A Priest's "Uncircumcised Heart" Some Theological-Political Remarks on a Rashi's Gloss in Tractate Sanhedrin and its Latin Translation in Extractiones de Talmud

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Abstract

The Latin translation of a relatively short gloss from Rashi's commentary on the Talmud provides an insight into the politics of conversion in the French-German Jewry between the 10th-13th centuries and allows to assume that the Hebrew term kômer might be used in post-Talmudic commentaries in order to designate Jewish apostates who converted to Christianity, either deliberately or under duress. The Latin translator of the Talmud seems to be aware of this connotation and makes these inter-cultural implications manifest.

The translation of large passages from the Talmud into Latin – commonly designated as Extractiones de Talmud – was hardly intended to satisfy the Christians' erudite interest in Judaism. The unprecedented effort of translating into Latin large sections from the main work of Rabbinic literature originated within the context of the Paris disputation on the Talmud; therefore, its purposes were not simply documentary but also polemical and ideological.¹

On the one hand, this first systematic translation of the Babylonian Talmud into a Western language had obviously been appointed with the explicit purpose of making it accessible to Christian intellectuals;² on the other hand, this documentary intent

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- 1. For a general treatment of the Paris disputation, see the following article in the present volume: Alexander Fidora, "The Latin Talmud and its Place in Medieval Anti-Jewish Polemic" as well as the general bibliography treated there. See also: Alexander Fidora, "Textual Rearrangement and Thwarted Intentions. The Two Versions of the Latin Talmud", in: Journal of Transcultural Medieval Studies 2/1 (2015), pp. 63-78; Alexander Fidora, "Die Handschrift 19b des Arxiu Capitular de Girona: Ein Beitrag zur Überlieferungsgeschichte des lateinischen Talmud", in: Claudia Alraum et al. (Eds.), Zwischen Rom und Santiago. Festschrift für Klaus Herbers zum 65. Geburtstag, Bochum, 2016, pp. 49-56.
- The Extractiones are the most systematic attempt of providing a Christian reader with a comprehensive translation from the Babylonian Talmud and therefore are qualitatively superior to fragmentary and partial translations to be found, for instance, in the 12th-century Jewish convert Peter Alphonsi's Dialogi contra Judeos (1110), where he maintains that the Jews are following an "outdated" version of the Law as well as in 12th century abbot of Cluny, Peter the Venerable's Tractatus adversus Judaeorum inveteratem duritem (1142-1143) that is mostly based on Peter Alphonsi's work and, possibly, on some indirect translations of the Talmud to be found in the French version of the Hebrew satirical text Alpha Beitha de-Ben Sira (The Alphabet of Ben Sira). On these topics, see: Petrus Alfonsi, Dialogue against the Jews, Washington,

was somehow secondary to its ultimate theological-political goal: explaining why the Jews had resisted conversion to Christianity for more than a millennium and what consequences Christian society should draw from their "stubbornness" as well as from their alleged "blasphemy" against Christianity. In this context it is hardly surprising that even the tiniest portion of a Talmudic text – such as a later, marginal gloss on it – could eventually catch the attention of the anonymous Latin translator and offer the opportunity for some theological-political remarks on Judaism and its interaction with Christianity.³

An opportunity of this kind of remark was provided by a relatively short gloss of the prominent French-Jewish commentator Rabbi Shlomo ben Itzhaq – known as Rashi among the Jews and as *Salomon Trecensis* in the *Extractiones*.⁴ Rashi comments on tractate Sanhedrin and expresses his opinion on a very specific issue: should an apostate "Jewish priest" be admitted into the Temple service?⁵ Rashi's

^{2006;} see also: Irven M. Resnick, "Humoralism and Adam's Body. Twelfth-Century Debates and Petrus Alfonsi's *Dialogus contra Judaeos*", in: *Viator* 36 (2005), pp. 181-189; see also: Talya Fishman, *Becoming the People of the Talmud. Oral Torah as Written Tradition in Medieval Jewish Cultures*, Philadelphia, PA, 2011.

^{3.} There is no actual contradiction between compiling an anthology from the larger corpus of the Babylonian Talmud as in the case of the Extractiones and the need for examining each theologically (and ideologically) relevant detail therein. These are two complementary attitudes that respond well to the same purpose of providing a significant piece of Jewish religious literature that would be representative of the specific character of the Jews. On the relationship between fragments, compendia, and anthologies with a general epistemological attitude, see the classic work of Edward W. SAID, Orientalism, 25th Anniversary Editon, With a New Preface by the Author, New York, 2014, pp. 125-126.

^{4.} Rabbi Shlomo ben Itzhaq (1040-1105) is probably the most famous and celebrated commentator on Scripture and Babylonian Talmud. Scholarship about him is very large. See, for instance: Esra Shereshevsky, Rashi, the Man and his World, Northvale, 1996; see also the new bibliography on Rashi commentary in: Pinchus Krieger, Parshan-Data. Supercommentaries on Rashi's Commentary on the Pentateuch, New York, 2005, pp. 41-46.

Talmudic phraseology usually designates 'Jewish priests' either with the Hebrew Biblical term kôhen or with the Aramaic calque kahna', whereas it designates analogous figures in other religions either with the fundamentally neutral Hebrew term kômer (that in modern Hebrew usually designates either a Catholic or a Protestant 'priest') or the slightly more marked Aramaic term kûmra' ('pagan priest'). Interestingly enough, the homograph Syriac term kûmra' appears to be more generic and designates either an 'Israelite priest', 'a Catholic priest', or also a 'pagan priest'. PhD candidate Vincenzo Carlotta (Humboldt University) has brought to my attention that the Greek name Komarios or Komerios – to whom the early Greek anonymous alchemical Teaching of Komarios to Cleopatra is ascribed – might resonate with a Semitic substratum, possibly with an Aramaic-Syriac variance of the term kûmra', employed in that context in order to designate a 'magician' and also to convey a sense of antiquity. The lexicological distinction between these terms is especially relevant when discussing the later commentaries on the Talmud that explicitly mobilize the term kômer in order to designate someone who became an apostate and possibly became a 'priest' of another religion. For a specific treatment of these terms, see infra. Marcus Jastrow, Dictionary of the Targumim, the Talmud and Yerushalmi, and Midrashic Literature, London, 1903, vol. 2, pp. 615 and 621; cf. Michael Sokoloff, A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods, Ramat-Gan, 2002, pp. 554 and 563; see also: Michael Sokoloff, A Syriac Lexicon. A Translation from the Latin, Correction, Expansion, and Update of C. Brockelmann's Lexicon Suriacum, Winona Lake, 2009, p. 608. See also: Richard Reitzenstein, Alchemistische Lehrschriften und Märchen bei den Arabern, Giessen, 1923, n. 2, p. 66. See also: Frank Sherwood TAYLOR, "The Origins of Greek Alchemy", in: Ambix 1/1 (1937), pp. 30-48, especially pp. 42-44.

opinion caught the attention of the anonymous Latin translator who aptly reported the gloss and expanded on it.

