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Johann Buxtorf's *De Sponsalibus et divortiiis* Multiple Perspectives on Jewish Marriage in Christian Scholarship

by *Guido Bartolucci*

ABSTRACT

This paper examines Johann Buxtorf the Younger's *De Sponsalibus et divortiiis* (1652), a seminal work on Jewish matrimonial law, within the broader context of Christian scholarly engagement with Jewish traditions in the early modern period. It explores the theological and legal implications of Buxtorf's analysis of Jewish marriage, divorce, and levirate marriage, emphasizing its role in shaping Protestant thought on these matters. By placing Buxtorf's work alongside the contributions of other contemporary scholars, including John Selden and Biagio Ugolini, the essay highlights the multifaceted nature of Christian interest in Jewish legal practices. While these studies were often motivated by polemical intentions, they also contributed significantly to the intellectual discourse of the period, influencing debates on marriage, divorce, and the interpretation of Scripture. The paper also discusses the transformation of Jewish studies from a tool of theological critique to an area of academic inquiry, shedding light on the broader cultural and intellectual reception of Jewish traditions within Christian Europe.

Keywords: Johann Buxtorf – Jewish law – Jewish marriage – divorce – Hebraism

In recent years, scholarship on early modern erudition has increasingly drawn attention to the intricate interplay between confessional polemics, historical methodology, and the appropriation of learned traditions¹. One of the most telling examples of this dynamic is the Christian engagement with Jewish legal and historical sources in the sixteenth and seventeenth centuries. While never abandoning its anti-Jewish polemical thrust, Christian interest in Judaism also became a means to rethink and negotiate the transformations within Christianity itself that were unfolding in the

¹ N. Hardy, *Criticism and Confession. The Bible in the Seventeenth Century Republic of Letters*, Oxford, Oxford University Press, 2017; N. Hardy - D. Levitin (eds.), *Faith and History. Confessionalisation and Erudition in Early Modern Europe*, Oxford, Oxford University Press, 2019.

wake of the Reformation. The centrality of Scripture and its interpretation in shaping new theological frameworks fostered a renewed interest in the Hebrew and post-biblical Jewish tradition, expanding Christian curiosity about Jewish thought, ritual practices, and social customs². Among these, Jewish marriage attracted particular attention and was studied in depth by scholars and theologians from a variety of confessional backgrounds between the late sixteenth and seventeenth centuries. The corpus of works devoted to this topic provides a privileged lens through which to explore both the role that Jewish studies played in the *Respublica literaria* of the early modern period and the ways in which this role evolved over time.

Between 1744 and 1769, the Venetian scholar Biagio Ugolini (1702-1769) published in thirty-four folio volumes the most extensive collection of treatises and translations on every aspect of Jewish tradition and culture then available in Europe. He was an Italian scholar born in Vitorchiano, Viterbo. He studied under Domenico Lazzarini in Padua, where he developed a deep interest in Hebrew studies, likely influenced by interactions with the local Jewish community. Organized thematically, the *Thesaurus* covers a wide array of topics, including festivals, geography, priesthood, and rituals, and includes translations from Hebrew texts such as the Talmud and Midrashim, as well as Ugolini's original works and previously published texts that vary widely in terms of period and place of composition. The collection ranged from medieval treatises, such as the *Pugio Fidei* (1265) by the Dominican friar Ramon Martí, to works produced and discussed in German and Dutch universities or published in England³. The confessional diversity within the *Thesaurus* was equally broad: Catholic, Lutheran, Calvinist, and Anglican works were published side by side without distinction. Ugolini did not feel the need to indicate the religious background of the texts he included. His goal was to present the vast intellectual effort

² See, for example, A. Grafton - J. Weinberg, «I have always loved the Holy Tongue». Isaac Casaubon, the Jews, and a Forgotten Chapter in Renaissance Scholarship, Cambridge, The Belknap Press of Harvard University Press, 2011.

³ B. Ugolini, *Thesaurus antiquitatum sacrarum*, Venetiis, apud Ioannem Gabrielem Herthz, 1744-1769, 34 vols. On Ugolini, see P.L. Bernardini, *Ugolini, Biagio*, in DBI online [https://www.treccani.it/enciclopedia/biagio-ugolini_\(Dizionario-Biografico\)/](https://www.treccani.it/enciclopedia/biagio-ugolini_(Dizionario-Biografico)/); A. Vivian, *Biagio Ugolini et son Thesaurus antiquitatum sacrarum: bilan des études juives au milieu du XVIIIe siècle*, in C. Grell - F. Laplace (eds.), *La République des lettres et l'histoire du judaïsme antique XVIIe-XVIIIe siècles*, Paris, Presses de l'Université de Paris-Sorbonne, 1992, pp. 116-147; M. Andreatta, *Collecting Hebrew Epitaphs in the Early Modern Age. The Christian Hebraists as Antiquarian*, in S. Mandelbrote - J. Weinberg (eds.), *Jewish Books and Their Readers*, Leiden, Brill, 2016, pp. 260-288.

that had engaged hundreds of scholars across Europe as a single unified effort to study and understand the Jewish tradition, its rituals, and its texts⁴.

An example of this juxtaposition can be found in Volume 4, devoted to the political organization of the Jewish people. Here, Ugolini included the work of a Catholic scholar, Carlo Sigonio, alongside that of two Calvinists, Corneille Bonaventure Bertram and Johannes Buxtorf, and a Lutheran, August Pfeiffer⁵. Indeed, in his introduction to the volume, he praised the erudition of certain Protestant scholars, such as Buxtorf, highlighting their central role in the founding and development of Jewish studies⁶.

Volume 30 was devoted to the institution of marriage, divorce, *yibbum* (levirate marriage), and ancient Jewish medicine⁷. The section on marriage included both previously published works and Ugolini's original contributions. Among his own writings were a treatise titled *Uxor Hebraea*, as well as his translations from Hebrew of three tractates of the Jerusalem Talmud on marriage: *Kiddushin*, *Sotab*, and *Ketubot*. Many of the texts published in this volume, however, were of Calvinist and Lutheran origin. They included *De Sponsalibus et divortiis* by Johann Buxtorf the Younger (1599-1664), son of the renowned Hebraist Johannes Buxtorf the Elder; *Vidua Hebraea* by Theodor Dassow (1648-1721), a professor of Hebrew at Wittenberg, and *De Chuppa Hebraeorum* by another Lutheran scholar, Johann Benedict Carpzov (1639-1699)⁸. Of the works included in this volume, only

⁴ On the different interpretations of Ugolini's work, see A. Sutcliffe, *Judaism and Enlightenment*, Cambridge, Cambridge University Press, 2005, p. 40; F.E. Manuel, *Chiesa e Sinagoga. Il Giudaismo visto dai cristiani*, Genova, Ecig, 1998, pp. 140-141.

⁵ B. Ugolini, *Thesaurus antiquitatum sacrarum*, 1745, vol. 4. The works included in this volume are: Bonaventura Corn. Bertramus, *De republica Hebraeorum cum commentario Constantini l'Empereur*; Caroli Sigonii, *De republica Hebraeorum libri VII cum Io. Nicolai notis*; Johannis Buxtorfii, *Synagoga Judaica*; Augusti Pfeifferi, *Antiquitates selectae nunc primum a Blasio Ugolino notis illustratae*.

