And the children struggled together inside her; and she said, If it be so, why am I thus? And she went to inquire of the Lord. And the Lord said to her, two nations are in your womb, and two peoples shall be separated from your bowels; and the one people shall be stronger than the other people; and the elder shall serve the younger. (Genesis 25:22-23)

On August 12, 1553, Pope Julius III issued a papal bull ordering the confiscation and burning of the Babylonian and Jerusalem Talmuds. In a time of religious turmoil and repression in Europe—the Counter-Reformation—this particular decree represented the culmination of a dispute between two printers, neither of whom were Jewish, over competing editions of Maimonides’ (Rambam, 1153-1204) Mishneh Torah with the glosses of R. Meir Katzenellenbogen of Padua (Maharam, 1482-1565).

This particular instance of the burning and subsequent censorship of primary works of rabbinic Judaism is among the most horrific examples of the pernicious results of a dispute between printers. Indeed, one observer, R. Abraham Menahem ben Jacob ha-Kohen Rapaport (Rapaport, 1520- c. 1594), an eyewitness to the subsequent burning of the Talmud in Venice, described it thus:

“The burning of the Oral Law [Talmud] in the year יד [as in] ‘the hand יד of the Lord was upon us.’ The decree went out from the city of Rome to use [the Talmud volumes] as fuel for the fire. In Venice—woe to the eyes that saw this—on the thirteenth and fourteenth of Marheshvan 5313 (November 10/11, 1553), a continuous fire which was not extinguished. I fixed these days for myself, for each and every year, for fasting, weeping, and mourning, for this day was as bitter for me as the burning of the House of our God (the Temple) (Minhah belulah, on “a fiery law unto them” [Deuteronomy 33:2]).

The altercation that resulted in the burning of the Talmud was not, however, an isolated case. The publication or appearance of simultaneous or near-simultaneous editions by different publishers is often sufficient grounds for complaints or egregious misbehavior by one of the parties. The history of publishing has been punctuated by disputes over the rights to issue a specific work, and Hebrew printing is no exception. This article addresses several simultaneous or near-simultaneous early publications, some, but not all, resulting in serious controversy, others passing almost unnoticed.2 3

1 For the sake of consistency, all secular dates in this article are according to the Gregorian calendar. The date according to the Julian calendar was October 31, November 1, 1553.
2 Several occurrences discussed in the article have been addressed by me elsewhere, as noted below. In those instances the material is modified and in some cases conclusions are offered from a different perspective.
3 Not all simultaneous printings were published as rival or competitive editions. In 1686, for example, the Abrabanel’s Perush ‘al nevi‘im rishonim was printed both in Leipzig and in Hamburg, aimed at different markets. That another Perush ‘al nevi‘im rishonim was being printed was apparently unknown to the two printers. I address the publication of these two editions in my “A Tale of Two Cities: Hamburg, Leipzig, and Don Isaac Abrabanel”, Gutenberg-Jahrbuch (Mainz, 2010), pp. 153-61.
In Italy, from the mid-sixteenth century, Jews were prohibited from owning printing-presses. Hebrew books were printed by non-Jews who had entered into various arrangements with Jews to publish such works, or by Jews at Christian presses. These arrangements were mutually beneficial, albeit somewhat forced. Indeed, the non-Jewish printers of Hebrew books were motivated by the profitability of that market, for “the Hebrew books sector, being unique, was rather attractive to investors, being more limited and not as wildly competitive as the Italian book sector.”\(^4\) In addition, these Christian printers provided their attractive wood-cut borders, after much use, to their Jewish associates. The Jewish printer utilized his associate’s frame rather than commissioning more Jewish theme borders, because the smaller market for Hebrew books did not justify the expense of commissioning a new wood-cut.

In 1550, in the case cited above, Alvise Bragadin published Maimonides’ *Mishneh Torah* with R. Meir ben Isaac Katzenellenbogen of Padua’s glosses accompanying the text. Among the foremost rabbis in Italy, Maharam had studied in Prague in the yeshiva of R. Jacob Pollak together with R. Shalom Shakna, the founders of the yeshiva system in Poland. Subsequently, Maharam relocated from Prague to Padua, where he served as rabbi for forty years, until his death. Considered a leading halakhic authority, Maharam was frequently consulted by his contemporaries.

Shortly after Bragadin published the *Mishneh Torah* with the Maharam’s glosses, Marco Antonio Giustiniani (Justinian), a scion of a patrician family that traced its lineage to the tribunes who governed Venice before the election of the first Doge in 697, brought out a less expensive edition of the *Mishneh Torah* with the glosses as an addendum.\(^5\) Giustiniani, who had opened his Hebrew publishing firm in 1545, immediately became a formidable and unfair competitor for the prestigious press of Daniel Bomberg, who had printed Hebrew books of considerable quality from the second decade of the sixteenth century. When Bomberg’s press closed in 1548/9, possibly due to Giustiniani’s competition (the latter plagiarizing many of the former’s titles), Giustiniani became the sole printer of Hebrew books in Venice. Giustiniani’s imprints were also of high quality.

