YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Halakha and Jewish History**

**Rav Aviad Tabory**

**Shiur #04:**

**17 June, 1242**

**The Burning of the Talmud**

In our last *shiur,* we mentioned that Rav Meir ben Barukh (c. 1215-1293), known as the Maharam of Rothenburg, witnessed personally atrocities committed against the Jewish community by Christian authorities. He composed a *kina* (dirge) on the burning of the Talmud, which took place in Paris, on 17 June, 1242.

The burning of twenty-four wagons filled with Jewish manuscripts was a direct result of a disputation which took place in France.

During the 13th century, two Christian-Jewish disputations took place. The first, in 1240, was the Disputation of Paris, also known as the Trial of the Talmud. A Jewish convert to Christianity, [Nicholas Donin](https://en.wikipedia.org/wiki/Nicholas_Donin), represented the Church. He accused the Talmud of containing blasphemous passages about Christianity.

In letters sent to the Bishop of Paris, Pope Gregory IX claimed that the Talmud contained “matter so abusive and so unspeakable that it arouses shame in those who mention it and horror in those who hear it.” He also said of the Talmud: “This too is the chief factor that holds the Jews obstinate in their perfidy.”[[1]](#footnote-1)

The greatest rabbis of the time — among them the Tosafists Rav Yechiel ben Yosef of Paris, [head](https://en.wikipedia.org/wiki/Rosh_Yeshiva) of the [Yeshiva](https://en.wikipedia.org/wiki/Yeshiva) of [Paris](https://en.wikipedia.org/wiki/Paris), and Rabbi Moshe ben Yaakov of Coucy — defended the Talmud against these charges.

Twenty-three years later, Rav Moshe ben Nachman (Ramban) participated in the [Disputation of Barcelona](https://en.wikipedia.org/wiki/Disputation_of_Barcelona).

The rabbis defended the Talmud and the Jewish religion successfully; however, the decree to burn the books was still carried out.

The burning of the books was considered a catastrophe. At this time, before the printing press was invented, books were copied by hand. One can only imagine the loss of original religious manuscripts. However, the tragedy was not just in the destruction of the books. In the Maharam’s *kina*, *Sha’ali Serufa Ba-eish*, we sense the fear at the time that the Torah would be forgotten, as there might be no books from which to learn!

Rav Soloveitchik explains the meaning of this event:

The Ba’alei ha-Tosafot and the Maharam of Rothenburg… feared that without these manuscripts the Torah *she-be-al peh* would be forgotten. They were afraid that it would be impossible for them to continue spreading the message of Torah. They thought that they were facing a complete destruction because the Torah would be forgotten or at least be limited to a very small group of people…

[T]he Maharam equated the catastrophe of the burning of the Talmud with the burning of the Bet ha-Mikdash. Without the Torah *she-ba-al peh*, there is no Knesset Yisrael.[[2]](#footnote-2)

**The Religious Meaning of the Burning**

The burning of the books is mentioned also in halakhic sources. In the chapter listing days of fast and prayer, Rav Tzidkiyahu ben Avraham Anav (Rome, 1210–c. 1280) mentions[[3]](#footnote-3)that the burning of the books took place on a Friday, *Erev* *Shabbat Parashat Chukat.*[[4]](#footnote-4)

He writes that the rabbis at the time connected the tragedy to the first *pasuk* of the *parasha (Bamidbar* 19**:**2):

This is the statute of the Torah which God commanded, saying, speak to the children of Israel and have them take for you a perfectly red heifer…

In his commentary on the *pasuk*, Rashi explains:

“This is the statute of the Torah**” —** Because Satan and the nations of the world taunt Israel, saying, “What is this commandment, and what purpose does it have?” Therefore, the Torah uses the term “statute.” I have decreed it; You have no right to question it.

Thus, the rabbis of the time understood that the burning was a decree from heaven. Rav Anav also mentions that individuals took upon themselves to fast from then on, every year on the Friday of *Parashat Chukat.*[[5]](#footnote-5)

In another source, we find a suggestion why the Talmud was burned. In a letter written to Rav Yitzchak the doctor, Rav Hillel of Verona connects the burning of the Rambam’s books to the burning of Jewish books in Paris.