Yet the exegetical path that leads from the original Talmudic text, to Rashi's gloss, and eventually to its reception in the Latin translation is not as linear as it might appear at first. On the contrary, it involves a number of exegetical steps and several theological presuppositions that require a detailed treatment. Only in this way is it possible to appreciate the theological-political tensions underlying both Rashi's commentary on the Talmud and in its reception in the Latin translation, for the good use of a Christian audience.

1. A Talmudic problem: accessing Holy Things after defilement?

The first complication pertains to the strange relationship between Rashi's gloss and the very text on which he comments. The Talmudic passage in tractate Sanhedrin actually deals with the issue of the "son of a foreigner" who has defiled himself but wishes to access the Holy again.⁶ Rashi's gloss, on the other hand, appears to deal with a quite different topic: an apostate Jewish priest who wishes to access the Holy.

A similar topic is discussed elsewhere both in the Mishna and in the Gemara of tractate Menahot. Due to its relevance, it is necessary to examine the passage in detail-in each step of its textual and historical development. At first one note that the text of the Mishna is quite linear, as usual:

הרי עלי עולה יקריבנה במקדש ואם הקריבה בבית חוניו לא יצא. שאקריבנה בבית חוניו יקריבנה במקדש ואם הקריב בבית חוניו יצא [...] הכהנים ששמשו בבית חוניו לא ישמשו במקדש בירושלם ואין צריך לומר לדבר אחר [...] הרי הם כבעלי מומין חולקין ואוכלין אבל לא מקריבין (משנה מנחות יג י)

[Whover says] "A burnt-offering [shall be] upon myself", he shall offer in the Temple [of Jerusalem] and, if he has offered it in the Temple of Onias, he has not fulfilled [his vow]. [Whoever says] "I will offer in the Temple of Onias", he shall offer it in the

6. The "son of a foreigner" can be designated either with the Biblical expression ben nekar or with the later Hebrew expression ben nokrî; both of them designate the same social entity; a non-Jewish individual who is poorly assimilated and therefore has a limited ability of accessing Jewish rites. The expressions ben nekar and ben nokrî are semantically equivalent but their difference in mophology manifest an interesting development in the Hebrew vocabulary designating non-Jewish individual among the people of Israel. Hebrew lexicography shows that the Biblical expression ben nekar ('foreigner') – based on the substantive nekar, derived from the Hebrew term neker ('calamity', 'strangeness') - allowed in time the formation of the adjective nokrî that eventually developed in an autonomous homographic substantive designating a 'foreigner'. The concurrence between the Biblical based expression ben nekar and the later Hebrew term nokrî eventually determined the obsolescence of the Biblical expression ben nekar in favor of the later one. The Talmud usually employs the Biblical expression ben nekar in form of quotation from Scripture and the later Hebrew term nokrî as correlated concept, whereas post-Talmudic employ also the later Rabbinic expression ben nokrî - possibly modelling it on the basis of the Biblical expression ben nokar. In the present context all these expressions will be treated as virtually equivalent ones.

Temple [of Jerusalem] and, if he has offered in the Temple of Onias, he has fulfilled [his vow] [...] The priests who served in the Temple of Onias shall not serve in the Temple in Jerusalem and there is no need to say about [the case in which they served] something else [...] Hence, they are like those who have blemishes (ba'aleî mûmîn): they share and eat but they do not offer [sacrifices].⁷

It is evident that this Mishna does not treat the issue of a Jewish priest being unclean in general terms; it discusses the issue in an historically and geographically quite defined circumstance: namely, the very specific case of a Jewish priest officiating in the "Temple of Onias", a Jewish temple erected in Egypt by the Zadokite High Priest Onias IV after the high-priesthood in Jerusalem was hijacked by the Hasmonean family. The Mishna thus discusses a subtle issue: whether officiating according to Jewish rituals in a place other than the Temple of Jerusalem can be regarded as legitimate. The negative answer clearly shows the ideological prominence that the Temple of Jerusalem enjoyed at the time of the redaction of the Mishna but also the incipient worries of the Rabbinic elite about the possible contact between the Jewish population with other religions. The decisive assumption is that Jewish individuals— or even priests—who served a "foreign cult" and eventually returned to the Jewish faith may be readmitted to the service in the Temple but treated "as if" they acquired some (physical) blemish (*mûm*).9

- 7. Mish., Men. XIII, 10. The translation is mine.
- Many historical facts about the foundation of a Jewish temple in Leontopolis have not been established yet and there is no scholarly consensus thereupon. Josephus informs us that this temple was founded by "Onias son of Simon" (Bell. Jud. 7.423 and Ant. Jud. 12.387) but it is disputed if this individual shall identified with the High Priest Onias III or rather his son, provided that the latter was actually ever established as Onias IV. The temple was established between the 170-162 BCE and functioned continuously until its destruction in 73 CE, by Roman hands – either by the Roman praetor Tiberius Julius Lupus or by Valerius Paulinus (Joseph Modrzejewski, The Jews of Egypt: From Rameses II to Emperor Hadrian, Princeton, 2012, p. 129). It is possible that permission for edification was granted by the Pharaoh Ptolemy IV, possibly in connection with the desecration of the Temple of Jerusalem by the Syrian king Anthiochus IV Epiphanes in 168 BCE, in the flashpoint of the Maccabean Revolt. On Anthiochus Epiphanes, see: Daniel R. Schwartz, "Antiochus IV Epiphanes in Jerusalem", in: David Goodblatt/Avital Pinnick/ Daniel R. Schwartz (Eds.), Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls, Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 27-31 January, 1999, Leiden, 2001, pp. 45-56. On the Temple of Onias, see, for instance: John J. Collins, Between Athens and Jerusalem. Jewish Identity in the Hellenistic Diaspora, Cambridge, ²2000, pp. 64-82; Timothy Wardle, The Jerusalem Temple and Early Christian Identity, Tübingen, 2010, pp. 38-39 and 72-73; Louis H. Feldman/Reinhold Meyer (Eds.), Jewish Life and Thought among Greeks and Romans: Primary Readings, Minneapolis, 1996, pp. 49-50.
- 9. The Rabbinic term mûm, deriving as contraction from the Biblical Hebrew term me'ûm ('something') and eventually borrowed by Aramaic as mûma' designates an unspecified physical blemish both in animals and humans, as well as a moral or legal blemish. In the present case, the predominant physical connotation of the term is quite obvious due to context. See: Jastrow, Dictionary (as in note 5), p. 743; cf. Sokoloff, Dictionary (as in note 5), pp. 647-648. For a tentative determination of mûm as a physical defect of the eye, see for instance: Julius Preuss, Biblical and Talmudic Medicine, Translated and edited by Fred Rosner, New York, 2004, p. 260.

