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The Regulation of Hebrew Printing in Germany, 1555–1630

Confessional Politics and the Limits of Jewish Toleration

Stephen G. Burnett

In the contentious religious and political climate of the German empire between 1555 and 1630, rulers of Lutheran, Reformed, and Catholic cities and territories all agreed that “Jewish blasphemies” were intolerable in a Christian state, yet Jewish printing came to be both legally and politically feasible during these years. This essay examines the German imperial laws that governed the book trade, the religious and political factors that rulers were obliged to weigh when considering whether to allow Jewish printing in their domains, and the policies and safeguards that they could adopt to attenuate these potential risks. In the end, Jewish printing became more acceptable because of two intellectual developments: the emergence of a broadly accepted standard for censorship of Jewish books and the professional Christian Hebraists, who could evaluate Jewish book manuscripts for blasphemous or seditious content.

In early October 1559, Mark Sittich, suffragan bishop of Constance, received a disturbing report from Bernard Segisser, an episcopal vogt in Kaiserstuhl: The Count of Sulz had allowed Jews who lived in the town of Tiengen, on the German side of the Rhine, to open a Jewish press. The burghers of the town were worried, fearing that they would suffer “ruinous damage” (verderplichen Schaden) because of the press. Since Tiengen was located in the bishopric of Constance, what were the bishop’s instructions? Lacking any clear legal precedents, Bishop

Sittich gave Segisser a rather vague response: Since the Jews of the empire enjoyed the favor of Emperor Ferdinand I, they should be allowed to continue printing so long as they did so in Hebrew rather than in a language that Christians could read. Sittich had apparently forgotten that the county of Sulz was not under imperial jurisdiction but was subject to the Swiss Confederation. When the existence of the Jewish press was revealed at the 24 June 1560 meeting of confederation leaders, the representatives of both Catholic and Protestant cantons, in an unusual display of ecumenical unity, demanded that it be closed immediately.

What particularly upset them was that the Talmud, a work they considered injurious to the Christian faith, was to be printed in Tiengen. The religious tensions of the decades preceding the Thirty Years' War, along with the consensus among Reformed, Catholic, and Lutheran theologians that Judaism was a false religion, might suggest that any attempt to print Jewish books in Germany would have suffered the same fate as the Tiengen press. Yet between the Tiengen incident of 1560 and the approval of a Jewish press in the principality of Hanau in 1609, a legal framework did emerge in Germany that made it far easier to print and market Jewish books there. In this essay I analyze this development by posing three questions: First, what were the laws that governed the book trade within the German empire, and how were these laws applied to Jewish printers? Second, what unwritten political and religious factors did civic and territorial rulers have to weigh when deciding whether to allow Jewish printing?

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2 Sittich to Segisser, 31 October 1559, in Bader, "Urkunden und Regeste," 477. Sittich may have been thinking about the generous decree issued by Ferdinand on 30 April 1548 concerning the rights of Jews in Lower Austria. See Selma Stern, Josel of Rosheim: Commander of Jewry in the Holy Roman Empire of the German Nation, trans. Gertrude Hirschler (Philadelphia: Jewish Publication Society, 1965), 245 and 314, n. 12.


4 Minutes of the Swiss Confederation meeting in Baden, 24 June 1560, Aargau Staatsarchiv, Gemein eidgenössische Abschiede 2, no. 2476, 104r; summary in Der amtliche Abschiedesammlung, vol. 4, pt. 2 (Bern: G. Rätzer, 1861), 131; cf. their letter of complaint: Cities and Territories of the Swiss Confederation to the Count of Sulz, Baden, 4 July 1560, Karlsruhe, Generallandesarchiv, Abt. 224, Akten Tiengen, fasc. 62.

5 The issue was raised after a representative from Lucerne complained about finding defamatory books (Schmähscriften) for sale in the Zurich market. A Zurich representative countered this accusation by revealing the existence of a Jewish press in Tiengen, which was to print the Talmud. Der amtliche Abschiedesammlung, vol. 4, pt. 2, p. 131.
Third, what policies and safeguards could a Christian magistrate adopt to reduce the political and religious risks inherent in allowing a Jewish press to operate? By addressing these questions, we will discover not only how German lawyers, theologians, and Christian Hebraists created a narrow but viable legal niche for Jewish printing but also how this consensus reflected the status of Judaism and Jews within the multiconfessional German empire.

To illustrate how Jewish presses were regulated, I use archival materials relating to the activities of three different firms: Ambrosius Froben’s printing firm in Basel, whose brief venture in Jewish printing produced the heavily censored Basel Talmud (1578–80); the Jewish firm in Thannhausen in Burgau (1592–94), which was subject to the Hapsburgs; and the most successful one, the Hebrew printing firm in Hanau (1609–30), located in the county of Hanau-Münzenberg, a reformed principality that shared borders with the archbishopric of Mainz and the Lutheran imperial city of Frankfurt am Main. I focus especially on these firms since they were all active after the imperial system of press oversight was fully implemented.