Rav Hillel explains that God was upset at how the Rambam’s books of philosophy had been destroyed by Jewish communities in Provence and Catalonia, and as a punishment the Talmud was burned. He proves his idea by mentioning that both events occurred close to each other. He ends with the claim that the ashes of the Talmud were mixed with the ashes of the Rambam’s books.[[6]](#footnote-6)

The Church’s war against the Talmud continued for hundreds of years. There were attempts to prohibit the learning of the Talmud as well as censorship of texts which mention Christianity. Texts mentioning Rome, *goy* (non-Jew), and even the name Jesus were emended or excised.[[7]](#footnote-7)

The Talmud was burned publicly again in France in 1264, as well as in Italy in 1553.

What are the *halakhot* regarding the sanctity of Talmudic manuscripts? In today’s *shiur*, we will discuss the halakhic status of Jewish books.

**Is it permitted to burn Jewish manuscripts?**

Passages of the text of the Written Torah on parchment, including those of *tefillin* and *mezuzot,* have internal *kedusha (*sanctity*)*. The Gemara defines Torah parchment as *tashmishei kedusha* (instruments of sanctity). When these parchments become redundant, as in the case that they are worn out or torn, they need to be buried in the ground.[[8]](#footnote-8)

The Torah states (*[Devarim](https://www.chabad.org/9976" \l "v3)* [12:2](https://www.chabad.org/9976" \l "v3)-4):

Destroy completely all the places on the high mountains, on the hills and under every spreading tree, where the nations you are dispossessing worship their gods. Break down their altars, smash their sacred stones and burn their Asherah poles in the fire; cut down the idols of their gods and wipe out their names from those places. Do not do so to the Lord, your God

According to the Rambam, this Torah prohibition may include destroying religious articles as well:

Not to destroy the Temple, synagogues, or houses of study; and similarly, not to erase any of [God’s] sacred names, nor to destroy any sacred writing, as it says (*Devarim* 12:2-4): "Destroy completely… Do not do so to the Lord, your God.”[[9]](#footnote-9)

However, elsewhere the Rambam elaborates on this point, explaining that destroying texts might only be of rabbinical nature:

It is forbidden to burn or to destroy by direct action any sacred texts, their commentaries, and their explanations. A person who destroys them by direct action receives **rabbinically required lashes.**[[10]](#footnote-10)

Rav Nachum Rabinowitz explains the Rambam’s view by quoting the opinion of Rav Shimon ben Tzemach Duran (1361-1444) who argues that only scrolls with God’s name require burial, while all other Jewish texts do not.[[11]](#footnote-11) He explains that there still is an obligation not to desecrate religious articles. In other words, even if one is not required to bury redundant religious scrolls in the ground, throwing them in the garbage or burning them would still be problematic.

The obvious conclusion from all of the above would be that it is prohibited to burn religious manuscripts; however, there are exceptions.

The Rambam mentions that:

Should a Jewish heretic write a Torah scroll, it must be burnt…[[12]](#footnote-12)

Rav Yaakov ben Yosef Reischer (1661–1733) was asked about old Jewish manuscripts that were buried in a cemetery which non-Jews were digging up and using in the bathroom.[[13]](#footnote-13) Although it is normally prohibited to burn these articles, in this case Rav Reischer permitted burning them, arguing that this option is preferable, as it would prevent a greater desecration from happening.

**Recycling Religious Texts**

Is there a difference if it is handwritten or printed? Do printed books need to be buried?

Rav Moshe Feinstein was asked if it is permitted to recycle old printed Jewish books.[[14]](#footnote-14)

Firstly, he explains that the prohibition to destroy God’s name includes any involvement in the process leading to its destruction. He recalls a ruling he gave in the past in which he prohibited bringing *tefillin* to a sick person who had a contagious sickness. His logic was that this would ultimately lead to the destruction of the *tefillin*. Similarly, he explains that it would be prohibited to place the manuscripts in a place from which they would be collected and destroyed.

However, Rav Moshe questions the *kedusha* of printed Jewish books. In order to understand his approach, we must introduce two *halakhot*.

Firstly, the Gemara teaches that the Written Torah must not be recited from memory. Similarly, it mentions a prohibition to write down the Oral Torah on paper.[[15]](#footnote-15) Eventually, the rabbis permitted both, the reason being that, for the sake of the study of Torah itself, we must permit its transmission by all means.

