



Setting the Table

An Introduction to the Jurisprudence of Rabbi Yechiel Mikhel Epstein's *Arukh HaShulchan*

MICHAEL J. BROYDE & SHLOMO C. PILL

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SUMMARY

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 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 halakhic principles 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.

PRAISE

"Rabbis Broyde and Pill not only analyze the principles used by the author, but they systematically demonstrate how they were applied to specific laws. This work is ... valuable both to the outsider and the Talmudic scholar."

—Rabbi Yosef Blau, Senior Mashgiach Ruchani & Rosh Yeshiva, Rabbi Isaac Elchanan Theological Seminary

"In this fascinating work, Broyde and Pill ... bring to life the intellectual choices made by the *Arukh Hashulchan*, situating their work within the long history of attempts to codify Jewish law. ... This is an invaluable contribution to our understanding of rabbinic jurisprudence."

— Suzanne Last Stone, Professor of Law, Cardozo Law School, University Professor of Jewish Law and Contemporary Civilization, Yeshiva University

