Jewish Law Research Guide

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Jewish Law is called Halakha in Hebrew. Judaism classically draws no distinction in its laws between religious and ostensibly non-religious life.

What is Jewish Law?

Jewish Law is called Halakha in Hebrew. Halakha from the Hebrew word Halakh, which means "to walk" or "to go," thus a literal translation does not yield "law," but rather "the way to go".

- Judaism classically draws no distinction in its laws between religious and ostensibly non-religious life
- Jewish religious tradition does not distinguish clearly between religious, national, racial, or ethnic identities.
- Halakha guides not only religious practices and beliefs, but numerous aspects of day-to-day life.

TIP: Start With Secondary Sources

- Researching Jewish Law can be complicated.
- Primary sources are not in English, but many have been translated.
- Sources lack the organization and structure found in more modern legal systems. Researchers will find a lack of clear distinctions between primary and secondary sources and a lack of comprehensive finding tools.
- Use Secondary Sources like: A living tree : the roots and growth of Jewish law / Elliot N. Dorff and Arthur Rosett

Using This Guide

Terms Bolded are defined and located under the Glossary tab.

Recognition

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<td>Babylonian Talmud (Gemara): compiled by Ravina &amp; Rav Ashi [same order as Mishnah]</td>
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<td>Mishneh Torah &amp; The Guide for the Perplexed: Maimonides (&quot;Rambam&quot;)</td>
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<td>Maimonides (&quot;Rambam&quot;)</td>
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<td>Rishonim Period, in Spain, France &amp; North Africa)</td>
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<tr>
<td>1565</td>
<td>Shulhan Arukh [the order of the Tur]: R. Joseph Caro</td>
<td>Rishonim Period, in Spain, France &amp; North Africa)</td>
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<td>Aharonim Period, primarily in Eastern Europe</td>
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## Primary Sources

### Time Line of Primary Jewish Law Sources

(Terms **bolded** are defined and located under the **Glossary tab**. Major primary sources are in **bolded italics**)


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<td><strong>Jerusalem Talmud (Gemara)</strong> [same order as Mishnah]</td>
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<td>1270 - 1343</td>
<td><strong>Arbaah Turim</strong> (<em>The Tur</em>), <strong>Orah Hayyim</strong>, <strong>Yoreh Deah</strong>, <strong>Eben-Ha-Ezer</strong>, <strong>Hosehn Hamishpat</strong>: R. Jacob ben Asher</td>
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<tr>
<td>1565</td>
<td><strong>Shulchan Aruch</strong> [the order of Arbaah Turim] (<em>The Tur</em>): R. Josesph Caro</td>
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<tr>
<td>c. 1650</td>
<td><strong>Turei Zahav</strong> (<em>Taz</em>): R. David ben Samuel HaLevy</td>
</tr>
<tr>
<td>c. 1650</td>
<td><strong>Siftei Kohen = &quot;Shakh&quot;</strong>: R. Shabbitali ben Meir Ha Kohen</td>
</tr>
<tr>
<td>1863</td>
<td><strong>Kitzur Shulhan Arukh</strong>: R. Solomon Gazfried</td>
</tr>
<tr>
<td>c. 1900</td>
<td><strong>Arokh Ha Shulhan</strong>: R. Yehiel M. Epstein</td>
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### Torah
Torah

- Commentary on the Torah
  By Richard Elliott Friedman
  San Francisco: HarperSanFrancisco
  Text of the Torah: Hebrew & English
  Commentary in English
  BS1225.3 .F7495 2001
- Etz Hayim: Torah and Commentary
  Edited by David L. Lieber
  Philadelphia: Jewish Publication Society & United Synagogue of Conservative Judaism
  Hebrew / English
  BS1222 .L54 2001
- The Soncino Chumash
  Edited by Abraham Cohen
  England, Soncino Press
  Hebrew / English
  BS1225 .C58
- The Torah: A Modern Commentary / W. Gunther Plaut
  Commentaries by W. Gunther Plaut
  1st edition
  New York: Union of American Hebrew Congregations
  Hebrew / English
  BS1225.3 .P55 1981

Torah Divisions

The names of five books of the Hebrew Bible are taken from the first phrase in each book:

- Bereshit - (Translation: "In the beginning", Greek: Genesis)
- Shemot - (Translation: "Names", Greek: Exodus)
- Vayikra - (Translation: "He called", Greek: Leviticus)
- Bamidbar - (Translation: "In the desert", Greek: Numbers)
- Devarim - (Translation: "Words", Greek: Deuteronomy)

What is the Torah?

