episcopum et apostolicae sedis legatum in Terra Sancta. Statuta

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<sup>16</sup> See Jeremy COHEN, *The Friars and the Jews. The Evolution of Medieval Anti-Judaism* (Ithaca–London: Cornell University Press, 1982) pp. 62-63. See also Jeremy COHEN, *Living Letters of the Law. Ideas of the Jew in Medieval Christianity* (Berkeley: University of California Press, 1999) p. 323. References are made to LOEB’s edition as well as to Chen MERHAVIA, *The Church versus Talmudic and Midrashic Literature (500-1248)* (Jerusalem: The Bialik Institute, 1970 [in Hebrew]).

<sup>17</sup> COHEN, *The Friars and the Jews*, p. 63, n. 22.

<sup>18</sup> nolo] volo *Z*

<sup>19</sup> hoc] non *add.* *Z*

<sup>20</sup> his] haec *GC*

<sup>21</sup> cancellarium] sc. Odonem *add. mg.* *Z*

itaque die, nobis vocatisque peritioribus iudaeorum magistris coram se citatis,<sup>22</sup> coeperunt inquirere super praemissis veritatem. Et primum introductus est<sup>23</sup> secundum eos peritissimus et per totum famosissimus iudaismum nomine Vivo<sup>24</sup> Meldensis. Horum depositiones hic interserere non arbitror superfluum.

Jean Connell Hoff's English translation of these introductory remarks which usher in the *Depositiones* reads:

In conclusion, as a warning for the future and for greater certainty about preceding events, I do not want this to escape your notice: that, although the case for burning the books of the Talmud, which contain the strange things mentioned above and others like them, had for some time been aired before our most Christian king, Louis, he finally gave us other hearers, namely the archbishop of Sens, the bishop of Senlis, and the chancellor of Paris (now the bishop of Tusculum and the legate of the Apostolic See in the Holy Land). And so, on the appointed day, when we had been summoned and the more experienced masters of the Jews had been called before them, they began to inquire into the truth of what has been set forth above. And the most experienced among them, and the most famous throughout all of Jewry, Vivo of Meaux by name, was brought in first. I do not consider it superfluous to include their depositions here.<sup>25</sup>

This passage distinguishes two sets of proceedings against the Talmud: first, one that took place in the presence of Louis IX (*coram rege Ludovico*), that is, at the royal court, over a period of time (*aliquamdiu*); and, shortly afterwards, a second such, held not in the king's presence, but rather in front of a select group of clergymen (some, if not all, of whom had also attended the initial set of proceedings).<sup>26</sup> The author of

<sup>22</sup> citatis] *om. Z*

<sup>23</sup> est] *quidam add. GC*

<sup>24</sup> Vivo] *Vino PCZ*

<sup>25</sup> English translation by HOFF in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 122. For the penultimate sentence of the passage, I suggest a slightly different translation – in greater accordance with the Latin text – albeit the general sense of the passage remains unchanged: “And so, on the appointed day, when we, along with the more experienced masters of the Jews summoned [to appear], had been called before them, they began to inquire into the truth of what has been set forth above.”

<sup>26</sup> See FRIEDMAN's translation of the *Vikkuah* in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 167, where one reads that the events took place in

this introduction to the *Depositiones*, that is to say, the compiler of the dossier itself, seems to have been in attendance at both events.<sup>27</sup> As far as the vocabulary employed in describing the two sets of proceedings is concerned, it should be noted that “ventilare causam” – “to air a case” in Hoff’s translation – is a technical term having the specific sense of “to dispute,” as is the term “auditor,” i.e. “judge.”<sup>28</sup> Although Nicholas Donin is not mentioned by name, there can be little doubt that the foregoing events correspond to those described respectively by the Christian and the Jewish accounts: one set of proceedings held at the royal court in the presence of the king and his mother – of more extended duration and, in all likelihood, being of a more public nature – and a second set of proceedings consisting of an ecclesiastical inquiry at which only the clergymen and the rabbis were in attendance.<sup>29</sup>

## 2. THE *DEPOSITIONES* AND THE LATIN TALMUD DOSSIER

As has been noted above, the Christian account of the procedure against the Talmud, more specifically the second such procedure, has come down to us in the form of a single part of a larger dossier that brings together the documents surrounding the events which occurred in Paris during the 1240s. This dossier consists of the following parts:

Part One:

[op. I. Praef.] Praefatio

[op. I.] Extractiones de Talmud [per ordinem sequentialem]

[op. IV] De Libro Krubot

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the presence of the bishops of Sens and Senlis, among others.

<sup>27</sup> This anonymous compiler may possibly be identified as Henricus Teutonicus, that is, Henry of Cologne O.P. On Henry’s very active role in the Talmud affair, see Alexander FIDORA, *Albertus Magnus und der Talmud* (= *Lectio Albertina* 20 [Münster: Aschendorff Verlag, 2020]) *passim*. The question, however, deserves further consideration.

<sup>28</sup> Cf. DU CANGE, *Glossarium mediæ et infimæ latinitatis* (Niort: L. Favre, 1883-1887) s. vv. *auditor* and *ventilare*.