While there is evidence of censorship by ecclesiastical and secular authorities in Germany before the Reformation, it was Martin Luther with his overly active pen who encouraged imperial authorities to create a legal framework for controlling what was printed and sold within Germany. A series of laws beginning with Charles V’s edict at the Diet of Worms in 1521 that condemned Luther’s writings, and augmented by Reichsabschiede passed by the imperial diets of Nuremberg in 1524, Speyer in 1529, and Augsburg in 1530, made it clear that territorial princes and city magistrates were responsible for ensur-

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ing that all books produced under their jurisdiction be properly censored prior to printing and that all offenders, whether authors, printers, or booksellers, be punished. These early censorship ordinances were expanded, at least in theory, into a system of empirewide press controls through decisions made by the Diet of Speyer (1570) and further elaborated in the Reichspolizeiordnung of 1577. According to these statutes, all presses thenceforth should be located in imperial cities, university towns, or in the residence towns of princes. Presses in any other location would thenceforth be considered clandestine presses (Winckeldruckereien); the operators of such presses would be subject to arrest and the seizure both of their presses and any books that had already been produced. Moreover, each and every book had to bear the name of its author, the city where it was produced, and the year it was printed in order to identify who was responsible for its creation and censorship. By confining presses to larger towns, the authorities hoped to ensure that proper censorship of books would take place.

The formation of the Imperial Book Commission in the imperial city of Frankfurt in 1579 served as the final link in the chain of imperial press regulations. Since Frankfurt, the site of the most important book fair in the empire, was technically under imperial jurisdiction, the emperor was within his rights to appoint a committee of experts to monitor what books were available for sale in the city, both those produced domestically and those imported from other lands. By


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mandating where printing could occur, requiring stringent prepublication censorship, and appointing an oversight commission to report on what books were available for sale at the Frankfurt book fair, the emperor had created, at least in theory, an effective oversight system for books produced within the empire and to some extent those produced outside. In addition, the laws and the commission served to regulate Jewish printing, which both Catholics and Protestants agreed needed careful oversight.¹¹

When considering Jewish printing, German princely and municipal authorities were obliged to address two questions: Was it legal to print Jewish books? If so, under what conditions? Dr. Wilhelm Sturio, councillor to Count Philipp Ludwig of Hanau, prepared a legal opinion in early 1609 that illustrates just how little guidance law and precedent gave to answer these questions. He noted that in the past Jewish printing had been permitted by many rulers in many places: The pope had allowed Jewish printing in Venice, the emperor had done so in Prague, the king of Spain permitted it in Cremona (Italy), as had the magistrates of Basel and Augsburg in their cities.¹² Therefore it was permissible to allow Jewish printing. Sturio went on to link the question with a related issue that Johannes Reuchlin had addressed in his famous opinion on Jewish books: whether the Jews should be allowed to keep their own books, especially the Talmud. Although Emperor Maximilian I had ruled technically against Reuchlin, Sturio stressed that the latter had won the battle for learned and

¹¹In its first response to Emperor Rudolf II the Basel city council stressed that the Talmud edition then being printed by Froben would be satisfactorily censored “so that all Christians, whatever their confession, would admit its validity and be in agreement with it” (domit alien Christen, welcher Confession die weren, Rechnung zugeben sich erbotten und gesynnet siye); all translations mine unless otherwise noted. Basel Bürgermeister and city council to Emperor Rudolf II, Basel, 2 February 1579, Basel Staatsarchiv, Handel und Gewebe JJJ 13, fol. 36r. My discussion of Froben’s Talmud edition is based primarily upon the file assembled by the Basel city government to keep a record of events and rulings connected with the affair.

public opinion. If Jews could own and sell their own books, then presumably their books could also legally be printed. The only restrictions upon Jewish printing suggested by Sturio were that each book be censored and approved before it was printed and that the compositor be obliged to take an oath to use only the text approved by the authorities and make no unauthorized changes. In Sturio’s opinion there were no legal obstacles to Hanau’s hosting a Jewish press.

Two of the three presses under consideration were located in towns that fit the legal requirements of the Reichspolizeiordnung of 1577. Both Basel and Hanau were university towns and had learned personnel available who could ensure that books were censored properly. Thannhausen, however, did not fit this description. It was a small jurisdiction ruled by a Marktherr, Philipp von Bicken, and located within the Markgrafschaft of Burgau, which was subject to the Hapsburg archducal court of Innsbruck. The town of Thannhausen itself was fairly small and had no institution of higher learning. The Jewish press was also small, employing two Jewish printers, R. Isaac

13“Reuchlin’s opinion was victorious in this battle and was approved by the most learned people throughout Germany” (Reuchlins meinung hat in diesen Streit gesiget welche die furnembste gelehrteste leute in Deutschlandt beigefallen). Ibid., fols. 3r–v. For a discussion of Reuchlin’s opinion and its legal basis, see Friedrich Lotter, “Der Rechtstatus der Juden in den Schriften Reuchlins zum Pfefferkornstreit,” in Reuchlin und die Juden, ed. Arno Herzig and Julius H. Schoeps, Pforzheimer Reuchlinschriften, no. 3 (Sigmaringen: Thorbecke, 1993), 65–88. On Emperor Maximilian’s prohibition of Reuchlin’s works, see Eisenhardt, “Staatliche und kirchliche Einflussnahmen,” 300 (see n. 8 above).

14Wilhelm Sturio, [Opinion], 21 February 1609, Marburg Staatsarchiv, Best. 81 Bl 81, no. 23, fol. 4r.

15Whereas Basel University was well established by this time, the Hanau Hohe Landesschule was a relatively recent development; Gerhard Menk, Die Hohe Schule Herborn in ihrer Frühzeit (1584–1660): Ein Beitrag zum Hochschulwesen des deutschen Calvinismus im Zeitalter der Gegenreformation, Veröffentlichungen der Historischen Kommission für Nassau, no. 30 (Wiesbaden: Historische Kommiss. für Nassau, 1981), 187–91.