Torah (Hebrew: תּוֹרָה, "Instruction", "Teaching") most specifically means the first five books of the Hebrew Bible, it can mean this, plus the rabbinic commentaries of these five books.

Chumash (Hebrew:חומש) is a term for Torah in printed book form, as opposed to being scribed on a scroll. A more formal term is Hamishah Humshei Torah, "five fifths of Torah," the Hebrew name for the Five Books of Moses.

Babylonian Talmud
Mishnah

Babylonian Talmud

The Babylonian Talmud is more complete and more widely used and cited.

- The Babylonian Talmud
  Translation by Israel W. Slotki; Isidore Epstein
  Brooklyn, NY: Rebecca Bennett Pub.
  64 vols.
  English
  BM500.E57 1959aa

- The Babylonian Talmud (Abridged)
  Translation by Isidore Epstein
  London, Soncino Press
  18 vols.
  English
  BM499.5 1961

- The Soncino Babylonian Talmud (CD-ROM) 
  Translation by Isidore Epstein
  Originally published by the Soncino Press
  English
  BM499.5.E5 2005

- Talmud Bavli: The Schottenstein Edition
  Via Ohiolink
  Edited by Hersh Goldwurm
  1st American ed.
  Brooklyn, N.Y.: Mesorah Publications
  47 vols.
  Aramaic / Hebrew / English
  BM 499 1990

Talmud: Structure

Two Types: There are two different Talmuds: the Babylonian Talmud and the Jerusalem Talmud (Hebrew Transliteration: Talmud Yerushalmi).

Preferred Talmud: The Babylonian Talmud (Hebrew Transliteration: Talmud Bavli) is the most complete and more widely used and cited. The Babylonian Talmud contains the Mishnah and the Babylonian Gemara. But not every Mishnah tractate is in the Babylonian Talmud. The Babylonian Talmud is the newer talmud and consists of documents compiled in the 3rd to 5th centuries in Mesopotamia, later known as Iraq.

Talmud Contents: A reference to the term "Talmud" is universally considered a reference to the Babylonian Talmud. The Talmud is a collective term for several individual works: Mishnah, Gemara, and Commentaries - Most authoritative appear within the pages of Talmud.

Using Babylonian Talmud

Extremely hard to navigate. It is suggested that researchers use secondary treatises to locate relevant citations. Using the Talmud in conjunction with contemporary treatises and major law codes is the easiest way to conduct your research. However, a Talmudic reference will almost always be necessary when citing to Jewish law.

For more on understanding a page of Talmud, see: Guide to Layout of Talmud Page
Basic Structure of the Mishnah

The Mishnah is divided into six orders (Hebrew: seder, sing. / sederim, pl.). The 6 sederim are subdivided into 63 tractates (Hebrew: masekhet, sing. / masekhtot, pl.). Each masekhet is divided into chapters, and each chapter is made up of individual laws (Hebrew: mishna, sing. / mishnayot, pl., lit. "web"). However, the Talmud does not contain a masekhet for every Mishnah masekhet.

<table>
<thead>
<tr>
<th>Order / Seder (6)</th>
<th>Tractates in Babylonian Talmud</th>
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<th>Tractates in Babylonian Talmud</th>
<th>Order / Seder (6)</th>
<th>Tractates in Babylonian Talmud</th>
</tr>
</thead>
</table>

Mishnah Tractates

Mishnah

The Mishnah can also be located under Babylonian Talmud tab.

- The Mishnah
  Translated by Herbert Danby
  London, Oxford University Press (1964)
  Hebrew / English
  BM505.A3 D3
- The Mishnah: Oral Teachings of Judaism
  Selected and translated by Eugene J. Lipman
  New York, Viking Press
  Hebrew / English
  BM497.5 .E5 L55 1973

Locating the Gemara

Gemara is located in the Babylonian Talmud.
Types of Gemara

**Jerusalem Gemara**, published between about 350-400 CE.

**Babylonia Gemara**, published about 500 CE. By convention, a reference to the "Gemara" or "Talmud," without further qualification, refers to the Babylonian version.

What is the Gemara?