It is especially the Babylonian commentary on the Mishna – the Gemara – that takes the discussion out from this locally specific issue and transforms it into an opportunity for discussing a much broader and theologically poignant matter: whether a Jewish priest who has served a "foreign cult" may be reintegrated into legitimate service at the Temple or rather treated as an apostate – regardless of his willingness to repent and access the Holy again.

The discussion is quite complex and will be mentioned here only briefly – specifically with respect of the rulings concerning the Jewish priests:

גמ'. אמר רב יהודה: כהן ששחט לעבודת כוכבים, קרבנו ריח ניחוח. אי עבד שירות, אין. שחיטה, לאו שירות הוא? [...] איתמר: שגג בזריקה - רב נחמן אמר: קרבנו ריח ניחוח, רב ששת אמר: אין קרבנו ריח ניחוח. אמר רב ששת: מנא אמינא לה? דכתיב: "והיו לבית ישראל למכשול עון" (יחזקאל מד יב), [מאי] לאו? או מכשול או עון. ומכשול – שוגג. ועון – מזיד. ורב נחמן? מכשול דעון. אמר רב נחמן: מנא אמינא לה? דתניא: "וכפר הכהן על הנפש השוגגת בחטאה בשגגה" (במדבר טו כח). מלמד שכהן מתכפר על ידי עצמו. במאי? אילימא בשחיטה, מאי איריא שוגג? אפילו מזיד נמי! אלא לאו בזריקה. ורב ששת? אמר לך: לעולם בשחיטה, ובמזיד לא נעשה משרת לעבודת כוכבים. ואזדו לטעמייהו, דאתמר: הזיד בשחיטה רב נחמן אמר: קרבנו ריח ניחוח, ורב ששת אמר אין קרבנו ריח ניחוח. רב נחמן אמר קרבנו ריח ניחוח, רב ששת אמר אין קרבנו ריח ניחוח, (תלמוד בבלי, נמחות קט ע"א-ב)

Gemara: Ray Yehudah said: A priest who had slaughtered an animal to worshippers of stars, his offering smells pleasing. If he served service [he is disqualified]: slaughtering is no service [...]. It is said: [Whoever] sprinkles [blood] inadvertently. Rav Nahman said: His offering smells pleasing. Rav Sheshet said: His offering does not small pleasing. Ray Seshet said: Whence do I say it? As it is written: "and they became a stumbling block of iniquity unto the House of Israel" (Ez 44, 12). This means either "stumbling" or "iniquity". [The term] "stumbling" [means] "was inadvertent" (šagag) and [the term] "iniquity" [means] "was deliberate" (mezîd) and Rav Nahman? [It means:] "stumbling block of iniquity". Rav Nahman said: Whence do I say it? It is taught [in a baraita:] "And the priest shall atone the soul that is erring, as it sins inadvertently' (Num 15, 28): [this] teaches that a priest will atone for himself. And how? You might say: By slaughtering. What is [the sense of] holding [the term] "inadvertently"? [It is] even [the same ruling] if he was deliberate! Rather only in [the case of] sprinkling [blood]. And Rav Sheshet? He said to him: Still about slaughtering and not [in case of] deliberate [transgression] made in order to make service for the worshippers of stars. They followed their opinion, as it is said: He was deliberate in slaughtering. Ray Nahman said: His offering smells pleasing. And Rav Sheshet said: His offering does not smell pleasing. Rav Nahman said: His offering smells pleasing as it was not serving a service. Rav Sheshet said: His offering does not smell pleasing as it was made to worshippers of stars.¹⁰

It is evident that the Gemara expands on the primitive issue treated in the Mishna. It is no longer a question about serving a Jewish cult outside the perimeter of Jerusalem. The question is now much more radical and pertains to the possibility of admitting whoever had served a "foreign cult" back into the Jewish faith. The Gemara generally agrees that a Jewish priest who served in a "foreign cult" has actually defiled the Jewish service in the Temple. And yet there is a specific disagreement between two the third generation Babylonian 'amoraîm — Rav Sheshet and Rav Nahman bar Jacob — on the final condition of the transgressor and, more specifically, on the grade of exclusion that has to be imposed on this hypothetical Jewish priest. Rav Sheshet maintains that whoever served a "foreign cult" should be disqualified forever from officiating in the Temple, whereas Rabbi Nahman appears to be more lenient and argues that only some limitations in cult and prayers should be established regarding his person. It is especially the latter ruling that is subject to a relevant theological expansion in the later commentaries on the Talmud and specifically in Rashi's glosses.

2. Serving a "foreign cult": the Ri'sônîm on forced conversions

It is specifically the Gemara's expansion on the initial juridical issue that catches the attention especially of the *Ri'sônîm*: namely, the "first" Jewish authorities who were active between the 10th and 15th century and had provided the core of the commentaries on the Talmud – today extant in the margins of any ordinary Talmud edition.