⁶ B. Ugolini, *Thesaurus antiquitatum sacrarum*, vol. 4, [p. 6]: «Hoc unum praemonendum esse censuimus, quod Johannes Buxtorfius cui omnia Hebraicae literae debent, in sua Synagoga Judaica ea, quae in maleferiatis quibusdam fabulatoribus deprehenduntur, deliramenta omnia congererit, quae tantum abest, ut cordatioribus Iudaeis probate illa sint, ut etiam, si literali sensu explicentur, magnopere ab iis improbari atque irrideri certo sciam».

⁷ B. Ugolini, *Thesaurus antiquitatum sacrarum*, vol. 30, 1765.

⁸ The original editions of the works were as follows: J. Buxtorf, *De Sponsalibus et divortiis, cui accessit Isaaci Abarbenelis diatribe de excidii poena*, Basel, König, 1652; Th. Dassow - G. Fronmüller, *Vidua Hebraea*, Wittenberg, Schломach, 1699; J.B. Carpzov - J. Schmer, *Dissertatio philologico-theologica De Chuppa Hebraeorum*, Leipzig, Brand, 1680.

Buxtorf's *De Sponsalibus et divortiis*, published in Basel in 1652, offered a comprehensive examination of Jewish matrimonial law and ceremonies. Ugolini's most striking omission, however, was the English scholar John Selden's *Uxor Ebraica*, published in London in 1646. Its exclusion is quite surprising, since Ugolini published all his other works⁹. The reason may lie in the lack of systematization of Selden's text, in contrast to Buxtorf's, which Ugolini chose as an introduction to the subject.

1. The multiple perspectives on Jewish marriage in Christian thought

Ugolini's choice testified to the interest that Christians had shown in many Jewish rites, particularly that of marriage. The study of Jewish matrimonial institutions had been the subject of sustained Christian scholarly engagement for at least two centuries prior to Ugolini's compilation – arguably more so than many other areas of Jewish studies. This sustained intellectual investment underscores the complexity of the Christian engagement with Jewish legal traditions and highlights the significance of Ugolini's editorial choices within the broader discourse of early modern scholarship.

Since the time of Giovanni Pico della Mirandola and his attempt to translate and use the Kabbalistic tradition for the renewal of Christianity and the Church, the study of the Hebrew language and tradition had never been a neutral or purely intellectual exercise. In the sixteenth century, humanist interest in revising the Vulgate translation expanded into a broader engagement with the Jewish tradition, which became a source of material for the increasingly intense debates over Church reform in Western Europe¹⁰.

⁹ For the publication of Selden's works in Ugolini's *Thesaurus*, see the *Thesaurus Index* in B. Ugolini, *Thesaurus antiquitatum sacrarum*, vol. 34, 1769, ad Ind. See the paragraph below.

¹⁰ On the Christian interest in Jewish tradition, see S.G. Burnett, *Christian Hebraism in the Reformation Era (1500-1660). Authors, Books, and the Transmission of Jewish Learning*, Leiden, Brill, 2012; T. Dunkelgrün, *The Christian Study of Judaism in Early Modern Europe*, in J. Karp - A. Sutcliffe (eds.), *The Cambridge History of Judaism*, vol. 7: *The Early Modern World, 1500-1815*, Cambridge, Cambridge University Press, 2017, pp. 316-348; G. Busi - S. Greco (eds.) *The Renaissance Speaks Hebrew*, Milano, Silvana Editoriale, 2019. On the question of the relationship between scholarship and confessional interpretation, see D. Levitin, *From a Sacred History to the History of Religion. Paganism, Judaism, and Christianity in European Historiography from Reformation to 'Enlightenment'*, in «Historical Journal», 55, 2012, 4, pp. 1117-1160.

The growing confessional divisions of the early modern period further intensified the study and use of Jewish tradition, turning it into a battleground where Catholics, Lutherans, and Calvinists engaged in theological disputes and criticisms. While anti-Jewish polemics persisted – often using Jewish texts to demonstrate the supposed blindness of the Jewish people – these arguments frequently intersected with intra- and inter-confessional debates. As David Nirenberg has pointed out, anti-Jewish discourse absorbed and reflected the conflicts that dominated Christian society¹¹. But in the early modern period, Jewish sources were used not only as weapons in religious disputes but also [as means] to legitimize and reinforce different theological positions.

A major reason Christian scholars and theologians were interested in Jewish marriage and divorce was theological. They believed that the study of Jewish law could illuminate the proper understanding of biblical teachings and even inform Christian doctrinal debates. Since marriage and divorce are addressed in the Hebrew Bible (Old Testament), early modern theologians looked to how Jews interpreted and practiced these biblical laws. This was especially relevant in the Reformation and post-Reformation periods, when Christians fiercely debated marriage doctrines – such as the indissolubility of marriage, the grounds for divorce, and the permissibility of polygamy – often with reference to biblical precedent¹². By examining Jewish practices, these writers sought either to bolster their arguments or to contrast Christian ideals with Jewish ‘errors’.

For example, the question of divorce was a theological flashpoint between Protestants and Catholics. Jesus’ statements in the New Testament seemed to forbid divorce (with a few exceptions), whereas Mosaic law in Deuteronomy 24 permitted a man to issue his wife a bill of divorce¹³. Protestant reformers, who allowed divorce in certain cases, were eager to understand how the Jews handled divorce, since it might provide a biblical context for more lenient policies. Some found it noteworthy that in Jewish law a divorce (*get*) freed both parties to remarry, which was consistent with the Protestant view that remarriage was permitted after a valid divorce.

¹¹ D. Nirenberg, *Anti-Judaism. The Western Tradition*, New York, W.W. Norton and Company, 2013.

¹² On the question of marriage in the Reformation era, see J. Witte Jr., *From Sacrament to Contract. Marriage, Religion, and Law in the Western Tradition*, Louisville, Westminster John Know Press, 2012. On Catholic marriage, see Fernanda Alfieri’s essay in this issue.

¹³ The reference is especially to Matt. 19:7, and Deut. 24:1-4.

By studying Talmudic rulings on divorce, Christians were effectively grappling with the tension between Old Testament law and New Testament teaching. In this way, Jewish marriage law became fodder for theological reflection on Christian marriage.

In addition to theology, legal and practical considerations fueled Christian interest in Jewish marriage and divorce. Jews in early modern Europe lived under Christian rule, yet they largely governed their own family affairs according to Jewish law (*Halakbab*)¹⁴. This arrangement raised questions for Christian rulers and jurists. Should Jewish marriages and divorces be recognized by the state? Could Christian courts intervene in or adjudicate Jewish domestic disputes? To answer these questions, magistrates and scholars needed to know how Jewish marital law worked. Several Christian writers, therefore, examined Jewish matrimonial customs from a legal perspective, sometimes to guide policy and sometimes out of a comparative legal impulse.