16Thannhausen had been pawned by the duke of Bavaria to the von Bicken family and was apparently administered by Philipp von Bicken. When the Innsbruck chancery ordered the seizure of the Thannhausen press, the cover letter was addressed to Philipp von Bicken or “in his absense to his administrator.” A later Schutzbrief for the Jews of Thannhausen and its near vicinity, dated 22 February 1600, bore the names Johann Adam, Jost Philipp, and Hans Hartmann von Bicken, suggesting that all three brothers were in fact responsible for governing the area. Leutkirch, Germany, Fürstlich Waldburg Zeilsches Gesamtarchiv, Ms. ZAKi 1284, reported by the archivist, Rudolf Beck, letter to the author, 13 March 1991. See also Joseph Hahn, Krumbach, Historischer Atlas von Bayern, Teil Schwaben, Heft 12 (Munich: Kommission für Bayerische Landesgeschichte, 1982), 121–23.
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Mazia and Simon Levi Günzburg, and two non-Jewish printers, Stefan Schormann and Peter Grässel. They were able to print only two prayer books before the press came to the attention of the Burgau authorities. The Burgau administrator's report to Innsbruck of their activities elicited an unequivocal response from the archducal government: the press was to be closed down, the printers arrested, and every book produced by them seized. The authorities arrested R. Mazia (Simon Levi Gunzburg and the two gentile printers were able to evade capture), and they impounded the press and every available copy of the books produced there. Although the authorities agreed with the Jewish printers that their books had been approved for publication elsewhere, including the imperial capital of Prague, the printers had not sought the permission of the Burgau authorities to print them in Thannhausen and yet planned to export them to other countries, giving the impression that their activities had been approved.

The attitude of the Innsbruck government toward the prosecution of what they clearly considered a clandestine press contrasts markedly with the openness with which the Jewish printers conducted their business. The two books produced in Thannhausen carried on the title page the name of the place of production and even the names of


18 Rosenfeld, "The Development of Hebrew Printing," 97 (see n. 6 above).

19 Innsbruck chancery to the Burgau administrator, 27 June 1594, Augsburg Staatsarchiv, Vorderösterreich Lit. 650, fols. 416v–417v; and ibid., 1 August 1594, fols. 423r–424v. My discussion of the Thannhausen press is based upon several letter collections (Kopialbücher) of the Innsbruck government's dealing with affairs in Burgau. Previously kept in the Neuburg a. d. Donau Staatsarchiv collection (and so noted in Sinz, see n. 6 above), it is now preserved in the Augsburg Staatsarchiv.

20 Innsbruck chancery to the administrator of Burgau, 3 September 1594, Augsburg Staatsarchiv, Vorderösterreich Lit. 650, fols. 431r–v. Rohrbacher argued that the Burgau authorities were only partially successful in their prosecution of the printers because of the complicated semiautonomous legal status of Thannhausen itself. The press corrector was able to evade capture by remaining within Markt Thannhausen, where he was not subject to arrest; Stefan Rohrbacher, letter to the author, 29 January 1996, and "Medinat Schwaben," 104 (see n. 17 above).

21 Innsbruck chancery to Melchior Zangen, 1 September 1594, Augsburg Staatsarchiv, Vorderösterreich Lit. 650, fol. 429r; ibid., to the administrator of Burgau, 1 December 1594, Augsburg Staatsarchiv, fols. 443r–v; cf. Sinz, Beiträge, 71 (see n. 6 above).
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the two Jewish workers who produced them, although admittedly only in Hebrew type. The printers openly planned to export their wares to Poland and to Siebenbürgen, in what is today Romania. While there is no indication that he made provision to censor the books produced there, Philipp von Bicken clearly thought that he was within his rights to allow a Jewish print shop to operate in Thannhausen. The Burgau authorities, however, strictly applied the provisions of the Polizeiordnung: The books were impounded and copies were sent for censorship review to Melchior Zangen, provost of Ehingen, and to Johannes Faber, rector of the Jesuit college of Innsbruck. The printing equipment, which had been purchased by Schormann and Grässel from Adam Berg of Munich, was confiscated and later sold by the authorities. R. Mazia remained under arrest from August until October 1594, after which he was released on bail; his case was finally resolved on 4 June 1597, when he was obliged to pay a fine of 200 florins to settle the matter.

If locating in an appropriate town was important for a commercially viable Jewish press, making provision for adequate censorship was absolutely essential. The presses in Basel and Hanau both pro-


23 Innsbruck chancery to the administrator of Burgau, 1 August 1594, Augsburg Staatsarchiv, Vorderösterreich Lit. 650, fol. 423r.

24 Philipp von Bicken may also have counted on the political influence of his brother Johann Adam to protect him. Seven years later Johann Adam was appointed archbishop of Mainz. See Anton P. Brück, “Johann Adam von Bicken: Erzbischof und Kurfürst von Mainz 1601–1604,” Archiv für Mittelrheinische Kirchengeschichte 23 (1971): 147–87.

25 Innsbruck chancery to Melchior Zangen, 1 September 1594, and Innsbruck chancery to Johann Faber, 1 September 1594, Augsburg Staatsarchiv, Vorderösterreich Lit. 650, fols. 429r–431r. Faber’s task was to send copies of each book to his colleagues in Augsburg, or at the academies of Dillingen or Ingolstadt for further study. Sinz, Beiträge, 70 (see note 6 above).

26 Berg complained three times to the Burgau authorities between 1599 and 1604 that the Thannhausen printers, now out of business, had not finished paying for the presses he sold them for their venture; Augsburg Staatsarchiv, Vorderösterreich Lit. 651, fols. 467r–v (23 June 1599), and Vorderösterreich Lit. 652, fols. 242r–v (4 May 1602) and Lit. 652, fols. 462v–463r (21 July 1604).