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Katzenellenbogen first approached Giustiniani about publishing his commentary on the *Mishneh Torah*, but the two were unable to agree on terms. Maharam then entered into partnership with Alvise Bragadin, who established a new press in Venice in 1550 to print the *Mishneh Torah* with Maharam’s glosses. Shortly after the appearance of the Bragadin edition, Giustiniani issued a cheaper edition of the *Mishneh Torah*. The introduction to this second edition includes disparaging remarks about Maharam’s glosses, possibly written by Bomberg’s master-printer, Cornelius Adelkind, then employed by Giustiniani. In the Giustiniani edition, Maharam’s glosses are located at the end of the work rather than accompanying the text. What is rarely mentioned, but one of several differences between the rival editions noted in detail by Yaakov Shmuel Spiegel, is that the Giustiniani *Mishneh Torah* included important marginal references not printed in the Bragadin edition. Giustiniani’s renowned Temple pressmark appears after the introduction in the first volume, on the subsequent title-pages, and as a tail-piece.

Both printers brought counter-claims in favor of their editions. Bragadin maintained that Giustiniani’s purpose was not, as he claimed, to provide inexpensive books for the benefit of the Jewish people, but rather to acquire a monopoly on Hebrew printing, raise prices and ruin his [Bragadin’s] business, in the same way that he had forced Bomberg to close his press. Moreover, Bragadin claimed that a side-effect of Giustiniani’s actions would be the prevention of his printing the Talmud on new, uniform paper, unlike the allegedly inferior Giustiniani edition.

Faced with the financial loss of his investment in the Bragadin edition, Katzenellenbogen received scant support from the Italian rabbinate. In despair he appealed to R. Moses Isserles in Cracow, the preeminent Ashkenazic halakhic authority, seeking relief from Giustiniani’s competition. In his responsa, Isserles decided in favor of Katzenellenbogen and the Bragadin press for several reasons, not least of which was the fact that Bragadin had printed his *Mishneh Torah* prior to Giustiniani. Furthermore, Isserles forbade the purchase of the Giustiniani edition until the Bragadin edition with the Maharam’s glosses had sold out, except under duress, placing anyone who did so in herem (excommunication).

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Anticipating a loss on his investment, Giustiniani appealed to Pope Julius III for relief. The Pope assigned the Giustiniani-Bragadin dispute to a committee of six cardinals—the Congregation of the Inquisition—for investigation. The committee was headed by Cardinal Giovanni Pietro Caraffa, the future Pope Paul IV. Both sides were represented by apostates, whose charges soon deteriorated into an attack on the Talmud. Under Caraffa’s direction, the committee reported in favor of burning the Talmud, and on August 12, 1553, the Pope issued a bull ordering the confiscation and burning of the Babylonian and Jerusalem Talmuds. On the Jewish New Year, September 19, 1553, the Talmud was burned, first in Rome and then elsewhere.9

The above description of events is the generally accepted account of what occurred. I would suggest, however, that while the account is accurate, it does not make adequate allowance for the context in which those events occurred. Indeed, consideration of contemporary literary and publication practices in Italy, and the context in which Hebrew books, in particular, were printed, will provide us with a deeper insight into what transpired and why the Jewish situation varied from normative Italian practice. In reviewing contemporary publication practices, several scenarios must be considered.

The plagiarism surrounding the Mishneh Torah was not unique or even unusual in sixteenth century Italy and other printing centers in Western Europe. Reprinting works from earlier editions soon after they were published elsewhere was not an infrequent practice among early presses. Renaissance printers employed scholars to translate Greek manuscripts into Latin and add erudite glosses, and, as Lisa Jardine has observed,

With print, too, came the possibility of capitalizing on the investment (intellectual and material) of others. From the beginning of the sixteenth century printers identified a profitable market by watching a printer-colleague’s sales of a new item, and then produced an edition of that work themselves. Sometimes this was done with the consent of the original editor-author and his publishing house; more regularly printers unashamedly reissued works from copies acquired on the open market and reset in their own print-shop.10

Jardine provides examples of forgery and plagiarism, and notes instances in which, after the counterfeit edition was published, there was “some kind of out-of-court
settlement.”\textsuperscript{11} Thus it might well be the case that, despite the fact that contemporary ethical sensibilities were violated by Giustiniani’s actions, he was conducting business as usual. Left to their own devices, it is not inconceivable that Giustiniani and Bragadin might have resolved their dispute (as did some printers of Latin works), and avoided the adverse and regrettable consequences described above. That this didn’t occur may be attributed to the fact that the rival printers’ dispute over the Mishneh Torah was, as noted above, aggravated by their general competition, and also to the Maharam’s concern over his investment. Indeed, it was not Bragadin who sought succor but the Maharam whose investment was at stake.