In the present case, it is particularly important to take into account the response of Rashi together with the one of his predecessor: Rabbenu Gershom ben Yehudah – the leading Talmudic authority of the 10th century Ashkenazi Judaism.¹² Both Rabbenu Gershom and Rashi seem to agree that the apostasy of the Jewish priest has been caused, in this very particular case, by "inadvertence": either by error or negligence of some specifics. At some point in his commentary on the Talmud,

- 11. The Babylonian Rabbis Rav Sheshet and Rav Nahman bar Jacob are usually regarded as a "disputing pair" in the Babylonian schools, the latter being associated with the Exiliarch (the *Reis Galuta'*) in the Babylonian Talmud. On this topic, see: Barak S. COHEN, "Rav Nahman and Rav Sheshet: Conflicting Methods of Exegesis in Tannaitic Sources" [Hebrew], in: *Hebrew Union College Annual* 76 (2005), pp. 11-32; see also: *Id.*, *The Legal Methodology of Late Nehardean Sages in Sasanian Babylonia*, Leiden, 2011, pp. 133-134; Geoffrey HERMAN, *A Prince Without a Kingdom: the Exiliarch in the Sasanian Era*, Tübingen, 2012, pp. 149 and 190-192.
- 12. Rabbenu Gershom ben Yehudah Me'or ha-Golah (960-1028) was the leading halakhic authority among German Jews. For his role especially in treating Jewish apostates, see: Simha Goldin, Apostasy and Jewish Identity in High Middle Ages Northern Europe. "Are You Still My Brother?", translated by Jonathan Chipman, Manchester, 2014, pp. 7ss. Recent scholarship has proven how deep the relationship between the French and the German Jewry was in the Middle Ages, especially in the 12th-13th centuries. See, for instance: Ephraim Kanarfogel, Jewish Education and Society in the High Middle Ages, Detroit, 1992; see also the more recent: Id., The Intellectual History and Rabbinic Culture of Medieval Ashkenaz, Detroit, 2012.

for instance, Rabbenu Gershom even emphasizes that an inadvertent transgression by a Jewish priest could also be pictured in this way: a Jewish individual who was simply being present during an idolatrous service but "his heart" ($libb\hat{o}$) was constantly directed "to the sky" (we- 'amad hû' še-libbô le- 'olam le-šamaîm). 13 As a consequence, not surprisingly, does Rabbenu Gershom maintain that a Jewish priest who has served a "foreign cult" may be reintegrated into the service at the Temple, without particular limitations – as ruled by the early Jewish scholar Ray Nahman. This opinion is quite clearly maintained in Rabbenu Gershom's and Rashi's responses on the "apostate Jewish priest" – which is overtly discussed in connection with one's suffering from some unspecified physical blemishes (mûmîn). Rabbenu Gershom clearly maintains that a Jewish individual who has become a "priest to a foreign cult" (kômer le-'avodâ zarâ) but then repented, turning back to his Jewish faith, should be admitted, metaphorically, to the service in Jerusalem. The only limitation would then be that he should be treated as someone suffering from an unspecified physical blemish:

ותשובה לשואלי על עסק כהן שנשתמד ועשה תשובה, אם ראוי לישא כפיו, ולקרות בתורה ראשון, או לא. כך דעתי נוטה, שאעפ"י [שחטא], כיון שעשה תשובה ראוי לעלות לדוכן, ולישא כפיו [...] כיון שחזר, חזרה בו קדושתו, ולא פקעה ליה קדושתיה [...] ובעלי מומין קדושה יש בהן, שאילמלא אין בהם קדושה ומחוללים הם, האיך אוכלים וחולקים בתרומה ובקדשי קדשים? אלא פשיטא, קדושה יש בהן, והרי הן ככהנים בעלי מומין (ר' גרשום, שאלות ותשובות, ד')

[This] is the answer to your question whether a [Jewish] priest who became an apostate (še-ništamad) and repented is worthy of raising his palms and of reading first from Scripture or not. I am inclined to assume that, although he sinned, because he repented, [he is] worthy to stand straight and to raise his palms [...] just as he returned [to the Jewish faith], so did sanctity return, and he is no lacking in his sanctity [...] [just like] those who have blemishes (ba'aleî mûmîn), sanctity is in them, since were sanctity was not in them and they were profane, how could they eat and share their portion (terumâ) and the most Holy Things? Rather it is obvious! Sanctity is in them and therefore they are like priests who have blemishes (ba'aleî mûmîn).14

Rabbenu Gershom's interpretation is the same as Rav Nahman's. It is Rashi who expands on it and specifies how this physical disability does not affect hands, as Jewish priests would consequently be disqualified from delivering blessings:

הרי אלו כבעלי מומין כו'. מהכא נפקא לו דכהן שהמיר דתו וחזר בתשובה כשר לדוכן. שהרי לא מצינו כהן בעל מום שיהא פסול לדוכן, אלא אם היה לו מום בידיו [...] כל שכן בזמן הזה, שאין שירות ואין מקדש, דודאי כשר לדוכן ולקרות בתורה תחילה (רש"י, שאולות ותשובות, קע)

^{13.} RABBENU GERSHOM on TB Men 109a. The translation is mine.

^{14.} RABBENU GERSHOM, Še 'elôt we-Tešuvôt §4. The translation is mine.

Hence, they are like those who have blemishes etc. From here one doubts whether a [Jewish] priest who changed his religion ($\check{s}e$ -hemîr $dat\hat{o}$) and returned with repentance [to the Jewish faith] is fit to stand straight [in order to deliver a blessing]. Hence we do not find that a [Jewish] priest who has a blemish (ba 'al $m\hat{u}m$) should be disqualified from standing straight, unless there is some blemish on his hands [...]. All the more in this time that there is neither service nor Temple [of Jerusalem], he is surely fit to stand straight and to read Scripture at the beginning. 15

One should note at first that both Rabbenu Gershom and Rashi agree in treating leniently this rather academic issue: a Jewish priest who served a "foreign cult" and wants to access the Holy in the Temple of Jerusalem. As far as the said Temple has ceased to exist before almost a millennium, it is evident that the question at stake has an academic nature. And yet it is also clear that this issue offers an opportunity to cautiously deal with the much more immediate issue of one who served a "foreign cult" and desires to return to the Jewish faith.

A theological-political profile emerges here. Both Rabbenu Gershom and Rashi treat the legal issue of a Jewish priest officiating in a "foreign cult" as a watermark for the very issue of Jews who have suffered from forced conversion in the French-German context. Both Rabbenu Gershom and Rashi are lenient in responding to the academic issue but are also sufficiently subtle in treating the service of a "foreign cult" by a Jewish priest under two simultaneous perspectives as an "inadvertent" – read: "unwanted" – transgression but also as a sort of "physical disability".