27 Innsbruck chancery to the provincial governor of Burgau, 30 January 1597, Augsburg Staatsarchiv, Vorderösterreich Lit. 651, fols. 93r–v and also fols. 146v–147r. The records I have found do not indicate whether Philipp von Bicken was punished in any way for allowing the press to operate.
duced tractates of the Talmud, and the elaborate precautions that the authorities and printers took in both places to ensure that they could be sold legally demonstrate how important an issue censorship could be in an era of confessional conflict. On 2 April 1578, Ambrosius Froben of Basel signed an agreement with Simon von Günzburg of Frankfurt, stipulating that Günzburg would pay him to print the Talmud in Basel; Günzburg would be responsible for selling it. Froben knew that he would have to ensure that the work was censored well enough to satisfy both Protestants and Catholics, and he made provision for adequate censorship of the work long before signing the contract. The contract itself stated that Marco Marino, the papal inquisitor of Venice, who was also a competent Hebraist, would serve as censor for the work. Froben had also arranged almost a year earlier for Pierre Chevallier of Geneva to serve as his on-site censor. Froben felt that a Catholic censor was necessary, because twenty-five years earlier, in 1553, the papacy had ordered the destruction of Talmuds throughout Italy. Nine years later the Tridentine Index (1564) specified that if the text of the Talmud were produced "without the title 'Talmud' and without calumnies and insults to the Christian religion," it would be permissible. Under the circumstances, only a learned Catholic censor of high standing within the Church could

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29 Bonaventura Vulcanius mentioned Chevallier’s role in a letter to Jean Baptiste Heintzel, Basel, between 20 June and 14 July 1577, Correspondance de Bonaventura Vulcanius pendant son séjour à Cologne, Genève et Bale (1573-1577), ed. H. De Vries de Heekelingen (La Haye: Martinus Nijhoff, 1923), 263. On 20 January 1578 the Geneva city council ordered Chevallier not to return to Basel, in an attempt to hinder his participation in preparing the Talmud for publication; Registres de la Compagnie des Pasteurs de Genève, vol. 4, 1575-1582, ed. Olivier Labarthe and Bernard Lescaze (Geneva: Librairie Droz, 1974), 104, n. 3. In addition to censoring the Talmud, Chevallier also worked for Froben as a corrector; see the certificate of good conduct issued by Ulrich Schultheiss and the Basel city council for Chevallier, Basel, September 1581, Basel Staatsarchiv, Missiven A 43, fol. 380a.

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certify Froben's Talmud text as meeting these standards.31 A Reformed censor was, however, just as necessary for the city of Basel since the magistrate was responsible for ensuring proper censorship of books.32 The two censors between them produced a thoroughly butchered Talmud edition, which was not well received by Jewish customers but could be produced legally and sold within the German empire.33

After the Herculean efforts of Froben to produce a properly censored Talmud, the Hebrew printers of Hanau had relatively little difficulty in arranging for reprints of some of the Basel tractates between 1617 and 1622.34 As with all Hebrew books, each tractate had to be vetted beforehand by Walter Keuchen, the rector of the Hohe Landeschule in Hanau. Keuchen submitted a written report on each tractate, with a recommendation to print; but the magistrate reserved for itself the final decision, which was usually scrawled at the bottom of Keuchen's report.35 As with every book he reviewed, Keuchen looked for statements that were either patently anti-Christian or unambiguously offensive to a Christian magistrate.36 The only additional precaution that Keuchen took was to review the final form of each gathering to make sure that no unauthorized changes had been introduced by the printers to the text approved by the censor, and thus by the magistrate.37 Only a book whose text had been approved by the magistrate, through the latter's agent the censor, could bear the

33 Heller, Printing the Talmud, 255–61, 420–21 (see n. 12 above).
34 BT Nidda (1617), Tehorot (1621), and Hulin (1622) were produced in Hanau; cf. Walter Keuchen's censorship reports: Marburg Staatsarchiv, Best 81 B81 3/4, no. 5, fols. 68 (9 May 1617), 77 (15 June 1620), and 79 (3 May 1622). Ultimately a Hebrew press in Lublin bought the remaining copies of these tractates and incorporated them into a Talmud printing then under way; Heller, Printing the Talmud, 357 (see n.12 above).
35 Burnett, "Hebrew Censorship," 206 (see n. 6 above).
36 Keuchen and his predecessor H. Heidfeld rejected only two out of forty-three books submitted for censorship; Burnett, "Hebrew Censorship," 207, and n. 59.
37 Ibid., 207, and n. 58.
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legend *Cum licentia superiorum*, printed in Latin characters so that officials of all stripes could read it.\(^{38}\)

Such expensive, time-consuming censorship was crucially important for printers and magistrates alike since Hebrew books were necessarily an export commodity and therefore had to satisfy imperial as well as local authorities. Despite all of his efforts, Ambrosius Froben ran afoul of imperial authorities in his efforts to sell the Talmud within the German empire. Froben’s troubles began when a letter arrived from the imperial chancery in Prague on 29 November 1578, which ordered him to stop producing the Talmud.\(^{39}\) The letter branded the Talmud as a work that contained both statements attacking the triune God and Christ as well as blasphemous teaching and “Jewish fables.”\(^{40}\) Before responding to the imperial order, the Basel city council requested that both Froben and the theological faculty give their opinion.\(^{41}\) The theologians addressed the problem of blasphemy by assuring the city council that any blasphemous statements would certainly be removed from the book; it was their duty to remove them. They stressed the potential utility of the Talmud to Christians, citing Peter Galatinus and Reuchlin as examples of earlier scholars who considered the Talmud worth Christian study.\(^{42}\) They also rather mischievously noted that if all works containing the least

\(^{38}\)Ibid., 206.