Needless to say, authors, particularly those with a financial interest in protecting their rights, were also parties to disputes. Maharam certainly was not the first author to seek redress when faced with plagiarism of his work. Cynthia Brown observes that, as early as the first decade of the sixteenth century, writers reacted to pirated editions of their works by filing lawsuits, noting, for example, that in 1504 André de la Veigne filed a lawsuit against Michel le Noir who was about to print his Le vergier d’honneur, successfully obtaining publication rights to his own work over those of the printer.\textsuperscript{12} Brian Richardson describes the various methods of financing publication, author’s rights, and the privileges conferred by the state to protect those rights. He notes that “writers wished to be able to control the diffusion of their work and… the legitimacy of this desire was widely recognized.” Richardson cites several privileges granted in the first half of the sixteenth century and relates that in 1545 the Venetian Council of Ten decreed that an author’s consent was required to print his works. That decree states,

The audacity and greed for gain of some printers in this city of ours has grown to such an extent that they permit themselves to print what they like and to name the authors of the things that they print without their knowledge, indeed completely against their wishes….

It is decreed that in future no printer in this city of ours shall be so bold as to print or sell printed copies of any work in any language, if it is not made clear by original document to the governors of our University of Padua, to whom jurisdiction of this matter has been passed, that the author of this work, or his nearest heirs, are content and desire that it should be printed and sold.\textsuperscript{13}

Violation of the decree incurred a fine of one ducat per book, one month’s imprisonment, and burning of all copies of a plagiarized work.

This brings us to the crux of the matter. Not only could authors assert their rights, but they could even obtain protective privileges granted and enforced by the state. Furthermore, cinquecento Italy was home to many distinguished rabbis, yet Maharam, not receiving sufficient support from the Italian rabbinate, sought relief in distant

\textsuperscript{11} Jardine, pp. 169-70.
\textsuperscript{13} Brian Richardson, Printing, Writers, and Readers in Renaissance Italy (Cambridge: Cambridge University Press, 1999), p. 74.
Cracow, albeit from the leading contemporary halakhic arbitrator. Why did Maharam, fearing substantial financial loss, not avail himself of any of the options noted above, but rather follow the course of action that he did?

I would suggest that the answer lies in the conditions relating to the printing of Hebrew books in Venice at the time. Despite its profitability, the presses that printed Hebrew titles did so in a climate that was only grudgingly amenable. Horatio Forbes Brown discusses the difficulties faced by the Bomberg press, a highly regarded press with an international reputation, which exported Hebrew books throughout Europe. Brown describes the difficulties Bomberg had in obtaining licenses to print, writing that “The government of the Republic showed little favor to the Jewish press in the city; it always displayed a deep suspicion on the subject.” When Bomberg applied for a renewal of his privileges in 1525 he offered one hundred ducats for the right to continue printing in Venice. The Senate voted against renewal; the following day an offer of one hundred and fifty ducats was also rejected, as was a later offer of three hundred ducats. However, in March, 1528 an offer by Bomberg of five hundred ducats was accepted, so that, Brown concludes, “the religious scruples of the city were valued highly, but they were venal.”

Conditions worsened in the following decades, as the intolerance of the Counter-Reformation increased. In that climate Maharam could not expect relief from the State of Venice. Despite being sympathetic to Katzenellenbogen, the Italian rabbinate was undoubtedly sensitive to local conditions and aware that local action might well be counter-productive. Nevertheless, Maharam, deeply aggrieved, turned to the leading Ashkenazi halakhic authority in Cracow, who rendered a halakhic decision. Application of this decision in Italy precipitated the tragic events recounted above. Given the prevailing climate, it is not likely that the Talmud would have escaped the Church’s censure, but it is also not inconceivable that events might have concluded differently.

As a result of the dispute the Giustiniani press ceased printing in 1552, never to reopen. Bragadin stopped publishing in 1554, and consequently Hebrew printing in Venice came to an end. When printing resumed in 1563, Bragadin was among the first to publish Hebrew books again. His family’s press would continue as one of Venice’s leading Hebrew print-shops, publishing Hebrew titles well into the eighteenth century, under several generations of Bragadins.

