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## SUMMARIES

### BALL PLAY IN JEWISH SOCIETY IN THE SECOND TEMPLE, MISHNAH AND TALMUD PERIODS

Joshua Schwartz (pp. 247–276)

Ball play has been a popular form of recreation for both young and old from time immemorial. Ball play and games had many forms in ancient society. Not all of these forms were popular, however, in Jewish society. Thus, the question of Jewish participation in organized athletics in ancient Palestine of the Diaspora is a difficult one, and especially regarding matters of ball play. Our study, therefore, will not deal with ball play within the framework of organized athletics in the gymnasium or palaestra. Rather, it will deal with the more informal instances of ball play among Jewish children and adults and within the framework of the Greco-Roman world, utilizing classical literature and archaeology when appropriate. Three aspects of this ball play will be examined: 1. physical attributes of the ball; 2. games; 3. ball and society.

There were balls of many types, shapes and colors in ancient society. Some of these were also mentioned in ancient literature, such as the *pila*, *pila trigonalis*, *harpastum*, and *follis*. Rabbinic literature deals with balls made of both leather (e.g. *Mishnah Kelim* 23,1) and cloth and even provides measurements to help determine the size of some of these balls (*Mishnah Kelim* 28,1). The Rabbis also make reference to the fillings and stitching of balls. The Rabbinic sources do not provide much information on physical attributes, but the few sources on this matter show that the ball used in Jewish society was not all that different from that found in the non-Jewish world.

There were endless types of ball games in the ancient world and they could be played in almost endless variations and forms. Rabbinic literature mentions a number of these types of games, the most popular being ‘catch’ (PT *Sanhedrin* VII, 28a and parallels) and perhaps even ‘phaininda’ (*Pesikta Rabbati* 3, p. 8a, ed. Friedman). Some of these games could even be dangerous (BT *Sanhedrin* 77b).

Many of the sources refer to ball play as the pastime of girls or perhaps young women, but others also mention young men playing ball, sometimes even on the Sabbath in a permitted manner (T *Shabbat* 10[11], 10).

Ball play in the Greco-Roman world was not just a matter of leisure. It was taken very seriously in all its manifestations. It is doubtful that Jewish society ascribed the same importance to this pastime. There were also at times dangers to Jewish society from this type of activity, implicit in the social implications of ball games. Young women in the Greco-Roman world occasionally utilized this pastime for romantic pursuits with members of the opposite sex. This would have been frowned upon by the Rabbis. They also would have taken a dim view of ball games, so popular in the Greco-Roman world, during periods of stress or war with the Romans. All in all, though, Rabbinic literature provides a fairly good picture of this important pastime in the ancient world.

DECISION-MAKING IN THE JEWISH COMMUNITY ACCORDING TO  
RABBENU TAM – THEORY AND PRACTICE

Yehiel Kaplan (277-300)

Sources attributed to Rabbenu Tam, a twelfth century Jewish scholar in Northern France, state that the promulgating of Jewish public legislation required the unanimous acceptance by all members of the community.

Doubt may be cast on whether the theoretical requirement of unanimity required the actual consent of the minority in the Jewish communities during this period because, among other reasons: (1) unanimous consent is a problematic form of community decision-making; (2) there is confusion in the sources in subsequent generations as to the precise legal principle attributed to Rabbenu Tam.

Reconciliation of the apparently problematic approach of Rabbenu Tam regarding communal decision-making may emerge from consideration of possible influence of Germanic and Canon law, practiced in christian communities in Northern France and Germany. Their legal systems similarly stated that theoretical unanimity was required; in practice, however, they adopted a legal fiction whereby the majority imposed its will on a supposedly-consenting minority.

The statements attributed to Rabbenu Tam, therefore, may similarly represent a legal fiction of unanimity not adhered to in reality.

AN APPEAL IN FAVOUR OF THE *JUDEOCONVERSOS*: JUAN DE  
TORQUEMADA AND HIS *TRACTATUS CONTRA MADIANITAS ET  
ISMAELITAS*

by Alisa Meyuhas Ginio (pp. 301–333)

Juan de Torquemada, the fifteenth century Dominican, celebrated theologian – entitled *Defensor fidei* by Pope Eugenius IV – and Cardinal of St. Sixtus, wrote his *Tractatus contra madianitas et ismaelitas* in the fall of 1450. This work was composed in order to refute the arguments launched by the Castilian Old Christians (*cristianos viejos*), rebels of Toledo, who in 1449, issued the *Sentencia-Estatuto* against the *judeoconvertos*, otherwise known as New Christians (*cristianos nuevos*) of Jewish descent. The Old Christian rebels of Toledo regarded the *judeoconvertos* as clandestine Jews, who tenaciously and obstinately clung to their ancestral Jewish creed and were clearly motivated by the same sins and hostility toward Christianity and its believers, as all Jews throughout history.