One area of interest was the ‘status of Jewish marriage’ in Christian eyes: was it a sacrament or a civil contract? Early modern jurists’ opinions changed over time, and this had practical consequences for Jewish families. In some cases, Christian courts took it upon themselves to settle Jewish divorce cases, especially when the marriage was viewed in secular terms. As one historian notes, depending on whether Christian authorities regarded Jewish marriage «primarily as a religious ritual or rather as an act of purchase – the latter being closer to the Jewish understanding – Christian courts would try Jewish divorce claims»¹⁵. In other words, if Jewish marriage was seen as a mere contract, a Christian civil court might feel competent to enforce or dissolve it; if it was seen as a religious matter, they might leave it to rabbinical courts. In parts of Germany, for example, city councils sometimes had to certify that a Jewish bill of divorce (*get*) had been properly issued so that the parties could legally remarry. Some jurists argued about whether a Jewish *get* was valid under canon law or imperial law. These

¹⁴ On these questions, see, for Italy, V. Colorni, *Jewish Law and Italian Local Laws. From Roman Age to the 19th Century*, Leiden - Boston, Brill, 2024; K.R. Stow, *Jewish Pre-Emancipation: Ius Commune, the Roman Comunità, and Marriage in the Early Modern Papal State*, in K.R. Stow, *Jewish Life in Early Modern Rome. Challenge, Conversion, and Private Life*, Aldershot, Ashgate, 2007, essay n. XVIII. For the German Empire, see A. Gotzmann, *The Shifting Legal and Political Status of Early Modern Jewries*, in *The Cambridge History of Judaism*, vol. 7: J. Karp - A. Sutcliffe (eds.), *The Early Modern World, 1500-1815*, Cambridge, Cambridge University Press, 2017, pp. 113-137, 123-128.

¹⁵ A. Gotzmann, *The Shifting Legal and Political Status*, pp. 123-124.

practical legal debates required an understanding of the Jewish divorce procedure – the requirement of a written bill presented by the husband and accepted by the wife, and the rabbinic court's role in facilitating it. Christian scholars who advised governments often consulted works written by Hebraists to grasp these details. Even in the Catholic world, we often find Jews bringing questions of a matrimonial nature before courts that had different jurisdictions, including ecclesiastical ones, forcing judges and theologians to question Jewish marriage, its structure, and its rites¹⁶.

Another legal motivation was to deal with cases of conversion and intermarriage. Occasionally, a Jew in Europe would convert to Christianity, raising the question of the status of his or her Jewish marriage. Church authorities wrestled with whether a converted Jewish husband was still bound to a Jewish wife who refused to convert, or whether the conversion itself dissolved the original marriage (a concept known in canon law as the Pauline privilege)¹⁷. To navigate this, Christian scholars and officials studied Jewish law on marriage. There are recorded cases from the seventeenth-eighteenth centuries in which a converted Jewish man sought to remarry; Church courts then had to determine whether a Jewish divorce was necessary or whether the previous marriage could be declared void. Familiarity with Jewish requirements (such as obtaining a *get*) sometimes led Christian officials to coordinate with rabbis to ensure that the first marriage was properly dissolved before a convert's new marriage. On the other hand, if a Jewish woman converted but her Jewish husband did not, the Church would not recognize the Jewish marriage as sacramental and thus might consider her free to marry a Christian. These complicated situations demonstrate the practical need for knowledge of Jewish marriage law in Christian jurisprudence.

Beyond explicit theological, legal, and practical concerns, many Christian scholars were simply fascinated by the details of Jewish life, including marriage and family customs. This period saw the rise of what might be called polemical ethnographic writing about the Jews, as well as the nascent development of Jewish studies as an academic pursuit (albeit conducted by

¹⁶ See Alfieri's essay in this issue and V. Colorni, *Jewish Law and Italian Local Laws*, pp. 146-156.

¹⁷ On this case, see, for example, M. Caffiero, *Battesimi forzati. Storie di ebrei, cristiani e convertiti nella Roma dei papi*, Roma, Viella, 2004, pp. 299-328.

non-Jews)¹⁸. In this context, marriage and divorce were natural topics of inquiry. Descriptions of how ‘the other’ conducted such basic social institutions provided material for comparison and reflection on one’s own society. Christian scholars approached Jewish marriage practices with a mixture of curiosity and sometimes scorn, often depending on their personal attitudes toward Jews¹⁹. Recent scholarship has critically re-evaluated this kind of ethnographic gaze, even when it is motivated by polemical intent. This is especially true in the case of Johann Buxtorf, whose anti-Jewish aims ultimately obscure any genuine attempt at cultural or ritual description²⁰.

Between the sixteenth and seventeenth centuries, two examples stand out as particularly representative of Christian intellectual attitudes toward the institution of Jewish marriage. The first was the jurist Marquardus de Susannis, whose *De Iudeis* was published in Venice in 1568²¹. He used the example of marriage to demonstrate that Jews were not bound by canon law (although in many cases they were subject to common law or local statutes). Consequently, Jews could marry closer relatives than Christians could (within the limits of human law, i.e. incest) and had the right to divorce. A more nuanced treatment was provided by Johann Buxtorf the Elder in his *Synagoga Iudaica*, first published in German in 1603 and then in Latin from 1621²². Chapters 28 and 29 of both the German edition and the first Latin one provided extensive descriptions of Jewish matrimonial institutions and divorce practices. Buxtorf’s approach was not purely scholarly; rather than reconstructing the origins of Jewish marriage, he described contemporary Jewish rituals as they were practiced in his

¹⁸ On this, see Y. Deutsch, *Judaism in Christian Eyes. Ethnographic Descriptions of Jews and Judaism in Early Modern Europe*, Oxford, Oxford University Press, 2012.

¹⁹ See *ibid.*, pp. 35-37 and *ad Indicem*.

²⁰ A. Grafton - J. Weinberg, *Johann Buxtorf, Impresario of Hebrew and Jewish Books*, Toronto, Pontifical Institute of Mediaeval Studies, 2025, pp. 47-79.

²¹ M. de Susanis, *De Iudaeis et aliis infidelibus et inimicis Crucis Christi tam visilibus quam invisilibus*, Venetiis, apud Cominum de Tridino Montisferrati, 1558, pp. 78v-79r-v. On this author and work, see K. Stow, *Catholic Thought and Papal Jewry Policy*, New York, Jewish Theological Seminary, 1977.