\(^{39}\)The letter, which has not been preserved, was dated 30 October 1578. How the imperial government received notice that Froben was producing the Talmud has not been recorded; perhaps a report was sent by someone attending the Frankfurt book fair during the fall of 1578, since at that time Froben made the first delivery of printed Talmud tractates.

\(^{40}\)Opinion of Basel theology faculty, n. d. [written between 29 November 1578 and 2 February 1579], quoting from the Prague chancery letter of 30 October 1578, Basel Staatsarchiv, Handel und Gewebe, JJJ 13, fol. 46r.

\(^{41}\)Basel’s diplomatic response to the emperor was given in a measured tone, in part because the empire still considered Basel to be an imperial estate; while the Swiss Confederation had been recognized by the emperors since 1499, Basel had joined only in 1501. On several occasions during the sixteenth and early seventeenth century emperors had tried to press claims against Basel; the city’s status was not resolved until 1648 through a provision of the treaty of Westphalia. Peter Stadler, “Das Zeitalter der Gegenreformation,” in *Handbuch der Schweizer Geschichte* (Zurich: Berichthaus, 1972), 1:640–42.

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bit of blasphemy were to be banned, the list would include the works of pagan philosophers, poets, and even scientists that were presently used in schools. Galen, for example, had referred slightly to Christ.⁴³ Even the writings of Church fathers such as Tertullian and Augustine contained doctrinal errors.⁴⁴ Froben’s letter contained a discussion of the printing history of the Talmud and its possible usefulness to Christians as a source of historical and medical information.⁴⁵ The city council drafted a long letter, dated 2 February 1579, which incorporated arguments drawn from both Froben and the theologians. Emperor Rudolf II, as yet unconvinced, responded with another letter, dated 25 June 1579, demanding that Froben cease printing the Talmud and that he supply a copy of what he had printed to imperial authorities for their judgment. The city council responded on 25 July with a much shorter letter restating that the Basel Talmud was being properly censored and, indeed, that the chief censor was the Catholic inquisitor of Venice.⁴⁶ In the end Froben was apparently able to satisfy imperial authorities that he had taken adequate precautions to ensure that his Talmud edition was properly censored.

⁴³"[T]he ancient philosophers, poets, and other books written in Greek and Latin which are commonly used at present in Christian schools contain defamatory remarks. These include remarks against Moses in Quintilian and others, against the holy David in Simplicio, against Christ in the renowned Galen, and other [such remarks] are on this account also tolerated. In Christendom so many wonderful, useful things can be learned [from these authors] and the blasphemies are so easily detected" (den alten Philosophen, poeten und andere buecher in griechischen und lateinischen sprach geschrieben jeden zeit in den Christen schulen gemeinlich gebraucht in welchen doch etttlich schmachen sich heitten funden. Alls wider den Mosen in Quintiliano und anderen. Vider den heiligen Davidt in Simplicio. Vider Christum den hochberumbten Galenum und anderer seind darum geduldet. In den Christenheit das sovil herrlichen nutzlichen dingen daraus erlernet mogen werden. Und die lesterungen sar leicht zumerckhen). Opinion of Basel theology faculty, n.d. [written between 29 November 1578 and 2 February 1579], quoting from the Prague chancery letter of 30 October 1578. Basel Staatsarchiv, Handel und Gewebe, JJJ 13, fol. 48r.

⁴⁴Ibid.

⁴⁵Froben’s Opinion for the Basel city council, n.d. [written between 29 November 1578 and 2 February 1579]; Basel Staatsarchiv, Handel und Gewebe JJJ 13, fol. 40v.

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If Froben's argument with the imperial government, carried out through the good offices of the Basel magistrate, was not unnerving enough for him, shortly afterwards he encountered another arm of the imperial system of press oversight: the newly energized Imperial Book Commission at Frankfurt. Between 10 and 16 September 1579, Froben, along with other booksellers, was interviewed by Dr. Johann Vest of the commission. Dr. Vest reported Froben's statement that Basel was in communication with the imperial court in Prague, but that he had not yet received a response. With inspectors actively monitoring booksellers' wares at Frankfurt, imperial authorities were conceivably in a position to suppress books like the Basel Talmud. While I have not found any record of a Hebrew book that was in fact suppressed by imperial fiat, this does not mean that it did not or could not happen, particularly given the climate of religious conflict that existed in Germany between the Peace of Augsburg and the Thirty Years' War.