A very different scenario occurred with two identical editions of Sefer ha-kavanot. First printed in Venice at the press of Pietro and Lorenzo Bragadin (1620), this is a work on mediation, prayer, and proper conduct. It is noteworthy as the first published edition of the kabbalistic teachings of R. Isaac ben Solomon Luria (ha-Ari, 1534-72). Published as a quarto (4°. 65, [1] ff.), the title page of Sefer ha-kavanot, otherwise set in rabbinic letters, informs us in Latin letters that it was published “in Venetia. 1620” by

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Pietro e Lorenzo Bragadin, was brought to press by R. Moses Trinki, and is dated “the times (380 = 1620) have need of this.” The colophon dates completion of the work to Tuesday, 5 Av, “at this time (5380 = August 4, 1620) R. Hayyim Vital (1542-1620) was sought in the heavenly yeshivah,” the latter rabbi being the foremost disciple of the Ari and a primary conveyer of his teachings. The title page is followed by Trinki’s introduction, in which he, an emissary from Safed, discusses the difficulties encountered in his travels, having first gone to Damascus and then to Constantinople, before coming to Venice. The text, set in a single column in rabbinic type, begins with the customs of the Ari and concludes with some pashtim (straightforward kavanot) from the Ari and an index. Sefer ha-kavanot was published without approbations.

In 1624 a second edition of Sefer ha-kavanot was published. It too is a quarto (65, [5] ff.) in format, and the text of the title page, although set differently (in square as opposed to rabbinic letters), is identical to that of the previous printing, including the publication data, the names of the printers (Pietro and Lorenzo Bragadin) and the secular date of 1620. The sole textual variation is in the Hebrew date, here (384 = 1624). The Hebrew date is confirmed by the colophon, dating completion to Monday, 9 Sivan (May 27, 1624). Both editions, with several notable exceptions, are remarkably similar, and in large part they are line-for-line identical, so it would appear that the 1620 Sefer ha-kavanot was used as the copybook for the 1624 edition. The similarity extends to 65a, where the layout changes. Omitted from this edition are the pashtim from the Ari preceding the index, but this edition of Sefer ha-kavanot includes an approbation below the introduction written by R. Pethahiah ben Joseph, av bet din (head of the rabbinic court) in Frankfurt on Main, and signed by five additional rabbis from Frankfurt, and errata at the end of the volume. In the approbation we are informed that R. Moses Trinki urged the emissary, R. Benjamin ben Jekuthiel, to bring it to press so that “the earth shall be full of the knowledge of the Lord” (Isaiah 11:9).

Pethahiah edited the book and prepared the errata, which are intended to correct the numerous errors by the non-Jew, who hastened to finish his work. They are also necessary because Benjamin, in his haste to continue his mission, did not have time to properly edit the work. In addition, the first edition was replete with errors. Apart from the mention of Venice and Bragadin on the title page (not to be taken seriously), there is no indication of the place of printing or the printer in the volume. Hanau and Frankfurt have both been suggested, with cogent arguments for their respective locations. I have suggested that the identification of the emissary, Benjamin ben Jekuthiel, is also fraudulent, there being no other mention of him in any source, and that the 1620 edition was the basis of this printing.

Perhaps the unidentified printer concealed his identity and the place and time of printing in order to publish a book without authorization from the local gentile authorities. This would explain the variant Latin and Hebrew dates and the attribution to Bragadin in Venice. If, however, Hanau was the place of printing, this would not have been necessary, given the friendly climate for printers of Hebrew books in that location. Herbert Zafren, in a review of seventeenth century Hanau typography, characterizes Hakanot as sharing features with other questionable Hanau imprints. He concludes,
however, “that the so-called Hanau books of 1623 to 1630 were not printed in Hanau.”16 There is a difficulty, however, in suggesting Frankfurt as the site of this edition of Ha-
kavanot; Hebrew printing in Frankfurt is, with notable exceptions, a later phenomenon.

On the other hand, if this is another case of a printer issuing a pirated edition of a recently printed work, the printer’s reasons for omitting all identifying information become clearer. Given the proprietary rights owned and enforced by printers, the question then becomes why did the Bragadin press make no known effort to suppress this unauthorized edition of a book they had printed only four years earlier? Several reasons suggest themselves. Most likely, Pietro and Lorenzo Bragadin were unaware of this printing. It is a small book, in contrast to the large multi-volume Mishneh Torah, and it was probably printed in small numbers, as was usually the case with such works. Moreover, it may never have been distributed in Italy, because it is not unlikely that, given the censorship and resultant controls over the importation and sale of books in Italy, the Bragadin press would have attempted to prohibit the sale and distribution of this edition. Another possibility, given that such works were printed in small numbers, is that after selling out their press run (a fact likely not known to the second printers), Bragadin felt there was no need to prevent limited distribution of the plagiarized edition in Italy.

