



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.

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Category: Jewish

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Reference: Avodah Zarah 1:7

Commentary:

This passage from the Mishnah limits certain types of Jewish economic associations with gentiles by detailing select restrictions on commerce and labor. These regulations convey a rejection of two core Roman institutions: the arena – as the locus of games and public executions – and the legal system.

Section A rules against providing gentiles with bears, lions or any other objects that might cause harm to the public. Wild beasts had a defining role in the *venatio* (the staged beast hunt), a popular Roman spectacle which was held in the arena. Pompey and Caesar would bring exotic animals to Rome from far flung provinces to “advertise deliberately the extent of their conquests (real or alleged) to the Roman populace.” During the empire, this event was also intended to demonstrate “the emperor’s control over the natural world” (Chris Epplert, “Roman Beast Hunts,” p. 508-509). Beyond the city of Rome, including in Roman Palestine, citizens and magistrates organized similar displays, though on a smaller scale. The persons who participated in the hunt were typically condemned criminals, slaves or prisoners of war. This type of death sentence was known as *damnatio ad bestias* (“damnation to the beasts”). In his account, Josephus writes that Herod introduced these games in Judea:

“He had also made a great preparation of wild beasts, and of lions themselves in great abundance, and of such other beasts as were either of uncommon strength, or of such a sort as were rarely seen. These were prepared either to fight with one another, or that men who were condemned to death were to fight with them. And truly foreigners were greatly surprised and delighted at the vastness of the expenses here exhibited, and at the great dangers that were here seen; but to the natives, this was no better than a dissolution of those customs for which they had so great a veneration. It appeared also no better than an instance of barefaced impiety, to throw men to wild beasts, for the affording delight to the spectators; and it appeared an instance of no less impiety, to change their own laws for such foreign exercises” [*Jewish Antiquities*, XV.273-275; translation by William Whiston, quoted from:

<http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0146%3Abook%3D15%3Awhiston+chapter%3D8%3Awhiston+section%3D1>]

Section A of our mishnah rejects the indirect facilitation of such events by banning Jews from selling wild beasts and “anything that may harm the public” to gentiles. The rabbis therefore considered such events held in arenas as dangers to the public. In contrast to Josephus, who explicitly provides reasons for the rejection of these spectacles, the Mishnah offers no explanations beyond this sentence.

Section B lists four structures that Jews may not help gentiles to construct: 1) a basilica (from the Greek *basilik? stoa*): a building with colonnades where court sessions were held, or a forum built for public purposes, such as a market; 2) a scaffold (from the Latin *gradus*): a platform where capital trials – whose proceedings included interrogation and torture – were conducted; 3) an arena (from the Greek *stadion*; according to MS Kaufmann, the correct word is *’aistariyyah* but, as *resh* and *dalet* closely resemble one another, in other manuscripts, among them MS Parma, the term *’aiystadia* appears): a stadium for public spectacles, such as gladiatorial combat and the staged hunts mentioned above; 4) a *bimah* (from the Greek *b?ma*): a platform erected for a judicial tribunal or for a judge to position himself; usually “a special tribunal or platform on which the magistrate sat and which was erected when there was no regular law court” (Christine Elizabeth Hayes, *Between the Babylonian and Palestinian Talmuds*, p. 79).



The basilica, the scaffold, and the *bimah* were associated with the Roman legal and penal systems; the arena was often the site for executions of condemned members of the lower strata of society. While the Romans vaunted their legal system, which they saw as the source for justice in the provinces, and embraced public spectacles as a basic feature of Roman life, this text rejects both of these institutions by prohibiting Jewish participation in building the structures that housed them. According to Christine Elizabeth Hayes, "...all four of these structures are places associated with unjust or violent death. It is apparently for this reason that the Mishnah prohibits Israelites from assisting in their construction" (*Between the Babylonian and Palestinian*, p. 79; Hayes followed William A. L. Elmslie, *The Mishnah on Idolatry*, p. 12). The objection to participating in the construction of an arena also articulates a rejection of this popular Roman venue for entertainment. Thus, "Jews are not to sell beasts to non-Jews for animal performances, nor are they to facilitate the building of stadiums for such spectacles" (Zeev Weiss, *Public Spectacles*, p. 202).

Section C indicates that the Roman bathhouse was not categorized with the four structures already discussed, for the Mishnah permits Jews to engage in its construction. Yaron Z. Eliav describes the sculptures in this well-known Roman institution in these terms: "Statues adorned the Roman baths, constituting an unavoidable part of the environment encountered by the visitor. Statues that were chiseled on the pediment or standing full size on its tip (*acroterion*), or that were placed on the cornice welcomed the bather at the building's façade. Inside they were situated at almost every possible spot. There were reliefs engraved on friezes, busts (*protomai*) carved out of the abaci (the square slabs at the top of the column's capital), life-sized three-dimensional images arranged on beams spanning the columns, in special niches in the wall or scattered around on pedestals. The subject repertoire of the statues was diverse: emperors, benefactors, gods, mythological scenes, and important figures who were memorialized for various reasons" ("The Roman Bath," p. 431). Although our mishnah prohibits Jews from building the niches where sculptures would ultimately be placed, it does not object to the bathhouse as an institution, by contrast with the Roman legal system and public spectacles. Jews must only refrain from erecting the architectural features that were specifically designed to accommodate idols.

Keywords in the original language:

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Thematic keywords in English:

- [arena](#)
- [basilica](#)
- [bath house](#)
- [baths](#)
- [bear](#)
- [beast hunt](#)
- [gentile](#)
- [Gentiles](#)
- [gladiator](#)
- [Herod the Great](#)
- [idolatry](#)



- [judge](#)
- [lion](#)
- [Roman court](#)
- [Roman law](#)
- [Roman legal system](#)
- [scaffold](#)
- [spectacle](#)
- [wild beast](#)

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Other sources connected with this document: Text

[Jerusalem Talmud, Avodah Zarah 1:7, 40a](#)

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