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‘Whether to Confiscate, Burn and Destroy All Jewish Books’: Johannes Reuchlin and the Jewish Book Controversy

David H. Price

In matters pertaining to their faith, Jews are subject only to themselves and to no other judges. A Christian should not pass judgment on their faith... For they are not members of the Christian church and, therefore, their faith is of no concern to us. St Paul tells us this, when he writes: ‘For what concern is it of mine to judge people who are outside the church?’... And, therefore, let this be our conclusion concerning the Talmud: it should be neither suppressed nor burned.¹

In 1510, these words – and others like them in defence of preserving all types of Jewish literature – were stunning. Their author, Johannes Reuchlin, had been appointed to a special imperial commission in the confident expectation that he would condemn Jewish writings, thereby creating a theological and legal foundation for a cultural genocide: a campaign to confiscate and destroy all Jewish books in the Holy Roman Empire with the sole exception of the Bible in Hebrew. Instead of a potted endorsement of the Jewish book ban, the commission received a substantial work, grounded in sophisticated Hebrew scholarship and expert jurisprudence, which defended the legal rights of Jews to own and use their books.²

Reuchlin’s *Recommendation* sent a powerful anti-Jewish campaign in the Holy Roman Empire into a tailspin just when complete suppression of Judaism in the empire appeared for the first time to be within reach. Moreover, the defence sent shock waves around much of Europe after Reuchlin published it in response to the anti-Jewish campaign’s very public efforts to discredit him. Jacob Hoogstraeten, a man of several powerful offices (papal inquisitor, Dominican prior and professor of theology at Cologne), spoke for many when he contended

that Reuchlin's portrayal of Judaism was without precedent, that he was the first and only Christian scholar to acknowledge integrity in the degenerate religion, and, even worse, that he was empowering Jews to blaspheme Jesus and the Christian faith.

The sweeping campaign against Jewish writing was also without precedent. On 19 August 1509, Emperor Maximilian I had handed down a death sentence for Jewish books in a document called the Padua Mandate. After it was vigorously contested by the Jewish community of Frankfurt and the city council of Frankfurt, the mandate was revised on 10 November 1509 (Roveredo Mandate) to place confiscation and destruction of Jewish books under the control of the Elector Archbishop of Mainz. He, in turn, delegated implementation of the Jewish book ban to Johannes Pfefferkorn, a convert from Judaism (and author of rabidly anti-Semitic pamphlets), and Hermann Ortlieb, professor of theology at the University of Mainz. Immediately, major confiscations ensued in Frankfurt am Main, Worms and five other Rhineland communities. The seizures in Frankfurt alone netted around 1,500 Hebrew books.

Then, in May 1510, Maximilian temporarily suspended the book pogrom in return for major fiscal concessions from a group of Frankfurt Jews. On 6 July 1510 (Füssen Mandate), the emperor initiated the new strategy that the book confiscations would be implemented if deemed theologically and legally warranted by four theology faculties (at Cologne, Erfurt, Heidelberg and Mainz) and by three individual scholars (Victor of Carben, Jacob Hochstraeten and Reuchlin). All were asked 'whether destroying the books that the Jews use ... would please God and benefit Christianity' (20), and the answers were enthusiastically affirmative with the exception of Reuchlin's *Recommendation*.

Reuchlin's defence carried enormous weight for several reasons. Reuchlin was one of the most respected scholars in Northern Europe, arguably the only northern humanist before Erasmus to have an impact on more advanced Italian scholarship. He is widely credited as having been the first to introduce Greek studies to Germany and he is still celebrated as the founder of Christian Hebrew studies, author of the first Hebrew grammar and lexicon for Christians (1506). He was the only Christian scholar capable of commenting comprehensively on the entire corpus of Jewish writing, a feat he accomplished with masterful concision in the *Recommendation*. Hebrew scholarship was a powerful credential, but equally significant was Reuchlin's status as a legal authority. A renowned lawyer, with a doctorate in jurisprudence from the University of Tübingen, in 1510 he was serving as judge on one of the most significant constitutional benches in the Holy Roman Empire, the Court for the Swabian League. Ironically, Reuchlin had

an additional credential that is now typically overlooked. In 1505, he published an anti-Jewish pamphlet, and the anti-Jewish campaign had no reason to suspect that his views had undergone such a dramatic shift.