Apart from strictly legal concerns, there were other political and religious factors that affected the regulation of Hebrew printing during this period. By allowing Jewish printing, a Christian magistrate courted danger in three ways, as the Hanau and Basel authorities discovered. Some theologians questioned the propriety of a Christian state's support of the practice of Judaism by allowing Jewish printing. Others feared that confessional opponents would be able to use the policy as ammunition in a polemical campaign of defamation. Tolerance of Jewish printing might also disturb confessional allies and result in a form of religious or political ostracism. If Wilhelm Sturio was sanguine about the legality of Jewish printing in the German empire when he wrote his legal opinion on 21 February 1609, he may have had second thoughts after attending what must have been a raucous meeting of the Hanau princely council the next day. Three of the four councillors were utterly opposed to Jewish printing in Hanau. Pastor Heinrich Heidfeld argued that, for theological reasons, a Christian state should not be involved with Jewish printing since printing should be used above all for God's glory. The Jewish printers sought to make money and to propagate their blasphemies, perpetu-

47Vest's report was printed by Brückner, "Die Gegenreformation," 71 (see no. 10 above).
councillor Pötter suggested that even properly censored Jewish books consisted of “their superstitions, deliria, fables, false comments, and blasphemies.” In the earlier dispute over the Basel Talmud, Jean Heinzelius, a Genevan pastor, stated that he did not see how it was possible for any Talmud edition, however thoroughly censored, to contain anything but blasphemies, frightful things, and monstrosities. One of Froben’s own employees, Bonaventura Vulcanius, compared the censoring of the Talmud of all blasphemies to “cleansing the Augean stable of pigs,” implying that a Herculean task of cleaning yet remained to be done. Clearly within Reformed as well as Lutheran and Catholic circles, theologians had deep misgivings even about censored Jewish books. Such books served only to confirm the Jews in their pernicious unbelief.

48 “[T]he Jews seek through use of the press only their own corruption, financial gain and blasphemy, and will also be encouraged in their blindness and stiff-necked obstinace” (die Truckerejen furnemlich zu gottes Ehren verordnet welcher die Juden nicht, sondern nur ahlie ihren Corruptelos, finanz, und lästerey hierdurch suchen, werden auch dadurch in ihrer verblendung und halssarkeit je mehr und mehr gesteift); Extract Protocols vom 22. Febr. Ao 609, Marburg Staatsarchiv, Best 81 Bl 81, no. 23, fol. 6v. Heidfeld expressed much the same sentiment in his first and only Hebrew censorship report. Marburg Staatsarchiv, Best. 81 B81 3/4 no. 5, fol. 18 (23 May 1609). Heidfeld was pastor of the German reformed church in Hanau. See Heinrich Bott, Gründung und Anfänge der Neustadt Hanau 1596-1620, Veröffentlichungen der Historischen Kommission für Hessen und Waldeck, no. 30 (Marburg: N. G. Elwert, 1970-71), 2:481.

49 “Auch gedancken gebehren, alss ob man hiedruch ihre superstitiones, deliria, fabulas, falsa commenta, et blasphemias in Christem ... helften.” Extract, Marburg Staatsarchiv, Best 81 Bl 81, no. 23, fol. 5v. The speaker was probably Peter Pötter, director of the Hanau princely chancery. Bott, Hanau, 2: 504.

50 “Satis mirari nequeo academiam vestram Talmudi permittere editionem cum nihil aliud quam diras et immanes contineat blasphemias.” Quoted by Vulcanius in a letter to Rudolf Gualther, Basel, 14 July 1577, in Correspondance de Bonaventura Vulcainius, 266 (see no. 29 above).

51 “Sed ne haec quidem ratio mihi satisfacit, nihilò profecto magis quam si quis dicit, Augiae stabulum a porcis repurgatum esse.” Vulcanius to Jean Baptiste Heintzel, Basel, between 20 June and 14 July 1577, in Correspondance de Bonaventura Vulcainius, 263.

52 There were both Catholic and Lutheran theologians who argued that Jews should be allowed to use only the Bible; see Stow, “Burning the Talmud,” 443 (see no. 30 above); Martin Friedrich, Zwischen Abwehr und Bekehrung: Die Stellung der deutschen evangelischen Theologie zum Judentum im 17. Jahrhundert, Beiträge zur Historischen Theologie, no. 72 (Tübingen: Mohr, 1988), 20–21. Luther himself was outspokenly in favor of confiscating Jewish books; see Von den Juden und ihren Lügen, in D. Martin Luthers Werke: Kritische Ausgabe, Abteilung Schriften (Weimar: Böhlau, 1883–1983), 53:536, lines 29–33.
By allowing Jewish printing, Hanau also might have to pay a political and religious price. As mentioned, councillor Pötter asserted that Hanau’s reputation could be damaged badly by printing Jewish books.\(^{53}\) Lutheran polemicists such as Aegidius Hunnius routinely condemned Calvinists as “judaizers.” Dr. Philip Bott warned his colleagues that to take the Jew’s part by permitting Jewish printing was to provoke a wave of calumnies from Hanau’s confessional enemies.\(^{54}\)

Bott’s fears that Jewish printing in Hanau might provoke interconfessional polemics were not unrealistic. In addition to freelance Lutheran and Catholic polemicists, there was also papal policy to consider. Papal diplomats after 1553 had been active in trying to discourage printing of the Talmud in Italy and Poland.\(^{55}\) Papal legate Feliciano Ninguarda attempted to pressure Basel into withdrawing their permission for Froben to print the Talmud. Working behind the scenes, Ninguarda and the representatives of Catholic cantons orchestrated a diplomatic showdown with Basel at the annual meeting of the Swiss Confederation in July of 1579.\(^{56}\) Lucerne and Fribourg agreed to demand that Basel suppress the publication of the Talmud without mentioning the nuncio or the pope as the inspiration for their complaint.\(^{57}\) To allow Jewish printing, especially of the Talmud, was to take a political risk.

\(^{53}\)See n. 49 above.

