1. Record Nr. UNINA9910767591903321 Autore Broyde Michael J. **Titolo** Setting the table : an introduction to the jurisprudence Rabbi Yechiel Mikhel Epstein's Arukh HaShulhan / / Michael J. Broyde and Shlomo C. Pubbl/distr/stampa Brookline, Massachusetts:,: Academic Studies Press,, [2020] ©2020 **ISBN** 1-64469-071-3 Descrizione fisica 1 online resource (xiii, 412 pages) Disciplina 296.18 Soggetti Jewish law - Codification Jewish law - Interpretation and construction Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Frontmatter -- Contents -- Acknowledgments -- Introduction -- Part Nota di contenuto I—Setting the Table: The Codification of Jewish Law -- Chapter One: Codifying Jewish Law -- Chapter Two: Rabbi Yechiel Mikhel Epstein's Arukh HaShulchan -- Chapter Three Competing Models: The Arukh HaShulchan and Mishnah Berurah -- Part II—The Methodological Principles of the Arukh HaShulchan -- Introduction -- Chapter Four: The Rule of the Talmud -- Chapter Five Rabbinic Consensus -- Chapter Six Resolving Doubtful Cases -- Chapter Seven Non-Normative Opinions -- Chapter Eight Supererogatory Religious Conduct --Chapter Nine Law and Mysticism -- Chapter Ten Law and Custom --Chapter Eleven Temporal Rationalization of Halakhic Rules -- Chapter Twelve Law and Pragmatism -- Part III—Illustrative Examples from the Arukh HaShulchan -- The Arukh HaShulchan's Methodological Principles for Reaching Halakhic Conclusions -- The Ten Methodological Principles of the Arukh HaShulchan -- Bibliography --Index of Biblical and Rabbinic Works Cited -- Index of Names and Subjects -- Index of Examples by Methodological Principle Sommario/riassunto One of the most basic questions for any legal system is that of methodology: how one interprets, analyzes, weighs and applies a mass

of often competing legal rules, precedents, practices, customs, and

traditions to reach final determinations and practical guidance about the correct legal-prescribed course of action in any given situation. Questions of legal methodology raise not only practical concerns, but theoretical and philosophical ones as well. We expect law to be more than the arbitrary result of a given decision maker's personal preferences, and so we demand that legal methodologies to be principled as well as practical. These issues are especially acute in religious legal systems, where the stakes are raised by concerns for respecting not just human, but divine law. Despite this, the major scholars and codifiers of halakhah, or Jewish law, have only rarely explicated their own methods for reaching principled legal decisions. This book explains the major jurisprudential factors driving the halakhic jurisprudence of Rabbi Yehiel Mikhel Epstein, twentieth century author of the Arukh Hashulchan—the most comprehensive, seminal, and original modern restatement of Jewish law since Maimonides. Reasoning inductively from a broad review of hundreds of rulings from the Orach Chaim section of the Arukh Hashulchan, the book teases out and explicates ten core principles of halakhic decisionmaking that animate Rabbi Epstein's halakhic decision-making. Along the way, it compares the Arukh Hashulchan methodology to that of the Mishna Berura. This book will help any reader understand important methodological issues in both Jewish and general jurisprudence.