<sup>29</sup> It is worth noting that another famous procedure, in which the theology masters of the University of Paris were involved along with Odo of Châteauroux and William Auvergne, likewise took the form of a “dual process,” even though it did not include the king. See Deborah GRICE, *Church, Society and University: The Paris Condemnation of 1241/42* (London: Routledge, 2019) pp. 20-23.

## Part Two:

[op. II.1] Prologus in secundam partem

[op. II.2] <De articulis litterarum Papae>

[op. II.3] Sequitur de quibusdam, de diversis libris collectis, librorum et locorum ordine non servato

[op. II.4 Prol.] De glossis Salomonis Trecensis

[op. II.4.1-22] <Glossae Salomonis in (1) Genesim, (2) Exodum, (3) Leviticum, (4) Numeros, (5) Deuteronomium, (6) Iosue, (7) Iudices, (8) I Regum, (9) II Regum, (9b) III Regum, (10) Iob, (11) Psalmos, (12) Proverbia, (13) Ecclesiastes, (14) Canticum Canticorum, (15) Isaiam, (16) Threnos, (17) Danihelem, (18) Ionas, (19) Micha, (20) Abdiam, (21) Habacuc, (22) Zacchariam>

[op. II.5] <Epilogus cum depositiones magistri Vivo et magistri Iudas>

[op. II.5.1] <Depositio magistri Vivo>

[op. II.5.2] <Depositio magistri Iudas>

[op. II.6] <Quaedam nomina magistrorum> [(a list of names) of the rabbis who feature in the Talmud].

[op. II.7] <Epistulae super condemnatione Talmud>

[op. II.7.1] <Epistula Odonis Tusculanensis ad Innocentium IV Papam> [12th August 1247].

[op. II.7.1.1] <Epistula Gregorii Papae ad regni Franciae archiepiscopos> [Lateran/Rome, 9th June 1239].

[op. II.7.1.2] <Epistula Gregorii Papae ad Portugalliae regem> [Lateran, 20th June 1239].

[op. II.7.1.3] <Epistula Gregorii Papae ad Parisiensem episcopum> [Lateran, 9th June 1239].

[op. II.7.1.4] <Epistula Gregorii Papae ad episcopum et priorem Praedicatorum et ministrum Minorum fratrum Parisius> [Lateran, 20th June 1239].

[op. II.7.2] <Sententia Odonis> [15th May 1248].

[op. II.8] <Explicit>

As can be seen from this overview, our text or text(s) [op. II.5.1 and op. II.5.2] are found within the second part of the dossier. They are therefore preceded by [op. I], the sequential Talmud translation known as the *Extractiones de Talmud*, dating from the year 1245;<sup>30</sup> [op. II.2],

<sup>30</sup> See the edition and study by Ulisse Cecini and Óscar de la Cruz: ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, eds. Ulisse CECINI and Óscar DE LA

the *De articulis litterarum Papae*, i.e. Donin's Thirty-Five Articles against the Talmud;<sup>31</sup> and [op. II.3], the *Sequitur de quibusdam, de diversis libris collectis, librorum et locorum ordine non servato*, which gathers together further Talmudic materials that Donin had translated in preparation for his Articles.<sup>32</sup> To this strictly Talmudic material one may add [op. II.4.1-22], the *De glossis Salomonis Trecensis*, i.e. the translation of certain glosses on the Old Testament by Rashi,<sup>33</sup> and [op. IV], the *De Libro Krubot*, which compiles certain translations from a Jewish book of liturgical hymns.<sup>34</sup>

Among the aforementioned texts within the dossier, [op. II.2], i.e. Donin's Thirty-Five Articles, undoubtedly represents the chief source for the charges that appear in the *Depositiones*. It is not the only such, however, as is made clear by the source references that feature in the edition presented below. Thus, on those occasions where a charge, or part thereof, could not be traced back to Donin's Articles, I have identified other possible texts of origin, in particular, the *Vikkuah*, the discussions associated with which the clergymen present at the ecclesiastical

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CRUZ (=CCCM 291 [Turnhout: Brepols, 2018]). The foregoing table presents a summary of the above authors' analysis concerning the content of the dossier as found in the "Introduction" to their edition, pp. XXVII-XLV.

<sup>31</sup> Edited in Piero CAPELLI, "*De articulis litterarum Papae*: A Critical Edition," in *The Talmud in Dispute during the High Middle Ages*, eds. Alexander FIDORA and Görg K. HASSELHOFF (Bellaterra: Universitat Autònoma de Barcelona. Servei de Publicacions, 2019) pp. 29-57. This critical edition replaces the earlier edition by Isidore Loeb, based as this is on a single manuscript (*P*). See LOEB, "La controverse de 1240 sur le Talmud," his edition featuring in 2: 253-270 and 3: 39-54.

<sup>32</sup> Edited in Ulisse CECINI and Óscar DE LA CRUZ, "Beyond the Thirty-Five Articles: Nicholas Donin's Latin Anthology of the Talmud (With a Critical Edition)," in *The Talmud in Dispute during the High Middle Ages*, eds. Alexander FIDORA and Görg K. HASSELHOFF (Bellaterra: Universitat Autònoma de Barcelona. Servei de Publicacions, 2019) pp. 59-99.