In 1659-62, two independent editions of the Hebrew Bible were published in the Netherlands, one by Johannes Georgius Nisselius in Leiden, the other by Joseph Athias in Amsterdam. Nisselius, an orientalist rather than a printer by profession, attended the theological faculty of the University of Leiden but did not graduate. Unsuccessful as a teacher, Nisselius, together with his friend Theodorus Petraeus, edited Arabic and Ethiopic texts for the Elzivers. In 1655 Nisselius acquired oriental types from John Elziver and printed several books under his own name, among them two Arabic-Ethiopic texts and a single Hebrew book, Leone Modena’s Sur mi-ra’ (1656), a treatise against gambling.17 Work on the Bible began in 1659 and continued for three years, but Nisselius died before it was finished. Allardus Uchtmannus, a professor of Hebrew at Leiden University, assisted Nisselius and ensured that it was completed.18 19

17 Modena, an inveterate gambler, writes in his autobiography (Mark Cohen, tr. and ed., The Autobiography of a Seventeenth-Century Venetian Rabbi, Leon Modena’s Life of Judah, with introductory essays by Mark R. Cohen ... [et al.] and historical notes by Howard E. Adelman and Benjamin C. I. Ravid [Princeton: Princeton University Press, 1988], pp. 58-60, 124, and 222-23) that he began playing games of chance at the age of twenty-three on Hanukkah, most often losing, gambling away his daughters’ dowries, and eventually sinking into debt. He attributed his compulsion to his misfortunes, notably the death of his son Mordecai (1620). Sur mi-ra’ was composed when Modena was twelve or thirteen (he gives, in different places, different ages) and first published anonymously (Venice, 1595), as he did not want his name to appear in a work of such little consequence. Thirty-five years later Modena acknowledged that he was the author. The Hebrew title, under which the book is better known, is from “Depart from evil (sur mi-ra’) and do good” (Psalms 34:15, 37:27).
19 Apart from publishing Hebrew books for Christian-Hebraists, Hebrew Bibles published by Christian printers were also marketed to Jews. Plantin’s Hebrew Bible of 1566 was very popular among the Jews of North Africa, being “much in demand by scholars in Morocco.” The books were sold by Jan Rademaker,
The Nisselius Bible is an octavo (I: [iv], 328; II: 104 ff.) in two parts; only the first has title pages, one in Hebrew and the second in Latin. The former has an architectural frame, headed by the verse “this is no other but the house of God, and this is the gate of heaven” (Genesis 28:17). The pillars are wrapped in a scroll bearing verses from Psalms and Joshua. The text informs us that the Bible is exact, with attractive letters, and that it was “sifted with thirteen sieves” (Menahot 66a, 76b), with keri and ketiv (words written one way, read another), petuhot and setumot (open and closed parashot), and haterot and yeterot, according to tikkun Sefer Torah...”. It is dated “כ יי תי (422=1662) for my house shall be called a house of prayer” (Isaiah 56:7).

This is followed, entirely in Latin, by the second title page; a twenty-year privilege from the States of Holland and West-Friesland; a commendation from Abraham Heidanus, Johannes Coccejus, and Johannes Hoornbeek; Uchtmannus’ preface; a page with Arabic quotations; and, in Latin, an explanation of Psalm 126:5 by Petraeus, the editor, in honor of Nisselius. Next comes the text, the first part comprised of the Torah, Megilot, and Prophets, and the second part, with its own foliation, of Psalms, Proverbs, Job, Ezra, Nehemiah, and Chronicles. Fuks has determined that Nisselius printed 5,000 copies of his Bible. In serious financial difficulty, Nisselius gave 4,000 advance copies to Christofell van Ganglet for the paper, although half of the copies were owed to Laurens de Geer, another creditor. In 1664, to settle his debts, Nisselius’ heirs transferred another 900 copies, so that the creditors would forgive fl. 10,992 of the money owed. Only 100 copies remained unsold in 1664.20

In 1659-61 another octavo Bible was published, this one by Joseph Athias (c. 1635-1700) in Amsterdam. Athias established his print-shop in 1658 and operated it until 1685, when he handed over the management of the Hebrew section to his son Immanuel in order to concentrate on other activities, including his newly acquired type foundry. The family originated in Spain. Joseph’s father, Jorge Mendez de Castro, was burned alive at an auto-da-fé in Cordova in 1665. Unlike the other Hebrew printers of the time, Joseph Athias also printed books for the non-Jewish market. Relying on the stereotype process, in which pages are composed and fixed in an iron frame which can be stored for future use, Athias was able to print 250 Bibles in four hours.21 In the introduction to his Yiddish Bible, printed in 1687, Athias claimed to have printed more than a million Bibles

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20 Fuks, I, p. 46.
for the English and Scottish market. The stereotype method was not employed for Athias’ Hebrew books, that market being insufficient to justify the expense of the process.