It should be noted that the Biblical stringency of disqualifying "idolatrous" Jewish priests from serving in the Temple is somehow legally bypassed by posing an expectation: physical defects unaffecting the hands would enable a Jewish priest anyhow to deliver a blessing and such an ability would still qualify him fit for officiating. In so doing, Rabbenu Gershom and Rashi accomplish two different goals. On the one hand, they circumvent the Biblical stringency on the matter and provide with a cautious ruling on their contemporary Jews who were forced to convert to Christianity but were willing to return to the Jewish faith. On the other hand, the assimilation of apostasy to a physical defect provides also with a hermeneutical basis for connecting a specific condition of the body to a specific condition of the soul. It is specifically this latter connection that is particularly important for appreciating Rashi's gloss on tractate Sanhedrin and its reception in the Latin translation of the Talmud.

3. Rashi commenting on tractate Sanhedrin: the "son of a foreigner" in condition of uncleanness

As anticipated, Rashi provides with his ruling on a Jewish priest who served a "foreign cult", while formally commenting on another issue in tractate Sanhedrin: whether a "son of a foreigner" may be allowed to access the Holy after defiling himself. The passage on which Rashi comments in tractate Sanhedrin also occurs as a parallel in tractate Zebahim:

תנו רבנן: "בן נכר" (יחזקאל מד ז) - יכול בן נכר ממש? תלמוד לומר: "ערל לב" (שם); אם כן, מה תלמוד לומר: "בן נכר" (שם)? שנתנכרו מעשיו לאביו שבשמים; ואין לי אלא ערל לב, ערל בשר מנין? תלמוד לומר: "וערל בשר" (שם). וצריכי, דאי כתב רחמנא ערל בשר, משום דמאים, אבל ערל לב דלא מאים אימא לא. ואי אשמעינן ערל לב, משום דאין לבו לשמים, אבל ערל בשר, דלבו לשמים, אימא לא. צריכי. (תלמוד בבלי זבחים כב ע"ב)

Our Rabbis taught: "Son of a foreigner" (ben nekar) (Ez 44, 7). One could [think of] an actual son of a foreigner? This means: "Uncircumcised in heart" (ibid.). If so, what does [the expression] "son of foreigner" (ibid.) mean? That his deeds are estranged to his Father who is in heaven (še-nitnakrû ma 'aśiw le-'abîw še-ba-šamaîm). This implies only [someone who is] uncircumcised in heart [as a case of defiling a sacrifice]? Whence [someone who is] uncircumcised in flesh ('erel baśar)? [Both of] them are needed, since the Merciful [One] writes: "uncircumcised in flesh" (ibid.) because [he is physically] repulsive but [whoever is] "uncircumcised in heart" (ibid.) is not [physically] repulsive. As we heard about [someone] uncircumcised in heart, [I would say it is] because his heart is not [directed] to the heavens, but [whoever is] "uncircumcised in flesh", whose heart is [directed] to the heavens he is not [disqualified]. [Both of] them are needed.\(^{16}\)

This parallel text in tractate Zebaḥim is particularly relevant for a number of reasons. Firstly, this text is formally a *baraita*: an early Hebrew Palestinian source that is mentioned as an "external source" in the Babylonian Talmud but that has not been included in the Mishna.¹⁷ Secondly, this text uses the notion of "uncircumcised"

^{16.} TB Zeb 22b. The translation is mine.

^{17.} The emergence of a *baraita* as a supplementary source for Talmudic disputation should be treated together with the much more complex question on the kind of textual and editorial relationship the Mishna entertains with the Tosefta (literally: 'supplement'). The traditional view that assumes that the Mishna predates the Tosefta so that the latter necessarily plays a secondary role in the development of Rabbinic literature cannot be held any longer. Recent scholarship maintains that the entire corpus of early Rabbinic literature – from which Mishna, Tosefta, and *baraitot* eventually originated – has a much more complex textual history and it is possible to assume that these texts are actually in competition one with the other. On these topics, especially in connection with several "Gender issues", see: Federico DAL Bo, *Massekhet Keritot. Text, Translation, and Commentary*. A Feminist Commentary on the Babylonian Talmud (FCBT V/7), Tübingen, 2013, pp. 15-19. See also: Jacob Naum Epstein, *Introduction to Amoraitic Literature*, Jerusalem/Tel Aviv, 1961 [Hebrew]; Yaakov Elman, "Babylonian Baraitot in the Tosefta and the 'Dialec-

heart" ('erel leb) in order to describe the condition of uncleanness from which the "son of a foreigner" obviously suffers. Thirdly, it cannot be excluded that this early Hebrew source had initially been excluded from formal codification into the Mishna perhaps due to its theological-political potentialities. Fourthly, it is plausible that tractate Zebahim quotes here from an early discarded *Palestinian* Hebrew source that is eventually been mentioned only in the *Babylonian* discussion on the Mishna, exactly because the Persian setting in which the Babylonian Talmud was produced (rather than the Christian one in which the Talmud of the Land of Israel was) enabled more open criticism towards rising Christianity.¹⁸

The *baraita*'s use of these two concepts — "circumcision of the body" and "circumcision of the heart" — has here a genuine juridical value. The *baraita* assimilates, by analogy, a condition of uncleanness deriving from a physical condition (the lack of "circumcision of the body") to the one deriving from a non-physical condition (the lack of "circumcision of the heart"); in other words, the condition of "being uncircumcised" (*'orlâ*) simultaneously provides with a juridical and cultural line of demarcation: whoever is "uncircumcised" — either in body or in spirit — is disqualified from fully accessing the Holy. The *baraita*'s mobilization of these two concepts here recalls the previous discussion between Rav Sheshet and Rav Nahman but especially Rabbenu Gershom's and Rashi's treatment thereof. Just as the *Ri'šônîm* assimilate apostasy to a physical defect, so does the *baraita* treat here a question of uncleanness as a matter of circumcision. The use of these two fundamentally theological concepts — "circumcision of the body" and "circumcision of the heart" — is intended to offer a juridical foothold by which to treat apostasy as a form of physical disability and therefore to be able to respond accordingly.