<sup>33</sup> Rashi's glosses on the Old Testament have been edited by Görg K. Hasselhoff in a series of articles. Full references to these editions are provided in Görg K. HASSELHOFF, "Rashi's Glosses on Isaiah in Bibliothèque nationale de France, Ms. lat. 16558," in *Studies on the Latin Talmud*, eds. Ulisse CECINI and Eulàlia VERNET (Bellaterra: Universitat Autònoma de Barcelona. Servei de Publicacions, 2017) pp. 111-128:113.

<sup>34</sup> See Görg K. HASSELHOFF, "Edition of *De Libro Krubot*," in *The Talmud in Dispute during the High Middle Ages*, eds. Alexander FIDORA and Görg K. HASSELHOFF (Bellaterra: Universitat Autònoma de Barcelona. Servei de Publicacions, 2019) pp. 203-215.

proceedings had indeed previously attended. Interestingly enough, there remain passages which can neither be traced to Donin's Articles nor to the *Vikkuah*. One such passage is Deposition [XV.] according to which Elijah frequented the schools of the rabbis. It transpires that this passage consists in a verbatim quotation from [op. II.3], namely, Donin's Talmudic Anthology no. 68, which itself contains additional material not included in his Articles.<sup>35</sup> Chronologically, this poses no major problems, since the Anthology was written in preparation for the Articles and, therefore, precedes the composition of the *Depositiones*.

More unsettling, however, are several passages that bear resemblance and/or make reference to [op. I], i.e. the sequential version of the *Extractiones de Talmud (sT)*.<sup>36</sup> One such passage is Deposition [XX.], a passage introduced to serve as an illustration of the Deposition that immediately precedes it (i.e. [XIX.]), the latter being concerned with the conditions under which an oath may be abrogated. More specifically, Deposition [XX.] delivers a commentary upon its immediately preceding counterpart (i.e. [XIX.]), stating that the punishment of Zedekiah by King Nebuchadnezzar (Jer. 29, 22-23 and 51, 1-11) should be understood as a consequence of the unjustified abrogation of an oath pledged. Since this explanation is absent from Donin's Thirty-Five Articles, as well as from his Anthology, it would appear to derive from the *Vikkuah* itself, in which text it is indeed present.<sup>37</sup> However, to the example adduced in [XX.], the text of the *Depositiones* adds the reference "supra est," thereby referring the reader back to earlier parts of the dossier, to wit, the *Extractiones de Talmud (sT)*, no. 1273, this latter being the only other text within the dossier to contain the story of Zedekiah and Nebuchadnezzar. What makes this reference so interesting is the fact that the *Extractiones de Talmud (sT)* postdate both the two procedures against and the burning of the Talmud, insofar as the appearance of the *Extrac-*

<sup>35</sup> See CECINI and DE LA CRUZ, "Beyond the Thirty-Five Articles: Nicholas Donin's Latin Anthology of the Talmud (With a Critical Edition)," p. 91 referring to Bm 85b.

<sup>36</sup> For the sake of clarity, we distinguish the sequential Talmud translation (= *sT*), which forms part of the dossier, from a later thematic rearrangement of *sT* also containing other material from that dossier (= *tT*), edited in CCCM 291A.

<sup>37</sup> See FRIEDMAN's translation of the *Vikkuah* in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 142.

*tion*es itself can only be assigned to the year 1245.<sup>38</sup> The most economical – and probably the most cogent – explanation for this apparent anomaly is that “supra est” did not feature within the original redaction of the *Depositiones*, but that these and other cross-references which appear in the text<sup>39</sup> were introduced by the dossier’s compiler at the point when the original draft of the *Depositiones* was incorporated into the Talmud dossier. The same situation probably also obtains in the case of certain judgmental assertions one finds within the *Depositiones*, such as [III.] (Vivo): “mentiebatur” or [IX.] “mentitus est,” etc., both of which could be subsequent additions.<sup>40</sup>

This observation leads one to a further question, namely, if the compiler was so familiar with the dossier as to include such cross-references, to what extent might his expertise equally have influenced his transcription itself of the *Depositiones*, both with regard to specific addenda and at the lexical level? Phrases and expressions are indeed present in the *Depositiones* which call to mind closely analogous texts in the *Extractiones de Talmud* (*sT*). One example which illustrates this point is Deposition [I.] presented to Rabbi Judah. This charge unfolds by way of three short units, namely, that (1) Jesus was the son of “Thatada” (or Stada) and Maria, that (2) he was hanged on the eve of Passover and Shabbat, and that (3) he deserved this punishment on account of his being a sorcerer and an agitator of the people of Israel. Units (1) and (2) of this charge seem to correspond to the Talmudic passages San 67a (plus a gloss) and Sab 104b, references to which can be found in Donin’s Thirty-Five Articles.<sup>41</sup> However, Unit (2) is slightly less developed in Donin’s Article 26, which omits the reference to the “eve of Shabbat.” The expression “on the eve of Shabbat” distinguishes the account of the *Depositiones* not only from that found in Donin but also from that present in the *Vikkuah*, as the following table shows:

<sup>38</sup> For the date of the *Extractiones de Talmud* (*sT*), see CECINI’S and DE LA CRUZ’S “Introduction” in ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, p. XXIII.