**Gemara**: (also transliterated Gemora, Gemarah or, less commonly, Gemorra; from Aramaic רָגָמָה, def: "[to] study" or "learning by tradition"). The Gemara provides records and reports of seven generations of debates and statements by the rabbis arguing the Mishnah. The focus of the Gemara is the interpretation and application of the Mishnah.

- **Two Versions**: There are two versions of the Gemara:
  - **Jerusalem Gemara** (published 350-400 CE)
  - **Babylonia (Bavli) Gemara** (published ca. 500 CE). A reference to the "Gemara" or "Talmud," without further qualification, refers to the Babylonian version.

- **Language Used**: The Babylonia Gemara is mostly written in Aramaic, with some portions in Hebrew. Sometimes the language used may change in the middle of a story.

- **Important Terms**: The rabbis of the Gemara are referred to as **Amoraim** (sing. Amora; Hebrew: אמורא). The analysis of the Amoraim is generally focused on clarifying the positions, words and views of the **Tannaim** (Hebrew: תנאים, singular Tanna, lit. "repeaters", "teachers") were the Rabbinic sages whose views are recorded in the Mishnah.
  - The Amoraim debates and exchanges form the "building-blocks" of the gemara; the name for such a passage of gemara is a **sugya** (Hebrew: סוגיה; pl. sugyot).

- **Purpose**: Each sugya will typically comprise a detailed proof-based elaboration of the Mishna. Every aspect of the Mishnaic text is treated as a subject of close investigation. This analysis is aimed at an exhaustive understanding of the Mishna's full meaning.

For more information see: [Guide to Layout of Talmud Page](http://s3.amazonaws.com/libapps/sites/1185/guides/190548/backups/gui...)

Misdrash Halakhah

**Modern Midrash**

*Sefer ha-aggadah* : Legends from the Talmud and Midrash

English Title: Book of Legends
Edited by Hayim Nahman Bialik & Yehoshua Hana Ravnitzky Translated by William G. Braude
New York : Schocken Books
BM516.B52 E5 1992

**Midrash Halakhah**

*Midrash Halakhah* - Legal interpretations of the books of Shemot (Exodus), Vayikra (Leviticus), Bamidbar (Numbers), and Devarim (Deuteronomy). Individual books are called **Sifra** or **Sifre** and **Mekhilta**.

*Mekhilta* - Works on Shemot (Exodus) are called **Mekhilta** (Aramaic: מְכִילָתָא, a collection of rules of interpretation).

**Sifre or Sifra or Sefer** - Works on Vayikra (Leviticus), Bamidbar (Numbers) and Devarim (Deuteronomy) are called **Sifre** or **Sifra** (Hebrew: סִפְרֵי).
**Mekhilta in English**
- Mekhilta of Rabbi Ishmael
  Via OhioLink By Rabbi Ishmael or Ishmael ben Elisha
  Translation, introduction, and notes by Jacob Z. Lauterbach
  2nd edition
  Legal interpretation of Shemot (Exodus)
  English
  BM 517 .M4 E5
- Mekhilta of Rabbi Shimon bar Yochai
  Via OhioLink By Shimon bar Yochai (and by his acronym Rashbi)
  Translated by W. David Nelson
  1st edition
  Legal interpretation of Shemot (Exodus)
  Hebrew / English
  BM 517 .M45 E5

**Sifra in English**
- Sifra on Vayikra (Leviticus)
  Via OhioLink. By Jacob Neusner
  Brown Judaic Studies, No. 138-140
  Atlanta, Ga. : Scholars Press
  Legal interpretation of Vayikra (Leviticus)
  3 vols.
  English
  BM517.S6 E5 1988
- Sifra on Vayikra (Leviticus)
  Via OhioLink. By Jacob Neusner and Roger Brooks
  Brown Judaic Studies No. 102
  Atlanta, Ga. : Scholars Press
  Legal interpretation of Vayikra (Leviticus)
  English
  R135.5.S54251 1985
- Sifre on Bamidbar (Numbers)
  Via OhioLink. Translation of: Siphre d'be Rab. I. Siphre ad Numeros adjecto Siphre zutta / edited by H.S. Horovitz
  Translated by Jacob Neusner
  Lanham, Md. : University Press of America (2009)
  3 vols.
  Legal interpretation of Bamidbar (Numbers)
  English
  BM517.S85 E5
- Sifre to Devarim (Deuteronomy)
  Via OhioLink Translated by Jacob Neusner
  Brown Judaic studies Nos. 98, 101
  Atlanta, Ga. : Scholars Press
  2 vols.
  Legal interpretation of Devarim (Deuteronomy)
  English
  BM517.S75 A3 1987