²² J. Buxtorf, *Jüden Schul*, Basel, Sebastian Henricpetri, 1603 and, by the same author, *Synagoga Iudaica*, Basel, Ludovicus König, 1621. On Buxtorf, see S.G. Burnett, *From Christian Hebraism to Jewish Studies. Johannes Buxtorf (1564-1629) and Hebrew Learning in the Seventeenth Century*, Leiden - New York - Köln, Brill, 1996; A. Grafton - J. Weinberg, *Johann Buxtorf, Impresario of Hebrew and Jewish Books*. On the *Synagoga*, see S.G. Burnett, *From Christian Hebraism*, pp. 54-102; A. Grafton - J. Weinberg, *Johann Buxtorf, Impresario of Hebrew and Jewish Books*, pp. 47-79.

time, presenting translated Latin texts of primary documents, such as the *ketubbah* (marriage contract) and comparing them to Old Testament and rabbinic sources²³. Buxtorf referred primarily to traditional literature when explaining the reasons for certain rituals, such as the bride's hairstyle and the custom of adorning her with trinkets and jewelry. This ritual drew a vehement critique from Buxtorf, who underscored the blasphemy of rabbis attributing such customs to the union of Adam and Eve in paradise²⁴. He noted that this idea was corroborated by a Yiddish text on rituals published in Cracow²⁵. This illustrates the ambivalence in Buxtorf's work: these descriptions were instrumental in criticizing Jews and their beliefs. The chapter on divorce began with a traditional definition of the reasons why Jews were permitted to divorce in Deuteronomy. The reasons lay in the *duritia cordis* (hardness of heart) of the Jews, as Jesus had already claimed in the Gospel (Matt. 19:7), and to prevent them from committing more grievous sins²⁶. This chapter also focused on the ritual, particularly the text contained in the bill of divorce (*get*), but again concluded with a polemical note against the Jews. Just as, Buxtorf wrote, the Jews had written numerous pages on carnal divorce (*carnale divortium*), they had completely neglected the spiritual divorce between themselves and God, which had condemned them to eternal punishment and wandering on the earth²⁷.

The examples of Marquardus and Buxtorf illustrate how, in certain Christian milieus, Jewish marriage was part of a strategy to attack the Jews that went

²³ For the Latin Translation of the *ketubbah* text, see J. Buxtorf, *Synagoga Iudaica*, pp. 404-405.

²⁴ *Ibid.*, pp. 406-407.

²⁵ *Ibid.*, p. 407: «In hunc modum quoque blasphemae scribit Iudaeus ille qui Speculum ardens paucis abhinc annis composuit et Cracoviae in Polonia, Hebraicis quidem characteribus, verum dialecto Germanica primum edi curavit». [In this manner, the Jew who composed the *Speculum Ardens* a few years ago also writes blasphemously. He arranged for its initial publication in Cracow, Poland, using Hebrew characters but in the German dialect]. The reference is to M Altschul-Yerushalmi, *Sefer Brantsbpiigel*, Cracow 1596. For a modern edition of this work, see Moshe Henoch's Altschul-Yerushalmi, *Sefer Brantsbpiigel*, ed. by M. Faienstein, Berlin, De Gruyter, 2024.

²⁶ See J. Buxtorf, *Synagoga Iudaica*, p. 413. Buxtorf also cites the Talmudic tractate *Gittin*, where, as we shall soon see, the schools of Hillel and Shammai, along with Rabbi Akiva, discuss the grounds for divorce, starting from the same biblical passage (Deut. 24:1-4) but arriving at markedly different and even opposite conclusions.

²⁷ J. Buxtorf, *Synagoga Iudaica*, p. 415: «De hoc carnali divortio solliciti admodum sunt Iudaei et ingentes de illo libros conscripsere, spirituale vero divortium, quo a Deo separantur, et de quo omnes prophetae conquesti sunt, prae cordis sui stupore perpendere non possunt. A Deo itaque alienati manent et errantes per totum orbem meritissimo ferunt».

beyond the traditional anti-Judaic literature based on theological interpretations of Old Testament passages. The analysis of the matrimonial institution, its rituals – especially divorce – and its relationship to canon law became a new tool for reiterating old concepts: the hardness of the Jewish heart and their separation from Christian society.

2. New confessional approaches to Jewish marriage: John Selden's *Uxor Ebraica*

Christian thinking about Jewish marriage underwent a significant transformation with the publication of *Uxor Ebraica* in 1646 by the English scholar and jurist John Selden²⁸. This three-volume treatise offered a comprehensive analysis of the Jewish matrimonial institution, drawing extensively from Jewish traditional texts, most notably Moses Maimonides' *Mishneh Torah*, which served as the central framework for Selden's interpretation.

Selden's interpretative effort, complemented by a meticulous comparative analysis between Jewish marriage and that of other traditions, was directed toward the ongoing debate within English society and its institutions regarding the introduction of divorce, since marriage was still governed by canon law²⁹. In addition to analyzing the aspects of marriage as a natural institution – a topic related to his other works on natural law – Selden devoted considerable attention in Book III to the workings of Jewish divorce, particularly the reasons that might lead a husband to present a *get* (bill of divorce) to his wife. Selden focused on three texts: Deuteronomy 24:1-4, where Moses laid out the grounds on which a husband could issue his wife a bill of divorce; the Gospel of Matthew 19:1-12, where Jesus responded to the Pharisees' questions on the very issue of divorce under Jewish law; and finally, the passage from the Mishnaic tractate *Gittin* 9:11, where the Deuteronomy passage was discussed by the rabbinic schools of Hillel and Shammai³⁰. The central question in all three

²⁸ For a complete analysis of this work, see Scigliano's essay in this issue. See also J. Selden, *On Jewish Marriage Law. The Uxor Hebraica*, ed. and trans. by J.R. Ziskind, Leiden - New York - Kobenhaven - Köln, Brill, 1991.

²⁹ On Anglican marriage, see J. Witte Jr., *From Sacrament to Contract*, pp. 217-285.

³⁰ The passages were as follows: «If a man marries a woman who becomes displeasing to him because he finds 'something indecent' [*ervat davar*] about her, and he writes her a certificate of divorce, gives it to her and sends her from his house» (Deut. 24:1); «I tell you that anyone who divorces his wife, except for 'sexual immorality' [*porneia*], and marries another woman commits adultery» (Matt. 19:9); «Beit Shammai says: A man

texts was the justification for a husband to divorce his wife – whether for adultery alone or for other reasons as well. The philological analysis of these texts, both in Hebrew and in Greek, was primarily aimed at examining the Gospel passage and understanding the legitimacy of the divorce that Jesus allowed. The issue traditionally revolved around the interpretation of two key terms: the Hebrew *ervat davar*, found in the Deuteronomy passage (and also discussed by the various rabbinical schools), and the Greek *porneia*, used by Jesus in response to the Pharisees as the only reason a husband could divorce his wife³¹.