<sup>39</sup> See below, Deposition [XXIV.] and Deposition [III.] (Judah, in the apparatus).

<sup>40</sup> In some manuscripts such passages are underlined, thereby indicating that they are glosses or comments.

<sup>41</sup> See CAPELLI, “*De articulis litterarum Papae: A Critical Edition*,” pp. 51-52.

<b>Deposition [I.] (Judah)</b>	<b>Donin's Article 26</b>	<b>Vikkuah</b>
Fuit suspensus in vespere paschae in vigilia sabbati. <sup>42</sup>	Suspenderunt eum in vespere paschae. <sup>43</sup>	They hanged him on the eve of Passover. <sup>44</sup>

What we have just observed may well be a detail alone, but it is nonetheless an important one, since the expression “on the eve of Shabbat” is no random addition on the part of the author of the Depositions, but rather a distinctive reading found in the Hebrew manuscript tradition of the Talmud. As Peter Schäfer has noted, at San 43a (a passage very similar to San 67a quoted in Donin as well as in the *Vikkuah*) the famous Florence manuscript of the Hebrew Talmud adds “on the eve of Shabbat.”<sup>45</sup> This manuscript, in turn, has been shown to bear extremely close resemblance to the Hebrew *Vorlage* employed by the translators of the *Extractiones de Talmud (sT)*;<sup>46</sup> and, as luck would have it, the translation of San 43a (no. 1014) found in the *Extractiones* presents us with the very reading we are seeking, namely: “In vespere sabbati et in vespere paschae suspenderunt Iesu ha Nocerī.”<sup>47</sup>

Hence, the expression “on the eve of Shabbat” establishes a close connection between the *Depositiones* and the *Extractiones the Talmud (sT)*, as against other possible sources, a connection best explained in terms of the compiler’s interventions while he was assembling the texts that make up the dossier. This hypothesis gains further support from Unit (3) of the Deposition under scrutiny, in which unit the reasons for Jesus’s execution are specified, namely, his being a sorcerer (*sortilegiabat*) and an agitator (*incitabat*). These charges continue to draw on San 43a; they are absent

<sup>42</sup> See the edition presented below.

<sup>43</sup> See CAPELLI, “De articulis litterarum Papae: A Critical Edition,” p. 51.

<sup>44</sup> FRIEDMAN’S translation of the *Vikkuah* in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 136.

<sup>45</sup> PETER SCHÄFER, *Jesus in the Talmud* (Princeton: Princeton University Press, 2007) p. 139.

<sup>46</sup> See ULISSSE CECINI, “The *Extractiones de Talmud* and their Relationship to the Hebrew Talmud Manuscripts of the Biblioteca Nazionale Centrale of Florence (MS Magl. coll. II.I.7, 8 and 9),” *Sefarad* 77:1 (2017) pp. 91-115.

<sup>47</sup> ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, p. 270.

from Donin's Articles, though they feature in the *Vikkuah*.<sup>48</sup> What grasps our attention at this precise point is the fact that the Latin verbs employed in the *Depositiones* to describe Jesus's transgressions correspond precisely to those found in the *Extractiones de Talmud (sT)*, no. 1014: "sortilegiare" and "incitare."<sup>49</sup> This fact may well represent nothing but a coincidence; however, in the light of our foregoing analysis of Unit (2), it would seem strongly to suggest a lexical influence upon the text of the *Depositiones* on the part of the *Extractiones de Talmud (sT)*.

In the very specific sense associated with my remarks concerning the compiler's interventions in the *Depositiones*, Robert Chazan does have a point when he asks us to be wary of reading the *Depositiones* as "stenographic records of the statements of these rabbis."<sup>50</sup> As I have argued above, from a historical point of view there is no reason to categorically dismiss the trustworthiness of the *Depositiones*, which depict the second procedure against the Talmud. Philological analysis, however, shows that they should be seen as forming part of the entire Talmudic dossier, and as such they have undergone revision and transformation in the manner noted above.

### 3. MANUSCRIPTS AND TRANSCRIPTION CRITERIA

The four manuscripts on which we have based the edition presented below have been described in detail in the "Introduction" to the edition of the sequential version of the *Extractiones de Talmud*. The editors, Ulisse Cecini and Óscar de la Cruz, have offered a detailed analysis of the manuscripts' contents as well as of their stemmatic relations, both of which, for present purposes, can be summarized as follows:<sup>51</sup>

<sup>48</sup> See FRIEDMAN's translation of the *Vikkuah* in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 136.

<sup>49</sup> See ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, p. 270: "Lapidetur propter hoc quod sortilegavit et incitavit [...]."

<sup>50</sup> See CHAZAN's "Introduction," in FRIEDMAN, HOFF and CHAZAN, *The Trial of the Talmud: Paris, 1240*, p. 17.

<sup>51</sup> See CECINI's and DE LA CRUZ's "Introduction," in ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, pp. LXIII-LXVII, LXX-LXXV and LXXVII-LXXIX.