The Athias Bible, also an octavo ([9], 234; 180; 190; 198 ff.), is noteworthy as the first Hebrew Bible to employ Arabic numerals for the numeration of chapters and verses to assist in referencing the text and quotations. There are four copperplate title pages. The first, Tikkun Sefer Torah, has two cherubim blowing horns near the top, and five detailed vignettes of biblical scenes, including one, spanning the top of the page, of the giving of the Torah at Mount Sinai. It is dated “my tongue is like the pen of a fast writer ספר עט (419=1659)” (Psalms 45:2). The three other decorative title pages have two cherubim blowing horns at the top, and, at the bottom, an eagle with spread wings. Within the wings are a carriage and figures, and in the center is a depiction of the patriarch Jacob meeting Joseph in Egypt, recalling “And Joseph made ready his chariot, and went up to meet Israel his father, to Goshen, and presented himself to him; and he fell on his neck, and wept on his neck a good while” (Genesis 46:29). This frame, first used in Amsterdam, was afterwards employed on title pages in Frankfurt on Oder, Dyhernfurth, and Berlin.

In printing this Bible, Athias contacted Johannes Leusden, Professor of Hebrew at Utrecht University, to assist in the innovation of placing Arabic numerals in a Hebrew Bible and to facilitate the use of text and quotations. Leusden, to whom this Bible is credited, writes in his Latin preface that the text was compared with a manuscript from 1299, written in Toledo and in the possession of Gaspar Fernando Veiga. Elsewhere, in his Philologus Hebraeo-Graecus (Utrecht, 1670), Leusden writes that this Bible, which was very successful, was printed in a run of 3,000 copies. It was highly regarded for its accuracy and attractive fonts.

Since Athias’ market included non-Jews, he applied for a privilege from the States of Holland and West-Friesland, the first such application from a Jewish printer. His application was denied because Nisselius had already been granted a privilege and begun printing. Nisselius sent a bailiff to inform Athias of his privilege; the dispute between the printers was brought before the States of Holland, which requested the advice of the theological faculty of the University of Leiden. Despite Nisselius’ privilege, Athias was allowed to print his Bible. The Nisselius Bible was deemed to be better suited to the needs of students, whereas that of Athias was of greater value to experienced theologians. The price of the Nisselius Bible, in 1677, was fl. 2; the Athias Bible was priced at fl.8.

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22 Fuks II, p. 288.
The Athias press would soon after be involved in a second dispute over another almost simultaneous edition of the Bible. In 1676-78 Uri Phoebus ben Aaron ha-Levi published the first complete translation of the Bible into Yiddish. This was accomplished by R. Jekuthiel ben Isaac Blitz, a rabbi from Witmund, Germany and a corrector at the Phoebus’ press. This folio bible (viii, 1-64, 64-69, 68, 71-75, 77-246, 246,252, 254, 56, 249, 1-18 ff.) has an engraved title page, followed by a Latin privilege from Joannes Rex, King of Poland, issued to William Blaeu and Justus Baec; a Yiddish translation of the privilege; the printer’s introduction; Blitz’s preface; a restrictive approbation from the Va’ad ‘arba’ aratsot (Council of the Four Lands, the central institution of Jewish self-government in Poland) for ten years; approbations from Amsterdam rabbis; and a prohibition against the Athias edition for violating Phoebus’ approbation. Phoebus’ objective was to make Ashkenazic Jews as familiar with the Bible as were Sephardic Jews, to enable them to better participate in dialogues with and respond to queries from Christians familiar with the Hebrew Bible.

The engraved title page is incorrectly dated תבצ תלז (439=1679), whereas the title pages for each of the biblical divisions are correctly dated, such as Later Prophets תלז (437=1677). Blitz’s translation, unaccompanied by the biblical text, is in two columns in vaybertaytsh (a distinct font used primarily, although not exclusively, for Yiddish books). Phoebus encountered difficulties from the very outset. Planning for publication had begun as early as 1670, with the first part appearing in 1676. Phoebus’ Dutch financier, Borrit Janz Smit, who had been involved from the beginning, proved to be unreliable. He did not provide the Polish rabbinic approbations for which Phoebus had advanced payment. Conditions in Holland were difficult and Phoebus, who required additional financing, found it in the printer Joseph Athias, who agreed to pay fl. 12,000 for paper and printing costs.23 This Bible occupied all of Phoebus’ attention. He printed only two prayer-books until it was completed, and he lost control of his press for a time.24