The interpretation of these two terms, with the Greek drawing on the meaning of the Hebrew, ranged from a narrower definition, namely adultery, to a broader one, encompassing general immorality. Consequently, the meaning of these terms influenced the interpretation of Jesus' words and, in turn, the legitimacy of divorce in Christian society and the grounds for its implementation. Through an extensive philological study, which included Aramaic (the language spoken by Jesus according to Selden), the English scholar concluded that *porneia* had a much broader range of meanings than simply adultery. However, this did not lead him to propose

may not divorce his wife unless he finds out about her having engaged in a matter of forbidden sexual intercourse [*devar erval*], i.e., she committed adultery or is suspected of doing so, as it is stated: «Because he has found some unseemly matter [*ervat davar*] in her, and he writes her a scroll of severance» (Deut. 24:1). And Beit Hillel says: «He may divorce her even due to a minor issue, e.g., because she burned or over-salted his dish, as it is stated: 'Because he has found some unseemly matter in her', meaning that he has found some kind of shortcoming in her». Rabbi Akiva says: «He may divorce her even if he has found another woman who is better looking than her and wishes to marry her, as it is stated in that verse: 'And it comes to pass, if she finds no favor in his eyes' (Deuteronomy 24:1)». (Mishnah, *Gittin*, 9:10, https://www.sefaria.org/Mishnah_Gittin.9?lang=bi&with=About&lang2=en). The rabbinic schools of Hillel and Shammai, known respectively as Beit Hillel and Beit Shammai, were prominent Jewish academies during the late Second Temple period (first century BCE to first century CE). Founded by the sages Hillel and Shammai, these schools frequently engaged in debates over interpretations of Jewish law, ethics, and theology. Their differing opinions are extensively documented in the Mishnah and Talmud, with over 300 disputes recorded. Beit Hillel is generally characterized by more lenient and inclusive rulings, while Beit Shammai is known for its stringent and rigorous approach. Despite their differences, both perspectives were considered valuable. The Hebrew term *ervat davar* and the Greek *porneia* did not explicitly denote adultery; rather, in both Jewish and Christian traditions, they had come to signify a range of meanings that extended well beyond that specific context. For this reason, both terms became the subject of extensive interpretative debates, which very likely included the dispute between the Pharisees and Jesus. On this point, I will limit myself to referring to L.F. Massey, *The Synoptic Divorce Material Rethinking Traditional Interpretations*, in «Pennsylvania Literary Journal», 12, 2020, 1, pp. 85-116.

³¹ J. Selden, *On Jewish Marriage Law*, pp. 372-374 (III, 18); 383-399 (III, 19-20).

a definitive solution to the debate of his time. Instead, he argued that the authorities' decisions should be based on many other parameters, not just textual interpretations. In a certain sense, Selden was distancing himself from the contemporary debate: rather than offering a definitive resolution in his treatise, he provided the exegetical tools necessary for those who wished to argue that divorce could be based on broader grounds than just adultery³². This interpretation conflicted not only with traditional canon law, but also with many Puritan positions based on Calvinist doctrine, which Selden explicitly criticized in various parts of his work.

3. Johann Buxtorf's *De Sponsalibus et divortiis* and the Calvinist interpretation of Jewish Marriage

Selden's work received widespread attention and was reprinted within the German Empire in 1673 and 1695³³. We have no evidence of the reception of his interpretation of Jewish marriage – and particularly of the grounds for divorce – within Lutheran and Calvinist theological debates³⁴. Nevertheless, it can hardly be considered a coincidence that exactly six years after the publication of Selden's treatise, another prominent Hebraist, Johann Buxtorf the Younger, published a work on the same subject. Although he never directly mentioned Selden, this work could be seen as a response from the heart of Calvinism to the English proposal, drawing on Jewish tradition³⁵.

³² *Ibid.*, p. 508: «Let me only add this much: if what has been pointed out is correctly reflected upon, it is not difficult to ascertain what was to be decided with respect to the several important questions that were wont to be controverted and discussed in regard to the law of marriage and divorce, both human and divine. But these questions are usually settled, as others are, by a variety of determinations of understanding in every disposition of mind and persuasion, as well as (as usual) by the admission or rejection of a wide variety of principles and premises». On the influence of Selden's work on the English debate on divorce and especially on John Milton's position, see E. Owen, *Milton and Selden on Divorce*, in «Studies in Philology», 43, 1946, 2, pp. 233-257; J.P. Rosenblatt, *Renaissance England's Chief Rabbi: John Selden*, Oxford, Oxford University Press, 2006, pp. 14-53.

³³ J. Selden, *Uxor Ebraica*, Francofurti ad Oderam, Becmanus, 1673, by the same author, *Uxor Ebraica*, Francofurti ad Oderam, Schrey, 1695.

³⁴ On the reception of Selden's work (but not the *Uxor Ebraica*) in the German Empire, see M. Mulsow, *John Selden in Germany. Religion and Natural Law from Boecler to Buddeus (1665-1695)*, in A. Blair - A.S. Goeing (eds.), *For the Sake of Learning. Essays in Honor of Anthony Grafton*, Leiden, Brill, 2016, 2 vols., 1, pp. 286-308.

³⁵ J. Buxtorf, *Dissertatio de sponsalibus et divortiis cui accessit Isaaci Abarbenelis diatriba de excidii poena, cuius frequens in lege et in hac ipsa materia fit mentio*, Basel, Ludovicus

Buxtorf was the son of Johann Buxtorf the Elder, author – as we have seen above – of the *Synagoga Iudaica*. He was a prominent Hebraist: he translated *The Guide for the Perplexed* by Moses Maimonides (1138-1204) and the Yehuda ha-Levi's (1075/85-1141) *Sefer ha-Kuzari*, and he contributed to the completion and reissue of his father's works. He also played a significant role in translating numerous passages from the writings of the Spanish philosopher and exegete Isaac Abravanel (1437-1508), helping to establish Abravanel's thought in the intellectual culture of the time. Buxtorf received a rigorous Calvinist education and even taught theology in Basel for a period³⁶.

Buxtorf divided his work into three parts: a detailed treatment of marriage and divorce in Judaism; an attempt to reconcile the positions of Moses and Jesus on divorce; and an interpretation of the episode described in Matthew 1:19, in which Joseph intended to separate from Mary upon discovering her pregnancy. Buxtorf added that it was a friend's question about this last point, Joseph's intention to repudiate his betrothed Mary, that prompted the composition of the entire work³⁷.

Rex, 1652. A possible indication that Buxtorf was well acquainted with Selden's work can be found in the revised and expanded edition of the *Synagoga Iudaica* he published in 1661. In this edition, Buxtorf made substantial additions to numerous entries, significantly expanding his father's original work. Of particular note is the chapter on marriage, which includes an analysis of the categories of individuals forbidden to marry according to Jewish law. Buxtorf introduces a new section on the Karaites, who, according to rabbinic tradition, were considered impure and thus ineligible for marriage because of their markedly different traditions regarding marriage and divorce. A lengthy discussion of the Karaites and their marital practices also appears in the early chapters of the *Uxor Ebraica*, providing evidence, however tenuous, of Buxtorf's familiarity with and use of Selden's work. Cf. J. Buxtorf, *Synagoga Iudaica aucta et locupletata a Iohanne Buxtorfio filio*, Basel, Jacob Decker, 1661, p. 625: «Hoc tantum praemittimus, prohibitum esse rabbanitis nuptias aut affinitatem contrahere cum Karraitis ... quod omnes pro spuris habeantur»; J. Selden, *On Jewish Marriage Law*, p. 64: «doubtless it clearly follows that in the view of these differing opinions on incestuous intercourse between the Talmudists and the Karaites, which we have hitherto pointed out ... the latter group in particular would necessarily regard the former with great abhorrence, not only on the grounds of their great impiety, but also because of the impurity of their offspring». On Buxtorf's additions to his father's work, see A. Grafton - J. Weinberg, *Johann Buxtorf, Impresario of Hebrew and Jewish Books*, pp. 224-230.

³⁶ On his life, see S.G. Burnett, *From Christian Hebraism*, pp. 22-23.