- P:** Paris, Bibliothèque nationale de France, lat. 16558 (mid-thirteenth century), *Extractiones de Talmud*. This manuscript contains the sequential version of the *Extractiones de Talmud* (*sT*), Donin's Thirty-Five Articles, his Talmudic Anthology, Rashi's glosses on the Old Testament, followed by the rabbis' *Depositiones* (on fol. 230vb-231va), along with the other materials present within the Talmud dossier. Loeb's edition of the *Depositiones* was based on this manuscript alone.
- G:** Girona, Arxiu Capítular, ms. 19b [*olim* ant 1 I-II-17] (fourteenth century), *Excerpta e Talmud*. This manuscript likewise contains the sequential version of the *Extractiones de Talmud* (*sT*), Donin's Thirty-Five Articles, his Talmudic Anthology, Rashi's glosses on the Old Testament, followed by the rabbis' *Depositiones* (on fol. 38va-38vb).
- C:** Carpentras, Bibliothèque Inguimbertaine, lat. 153 [*olim* L.158] (fourteenth century), *Confutatio Thalmudica & Judaicae perfidiae. Opera Reverendissimi domini Odonis Episcopi Tusculani & Apostolicae sedis Legati*. This manuscript also contains the sequential version of the *Extractiones de Talmud* (*sT*), Donin's Thirty-Five Articles, his Talmudic Anthology, Rashi's glosses on the Old Testament, followed by the rabbis' *Depositiones* (on fol. 76va-77ra), along with the other materials present within the Talmud dossier. This particular manuscript is reliant upon the textual tradition represented by *G*.
- Z:** Paris, Bibliothèque Mazarine, lat. 1115 [*olim* 2102] (end of seventeenth century, 1684?), *Deliramenta rabbinorum*. This manuscript is a *codex descriptus* of *P*; hence, it offers the very same materials in the very same order. The manuscript employs both a folio- and a page-numbering system. The rabbis' *Depositiones* are found on fol. 421v (424) – 423r (427).

As Cecini and de la Cruz have shown, *P* and *Z* represent the final stage pertaining to the transmission of the sequential version of the *Extractiones de Talmud* (*sT*), while *G* and *C* contain a text that reflects a slightly earlier stage of redaction, that is to say, prior to certain emenda-

tions having been introduced.<sup>52</sup> In general terms, the edition of the rabbis' *Depositiones* presented below confirms the bipartite *stemma* attendant upon Cecini's and de la Cruz's edition of the *Extractiones de Talmud (sT)*, since it shows that, in the case of the *Depositiones* as well, *Z* is a direct copy of *P*, and that *C* draws on the earlier textual tradition represented by *G*.

In preparing the edition of the *Depositiones* here below, I have employed the same transcription criteria as those found in the critical edition of the *Extractiones de Talmud (sT)*, wherein such criteria have already received ample justification. The process of transcription thus follows the *Biblia Sacra Vulgata*, according to the recension produced by Robert Weber and Roger Dryson (Stuttgart: Deutsche Bibelgesellschaft, 2007).<sup>53</sup> Isidore Loeb, in his edition of the *Depositiones*, introduced a system of numbering for the depositions of the rabbis; for the sake of problem-free cross-referencing, I have retained these numbers within square brackets, albeit that Loeb's numbering system itself is not entirely unproblematic. The footnote attached to each number identifies the source (or sources) of the underlying accusation. Manuscript *P* and its *descriptus Z* underline certain portions of the text throughout the Talmudic dossier. In doing so, they indicate that the passages in question are glosses either by Rashi or by the translators and the compiler of the texts within the dossier. In the below edition, such relatively short addenda are, instead of being underlined, placed between hyphens.

Abbreviations used in the edition are:

<i>a.c.</i>	ante correctionem
<i>add.</i>	addidit
<i>del.</i>	delevit codex
<i>in marg.</i>	in margine
<i>om.</i>	omisit
<i>sup. l.</i>	supra lineam
<i>tr.</i>	transposuit

<sup>52</sup> See CECINI'S and DE LA CRUZ'S "Introduction," in ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, pp. LXXIX-LXXXIV.

<sup>53</sup> See, again, CECINI'S and DE LA CRUZ'S "Introduction," in ANONYMUS, *Extractiones de Talmud per ordinem sequentialem*, pp. LXXXV-LXXXVI.

## 4. EDITION OF THE CHRISTIAN ACCOUNT

[*Depositio magistri Vivo*]

[I.]<sup>54</sup> Praedictus magister Vivo<sup>55</sup> nullo modo voluit iurare.

[II.]<sup>56</sup> Dixit quod liber Talmud numquam mentitus est.

[III.]<sup>57</sup> Dixit quod Iesus Noceris est Iesus Nazarenus, filius Miriam – Mariae –, qui fuit suspensus in vespere paschae, et de illo confessus est quod fuit de adulterio natus et quod punitur in inferno in stercore ferventi et quod fuit in tempore Titi. Dicit<sup>58</sup> tamen<sup>59</sup> quod alius fuit a nostro Iesu – sed nesciebat dicere quis ille fuisset, unde satis patet quod mentiebatur –.

[IV.]<sup>60</sup> Item<sup>61</sup> dixit quod solemenius legunt in scolis<sup>62</sup> de Talmud quam de Biblia, nec vocaretur magister qui sciret Bibliam etiam corde-tenus nisi sciret Talmud.