**Tosefta**
- The Tosefta
  Translated by Jacob Neusner
  New York : Ktav
  6 vols.
  Hebrew / English
  BM508.13 .E5 1977
Understanding Tosefot

The Tosefot (Hebrew: תוספות; additions) are medieval commentaries on the Talmud. The Tosefot are a compilation of the questions, answers and opinions posed and answered by rabbis. They are printed in almost all Talmud editions, on the outer margin and opposite Rashi’s notes. The authors of the Tosefot are known as Tosafists.

The Tosefot are also referred to as a gloss (Latin: glossa, lit. "language") and appear as brief marginal notation within the Talmud. For more information see: Guide to Layout of Talmud Page

Tosafists were rabbis from France and Germany known for their Talmudical scholarship. The Tosafists lived from the 12th century to the middle of the 15th century.

Rashi’s Commentary

Locating: Rashi’s Commentary on the Talmud

Rashi’s Commentary on Talmud is included in every version of the Babylonian Talmud since its first printing in the fifteenth century.

It is always situated towards the middle of the opened book display; i.e., on the side of the page closest to the binding. His opinions have the weight of law. Rashi’s commentary covers nearly all of the Babylonian Talmud (a total of 30 tractates). For more information see: Guide to Layout of Talmud Page

Who is Rashi?

Rashi (Hebrew: רבנו龢למה אֵיזְקַי) is Rabbi Shlomo Izhaki (1040 – 1105) was a great 11th century scholar who lived in Germany and France. Today, he is generally known by the acronym Rashi. He is considered the "father" of all commentaries that followed on the Talmud. He is the author of: Commentary on the Babylonian Talmud and Commentary on the Tanakh.

Codes of Law
Codes of Law:

- **Mishneh Torah (Code of Maimonides)**
  - **Mishneh Torah** (Hebrew: תּוֹרָה Mishneh Torah, "Repetition of the Torah") is also called **Code of Maimonides**. Codifies (organizes by subject) the 15,00 law from the Talmud. Considered an absolutely authoritative statement of Jewish Law and a proper primary Jewish legal source.
  - **Structure**: It is comprised of fourteen books. Each book is subdivided into subject-area sections (Hilchot). Each section or Hilchot is further subdivided into chapters, each chapter is subdivided into paragraphs. Each paragraph constitutes a single law.
  - **English translations**: Unfortunately, English translations of entire *Mishneh Torah* are not commonly found in academic law libraries. Many abridged translations or subject-area divisions are available.

- **Shulchan Aruch**
  - The *Shulchan Aruch* (Hebrew: עָרוּךְ שׁוּלחָן, literally: "Set Table"), the second and most important Jewish law code, was authored by **Joseph ben Ephraim Karo** (ca. 1488 - 1575) and completed in 1565. It is the final and authoritative codification (subject organization) of the laws found in the Talmud.
  - **Modern Editions & Glosses**: Almost all published editions of the *Shulchan Aruch* contain glosses or explanatory notes added by **Moshe Isserles** (ca. 1525 -1572), also known as Rama or Rema, the Moses Isserles glosses. These glosses offer legal opinions omitted by Karo and are widely referred to as the **mappah** (literally: the "tablecloth") to the *Shulchan Aruch*’s "Set Table". As a result, term "Shulchan Aruch" has come to denote both Karo’s and Isserlis. Karo is often referred to as "the mechaber" ("author") and Isserles as "the Rema."
  - **Bet Yosef**: The Shulchan Aruch was originally a companion work to **Bet Yosef** (also by Karo).
Mishneh Torah Citation

Citation structure: cited by section name, chapter number, and paragraph number.

MT, Nizkei Mamon 1:1
MT = Mishneh Torah
Nizkei Mamon = section Nizkei Mamon, damages caused by property
1:1 = refers to chapter 1, paragraph 1

Shulchan Aruch: Citation

Citation structure: cited by part, chapter, and paragraph number.