The Athias edition is also a complete translation of the Bible into Yiddish, undertaken by Joseph ben Alexander of Witzenhausen, a compositor from Witzenhausen in Hessen, Germany. It was printed from 1679-87, also as a folio (vi, 78, 150 ff.). There are two title pages, an engraved title page and a second more textual title page in both Hebrew and Yiddish, informing the reader that the translation was done in accordance with leading biblical commentators, and that portions were edited by R. Meir Stern, av bet din of the Ashkenazic community of Amsterdam, and the remainder by other experts. There is a privilege, in Latin and Yiddish, from the Dutch authorities; a dedication, also in Latin, from Athias to Frederick William, Elector of Brandenburg; an approbation with numerous signatories from the Va’ad ‘arba’ ‘aratsot for 16 years with an accompanying Yiddish abstract; an introduction from Athias and an apologia from Witzenhausen. Here, too, the translation is in two columns in Vaybertaytsh, without the biblical text.

In preparing his translation, Blitz made use of Christian translations, primarily Luther’s German translation and, to a lesser extent, the Dutch Statenbijbel. Witzenhausen, too, used these translations, but made greater use of the Statenbijbel. They did so because neither of them was a notable Hebrew scholar and there were no adequate Hebrew-Yiddish dictionaries available. Moreover, there was no precedent for such a translation into Yiddish. Both translators rejected the earlier Yiddish translations of biblical books, which were largely intended to teach the Hebrew Bible, word for word, to Yiddish speakers, and therefore reflected Hebrew rather than Yiddish syntax. Blitz’s translation is interpretive and includes considerable anti-Christian digressions. One result was that R. Meir Stern removed his name from the later sections and subsequently enjoined Phoebus to remove his name as well, since he had not corrected the work. Stern would later be associated with the Athias edition.

The existence of the two editions resulted in considerable contention between the presses. Athias, originally a financier for the Blitz translation, withdrew his support, expressing dissatisfaction with the work, and annulled the contract on February 7, 1676. Folios 21-36 had been entrusted to Athias as security, which he did not return. Instead he incorporated them in his Bible, possibly hoping to recoup his investment and hinder Phoebus’ production by necessitating reprinting of those sheets. Athias used the sheets despite the fact that both he and Witzenhausen disparaged Blitz’s translation in their
introductions. The printers resorted to litigation, and Athias secured his approbation from the *Va’ad ‘arba ‘aratsot* because that of Phoebus was found to be false.\(^\text{25}\)

Although the work had been completed, its distribution was delayed. Phoebus’ copies were stored in a warehouse until 1687, while Athias had difficulty distributing his edition in Poland because of his rivals’ privilege from the King of Poland. The Fuks note that the title pages of the Athias edition are dated 1687, as is the dedication to the Elector of Brandenburg, and Joseph’s name is replaced by that of his son Emanuel. They conclude that the greater part of that Bible was also warehoused and reissued in 1687 with a new title page, privileges, and dedication. Both translations had been intended for the Polish Jewish market and were printed in 6,000 copy runs. Neither Bible was a success. Apart from the above problems, Jews preferred traditional Bibles with commentaries. Both Bibles sold poorly, and the market was flooded with Yiddish Bibles well into the next century; the endeavor was a financial disaster for both printers.\(^\text{26}\)

If, as Meir Benayahu suggested above, the Giustiniani-Bragadin dispute was not really over the *Mishneh Torah* but rather over the latter’s plans to publish a new edition of the Talmud to compete with that of the former, it would only be the first of a series of such disputes. In 1697-99 Michael Gottschalk printed a fine folio edition of the Talmud, at the Frankfurt on Oder press of Johann Christoph Beckman. This edition, printed under the sponsorship of the court Jew, Issachar ha-Levi Bermann (1661-1730) of Halberstadt, by whose name that Talmud is known today, was the first edition of the Talmud to be issued with rabbinic approbations which specifically forbade the publication of rival editions, including individual tractates. R. Natan Nuta Rabbinovich notes the onerous effect of these licenses, which, though well-intentioned, caused serious disputes and resulted in the Talmud being printed less frequently. He writes that, despite opposition from the Church, the Talmud was reprinted numerous times before restrictive approbations were instituted. Afterwards, however, the Talmud was printed only eight times between 1697 and 1797, and the price of a complete set of the Talmud was exorbitant. He concludes that after 1797, when the use of restrictive approbations declined, the Talmud was printed nine times within the space of four decades (to 1835).\(^\text{27}\) The consequences noted by Rabbinovich became manifest shortly after the publication of the Bermann Talmud.