[V.]<sup>63</sup> Item dixit quod mandatum Dei de buccinando prima die mensis septimi [VI.]<sup>64</sup> et de portando palmas in decima quinta die potuerunt revocare magistri, et revocaverint<sup>65</sup>, si accideret in die sabbati, ne con-tingeret illa die portare<sup>66</sup> per viam cornu vel palmam.

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<sup>54</sup> See *Vikkuah*, trans. FRIEDMAN, p. 133.

<sup>55</sup> Vivo] *Vino C*

<sup>56</sup> See *Vikkuah*, trans. FRIEDMAN, p. 131.

<sup>57</sup> Cf. Donin's Article 26, which contains references to San 67a and Sab 104b, and Article 27, which includes further reference to Git 56b-57a.

<sup>58</sup> Dicit] dixit *GC*

<sup>59</sup> tamen] *om. Z*

<sup>60</sup> Cf. Donin's Article 3, which contains a reference to Bm 33a (and gloss). See also Articles 5 and 9.

<sup>61</sup> Item] *om. GC*

<sup>62</sup> scolis] suis *add. GC*

<sup>63</sup> Cf. Donin's Article 6, which contains a reference to Yeb 90b.

<sup>64</sup> Cf. Donin's Article 6, which contains a reference to Suk 42b-43b.

<sup>65</sup> revocaverint] revocaverunt *GCZ*

<sup>66</sup> portare] portari *P*

[VII.]<sup>67</sup> Item dixit quod<sup>68</sup> est scriptum in Talmud quod gentes quae<sup>69</sup> non steterunt super montem Sina nec receperunt legem, pollutae sunt illa immunditia quam serpens proiecit<sup>70</sup> in Evam quando coit cum ea. [VIII.]<sup>71</sup> Et de talibus dicit Talmud quod non sunt bestiae dimittendae cum ipsis, quia magis amabiles sunt eis<sup>72</sup> bestiae Israel<sup>73</sup> quam propriae uxores; [IX.]<sup>74</sup> tamen magister Vivo<sup>75</sup> dicit quod non intelligit hoc de christianis – credat ei qui voluerit, mentitus est –.

[X.]<sup>76</sup> Item concessit quod Adam coit cum omnibus bestiis, et hoc in paradiso.

[XI.]<sup>77</sup> Item dixit, et est in Talmud, quod Adam, postquam peccavit, centum triginta annis antequam<sup>78</sup> genuisset Seth, de semine suo, quod ventus proiebat et rapiebat,<sup>79</sup> genuit daemones qui habent corpora.

[XII.]<sup>80</sup> Item dixit quod totum Talmud quantum ad praecepta et iudicia et argumenta et expositiones datum fuit Moysi in monte Sina non scripto sed verbo in corde ipsius.

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<sup>67</sup> Cf. Donin's Article 34, which contains a possible reference to Yeb 103b. The phrasing of this and the following accusations, however, clearly reproduces Az 22b. This passage was included in the *Extractiones de Talmud (sT)*, nos. 1563-1564. Cf. also *Vikkuah*, trans. FRIEDMAN, p. 152.

<sup>68</sup> quod] *om.* GC

<sup>69</sup> quae] qui Z

<sup>70</sup> proiecit] proiicit Z

<sup>71</sup> Same source as that of Deposition [VII.].

<sup>72</sup> eis] *om.* PZ

<sup>73</sup> Israel] *sup. l. P.*, eis *add.* PZ

<sup>74</sup> Refers to the same source as that of Deposition [VII.].

<sup>75</sup> Vivo] Vino C

<sup>76</sup> Cf. once more Donin's Article 34, which contains a reference to Yeb 63a.

<sup>77</sup> A reference to Er 18b not found in Donin, although the story of Adam and Lilith is mentioned in the *Vikkuah*. See trans. FRIEDMAN, p. 165.

<sup>78</sup> antequam] postquam Z<sup>a.c.</sup>

<sup>79</sup> proiebat et rapiebat] *tr.* Z

<sup>80</sup> Cf. Donin's Article 1, which contains references to Sab 31a and Yom 28b, and Article 2, which contains references to Ber 5a and Meg 19b.

[XIII.]<sup>81</sup> Item concessit, et est in Talmud, quod Deus dicebat: ‘Vae mihi quod iuravi, et modo quia<sup>82</sup> iuravi<sup>83</sup>, quis absolvet me?’ Et magistri dixerunt quod Raba erat asinus, quia non responderat<sup>84</sup> voci Dei sic dicentis: ‘Solutum tibi, solutum tibi.’

[XIV.]<sup>85</sup> Item dixit, et est in Talmud, Deum sibi singulis noctibus ter maledicere, quia dimisit templum et iudaeos subdidit servituti.

[XV.]<sup>86</sup> Item dixit quod est in Talmud quod Helias propheta frequentabat scholas rby etc.

[XVI.]<sup>87</sup> Item dixit quod nullus iudaeus poenam ignis inferni numquam sentiet et nullus de eis aliqua poena punietur in alio saeculo ultra duodecim menses.