³⁷ J. Buxtorf, *Dissertatio*, p. 2r-v. As the title suggests, the work concluded with the translation of a portion of the Spanish exegete and philosopher Isaac Abravanel's commentary on Numbers 15:30, in which he discusses *karet*, the punishment for a willful transgression against God. This translation was part of Buxtorf's broader project to translate and disseminate Abravanel's thought. The reasons for this interest are not yet fully understood. See, for example, J. Buxtorf, *Dissertationes philologico-theologicae, accesserunt R. Isaaci Abarbenelis Hispani aliquot elegantes et eruditae dissertationes*, Basel,

Buxtorf's aim was not merely to understand Jewish rites in depth, but to use the Hebrew language and the study of biblical and rabbinic tradition to grasp the true meaning of Scripture, on which the Church (in the Calvinist sense) was founded³⁸. Therefore, his meticulous reconstruction of Jewish marriage became instrumental in understanding the relationship between Jewish and Christian law. The analysis of Jewish marriage, then, was not – as it had been for his father – a means of attacking the Jews, but rather formed part of a theological discussion concerning the interpretation of certain Gospel passages. More importantly, as we shall see, it functioned as a way of legitimizing the Calvinist understanding of marriage as described by Christ. Buxtorf's work, much like that of John Selden, was therefore closely tied to the intellectual and religious debates of his time.

The first section provides a highly detailed description of the various stages of the Jewish institution of marriage. Buxtorf presents his analysis using a wide range of sources, from the biblical text to the Mishnah and the Talmud, extending to other Jewish sources such as the works of the medieval rabbis and philosophers Moses Maimonides and Moses ben Nahman (1194-1270), as well as more recent interpreters such as the Sephardic philosopher and exegete Isaac Abravanel. Buxtorf shows an interest in all aspects of Jewish marriage, tracing not only its origins but also its transformation over time. He focuses, for instance, on the different stages that constitute

Jacob Decker, 1662. See C. Coen-Skalli, *Don Isaac Abravanel. An Intellectual Biography*, Waltham, Brandeis University Press, 2021, pp. 282-283.

³⁸ J. Buxtorf, *Dissertatio*, p. Av: «Nobis vero non est propositum ex professo locum istum hic tractare et omnia, quae de eo dici aut scribi possent, ex auctoribus variis convecrare, multo minus aliorum sententias superciliose examinare, vellicare, aut confutare, sed Hebraeorum duntaxat doctrinam, Iura, ritus non quidem omnes, sed quantum ex illis ad nostrum scopum utile et necessarium videbitur, ex ipsorum scriptis eruere et producere; dehinc num istarum rerum cognition aliquid ad verbi Dei et locorum aliquot scripturae uberiolem et pleniorem illustrationem facere possit dispicere. Ad quem usum omnis nostra linguarum cognitio spectare debet, utpote quae, ex doctrina apostoli, sine prophetia, h.e. scripturarum explicatione, per quam solam ecclesia aedificatur, nihil prodest 1 Cor. 14». [However, it is not our purpose to discuss this passage here in detail, nor to compile everything that could be said or written about it from various authors; much less to superficially examine, criticize, or refute the opinions of others. Rather, we intend only to extract and present the doctrine, laws, and rites of the Hebrews – not all of them, but only as much as appears useful and necessary for our purpose – from their own writings. Then, we must consider whether the knowledge of these matters contributes in any way to the word of God and to a fuller and more abundant understanding of certain Scriptural passages. To this end, all our study of languages must be directed, since, according to the teaching of the Apostle, without prophecy, that is, without the interpretation of Scripture – by which alone the Church is edified – such knowledge is of no benefit].

marriage: the *shidukbin*, which he interprets through the Latin formula of «sponsio, desponsatio quasi privata et de futuro»; the *kiddushin*, a solemn betrothal understood as «sponsalia solemnia et de praesenti»; and finally, the *nissuin*, that is, the consummation of the union between the spouses³⁹.

After an extensive discussion of the persons permitted to marry, the conditions for a valid Jewish marriage, and the marriage ritual itself – analyzed through rabbinic sources – Buxtorf turns his attention to divorce, and, more importantly, to its causes. This section constitutes the true core of his analysis, which, as he himself states, is intended to clarify the interpretation of two key Gospel passages in which divorce plays a crucial role. Buxtorf structures his analysis of divorce following the same method he has used for marriage, reconstructing its origins from Deuteronomy 24:1-4, outlining the procedure (the delivery of the *get* to the wife), and identifying the individuals involved (not only the wife but also the betrothed woman)⁴⁰. At the heart of his discussion, however, are the causes of divorce and, as with Selden, the meaning of the Hebrew words *ervat davar*⁴¹. Revisiting the rabbinic debate between the schools of Shammai and Hillel, Buxtorf concludes by highlighting the uncertainty among the rabbis regarding the grounds for divorce and notes that Maimonides, in the *Mishneb Torah*, upheld Hillel's position as authoritative in halakhic terms, arguing that it should be regarded as the normative ruling for Jews⁴².

³⁹ In this reflection on the various stages of marriage, Buxtorf appears to have Selden's work in mind. Indeed, in his discussion of the term *shidukb*, he refers to two sources – Elias Levita's *Tisbbi* and David de Pomis's *Dictionarium* – the very same sources that Selden cites in his own work. See the discussion of the term *shidukb* and the sources Elias Levita and David de Pomis in J. Buxtorf, *Dissertatio*, pp. 68-69, and J. Selden, *On Jewish Marriage Law*, p. 143. For various aspects of marriage according to Jewish law and its adaptation to different Jewish communities, see R. Weinstein, *Marriage Rituals, Italian Styles. A Historical Anthropological Perspective on Early Modern Italian Jews*, Leiden - Boston, Brill, 2004. Buxtorf's discussion – as well as Selden's – of the stages of marriage and their translation into Latin legal terminology would later play a crucial role in legal and judicial debates regarding marital disputes among Jews. See, for instance, the essay by Fernanda Alfieri and the case of De Luca.

⁴⁰ J. Buxtorf, *Dissertatio*, pp. 79-106.

⁴¹ *Ibid.*, p. 88.

⁴² *Ibid.*, p. 90: «Rambam scribit Halacham seu consuetudinem et observantiam esse secundum domum Hillelis». The debate on rabbinical schools was also discussed in the Catholic world. An interesting use of this debate was made by the Spanish Hebraist Benito Arias Montano in his commentary on the Gospels, where he introduces the divergences between the school of Hillel and the school of Shammai in his commentary on the episode of the debate between the Pharisees and Jesus (Matt. 19:1-12) in 1575. The Spanish scholar introduced this debate with a reflection on the discussions that took

Buxtorf's final point turns to a critique of Jewish customs. He observes that, in earlier times, divorce was entirely at the discretion of the husband, without institutional or magisterial oversight. He notes, however, that in his days divorce has become rare among Jews – and, he adds, among Christians – because it is now regulated by rabbinic authorities⁴³.