In the *Recommendation*, Reuchlin acknowledged that book censorship was required by ecclesiastical and imperial law codes under certain conditions. Even so, he objected in principle to the destruction of Jewish books because study of Jewish scholarship and theology would bear fundamental benefits to Christianity. This applied to the Talmud, Bible commentaries, Kabbalistic works and, above all, the Masoretic text of the Tanakh. In passing, Reuchlin even asserted the desirability of preserving the Qur'an for scholarly and political purposes. He also charged that the intent of the censorship mandate was insidious, as is so often the case with book banning. Going beyond enforcement of blasphemy laws, the real goal was eradication of Judaism.

Loss of cultural knowledge and destroying Judaism were large issues, but Reuchlin also argued the case more narrowly from the perspective of specific Jewish legal rights. He contended, quite controversially, that as 'fellow citizens' ('concives' or 'Mitbürger') Jews enjoyed protection under imperial and ecclesiastical law from unwarranted seizure of property, in this case, from confiscation of books. Though vilified for it, Reuchlin would never retreat from this position as the foundation of his defence. In 1513, he published the following statement: 'I understand that my opponents are vexed because I said that Jews are our fellow citizens. Now I want their anger to rage even hotter, so that their guts burst, when I say that the Jews are our brothers.'³

Yet, even if Jews enjoyed the right to own such things as religious books, those books would still be subject to state censorship if they were libellous, blasphemous, or heretical. This was the crux of the matter and this meant that the analysis of the evidence – the entire corpus of Jewish writing – would be decisive. The sweeping charge that all of rabbinic Judaism was heretical was exceedingly perilous because, if sustained, it would outlaw the entire Jewish tradition as it then existed. Consequently, Reuchlin refuted the allegation of heresy on the basis of the history of legal toleration of Judaism, specifically on recognized precedents in imperial and ecclesiastical law that Jews, being outside the Christian faith, 'are not heretics' (33, Reuchlin quoting Gratian's *Decretum*). The firmness of this stance is notable because numerous anti-Semitic agitators, beginning with the burning of the Talmud in Paris in 1240, had formulated convoluted accusations that rabbinic Judaism was a perversion of biblical Judaism and should therefore be subject to heresy prosecution under Christian law.⁴

Allegations of libel and blasphemy, couched in viciously anti-Jewish rhetoric, were designed to inflame Christian hatred of Jews. Claims that Jews denied the veracity of the Christian faith and, moreover, cursed Jesus and Mary in their liturgies and prayed for the general demise of Christianity had been depicted in lurid detail by such figures as Petrus Nigri and Johannes Pfefferkorn in order to consolidate broad support for an end to legal toleration of Judaism.

Taking the bull by the horns, Reuchlin directly contested the specific allegations of Jews cursing Christianity. In an impressive display of philology, he parsed the Hebrew formulations in the suspect Jewish texts – above all, in the *Birkat ha-Minim* and the *Aleinu* prayer – and concluded that the imprecations in these important prayers could not reasonably be construed as assaults against Christianity.⁵ More generally, Reuchlin emphasized that Jews always had the legal right to reject Christian teachings about Jesus as the messiah, something they did, according to his portrayal, largely without animosity. Reuchlin contended even more emphatically that canon law, specifically the papal bull *Sicut Judeis*, guaranteed Jews not only property rights but also the right to practise their religion in Christendom without molestation.