[XVII.]<sup>88</sup> Item dixit quod est in Talmud quod omnium<sup>89</sup> malorum et corpora et animae redigentur in pulverem, nec aliam poenam habebunt post hoc praeter illos qui ita<sup>90</sup> rebellaverunt contra Deum quod voluerunt<sup>91</sup> esse Dii, et isti<sup>92</sup> punientur in aeternum; infernus deficiet, sed infernus istorum numquam.

[XVIII.]<sup>93</sup> Item dixit quod tres idiotae vel unus magister, qui fuit in terra promissionis, possunt absolvere a voto et iuramento leviter facto,

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<sup>81</sup> To a large extent, a verbatim quotation from Donin’s Article 17, which contains a reference to Bb 74a.

<sup>82</sup> quia] quo Z

<sup>83</sup> et modo quia iuravi] *om. GC*

<sup>84</sup> responderat] respondit Z

<sup>85</sup> *Cf.* Donin’s Article 18, which contains a reference to Ber 3a.

<sup>86</sup> This is a verbatim quotation from a short Talmudic Anthology by Donin. This anthology consists of materials that Donin had translated for his list of accusations, but which were eventually omitted from his Articles. The passage in question, which makes reference to Bm 85b, bears the number 68 in the edition by Cecini and de la Cruz. It also features in the *Extractiones de Talmud (sT)*, no. 695.

<sup>87</sup> *Cf.* Donin’s Article 31, which contains references to Er 19a and Sab 33b.

<sup>88</sup> *Cf.* Donin’s Article 31, which contains a reference to Rh 17a.

<sup>89</sup> omnium] omnia Z

<sup>90</sup> qui ita] *add. in marg. G.*

<sup>91</sup> contra Deum quod voluerunt] *om. C*

<sup>92</sup> isti] hii C

<sup>93</sup> *Cf.* Donin’s Article 14, which contains references to Hag 10a (and gloss) and Ned 78a.

si poeniteat et non<sup>94</sup> tangat alium, et etiam ex deliberatione facto. [XIX.]<sup>95</sup> Et si tangat alium, dummodo ille praesens sit. [XX.]<sup>96</sup> Et<sup>97</sup> ponitur<sup>98</sup> exemplum de Sedecia et Nabuchodonosor – supra est –. [XXI.]<sup>99</sup> Unde ipse Dominus praecepit Moysi quod iret et faceret se absolvi coram Iethro de iuramento quod ei fecerat quod habitaret cum ipso.

[XXII.]<sup>100</sup> Item dixit quod est in Talmud scriptum quod qui protestatur in principio anni quod iuramenta et promissiones suae non valeant illo anno, non obligabunt ipsum si memor est dictae protestationis quando facit votum vel iuramentum vel promissum. Dixit<sup>101</sup> tamen<sup>102</sup> quod hoc<sup>103</sup> intelligit de votis vel iuramentis vel promissis<sup>104</sup> factis ad seipsum et non ad alium.

[XXIII.]<sup>105</sup> Item dixit quod est in Talmud quod Deus<sup>106</sup> quotidie exercet studium docendo pueros et quod sedet et ludit cum Leviathan.

[XXIV.]<sup>107</sup> Item dixit quod rogat seipsum: ‘Sit voluntas coram me quod pietates meae vincant offensam meam’ etc. – Hoc habes supra –.

<sup>94</sup> non] *sup. l. C*

<sup>95</sup> See Ned 65a. This passage, which also provides the following example of Zedekiah [XX.], is not present in Donin, although it appears in the *Vikkuah*, trans. FRIEDMAN, p. 142.

<sup>96</sup> The punishment of Zedekiah by King Nebuchadnezzar (Jer. 29, 22-23 and 51, 1-11) is reported in Ned 65a, which is the Talmudic source for the preceding charge. In addition, the Talmud mentions the episode in San 93a. While the *Extractiones de Talmud (sT)* do not translate Ned 65a, they do give a rendering of San 93a (no. 1273). It is to this particular passage, therefore, that the reader is referred by the compiler’s additional comment, namely, “supra est.”

<sup>97</sup> Et] etiam *GC*

<sup>98</sup> ponitur] ponit *Z*

<sup>99</sup> For Moses’s parting from Jethro, see Ex. 4, 18.

<sup>100</sup> Cf. Donin’s Article 13, which contains a reference to Ned 23b.

<sup>101</sup> Dixit] dicit *Z*

<sup>102</sup> tamen] *om. GC*

<sup>103</sup> hoc] *om. GC*

<sup>104</sup> promissis] promissionibus *GC*

<sup>105</sup> Cf. Donin’s Article 22, which contains a reference to Az 3b.

<sup>106</sup> Deus] *om. GC*

<sup>107</sup> Cf. Donin’s Article 23, which contains a reference to Ber 7a. The cross-reference (*hoc habes supra*) may either refer to Donin’s article or to the translation of the passage in the *Extractiones de Talmud (sT)*, no. 44. It is worth noting that neither of these in-

[*Depositio magistri Iudas*]

[I.]<sup>108</sup> Magister Iudas confessus est quod scriptum est in Talmud quod filius Thatada<sup>109</sup> est filius Mariae, qui fuit suspensus in vespere paschae in vigilia sabbati, quia ipse incitabat et<sup>110</sup> sortilegiabat populum, et de ipso dicit glossa Salomonis Trecensis quod ille fuit Iesus Nocerii – Nazarenus – et Iacob<sup>111</sup> glossator eorum similiter dicit.