In 1714 R. Judah Aryeh Leib ben Joseph Samuel (*Av Bet Din*, Frankfurt on Main) commissioned a complete folio Talmud to be printed in Amsterdam by Samuel ben Solomon Marquis and Raphael ben Joshua de Palachios. Founding a press for that specific purpose, the partners began printing with tractate *Berakhot*. Controversy relating to this Talmud arose almost at once. Almost simultaneously with the publication of the Marquis and de Palachios edition of *Berakhot*, another edition of the same tractate appeared, this one

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\(^{25}\) In the litigation between the parties it was found that the approbations from Polish rabbis procured for Phoebus by one Hayyim Pila were falsified. However, the twenty-year privilege from the Polish king was valid (Fuks II, p. 239).


published by Solomon Proops. He was a book-dealer who would go on to found one of the most illustrious Hebrew presses in the history of Amsterdam Hebrew printing, which would publish what is arguably the most attractive Talmud (1752-1765) of the eighteenth century. Almost simultaneously with the partners’ edition, Proops issued an edition of Berakhot followed by tractate Bezah. Judah Aryeh Leib opposed the publication of a rival Talmud and brought the matter before a rabbinic court. The court’s decision was to enjoin Proops’ press from printing additional tractates and infringing on Judah Aryeh Leib’s rights. Rabbinovicz writes that R. Judah Aryeh Leib succeeded in preventing Proops from publishing additional tractates, as his approbations preceded Proops’ edition.28

However, even after securing the sole right to print the Talmud and preventing Proops from printing a rival edition, the partners’ difficulties with Proops were not over. Proops reputedly spread allegations that Judah Aryeh Leib’s Talmud was poorly edited and that the tractates printed by Marquis and Palasios were rife with errors. His objective appears to have been to convince purchasers to buy the Proops edition (although, in light of the rabbinic prohibition it is difficult to understand what he hoped to gain). These accusations reached the editor, R. Moses Frankfurter, who was deeply aggrieved by them. Frankfurter declared that he would reprint any page in which a serious error could be found. This appears to have settled the matter between Solomon Proops and Judah Aryeh Leib.29 One unanticipated commonality of both editions was that they both employed as an escutcheon on their title pages the pressmark of Immanuel Benveniste, consisting of an upright lion facing inward towards a tower with a star above the lion and the tower. This insignia is employed on the title page of Talmudic tractates in an ornamental shield, with a helmet in the crest.30

The efforts of Marquis and Palasios to prevent Proops from printing the Talmud were successful, but in the end futile. Having published fifteen tractates, they continued to print their edition of the Talmud, completing Seder Mo’ed and two tractates in Seder Nashim, Ketubbot and Yevamot, but in 1717, Gottschalk raised objections to their Talmud.

29 Friedberg, Amsterdam, p. 44; Rabbinovicz, p. 107.
30 Concerning the widespread usage of the Benveniste device by several presses see Marvin J. Heller, “The Printer’s Mark of Immanuel Benveniste and its Later Influence,” SBB XIX (1994): 3-20, reprinted in Studies, pp. 18-32. Neither the partners nor Proops were the first Amsterdam printers to use the Benveniste device on the title page of Talmudic tractates. They were preceded by Asher Anshel and Issachar Ber, who used it in their edition of tractate Bava Batra (1702).
Gottschalk had embarked on the second of his three editions of the Talmud in 1715, which were not completed until 1722. Relying on approbations from Kaiser Joseph I of Germany in 1710, King Frederick Augusta of Poland and Saxony in 1711, and Kaiser Karl VI and King Frederick Wilhelm in 1715 that granted him the sole right to print the Talmud for ten years, Gottschalk was able to prevent the Amsterdam edition from being completed, forcing the Amsterdam printers to cease publication of their edition of the Talmud. Judah Aryeh Leib would resume printing in Frankfurt on Main in 1720 at the press of Johann Koelner. Not only did he complete his Talmud (1720-22) there, but he also reprinted the volumes previously issued in Amsterdam.

In later years there would be additional disputes, some considerably acrimonious, over the right to print the Talmud and other works, but these are beyond the scope of this article. Given the large number of Hebrew books printed during this period, these disputes, albeit of interest, represent a minuscule number of the titles printed and are the exception rather than the norm. Nevertheless, in several of the instances noted here, the disputes were harmful to the participants and, in the Giustiniani and Bragadin case, to the overall Jewish community.

Having begun this discussion with a biblical verse, it is fitting to conclude with another, one that advocates a more pacific approach, for, as the Psalmist says,

A Song of Ma’alot of David. Behold, how good and how pleasant it is for brothers to dwell together in unity! It is like the precious ointment upon the head, that runs down upon the beard, Aaron’s beard, that runs down to the hem of his garments. Like the dew of Hermon descending upon the mountains of Zion; for there the Lord has commanded the blessing, life for evermore. (Psalms 133:1-3).