The use of "physical categories" for treating "spiritual categories" is surprising; indeed it is not uncommon in Talmudic literature and possibly reflects a specific trait of rabbinic hermeneutics. Nevertheless, the act of juxtaposing the Biblical categories of "body" and "heart" can hardly be regarded here as "neutral"; they rather respond to some implicit theological presupposition, possibly some covet animosity against the Christian cult in the Land of Israel in Talmudic times. With respect to these subtle implications, it is obvious that the Babylonian Gemara, by accepting and integrating the *baraita* into its main body, was somehow accepting its theological-political implications, without necessarily spelling them out.

Particularly important in the present case is the *Ri'šônîm*'s association of the text of this *baraita* with the juridical issue whether a Jewish priest in condition of uncleanness due to serving foreign gods may then be reintegrated into the cultic service or he should be disqualified from it forever. What is then Rashi's final response on the matter?

tology' of Middle Hebrew", in: Association for Jewish Studies 16 1/2 (1991), pp. 1-29; Judith HAUPTMAN, Rereading the Mishnah: a New Approach to Ancient Jewish Texts, Tübingen, 2005.

^{18.} On the influence of Persian setting in the Jewish-Christian relations in the Babylonian Talmud, see: Shai Secunda, *The Iranian Talmud. Reading the Bavli in Its Sasanian Context* (Divinations: Rereading Late Ancient Religion), Philadelphia, PA, 2013.

Interestingly, Rashi provides no relevant commentary on the issue examined in the baraita; he is rather more interested, as it were, in expanding its theological-political premises. This involves supplementary exegetical steps; therefore, a small digression is necessary.

4. Estrangement from God: the Ri'sônîm commenting on the "son of a foreigner"

It cannot be emphasized enough that both Rabbenu Gershom and Rashi comment on a very specific issue (a "son of a foreigner" suffering from uncleanness) with reference to quite a different juridical case (a Jewish priest who served a "foreign cult"). The connection between these two cases can only be seen with difficulty at first and it requires that the theological-political implications at stake be well understood. In both cases a contamination by the non-Jewish exteriority has taken place and it is indeed this contact – or, better put, the evaluation thereof – that manifests a theological-political prominence.

It is then not too surprising that Rabbenu Gershom – while commenting on the issue of a "son of a foreigner" in a parallel text from tractate Ta'anit – then provides also the appropriate vocabulary by which to answer the question whether a Jewish priest who served a foreign cult might ever be reintegrated into the Jewish service of the Temple. Rabbenu Gershom appears to acknowledge the theological-political potentialities of the juridical question. While he comments on it, he does not hesitate to spell this case in much more modern terms:

> "בן נכר ערל לב" (יחזקאל מד ז), זה כהן משומד "שנתנכרו מעשיו לאביו שבשמים" (תלמוד בבלי זבחים כב ע"ב). "ערל בשר" (שם) כהן "שמתו אחיו מחמת מילה" (תלמוד בבלי חולין ד ע"ב)

"Son of a foreigner [who is] uncircumcised in heart" (Ez 44, 7): this is an apostate (mešûmad) [Jewish] priest "whose deeds are estranged to his Father who is in heaven" (TB Zeb 22b); "uncircumcised in flesh" (ib.) [is a Jewish] priest, "whose brothers died in consequence of circumcision [and therefore he was not circumcised]" (TB Hul 4b).19

Rabbenu Gershom's choices of language are quite remarkable. Just by elaborating on a few terms did Rabbenu Gershom manage to expand the social and theological perimeter of the issue at stake – a "son of a foreigner" in condition of uncleanness – without altering its fundamentally juridical nature. He never abandons the field of juridical speculation. Indeed, one should not overlook the fact that there is no actual relevance to the question whether the "son of a foreigner" will ever access the Holy again, since the Temple has long been destroyed. Therefore, the issue

should necessarily be treated as a theoretical question or updated to a present context, possibly by expanding its juridical perimeter. This is indeed the hermeneutical strategy followed by Rabbenu Gershom, who has deliberately decided to expand the issue about the "son of a foreigner" and to answer the other one about an "idolatrous" Jewish priest with it. In so doing he obviously orients the deep sense of the discussion in one specific direction: how should one treat Jews who have become Christian – even if not Christian priests – and eventually returned to their Jewish faith? The ability to understand Rabbenu Gershom's actual question depends on his ability of moving out from the historical perimeter of the early juridical issue and then address the present question of those Jews who had converted to Christianity and typically joined some kind of Christian order. This passage takes place with few terminological changes that only an expert – a Talmud scholar – might be able to decipher.

Firstly, Rabbenu Gershom explicitly identifies a "son of a foreigner" (ben nekar) with a "Jewish priest" (kôhen) whose deeds "were estranged" (nitnakrû) from the Jewish faith. The use of a set of words that are etymologically related – such as: the adjective "foreigner" (nokrî) and the verb "to estrange" (le-hitnaker) – is quite eloquent; it also provides with an hermeneutical justification for juxtaposing two otherwise distinct juridical issues: a "son of a foreigner" and a "Jewish priest" who would like to access the Holy again. Secondly, Rabbi Gershom takes the caution of generalizing the name of God who is simply mentioned as "his father who is in heaven" ('abîw še-ba-šamaîm). This lexical choice probably underplays the theological-political potentialities of the previous innovation, as if none should really understand this commentary in too overtly polemical terms and eventually realize that the "Father who is in heaven" exactly is the appellative the Christians usually employ to designate their God. Thirdly, Rabbi Gershom also designates this individ-