The Toledo rebels fervently demanded that the *judeoconvertos*, no less than unbaptized Jews, be excluded from holding any public offices, lest they exercise authority over Christians. The rebels' view denied the possibility of any virtual change in the spiritual and

religious convictions of baptized Jews. This view reflected a popular social norm, widely accepted throughout the Iberian Peninsula, and especially in Castile of the later Middle Ages, where the majority of the Jewish *aljamas* lived. The said norm had been kindled and nurtured by the mendicant friars, active in Castile ever since the thirteenth century. The restrictive attitude to Jews received further support by the final victory of the Christian *reconquista* in the thirteenth century, which undermined the existence of the pluralistic society of *convivencia* in the Iberian Peninsula, and by the social and political strife which dominated the public life of Castile throughout the fourteenth and fifteenth centuries.

Consequently, the same hatred, suspicion and disdain, with which Jews had been regarded by Christians during a large part of their common history, was transplanted to the *judeoconvertos* by a growing number of Castilian Old Christians.

Notwithstanding the fact that Castile of the later Middle Ages was the historical stage of mass-conversion of Jews to Christianity, it was there that the fiercest rejection of the integration of *judeoconvertos* into Old Christian society was manifest. Cardinal Juan de Torquemada, then a prominent member of the papal *curia* in Rome and a close ally and supporter of Pope Nicholas V, advocated the cause of the *judeoconvertos* in his *Tractatus contra madianitas et ismaelitas*. Torquemada employed a scheme of parallel arguments, aimed at refuting his adversaries' claims. He deliberately chose to ignore the thirteenth-century and later polemical *adversus judaeos* literature, which stressed the demonic nature of the Jewish people. Rather, the Cardinal assumed a conservative point of view, acknowledging the elevated nature of the people chosen by God. He claimed that the *judeoconvertos* – being descendants of the Chosen People of God – should not only be fully integrated into the Old Christian community, but respected and revered even more than the converts from Islam or Paganism. Juan de Torquemada took a similar conservative approach in expounding the Scripture predominantly by allegory, although he reverted occasionally to literal exegesis. Together with his advocacy of the Jewish People, acquitting their descendants, the *judeoconvertos*, from the fault of inborn defects attributed to them by their adversaries, Torquemada argued that the sacrament of baptism purged the *judeoconvertos* from all sins and blemishes that might be ascribed to Jews and Judaism. The Cardinal accused those who denied such benign potency of Christian baptism of heresy, as ministers of the Devil.

Torquemada's approach reflects the traditional views of the Catholic Church as *ecclesia in gentibus*, oriented toward Mission and conversion of the infidels. His support of the *judeoconvertos* won a temporary victory, when Pope Nicholas V, in his *bull*a 'Humani generis inimicus', condemned the *Sentencia-Estatuto*. Yet this victory was destined to be shortlived. Toward the end of the fifteenth century, the Papacy gave way to the popular norm, then prevailing in the Iberian Peninsula, of rejecting the *judeoconvertos*. The institution of the New Spanish Inquisition and the legislation regarding the *limpieza de sangre* hampered the integration of the Iberian *judeoconvertos* into the ranks of Old Christian society, and decided the course of Spanish history and culture for future generations.

## ESSAYS IN HISTORY

## JEWISH HISTORY AMONG THORNS

Amos Funkenstein (pp. 335–347)

Is there a noticeable tension, of late, between Jewish history (meaning, of course, historiography) and the “science of Judaism” (*Chochmat Israel*)? Now the subject may seem either trivial or tautological, that is: empty of content. The science of Judaism without quotation marks – the traditional study of G.P.T., *midrash*, *kabbala* and *responsa* – regarded and still regards the historical perspective of its subject matter with great suspicion if not animosity, since a genuine historical outlook threatens it with secularization and with the relativisation of its basic values. But if we have in mind the *Wissenschaft des Judentums* founded by Wolf, Jost, Zunz and Geiger, its very heart was indeed the cultivation of a historical understanding. Even Nachman Krochmal, who still considered himself a tradition-bound religious thinker seeking to fortify the faith of his generation by proper means, interpreted Jewish religion as the embodiment of the process of ‘the spirit becoming acquainted with itself’, and dared to identify the heart of this evolution of religion with the very historico-evolutionary process itself: he calls it, in an inverted eschatological idiom, ‘the knowledge of the end of the day’.

Perhaps, then, we should say: times change. While it is true that, throughout the nineteenth century, the historical perspective constituted the backbone of *Wissenschaft des Judentums* and sustained all of its branches, this is no longer true today. The status of the historical-philological method is being eroded; tensions can be felt between it and other disciplines within and outside Jewish Studies – provided that the links of that chain are not purely accidental. In the acrimonious disputes about some of the works of Jehuda Liebes, Moshe Idel, Israel Yuval, Tom Segev and – to a lesser extent – Jacob Neusner, I see more than just unlinked disputes over the one or the other theory and method. These are not merely instances of the usual tides of revisionism. The rage about them cannot only be accounted for by the threat to cherished preconceptions. A silent partner to all of these fierce debates is, I believe, the nagging doubt whether the historical-philological method, with its foundation in the analysis of texts, has not lost its hegemony even in its own backyard. Or, to use a more fashionable idiom, could it be that some recent historians had good reasons to *lose* the faith we all once shared in the existence of one, coherent and harmonious masternarrative that is capable of representing a reality not of its own making? Should the place of that masternarrative be taken over by a disharmonic polyphony of competing and even contradictory voices, each of which possesses but relative validity? Is it not imperative to blur and to question the borderlines between narratives and their referents, between signifier and signified?