[II.]<sup>112</sup> Item dixit quod est in Talmud quod Iesus punitur in stercore ferventi in inferno, quia<sup>113</sup> deridebat verba sapientium. Sed non intelligit hoc de nostro Iesu – mentitus est –, et tamen ille Iesus fuit iudaeus et fuit circa tempus Titi vel ante.

[III.]<sup>114</sup> Item dixit quod scriptum est in Talmud quod rby Nathan invenit Heliam prophetam post disputationem rby<sup>115</sup> Elieser contra alios, qui dixit ei quod Deus<sup>116</sup> risit tempore disputationis illius, quia noluerunt<sup>117</sup>

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stances yields the same phrasing as does our text (...*vincant offensam meam*): "...praeoccupent iram meam" (Donin) "...cohibeant iram meam" (sT).

<sup>108</sup> Cf. Donin's Article 26, which contains references to San 67a (and gloss) and Sab 104b. As regards the expression "on the eve of Shabbat," as well as the reasons for Jesus's execution, cf. San 43a (in accordance with the Florence manuscript). This passage is not included in Donin's Thirty-Five Articles and makes only a partial appearance in the *Vikkuah*, trans. FRIEDMAN, p. 136. It features, however, in the *Extractiones de Talmud* (sT), no. 1014. See the analysis presented above of the passage and its sources.

<sup>109</sup> Thatada] Therada Z

<sup>110</sup> et] quod GC

<sup>111</sup> The individual here indicated may be Rashi's grandson Jacob ben Meir, albeit that in his own Tosafot on Sab 104b Jacob does not "similiter dicit," in fact, quite the opposite. This Jacob is not cited (by name) in Donin's Thirty-Five Articles. Also see Piero CAPELLI, "Rashi nella controversia parigina sul Talmud del 1240," in *Ricerchare la sapienza di tutti gli antichi* (Sir 39,1). *Miscellanea in onore di Gian Luigi Prato*, eds. Marcello MILANI and Marco ZAPPELLA (Bologna: Edizioni Dehoniane Bologna, 2013) pp. 441-448: 445.

<sup>112</sup> Cf. Donin's Article 27, which contains a reference to Git 56b-57a.

<sup>113</sup> quia] et quod C

<sup>114</sup> Cf. Donin's Article 24, which contains a reference to Bm 59b.

<sup>115</sup> rby] eli *add. C, sed del.*

<sup>116</sup> Deus] rissus *add. C, sed. del.*

<sup>117</sup> noluerunt] voluerunt C, respondere *add. Z, sed del.*

credere<sup>118</sup> voci de coelo, et dixit: ‘Vicerunt me pueri mei, vicerunt me pueri mei<sup>119 120</sup>.’

[IV.]<sup>121</sup> Item dixit<sup>122</sup> quod credit esse verum quicquid est in Talmud, sed non facit vim nisi in his<sup>123</sup> quae<sup>124</sup> pertinent ad legem – mentitus est<sup>125</sup> et<sup>126</sup> contra Talmud –.

[V.]<sup>127</sup> Item dixit quod duae sunt leges et una non potuit fieri nisi per verba sapientium et illa est Talmud, et continetur in ea quod verba sapientium magis debent servari et maius peccatum est illa transgredi quam legem scriptam. In lege enim scriptum est ‘facere et non facere’ et non meretur mortem in illis; qui autem transgreditur verba sapientium meretur mortem.

[VI.]<sup>128</sup> Item confessus est quod in Talmud est scriptum quod non dimitterent<sup>129</sup> pueros suos studere in Biblia. Et Salomon Trecensis glosat quia studere in Biblia abstrahit ad aliam fidem, et iste dicit quod propter hoc est quia multa sunt ibi difficilia et obscura quae<sup>130</sup> aliter intelligi non possent<sup>131</sup> nisi per Talmud.

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<sup>118</sup> credere] cedere Z

<sup>119</sup> vicerunt me pueri mei<sup>2</sup>] *sup. l. P*

<sup>120</sup> mei] Supra est plene *add. C*

<sup>121</sup> See *Vikkuah*, trans. FRIEDMAN, pp. 130-131.

<sup>122</sup> dixit] dicit *GC*

<sup>123</sup> his] iis Z

<sup>124</sup> quae] qui Z

<sup>125</sup> est] *om. GC*

<sup>126</sup> et] *om. Z*

<sup>127</sup> On the two Laws, see Donin’s Article 1, which contains references to Sab 31a and Yom 28b, and Article 2, which contains references to Ber 5a and Meg 19b; on the relation between the two Laws, see Donin’s Article 8, which contains a reference to Er 21b.

<sup>128</sup> Cf. Donin’s Article 9, which contains a reference to Ber 28b (and gloss).

<sup>129</sup> dimitterent] dimitteretur Z

<sup>130</sup> quae] quod Z

<sup>131</sup> possent] possunt *GC*