To the astonishment of his contemporaries, in the context of defending Jewish prayers Reuchlin delivered a scalding polemic against the Christian Good Friday liturgy with its notorious prayer ‘for the perfidious Jews’. For Reuchlin, it was not that Jews libelled Christians, but the other way around, ‘for as long as we publicly call them during our Good Friday services, year after year, “perfidious Jews”... they may respond among themselves and in accord with the law: “they are lying about us; we have never broken our faith”’ (53). As Reuchlin explained, devout Jews were anything but ‘perfidious’, for they had stood the test of their faith countless times. This is not to say that Reuchlin ever wavered in his belief that Jews should convert to Christianity, yet that should occur without compulsion, he insisted. Overall, Reuchlin’s *Recommendation* created a detailed counter-narrative to the hegemonic portrayals of Jews as embittered enemies of Christianity and as practitioners of a godless heresy. As Reuchlin said, putting the Jews and their books beyond censure, ‘The Jew belongs to our Lord God as much as I do. If he stands, he stands before the Lord; if he falls, he falls before the Lord. Each person will have to give a reckoning’ (59).

This portrayal of Judaism and Jewish scholarship, while it helped end the campaign to destroy Jewish books,⁶ nonetheless resulted in a second major censorship moment, an effort to ban Reuchlin’s book and brand his perspectives heretical. At first, Reuchlin’s unpublished *Recommendation* was furiously attacked from many quarters in an effort to restart the book pogrom. In

response to a published attack, Reuchlin decided in 1511 to publish and defend his *Recommendation* in a book titled *Eyeglasses* (*Augenspiegel*). *Eyeglasses* was immediately banned by many authorities, including the emperor, archbishop of Mainz, the university of Cologne and the city of Frankfurt (specifically outlawing further distribution at the Frankfurt Book Fair). Spurred on by the French king's intervention, the University of Paris also censured it as outrageous heresy.

Arnold von Tongern, professor at the University of Cologne, drew up the first formal heresy charges against Reuchlin's book in 1512, some forty-three counts under the general charge of supporting positions that were 'excessively favourable to Judaism'. Soon, Papal Inquisitor Jacob Hoogstraeten initiated prosecution of the case but encountered stiff opposition. Indeed, the inveterate attacks on Reuchlin may well have been a strategic miscalculation for the anti-Jewish campaign because they provoked a tremendous outpouring of support from humanist scholars from all over the empire and beyond, including from Pope Leo X. Even Maximilian I would change sides and, by 1514, begin supporting Reuchlin. Reuchlin became an international *cause célèbre* not because scholars supported Jewish causes but because they feared that successful prosecution of their champion Reuchlin would undermine the advance of humanist studies. A patron of humanism, Leo X quickly intervened on Reuchlin's behalf, mandating a change of trial venue from Hoogstraeten's inquisitorial tribunal to an episcopal court in Speyer. The bishop of Speyer ruled on 24 April 1514 that Reuchlin's book 'does not contain ... any heresy ... nor is it favourable to the Jews beyond what is appropriate or the law permits, nor is it harmful or disrespectful to the church of God'.⁷ In an unprecedented move, the episcopal court saddled the papal inquisitor with the defendant's court costs.

Stung by this rebuke but still supported by many powerful forces in the empire and across Europe, Hoogstraeten appealed against the verdict to the Roman Curia, where the case was heard, intermittently, from 1514 until 1520. The protracted review created a supercharged environment for a fierce pamphlet war that pitted pro-Reuchlin humanists against the inquisition and the dominance of scholastic theology. In 1516, a tribunal of the church's highest prelates ruled in Reuchlin's favour despite being pressured by the king of France, the future Emperor Charles V, the future Pope Hadrian VI and many leaders in the Dominican and Franciscan orders. Cardinal Giles of Viterbo, an enthusiastic patron of the new discipline of Hebrew studies, poignantly wrote of the verdict that saved the 'Talmud from the fires': 'We have defended not you but rather the law; not the Talmud but the church. It is not that Reuchlin has been saved by us but that we have been saved by Reuchlin'.⁸

Nonetheless, on 23 June 1520, just eight days after signing the first thundering condemnation of Martin Luther, Leo X issued a final verdict, this time against Reuchlin. In the aftermath of Luther's *Ninety-five Theses* (1517), the Vatican was suddenly no longer in a position to allow challenges against inquisitional forces in Germany to go forward. Indeed, in April 1521, at the beginning of the Diet of Worms (where Luther would be condemned by the estates of the empire), Pfefferkorn wrote: 'Yes, Reuchlin, if the pope had condemned you eight years ago, Martin Luther and your followers... would not have dared to... contemplate what they are now publicly undertaking to the detriment of the Christian faith. Of all this, you alone are the spark and the enabler, to drive the holy church into error and superstition.'⁹ It should be noted that Reuchlin never endorsed Luther's movement and remained a Catholic until his death on 30 June 1522.