\(^{54}\)“If we give the Jews permission to open a press, the Ubiquitarians [i.e., Lutherans], Jesuits and others will say now we see what we are dealing with, and what Hunnius wrote in *Calvin Judaizer* (Marburg, 1589, etc.) was true, indeed [our decision] will provoke criticism, disputations, and hatred from every side” (Solte man nun den Juden itzo die Truckerey zulassen, worden die Ubiquitary, Jesuiter und anderer sagen, Itzo sege man wo mit man umbginge, und das es doch whar wehre was Hunnius de *Calvino-Judaizans* geschrieben, ja es werd allerhand disput. calumnien und veracht hierdurch erregt werd); ibid., fol. 7r. Dr. Philipp Bott was princely court secretary and a councillor of Hanau. Bott, *Hanau*, 2:445 (see n. 48 above).


\(^{57}\)Die Nuntiatur, 1:348, 369
None of the Hanau councillors mentioned that allowing Jewish printing might serve to alienate confessional allies, but the city of Basel experienced a measure of this alienation when it permitted Froben to print the Talmud there. News of the Basel city council’s decision caused a great stir among theologians in both Zurich and Geneva. Beginning in mid-1577 Vulcanius sent letters to Rudolf Gualther and Ludwig Lavater in Zurich and to members of the Company of Pastors in Geneva decrying Froben’s plans. Since the church leaders of Zurich and Geneva were no longer on speaking terms with Simon Sulzer, the Antistes of the Basel church, they directed their letters of protest to Johann Jacob Grynaeus, a young member of the theology faculty, who, although he was Reformed in his theology, had also approved the printing of the Talmud. 58 Theodore Beza in particular opposed Froben’s Talmud printing and led an effort to prevent Froben’s censor, Chevallier, from leaving Geneva at all. 59 Whether the decision to print the Talmud could have worsened Basel’s already dismal ecclesiastical relations with other Swiss evangelical churches is open to question, but it was a matter of concern, at least among other Swiss Protestant leaders.

In a deeply theological age, particularly at a time when religion served as an important pillar of state and society and when theological quarrels could serve as a pretext for political brinksmanship between confessional alliances, the concerns of theologians about the religious and political dangers of Jewish printing could not simply be brushed off. 60 The civic authorities of Basel and Hanau were obliged

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59 Theodore Beza to Johann Jacob Grynaeus, 12 October 1579 and also 13 October 1579, Basel Universitätsbibliothek Ms K 1 Ar 18b, fols. 62–63, and Grynaeus to Beza, Basel, 24 October [1579]; Gotha: Forschungsbibliothek Ms. A 405, fol. 424. See also [Immanuel Tremellius] to Beza, n. p. [before 6 October 1579]; Geneva: Musée historique de la Réformation, Ms. Tronchin 5, fols. 34–35, and Jean Hortin to Beza, Bern, 3 November 1579; Geneva: Musée historique de la Réformation, Ms. Tronchin 5, fols. 51–52. On Beza’s efforts directed against Chevallier, see Registres, 4:104 and n. 3 (see n. 29 above).

60 Heinz Schilling, “Confessionalization in the Empire: Religious and Societal Change in Germany between 1555 and 1620,” in his Religion, Political Culture and the
to formulate appropriate policies in order to convince detractors, both from among their confessional allies and their confessional opponents that their Hebrew presses published no Jewish blasphemies. Three approaches to the problem are evident in the Hanau and Basel records. The first precaution involved limiting the types of books that could be produced. The Hanau authorities believed that any Jewish book that had been published elsewhere could safely be reprinted. The press license granted by the count stipulated that only works printed elsewhere might be produced at Hanau.\(^{61}\) Another policy that was used to fend off possible criticism involved careful evaluation of Hebrew books in light of Christian dogma. When Walter Keuchen, the Hanau censor, sought to evaluate books for blasphemous or seditious passages, he focused upon exactly what was written instead of interpreting it within the conceptual framework of Judaism. For example, in reviewing a prayer book in 1610, Keuchen noted that most of the prayers were derived from the Psalms or other parts of the Hebrew Bible. When the prayers mentioned the gentiles it was to ask God to be gracious to them. Even prayers for deliverance from the yoke of captivity and restoration to the land of their fathers were derived from the prophets. Presumably, Keuchen and his superiors understood that when German Jews prayed these prayers they had their Christian overlords in mind; but so long as the Jews did not explicitly say so the censors were satisfied.\(^{62}\)

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\(^{61}\)According to the privilege, the Hebrew printers were to produce “the books of Moses, Kings, and the Prophets and other parts of the Old Testament, as well as other Hebrew books previously approved and printed elsewhere” (die bucher Mosis, der Königen und Propheten und andere dess alten Testaments, auch sonsten püchern anderswo gedruckte und erlaubte hebraische bucher). Printing privilege for Jacob Bassler, Seligmann Jud and their Frankfurt financial supporters, granted by Count Philipp Ludwig, Hanau, 1 May 1609, Marburg Staatsarchiv, Best. 81 Bl, no. 23, fol. 20r. Ultimately this restriction was relaxed, and at least ten original works (out of forty-two books known either to have been submitted for pre-publication censorship or printed) were produced in Hanau. Cf. Burnett, “Hebrew Censorship,” 205–7, 219, n. 63 (see n. 6. above).