The second part of Buxtorf's treatise attempts to reconcile Mosaic law – as established in the Jewish exegetical tradition examined in the first section – with Christ's interpretation of the same legal precepts. Buxtorf formulates two central questions: first, whether Christ, like Moses, presented divorce as a legal precept; and second, what the legitimate grounds for divorce are according to Christ's teaching⁴⁴. To both of these, Buxtorf gives clear and definitive answers: (1) divorce is not a divine commandment, and (2) according to Christ, there is only one legitimate ground for divorce – adultery.

With regard to the first issue, Buxtorf underscores that Christ explicitly confirmed that Moses had permitted divorce to the Jews as a concession to their hardness of heart and their innate disposition. But Buxtorf also undertakes a brief philological examination of various Latin Christian translations that have, in numerous instances, rendered Deuteronomy 24:1-2 in a prescriptive sense⁴⁵. He systematically dismantles these translations by invoking the authority of John Calvin, who has categorically rejected the notion that Mosaic divorce constitutes a divine precept⁴⁶. However, Buxtorf is careful to add a crucial qualification: while divorce is not a divine commandment, Moses has not forbidden it either. It remains a concession granted to the Jewish people, a pragmatic solution to their inherently lascivious nature⁴⁷.

place on this passage during the Council of Trent. I will return to this subject in a forthcoming work. See B. Arias Montana, *Elucidationes in Quatuor Evangelia*, Antverpiae, ex officina Christophori Plantini, 1575, pp. 62-63; T. Dunkelgrün, *The Christian Study of Judaism in Early Modern Europe*, p. 337.

⁴³ J. Buxtorf, *Dissertatio*, p. 90: «Hodie tamen rarissima sunt inter Iudaeos divortia, et forte aequae rara et difficilia ac inter Christianos, nec nisi scitu et approbatione rabbinorum fieri possunt».

⁴⁴ *Ibid.*, pp. 106-146.

⁴⁵ *Ibid.*, pp. 108-109.

⁴⁶ *Ibid.*, p. 109: «Et Calvinus ad hunc locum scribit ... Rectissime et iudicose! Neque sine vi alium sensum admittunt verba Mosis».

⁴⁷ *Ibid.*, p. 114. Buxtorf here uses the Hebrew definition *davar resbut*. In rabbinic literature, the term *davar resbut* refers to actions that are permissible but not obligatory under Jewish law.

With regard to the second question, Buxtorf interprets Christ's response to the Pharisees not as a rejection of Mosaic law, but rather as its proper exegesis. He insists that the term *porneia*, which Christ uses in the Gospel of Matthew to indicate the sole ground for divorce, can only mean 'adultery' and serves to clarify the true meaning of the Hebrew expression *ervat davar*⁴⁸. Christ's discussion of the reasons for divorce is thus closely tied to Jewish law, from which it also derives its legitimacy. This perspective allows Buxtorf to challenge the Catholic position. He argues that those who interpreted Christ's words as legitimizing the indissolubility of marriage – and who introduced *separatio thori et mensae* as the only acceptable form of separation – were mistaken. Their error lay not only in the fact that Christ was not establishing a dogma in this passage, but was merely answering the question posed by the Pharisees. A second reason, according to Buxtorf, is that the Jews had never written anything about the kind of separation proposed by the Catholics; as a result, Christ could not have referred to it or, indeed, approved of it⁴⁹.

Furthermore, Buxtorf contends that Christ's response was intended to curb the arbitrary manner in which Jewish husbands had historically repudiated their wives, transforming divorce from a private decision into a public and legally regulated act. Just as marriage is a public, formal ceremony, conducted before the community, God, and magistrates, so too, he argues, must its dissolution be a public affair, justified only in the most grievous of circumstances – adultery. He concludes this section by turning again to contemporary Jewish practice. Emphasizing Christ's true interpretation of Jewish law – and his intention to limit the arbitrary power of husbands to issue a bill of divorce – Buxtorf argues, though without providing explicit references, that in his day Jews grant the bill of divorce with the knowledge of one or more rabbis, or with the consent of the community, which the parties are required to summon at their own expense⁵⁰. But the real culmination of his argument comes in his final engagement with Calvinist

⁴⁸ *Ibid.*, p. 117.

⁴⁹ *Ibid.*, p. 119: «Et de repudio seu separatione partiali respectu thori et mesae, ut utraque pars innumpta maneat, Iudaei nihil unquam sciverunt, nec sciunt, unde et illud hic non est fundatum. De tali divortio neque Iudaei interrogarunt, neque Christus respondit».

⁵⁰ *Ibid.*, p. 125. In this context, Buxtorf refers to Jacob Moellin, also known as the Maharil (c. 1365-1427), a prominent rabbi of the fourteenth and fifteenth centuries. The Maharil is known for his work *Minhagei Maharil* (Customs of the Maharil), which meticulously documents the religious customs of German Jewry. This compilation was first published in 1556 and was influential in shaping Ashkenazi practice. See A. Grafton - J. Weinberg, *Johann Buxtorf, Impresario of Hebrew and Jewish Books*, pp. 226-227.

literature on marriage and divorce – specifically, the writings of Theodor de Beza, Calvin’s successor in Geneva, along with other leading Calvinist and Puritan theologians⁵¹.

In the third part of his work, devoted to the episode of Mary and Joseph, Buxtorf revisits the discussion of Jewish marriage developed in the preceding pages in order to interpret the Gospel passage and Joseph’s actions⁵². First and foremost, he identifies in Joseph’s conduct a perfect alignment with Jewish law – namely, the intention to dissolve the marriage with Mary, presumed to be guilty of adultery. Joseph, however, did not wish to expose her to public shame and therefore, according to Buxtorf’s interpretation – supported by certain Jewish sources – he chose not to denounce her publicly as an adulteress in a court of law. Instead, as permitted by Jewish law, he intended to issue her a bill of divorce in front of witnesses, but without providing an explicit reason⁵³. In Buxtorf’s view, Joseph acted in full accordance with Jewish legal norms while at the same time showing compassion and charity toward Mary⁵⁴. This aspect allows Buxtorf to place Joseph within the Jewish tradition. The Gospel refers to Joseph as *dikaïos*, meaning righteous. The Greek term could denote either a man who observes Jewish law or, more generally, a just person. In this context, however, Buxtorf invokes the Jewish tradition, asserting that Joseph should not be regarded as only generally just. Instead, Buxtorf emphasizes that Joseph sought justice in the technical Jewish sense of *tzedakah*, which embodies a concept of righteousness and justice that goes beyond mere charity and signifies a moral obligation to support those in need.

The text concludes with the transcription, in both Hebrew and Latin, of the most important documents related to the Jewish marriage ritual: the

⁵¹ *Ibid.*, p. 127: «Qui vero plura de his desiderat, consulat Beza *de Repudiis et Divortiiis*. The reference is to T. Beza, *De repudiis et divortiiis*, Genevae, Jo. Crispin, 1569. He also quotes the Puritan theologian William Perkins (1558-1602) and the Calvinist theologian Pietro Martire Vermigli (1499-1562).

⁵² J. Buxtorf, *Dissertatio*, pp. 147-155. See Math., 1, 19: «Because Joseph her husband was faithful to the law, and yet did not want to expose her to public disgrace, he had in mind to divorce her quietly».

