



Tosefta Avodah Zarah 2:4

Prohibitions against certain sales to gentiles: weaponry, instruments of torture, and the apparatus for chaining prisoners.

Date: 3d CE

Place: Syria Palaestina

Language: Hebrew

Category: Jewish

Literary genre: Legal text

Title of work: Tosefta

Reference: Avodah Zarah 2:4

Commentary:

This passage from the Tosefta prohibits selling to the gentiles weapons, torturing equipment, or apparatus which may be used to chain prisoners. Thus, this text views non-Jews as enemies, for there is no reason to ban the sale of such objects to allies. In the context of Roman Palestine, these specific items were associated with the Roman legal system or with its army. So, for example, the word “collar” (from the Latin *collare*) is used to allude to scenarios in which Roman authorities transported people to the court, often with the prospect of capital punishment (see for example, Mishnah Gittin 6:5; Tosefta Yevamot 14:7).

The version of this tosefta in MS Erfurt (which is usually considered to be less reliable) is slightly different:

??? ?????? ??? ?? ????? ??? ??? ?????

???? ????????? ??? ?? ??????

???? ????????? ??? ?? ????? ??? ?????? ??? ?????? ??? ?????? ?? ?????

It is not [permissible] to sell them (gentiles) weaponry or weapon accessories.

Nor is it [permissible] to sharpen weapons for them (gentiles).

Nor is it [permissible] to sell them (gentiles) torturing blocks or cables or collars (bands or chains placed on prisoners' necks) or iron chains.

A partial parallel for this tannaitic teaching appears in the Jerusalem Talmud (Avodah Zarah 2:1, 40c):

??? ?????? ??? ?? ????? ??? ??? ????? ?????? ?????? ??? ?? ?????.

It is neither [permissible] to sell them (gentiles) weaponry or weapon accessories, nor is it [permissible] to sharpen weapons for them (gentiles).

The Jerusalem Talmud's version resembles the MS Erfurt version more than the version of MS Vienna, yet in all the variants this text includes a ban on selling weapons and related items to the gentiles. While the prohibition of selling to non-Jews, probably the Romans, weapons, torture equipment, or apparatus which may be used to chain prisoners is well attested in the Tosefta and the Jerusalem Talmud, the Mishnah does not include such a ban. One possibility is that [Mishnah Avodah Zarah 1:7](#) refers to this prohibition, but not explicitly: “It is not [permissible] to sell to them (gentiles) bears, lions or anything that may harm the public.” According to this suggestion, whereas the first words of this law prohibit selling wild animals for the games in the arena, the last words of this law (“anything that may cause harm to the public”) actually imply weapons as well. However, even if this passage refers to weapons, it does not mention them explicitly. Christine E. Hayes argues that “There is evidence that the Mishnah's final redactor(s) knew of this prohibition but consciously chose to exclude it from the Mishnah” (*Between the Babylonian and Palestinian Talmuds*, p. 174). Hayes tries to prove from Tosefta Avodah Zarah 2:2



(according to MS Erfurt which is usually considered as less reliable) that Rabbi Yehudah the patriarch is familiar with “and even accepts a prohibition against the sale of weapons (and large animals) to non-Jews.” Thus, she suggests that “the prohibition of the sale of weapons dates to the time of hostility – even war – between Jews and non-Jews, and the eclipse of that prohibition dates to a time of relative peace.” Moreover, Hayes claims that since Rabbi Yehudah the patriarch was central in the process of Jewish accommodation of Roman rule, it is not surprising that this prohibition was omitted from the Mishnah (Hayes, *Between the Babylonian and Palestinian Talmuds*, p. 175-177).

In any case, while this prohibition articulates hostility towards Roman power and its legal system, the Tosefta does not provide any indication of the exact dating of this law. Yet, the Tosefta’s editor(s) continued to transmit this teaching even in periods when Jews did not violently rebel against Rome and were considered relatively peaceful.

Keywords in the original language:

- [????](#)
- [????](#)
- [???](#)
- [??](#)
- [???????](#)

Thematic keywords in English:

- [death penalty](#)
- [Gentiles](#)
- [prisoner](#)
- [Rabbi Yehuda the patriarch](#)
- [Roman army](#)
- [Roman legal system](#)
- [torture](#)
- [weapons](#)

Bibliographical references:

[Between the Babylonian and Palestinian Talmuds: Accounting for halakhic Difference in Selected sugyot from Tractate Avodah zarah](#)

Hayes, Christine E. book *Between the Babylonian and Palestinian Talmuds: Accounting for halakhic Difference in Selected sugyot from Tractate Avodah zarah* New York Oxford University Press 1997

Other sources connected with this document: Text

[Mishnah Avodah Zarah 1:7](#)

Rabbinic prohibitions against Jews conducting certain forms of economic with gentiles, which signal a rejection of two Roman institutions: the arena – implying games and public executions – and the legal system.

- [Read more about Mishnah Avodah Zarah 1:7](#)

Realized by:

[Yael Wilfand](#)



Source URL: <https://www.judaism-and-rome.org/tosefta-avodah-zarah-24>