- For a similar wordplay, see also a classic passage from an early Jewish commentary on Scripture: Mekhilta Amalek, 3, 2, 168 on Ex 18, 3.
- 21. It is noteworthy that most of the manuscripts of tractate Zevahim read le-'abiw še-ba-šamaîm ("to his father who is in heaven"), with the exception of Ms Columbia X 893 T 141 and the 1522 print in Venice by Daniel Bomberg that read simply la-šamaîm ("to heaven"), possibly due to a crasis or out of theological precaution.
- 22. It should be emphasized how this relatively neutral Hebrew expression 'abîw še-ba-šamaîm, founded on some Biblical sources and usually designating a liturgical expression from the Jewish prayer book (Siddur) is anyway quite ambiguous in the present context, as it might designate either the Christian faith (due to its resonance with the Latin prayer Pater Noster) or the Jewish "religion of the Fathers" (due to its resonance with the Jewish prayer 'Abinû Malkenû as well as with the prayer Yehi Raşôn Mi-li-fanay 'Abinû Še-ba-šamaîm). Interestingly enough, recent scholarship has emphasized the presence of Christian motifs in Medieval Hebrew incantations and occasionally grouped Christian prayers designated as pater nośteyr (that is to say: pater noster) under the title 'Abînû Malkenû. This ambiguity is intrinsic to Jewish intellectual production in times of duress or persecution. For a classical treatment of this topic, see: Leo Strauss, Persecution and the Art of Writing, Chicago, 1952. See also: Katelyn Mesler, "The Three Magi and Other Christian Motifs in Medieval Hebrew Medical Incantations. A Study in the Limits of Faithful Translation", in: Resianne Fontaine/Gad Freudenthal (Eds.), Latin-into-Hebrew: Texts and Studies, vol. 1, Leiden, 2013, pp. 161-218. Cf. also n. 20.

ual who has estranged himself from the divinity with a very marked term: mešûmad - an "apostate"; one who has "destroyed" his previous affiliation with the House of God. One would simply assume that Rabbi Gershom is here stigmatizing any ordinary individual who has renounced the Jewish faith. And yet his choice of designating this person as a *mesûmad* ("a destroyed") instead of as a *mûmar* ("a changed one") should be treated more carefully.²³ At first, the term mešûmad appears more negative, as it does not designate an individual who has not simply "changed" from his previous religious affiliation but rather someone who had actually "destroyed" it. A close examination of Rabbenu Gershom's phraseology evidences the use of the term mesûmad – despite appearances – as designating quite a different condition: the condition of one who was forced to convert to another faith.

With respect of this closer examination of Rabbenu Gershom's terminology, it is clear that his commentary on the Talmudic passage manifests an actuality for the difficult times of 10th century Askhanazi Jewry. While answering the juridical question whether the "son of a foreigner" may access the Holy again, Rabbenu Gershom is actually providing an answer to the question about Jews who had been forced to convert to Christianity but wished to return to the faith "of their fathers" – as subtly implied by the generic expression "his father who is in heaven". Rabbenu Gershom's final verdict is that whoever was forced to convert will be able to return to his faith without any blemish. Whether Rabbenu Gershom's tolerance was motivated by personal issues is here irrelevant for treating this Rabbinic ruling especially in light of its reception in the Latin translation of the Talmud.

The Extractiones do not appear to be aware of Rabbenu Gershom's ruling on the matter but they carefully report the opinion of Rashi, who fully accepts his predecessor's ruling on the matter. This is particularly evident if one examines Rashi's commentary on a parallel passage in tractate Sanhedrin – whose excerpts represent a substantial portion of the Latin translation.

Rashi here quotes Rabbenu Gershom's response almost word-for-word. Yet he elaborates shortly on the consequence of "alienating himself" from God; he also applies the same phraseology that one would read in the previous juridical treatment of the "circumcision of the body" and the "circumcision of the heart", slightly expanding on the stigmatization of this act of estrangement:

23. Interestingly enough, tractate Zebahim underwent some censorship or self-censorship in time. Rabbenu Gershom has evidently derived the notion of kôhen mešûmad ('a [Jewish] apostate priest') from the Hebrew expression Iśra'el meśûmad ('an apostate Israelite') that occurs in all the manuscripts of tractate Zebahim – with the only exception of Ms. Cambridge T-S- AS 75.37 that has a scribal error: Iśra'el mešûmak – whereas the canonical edition of Vilna reads: Iśra'el mûmar ('a changed Israelite') as an obvious consequence of censorship and self-censorship. The "transformation" of the original Hebrew expression Iśra'el meśûmad into kôhen meśûmad is probably hermeneutical and does not involve specific understanding of this phraseology with respect of the social and cultural settings within the 11th-12th centuries French-German Jewry. For a careful treatment of the terms mesûmad and mûmar, especially in connection with the French-German Jewry in Middle Ages, see the excellent study of David Malkiel, Reconstructing Ashkenaz. The Human Face of Franco-German Jewry, 1000-1250, Stanford, 2005.

"בן נכר ערל לב" (יחזקאל מד ז) זה כהן משומד "שנתנכרו מעשיו לאביו שבשמים" (תלמוד בבלי זבחים " כב ע"ב), ונערל לבו, או "ערל בשר" (שם), כהן שמתו אחיו מחמת מילה (תלמוד בבלי חולין ד ע"ב)

"Son of a foreigner [who is] uncircumcised in heart" (Ez 44, 7) this is an apostate (mešûmad) [Jewish] priest "whose deeds are estranged to his Father who is in heaven" (TB Zeb 22b) and his heart was made uncircumcised; "uncircumcised in flesh" (*ibid.*) [is a Jewish] priest, "whose brothers died in consequence of circumcision [and therefore he was not circumcised]" (TB Hul 4b).²⁴

Regardless of its spontaneous or forced nature, it is evident that Rashi conceives of the act of converting to another religion – namely Christianity in the French-German context – in extremely negative terms. What is here relevant is Rashi's choice of describing it in terms of making his heart uncircumcised.

Again, one cannot fail to appreciate the subtleties of these linguistic choices. There is no need to emphasize how Rabbinic hermeneutics has always needed to circumvent the pressure of foreign authorities that have variously imposed more or less invasive kinds of censorship. Just as Rabbenu Gershom intended to respond indirectly to the question whether Jews forced to convert may be accepted into the Jewish community again, so did Rashi amplify this former response by stigmatizing any kind of compulsion to convert. The use of the metaphor of an "uncircumcised heart" is relevant because Rashi uses typical Biblical phraseology by turning upside down – when not "deconstructing" – the opposition between body and soul. As far as Christians may assume, in tendentious Pauline terms, one should be circumcised in the heart rather in the body. Rashi turns this theology upside down: whoever has (forcedly) converted to Christianity has really made his "heart" "uncircumcised".

5. Translating Rashi into Latin: making the implicit explicit

It is difficult to evaluate the impact of these glosses on the outer world. The *Ri'šônîm*'s refined lexical choices, as well as the nature of Talmudic reasoning itself, encouraged the art of dissimulation with respect of the outer, non-Jewish, hostile world. As far as both Rabbenu Gershom and Rashi ruled emphatically leniently about those who were forced to convert to Christianity, there is no doubt that their intervention would still be transmitted cautiously if not to say covertly. Rashi's notion itself of an "uncircumcised heart" would still have required a complex process of disambiguation in order to be appreciated in its full theological-political power.