The most unusual defense of Jewish printing, however, came not from Hanau, but from Basel. Whereas both Ambrosius Froben and the Basel theologians mentioned that Christian scholars might find part of the Talmud “useful” for their work, it was Froben, in his response to the first letter from the imperial chancery, who presented the most complete case for it. Once all of the blasphemies were removed from the Talmud, what was left? To be sure, the remaining text contained Jewish “fables,” but nothing that would offend Christians. It also contained information on Jewish customs, political thought, civil law, and even medicine.\(^\text{63}\) What the theologians had stated implicitly when referring to the blasphemies present in classical works, Froben stated explicitly: The Talmud was a potentially valuable source of information for Christians to study and exploit. Its claims to religious truth were irrelevant to its academic value, just as the writings of pagan Greek and Latin writers could be studied without accepting their views on religion. Although this argument clearly did not convince many other Reformed Swiss, it was accepted by the leaders of the Basel church, making it possible for them to justify Jewish printing as a possible benefit to Christians as well as Jews.\(^\text{64}\)

At the very heart of German imperial press regulation during the early modern period was the question of censorship. The most important legal issue to be resolved before a Jewish press could be licensed or a single Jewish book printed was the nature of “Jewish blasphemy.”\(^\text{65}\) In the end, two important developments made it possible for confessionally divided Germany to tolerate not only the Jewish book trade but also Jewish printing. One was the existence of a substantial number of Jewish books, mainly produced in Italy and

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\(^\text{63}\) Ambrosius Froben to the Basel city council, n. d. [written between 29 November 1578 and 2 February 1579], Basel Staatsarchiv, Handel und Gewebe JJJ 13, fol. 40v.

\(^\text{64}\) Sebastian Beck and Johannes Buxtorf stressed the potential usefulness of a rabbinical Bible edition for Christians when they appealed to the Basel city council for permission to print one there. See Bericht über das Biblisch Truck, so man jetzt und zu trucken begehret, 5 September 1617, Basel Staatsarchiv, Handel und Gewebe JJJ 1.

\(^\text{65}\) Blasphemy was considered an offense against God by the individual blasphemer and was also dangerous to society as a whole. If the authorities did not act to punish blasphemy, the *Königliche Satzung von den Goteslästerern* (1495) states, they could expect “famine, earthquakes, pestilence,” and other catastrophes. The idea that the earth itself would rise up against a society that tolerated blasphemy dates back to the *Corpus iuris civilis*, novelle 77, and ultimately derives from biblical law (e.g., Deut. 28:15–46, etc.). See J. Segall, “Geschichte und Strafrechte: Strafbare Handlungen gegen unkorperliche Rechtgüter, par. 19: Verbrechen wider die Glaubenslehre,” Strafrechtliche Abhandlungen [Breslau] 183 (1914): 144–45.
Poland, which had presumably been properly censored. These books, together with the censorial guidelines that had been hammered out, mainly by Italian Catholic authorities, made it feasible for German states to tolerate reprints of them. Basel and Hanau ran somewhat less of a risk of printing material that was potentially offensive to confessional opponents since both Protestant and Catholic states had agreed upon a definition of Jewish blasphemy.

The other factor was the growth and spread of Hebrew learning among adherents of all three major Christian confessions in Germany. I have alluded to five censors, none of whom were Jewish converts to Christianity; two were Catholic, three Reformed. By the time that the Thannhausen press was shut down in 1594, the archdural government could pass on copies of books printed there to theological experts and confidently expect timely reports as to their content. The magistrate of Hanau received a long series of reports from Walter Keuchen between 1610 and 1622, some of which are excellent pieces of analysis. Keuchen’s superiors and the Catholic authorities in Innsbruck were both confident that their subordinates had the linguistic and conceptual knowledge to read these Jewish books and to judge whether or not they contained blasphemy or sedition. In the end, the imperial system of press oversight of Jewish printing rested entirely upon the abilities of individual Hebrew censors. Ordinary imperial officials, border guards, merchants, lawyers, and others could not tell a licit Hebrew book from an illegal one; all they could read were the words Cum licentia superiorum and whatever other parts of the title page were printed in Latin.

How do these developments in the regulation of Jewish printing reflect the social and religious boundaries that divided Christian from Jew in early modern Germany? While many princes and town magis-

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66 Some of the best evidence for what Catholic censors sought to suppress may be found in expurgation lists used by authorities to “correct” books already in the hands of private owners; see Gustave Sacerdote, “Deux Index Expurgatoires de Livres Hébreux,” Revue des études juives 30 (1895): 257–83, and Isaiah Sonne, Expurgation of Jewish Books, the Work of Jewish Scholars: A Contribution to the History of Censorship of Hebrew Books in Italy during the Sixteenth Century (New York: New York Public Library, 1943). The publication of many “Jewish ethnographies” also played a role in publicizing unacceptable prayers; see Burnett, “Hebrew Censorship in Hanau,” 204 (see n. 6 above).

67 Thannhausen: Melchior Zangen; Basel: Pierre Chevallier, Marco Marino; Hanau: Walter Keuchen and Heinrich Heidfeld. Sturio mentioned Buxtorf as a possible censor in his opinion, 21 February 1609, Marburg Staatsarchiv, Best. 81 Bl 81, no. 23, fol. 3v.
trates continued to have grave misgivings about Jewish residence, Judaism, and Jewish printing, some rulers, theologians, and scholars had come to believe that the practice of Judaism, as reflected in the Jewish books produced in Basel and Hanau, was not harmful to Christian society, only to the Jews themselves. The authorities could be confident that the Jews were not indulging in blasphemy or sedition, because they could call upon Christian Hebraists to verify that this was the case. There was a place for Jewish religious and intellectual expression within Germany, but such expression could take place only in the languages of the Jews, Hebrew and Yiddish. Jews did have a more secure place within German law and society than they had had since the mid-fifteenth century, but they remained a closely regulated, foreign presence. Because German Jews rejected the state religion of the lands where they lived and wrote books in languages that only they and learned Christians could read, they would always remain outsiders in their native land.

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