⁵³ To support his claim, Buxtorf cites a *responsum* – a legal opinion – by Meir Katzenellenbogen (1482-1565), a rabbi from Padua, who affirmed the possibility for a husband to withhold the reason for issuing a bill of divorce. See J. Buxtorf, *Dissertatio*, p. 153.

⁵⁴ J. Buxtorf, *Dissertatio*, pp. 153-154.

various formulas for *shidukhin* and *erusin*, as well as the texts of the *ketubbah* and the *get*⁵⁵.

4. Conclusions

The work of Johann Buxtorf the Younger provides valuable insight into how Christian scholars dealt with Jewish rites and ceremonies – particularly the institution of marriage. Several layers can be discerned in his treatise. On one level, Buxtorf appears as the erudite scholar who followed in his father's footsteps by collecting and analyzing a vast array of texts from diverse sources. Yet he expanded this scholarly approach beyond the Ashkenazi tradition to include sources from the Sephardic and Italian Jewish worlds. With access to a wide range of materials, he was able to construct a highly detailed and nuanced study of Jewish marriage practices. As in his father's case, however, this scholarly endeavor also served polemical purposes. The detailed account of various aspects of Jewish marriage – particularly the arbitrary power granted to the husband in matters of divorce – became the basis for sharp criticism of Judaism and its legal traditions. That said, Johann the Younger's anti-Judaism cannot be equated with his father's. Scholars have noted that even when he revised the *Synagoga Iudaica*, he did not eliminate his father's anti-Jewish assertions, but often supplemented them with texts and sources that, in some cases, softened their tone or effect⁵⁶.

Buxtorf's study of Jewish marriage, however, had a primarily theological purpose. By interpreting certain Gospel passages – especially Matthew 19:1-12 – and using Jewish sources, he sought to legitimize the Calvinist position on marriage: that it was a divine institution but not a sacrament, and that divorce was permissible only in cases of adultery.

In this case, Buxtorf's reference to Beza is particularly revealing, highlighting the extent to which his reading of Jewish matrimonial law was shaped by the interpretative framework established by Calvin and his successors⁵⁷. His argument that divorce was legitimate only in cases of adultery was

⁵⁵ The treatise also includes an appendix containing the Hebrew text and Latin translation of Isaac Abravanel's commentary on Numbers 15:30, a passage that discusses *karet*, or the punishment of extirpation.

⁵⁶ See, for example, A. Grafton - J. Weinberg, *Johann Buxtorf, Impresario of Hebrew and Jewish Books*, pp. 224-230.

⁵⁷ See J. Witte, *From Sacrament to Contract*, pp. 159-215.

a direct reflection of this theological inheritance⁵⁸. But Calvinist eyes had influenced not only his conclusions about divorce, but also his structural interpretation of Jewish marriage itself. It is particularly interesting to note how Buxtorf's emphasis on the public dimension of both Jewish marriage and divorce mirrored the marriage ordinances introduced in Geneva under Calvin's influence as early as 1546, in which the consent of civil and ecclesiastical institutions played a crucial role⁵⁹.

Although John Selden was not explicitly mentioned, it is difficult to ignore the implicit dialogue between Buxtorf's treatise and the English debates about marriage and divorce. Some English writers, not only Selden, but also John Milton, had posed a direct challenge to Calvinist orthodoxy, drawing on an extensive array of Jewish sources to argue that divorce could be justified on grounds far broader than adultery alone. In this sense, Buxtorf's work can be read as a rebuttal, an attempt to reaffirm the traditional Calvinist position through an equally rigorous engagement with Jewish legal texts.

Although Buxtorf's anti-Judaism and, more importantly, his theological positions influenced the composition of his treatise, within a few years his work came to serve a different purpose: it became a repertoire for those seeking a deeper understanding of Jewish marriage structures, including scholars from diverse confessional backgrounds. Lutheran Hebraists and theologians such as Johann Benedict Carpzov and Johann Palmroot found in Buxtorf's study a confirmation of key Lutheran principles regarding marriage⁶⁰. These are not merely erudite works, but writings that actively participated in the theological debates of their time and, as in the case of Palmroot, had to provide a scriptural justification for divorce (based on Jewish sources). But here we are dealing with works produced within the Lutheran world, which took a similar position on the institution of marriage and divorce.

More surprising is the presence of Buxtorf's writings in the work of a pope, Benedict XIV (1675-1758). In Pope Lambertini's treatise, the issue under discussion was the validity of the marriages of baptized Jews. He therefore needed to understand the main features of the Jewish matrimonial

⁵⁸ On Calvin and divorce, see C. Seeger, *Nullité de mariage, divorce et séparation de corps à Genève, au temps de Calvin. Fondements doctrinaux, loi et jurisprudence*, Lausanne, Société d'Histoire de la Suisse Romande, 1989.

⁵⁹ J. Witte, *From Sacrament to Contract*, pp. 169-174.

⁶⁰ See, for example, J.B. Carpzov, *De chuppa*; J. Palmroot, S. Huss, *De libello repudii*, Upsaliae, Werner, 1703.

institution and turned to the sources available at the time, Selden and Buxtorf – regardless of their confessional origin or their authors' non-Catholic affiliation⁶¹.

This broad reception underscores a central paradox in early modern Hebraism that warrants closer examination. Though rooted in polemical intent, these texts came to embody a substantial repository of historical and legal knowledge, gradually turning into essential reference works for both ecclesiastical and secular authorities. Whether assisting Christian judges in adjudicating cases involving Jewish matrimonial law, or informing theologians navigating the complexities of early modern legal thought, the study of Jewish tradition extended far beyond its original polemical framework.

Buxtorf's contribution exemplifies the evolving role of Jewish scholarship within the broader intellectual culture of the early modern period. The eventual publication of Volume 30 of Ugolini's *Thesaurus* – devoted entirely to Jewish matrimonial law – can be seen as the culmination of this trajectory. In this context, the study of Jewish marriage played a significant role, providing a concrete and complex legal domain through which Christian scholars could engage with rabbinic sources. It served not only as a focal point for theological and juridical reflection, but also as a gateway to a deeper understanding of Jewish legal reasoning and social organization. Over time, the study of Jewish traditions – once an integral part of theological, juridical, and philosophical debate – became increasingly decontextualized, losing its polemical urgency and taking on the character of a scholarly pursuit. No longer a battleground of confessional conflict, Jewish tradition was gradually relegated to the periphery of European intellectual life, distanced from the dynamic cultural and legal conversations to which it had once contributed significantly.

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⁶¹ See Benedict XIV, *Lettera a monsignor Arcivescovo di Tarso sopra il battesimo degli Ebrei o infanti o adulti*, Roma 1751, p. 70: «Ammaestrati da S. Gregorio, e per arrivare come suol dirsi al fondo della materia degli sponsali degli ebrei, abbiamo creduto opportuno il vedere il Seldeno, il Buxtorfio, Leone Modena ed altri che trattano di detti sponsali». On Benedict XIV and the Jews, see M. Caffiero, *Battesimi forzati*, pp. 73-110.