The Latin translation of the Talmud reported in the *Extractiones* would well represent the opportunity for making the implicit explicit, due to obvious linguistic reasons. What appeared quite "complex" in the intricate structure of Biblical, Talmudic, and post-Talmudic phraseology, would necessarily have required a sort

of "simplification" in the process of translation – and particularly in the process of translating these texts for the sake of foreign, non-Jewish, Christian authorities. Indeed the necessity of "clarifying" any "intricate" text in the Talmud – whenever it treated cultic, religious, magical, or polemical issues – was not simply linguistic but theological-political. It was the Parisian ecclesiastical authorities on behalf of the Church of Rome that required these enigmatic, almost secret texts to be clarified and made explicit. Therefore any relevant text - regardless of its length - should have been translated into Latin and clarified.

How, then, did the Latin translator treat this complex gloss from Rashi's commentary on the Talmud? Even though the text had been composed carefully, in harmony with the hermeneutical and the conceptual universe of the Talmud, the Latin translator did not fail to appreciate its polemical nature and showed an ability to read between the lines – almost in the literal sense of the word. At first glance the Latin translation of Rashi's gloss seems quite ordinary and unimpressive:

Incircumcisus corde hic est sacerdos qui factus est Christianus, cuius opera sunt aliena a Deo et talis non debet intrare in templum.

Uncircumcised in heart: this is a priest (sacerdos) who was made Christian, whose works are alien to God and as such shall not enter the Temple.²⁵

Yet it would be a mistake to treat this translation too superficially. It is not simply a linguistic passage from Hebrew to Latin; rather it is a direct response to Rashi's desired reticence in words. Just as Rashi is refined and subtle, hiding within the Talmudic context, so is the Latin translator explicit and manifest; just as Rashi's linguistic choices are always susceptible to multiple readings, so is the Latin translation correct and therefore unambiguous. The reading that the Latin translator offers to the Christian audience is both a translation and at the same time an explanation – in the etymological sense of the word: the gloss's reticent sense to the Jewish reader has been made explicit and transparent for the sake of the Christian reader. It is possible to read the Latin translation exactly as an equal and opposite reaction to Rashi. There is no need for exaggerating or coloring the original Talmudic text, which is usually rendered accurately and precisely. Yet this precision should not be mistaken for an anachronistic philological accuracy. The question rather conveys the more challenging Foucaultian notion of "discourse", as embodiment of power in texts. Indeed, it is the act of translating itself that has the effect of "unmasking" the content of the Talmud.²⁶

This does not simply take place because, as is trivially evident, the act of translating makes a textual content readable to others but also and especially because the act of evidencing its theological-political potentialities necessarily disrupts the text's

^{25.} Extractiones de Talmud, TB San 22b, B 109va. The translation is mine.

^{26.} For the use of Foucault's notion of "discourse" in the treatment of Talmudic texts, see for instance: Sergey Dolgopolski, The Open Past. Subjectivity and Remembering in the Talmud, New York, 2013. For its application in the case of Gender Studies issues, see again: DAL Bo, Massekhet Keritot (as in note 17).

original "texture". Although reticence can hardly be proven true for *every* Talmudic text, it surely applies well to the present case and its treatment by the Ri 'sônîm, who are fully immersed in a potentially threatening social-religious context and therefore are extremely cautious while treating the sensitive issue of forced Jewish converts. By the very act of showing the scandalous nature of these texts, in the Latin translator's opinion, is coincidental with the act of removing its veneer of reticence and making them speak aloud what the Ri'sônîm only whispered.²⁷

Such a *translation effect* can hardly be neglected, then. The Latin translator is explicit where Rashi is ambivalent as well the former is specific where the latter is generic. The Latin translator's hermeneutical strategy appears to be equal and contrary to Rashi's. This is particularly evident when one examines two lexical choices of the Latin translator: namely, the rendering of the expressions *kôhen mešûmad* ("a destroyed priest") and 'abîw še-ba-šamaîm ("his father who is in heavens"). The kôhen mešûmad ("a destroyed priest") becomes the blatant sacerdos qui factus est Christianus ("a priest who was made Christian"). Rashi's 'abîw še-ba-šamaîm is rendered overtly and clearly with Deus ("God"). The Latin translator then speaks up what Rashi does not exactly because the former is empowered to do so, whereas the latter is not.

6. Conclusion: Literacy and Power

This inversion in the power hierarchy between commentator and translator *vis-à-vis* the Christian authorities seems to provide the best explanation why the Latin translation of the Talmud – as to be found in the *Extractiones* – is generally a very accurate and correct piece of scholarship. The lack of manipulations or alterations of the original text as well as the Latin translator's insistence on using keywords in Hebrew rather than translating them show how complex the cultural forces at work here are. One would be mistaken to assume as exhaustive the explanation that the Latin translator did actually translated "correctly" because he was exactly asked to be so. This almost tautological argument oversimplifies a cultural and intellectual dynamic that is much more complex and cruel. As far it is superficially true, the explanation that the Latin translator translated correctly because he wanted to be correct seems to miss the deeper reason at work here. There is indeed an unavoidable tension between a (Talmudic) text or (Rashi's) commentary inbuilt with ambiguities, allusions, and reticence and a (Latin) translation that *imposes* a uniqueness in speech and form that would ultimately alienate the Talmudic text from itself.

27. It should also be emphasized that not only the Talmudic text but also Rashi's commentaries (especially the Biblical ones) underwent a process of censorship or self-censorship. Therefore it cannot be excluded that also Rashi's glosses had been mitigated in time, especially considering his quite transparent opposition to Christianity. On this topic, see: Michael T. Walton/Phyllis J. Walton, "In Defense of the Church Militant: The Censorship of the Rashi Commentary in the Magna Biblia Rabbinica", in: Sixteenth Century Journal 21/3 (1990), pp. 385-400; Avraham Grossman, "Rashi's Position on Prophecy among the Nations", in: Elisheva Carlebach/Jacob J. Schacter (Eds.), New Perspectives on Jewish-Christian Relations, Leiden, 2011, pp. 397-417.