Secondly, the last mitzva in the Torah is for each person to write a Torah scroll. Some argue that in our days this mitzva may be performed by copying and printing Jewish books, as the ultimate reason for this mitzva is to learn Torah.[[16]](#footnote-16)

Taking these two ideas into account, Rav Moshe argues that there is a fundamental difference between writing the Torah on parchment and writing or printing religious books. While writing the Torah on parchment serves two purposes, writing a Torah scroll and learning from it, the license to print books is just for the sake of studying Torah. Thus, explains Rav Moshe, the *kedusha* of the book is limited to its function as an instrument of Torah study. Once the book is torn, it loses its *kedusha*!

As a result of this understanding, Rav Moshe argues that it may be permissible to place torn volumes of Talmud in a place where they will be taken to be destroyed. However, he prohibits doing so with volumes of the Pentateuch, as they have God’s name in them.

Some rabbis argue that only manuscripts have *kedusha* in them, not printed books.

Halakha maintains that it is prohibited to have marital relations while Jewish books are present in the room. Rav Yair Chayim Bacharach (1639-1702) was asked if there is room to be lenient in the case of a *talmid chakham* who has only one room to live in.[[17]](#footnote-17) In his answer, he suggests that printed books do not hold the same *kedusha* as handwritten ones.

Rav Eliezer Waldenberg argues that this opinion may not be used as a leniency for the purpose of recycling Jewish books.[[18]](#footnote-18)

Recently, Posekim in our generation have been asked to respond a problem regarding the *parasha ha-shavua* pamphlets and magazines which are distributed in synagogues around the world. Their medium is inherently disposable, but they are filled with Torah articles. Thus, they pose a major challenge for the religious authorities.

Some, like Rav Rabinowitz, permit placing them in a recycling bin, but others are more hesitant.[[19]](#footnote-19)

1. Robert Chazan, “Christian Condemnation, Censorship, and Exploitation of the Talmud,” in Sharon L. Mintz and Gabriel M. Goldstein, eds., Printing the Talmud: From Bomberg to Schottenstein (New York: Yeshiva University Museum, 2005), pp. 54-55. [↑](#footnote-ref-1)
2. *The Lord Is Righteous in All His Ways*, Ktav Publishing, p. 288. [↑](#footnote-ref-2)
3. *Shibbolei Ha-leket*, *Seder Ta’anit* 263. [↑](#footnote-ref-3)
4. Based on this testimony, as well as other sources that the burning was on the sixth of Sivan, the burning may be dated to 1242. [↑](#footnote-ref-4)
5. This custom is mentioned in *Shulchan Arukh* *OC* 580:3. See *Magen Avraham* and *Mishna Berura* ad loc. [↑](#footnote-ref-5)
6. See Professor Yisrael Ta-Shema’s *Knesset Mechkarim: Iyunim Be-sifrut Ha-rabbanit Bi-ymei Ha-beinayim,* Vol. 2, p. 45, fn.128-129 [↑](#footnote-ref-6)
7. See Rav Adin Steinsaltz, *Ha-Talmud La-kol.* [↑](#footnote-ref-7)
8. BT *Megilla* 26b. See *Shulchan Arukh, YD* 282:12. [↑](#footnote-ref-8)
9. *Mishneh Torah*, List of Commandments, Negative #65. [↑](#footnote-ref-9)
10. Ibid. *Hilkhot Yesodei Ha-Torah* 6:8. [↑](#footnote-ref-10)
11. *Siach Nachum*, p. 249. [↑](#footnote-ref-11)
12. Ibid. However, regarding a non-Jewish scribe he rules: “By contrast, if a non-Jew writes [God's] name, it should be buried. Similarly, sacred texts that have become worn out or which were written by non-Jews should be buried.” [↑](#footnote-ref-12)
13. *Shevut Yaakov* 3:10. [↑](#footnote-ref-13)
14. *Iggerot Moshe, OC* 4:39. [↑](#footnote-ref-14)
15. BT *Gittin* 60b. [↑](#footnote-ref-15)
16. See Rosh, *Hilkhot Ketanot, Menachot, Hilkhot Sefer Torah.* [↑](#footnote-ref-16)
17. *Chavot Yair* 184. [↑](#footnote-ref-17)
18. *Tzitz Eliezer* 3:1. [↑](#footnote-ref-18)
19. See *Techumin* 30, pp. 489-496. [↑](#footnote-ref-19)