Despite the papal condemnation, Christian Hebrew studies continued to flourish. In fact, in the very year of Reuchlin's condemnation as a defender of Jewish books, the Christian publisher Daniel Bomberg would begin printing the first edition of the entire Talmud and do so with a papal imprimatur. Moreover, while political circumstances caused Leo to condemn Reuchlin, the pope continued to sponsor Sante Pagnini's translation of the Jewish Bible into Latin, the first new Latin version of the Hebrew since the time of St Jerome.

Although it did not end Hebrew studies in Rome, the verdict against Reuchlin's *Eyeglasses* did prefigure the harsh paradigm of the Catholic-Protestant-Jewish dynamic that would soon emerge. As counter-reformation policies were implemented, tolerance of Judaism plummeted in the papal states. As of 1550, Jews in the papal states were subject to the inquisition; some were burned at the stake; strict ghettoization was first imposed in 1555; and in 1569, Jews were expelled from papal territories except for Rome, Ancona and the Comtat Venaissin. An emblematic figure for crushing all types of heresy, Paul IV issued the punitive *Cum nimis absurdum* (1555), a repudiation of *Sicut Judeis*, the legal foundation for Christian toleration of Judaism in the Middle Ages.¹⁰ On 4 September 1553, the future Paul IV burned the Talmud in Rome, beginning a series of papal bans on the Talmud.¹¹ Legislation at the Council of Trent, which created the *Index of Prohibited Books*, also enshrined papal censorship of Jewish publications. Nonetheless, printing the Talmud remained legal in many other parts of Europe, albeit often in an expurgated form.

Reuchlin was not the only Christian of his generation who admired Jewish books and Jewish scholars but he was the first to represent Jewish theology and scholarship so favourably in public discourse. When it came to a few Jewish

thinkers, his opponents' accusations that he valued Jewish authorities more than the doctors of the church were not entirely specious, though bitterly formulated. Major Jewish scholars such as Rashi, Maimonides and David Kimhi impressed him at a very deep level. It is not astonishing that he acknowledged the importance of Talmudic and medieval Jewish scholarship – in the aftermath of Reuchlin even Luther consulted Jewish scholarship for his Old Testament exegesis – but it is striking that Reuchlin so openly conveyed respect for the wisdom and piety of the Jewish authors he studied.

Reuchlin would also not be the only Christian Hebrew scholar to defend Jews and Judaism against injustice. One of his students, Andreas Osiander, the leading reformer of Nuremberg, diligently continued his studies of Hebrew and Jewish writings as part of his ministry and, in 1529, emulated his teacher by composing a scholarly refutation of blood libel (the accusation that Jews murdered Christian children to use their blood in rituals). But Osiander's theological rejection of the blood libel innuendo, grounded in knowledge of Jewish practices, provoked an unusually strident objection from another of Reuchlin's students, the Catholic theologian Johannes Eck. In this clash between two Reuchlin followers, we can plainly see that Christian Hebraists in the aftermath of Reuchlin would not by any means develop a uniformly favourable attitude toward Judaism. Reuchlin's most famous supporter who later opposed Judaism was, of course, Martin Luther, author of some of the most hateful and violent anti-Semitic tracts in the history of Christianity. After reading a 1543 book by Luther that called for the extirpation of Judaism in Germany, Heinrich Bullinger, the leader of the Reformation in Zürich, wrote, 'If today that famous hero Reuchlin were to come back to life, he would declare that Tongern, Hoogstraeten and Pfefferkorn had returned to life in the one person, Martin Luther'.¹²