Sh. Ar. HM 201:1
Sh. Ar. = publication name: Shulchan Arch
HM = part name: Hoshen Mishpat
201:1 = refers to Chapter 201 and paragraph 1

Mishneh Torah: Selected Civil Laws

Book 4: Sefer Nashim (Women):
1. Hilchot Ishut: laws of marriage, including kiddushin and the ketubah
2. Hilchot Geirushin: laws of divorce
3. Hilchot Yibum va-Chalitzah: laws of levirate marriage
4. Hilchot Na'arah Betulah: the law of a man who seduces or rapes an unmarried woman
5. Hilchot Sotah: laws concerning a woman suspected of infidelity

Book 11: Sefer Nezikin (Damages): criminal and tort law
1. Hilchot Nizkei: laws of damages caused by property
2. Hilchot Genevah: laws of theft
3. Hilchot Gezelah v-Avedah: laws of robbery and lost property
4. Hilchot Chovel u-Mazzik: laws of wounding and damaging
5. Hilchot Rotzeah u-Shemirat ha-Nefesh: laws of homicide and preservation of life

Book 12: Sefer Kinyan (Acquisition): laws of the marketplace
1. Hilchot Mechirah: laws of sales
2. Hilchot Zehiyah u-Matanah: laws of entitlements and gifts
3. Hilchot Sechenim: laws of neighbors
4. Hilchot Sheluchin: laws of agency and partnership
5. Hilchot Avadim: laws of slaves

Book 13: Sefer Mishpatim (Civil Law): civil law
1. Hilchot Sechirut: laws of leasing and hiring
2. Hilchot Sh’elah u-Fikadon: laws of borrowing and bailment
3. Hilchot Malveh ve-Loveh: laws of creditor and debtor
4. Hilchot To-en ve-Nitan: laws of plaintiff and defendant
5. Hilchot Nachalot: laws of inheritance

Book 14: Sefer Shofetim (Judges): the laws relating legislators, the Sanhedrin, the king, and the judges.
1. Hilchot ha-Sanhedrin v’ha-Onshin ha-Mesurin Lahen: Laws of Sanhedrin and its penal jurisdiction
2. Hilchot Edut: laws of evidence

Shulchan Aruch: Structure

Shulchan Aruch is divided into four parts. Each part is divided into sections (halachot), each section is subdivided into chapters (simanim), and each chapter is subdivided into paragraphs that contain the law (se’if, pl. se’ifim).

Parts:
- Orach Chaim
  (laws addressing daily religious ritual observance)
- Yorsh De’ah
  (laws addressing ritual observance such as kashrut, circumcision, burial, and mourning)
- Even ha-Ezer
  (family law)
- Hoseh Mishpat
  also Choshen Mishpat
  (civil and criminal laws)

Shulchan Aruch & Jewish Communities

The rulings in the Shulchan Aruch generally follow Sephardic Jewish law and customs.

Ashkenazi Jews will generally follow the halachic rulings of Moses Isserles whose glosses to the Shulchan Aruch note where the Sephardic and Ashkenazic customs differ.
Arba'ah Turim

Arba'ah Turim (Hebrew: ארבעה תורים), often called simply the Tur, is a Code of Laws composed by Jacob ben Asher (1270 - 1340). Arba'ah Turim has a four-part structure, its division into chapters (simanim).

One section of this title is called Hoshen Mishpat (Hebrew for "Breastplate of Judgement"). This section treats aspects of Jewish law pertinent to finance, torts, legal procedure and loans and interest in Judaism. Later, Joseph ben Ephraim Karo modeled the framework of his own of Hoshen Mishpat in the Shulkhan Arukh after the Arba'ah Turim.

Responsa

Responsa: Definition

Responsa (Latin: plural of responsum, "answers") comprise a body of written decisions and rulings given by legal scholars in response to questions addressed to them.

In rabbinic literature, the Responsa is the "case law of Jewish law. It is also called She'elot ve-Teshuvot (Hebrew: שאורות ותשובות "questions and answers") and comprise the body of written decisions and rulings given by rabbis or poskim ("deciders of Jewish law").
## Digest of Responsa
- Digest of the Responsa Literature of Spain and North Africa
  Via OhioLink. By Menahem Elon
  Jerusalem (1981 -1987)
  5 vols.
  BM523 .M34
- Digest of the Responsa literature of Germany, France, and Italy
  Via OhioLink. By Berachyahu Lifshitz and Eliav Shochetman
  Jerusalem, University of Jerusalem
  BM523 .M33 1997

## Useful Responsa Compilations
- American Reform Responsa: 1889-1983
  Edited by Walter Jacob
  New York : Central Conference of American Rabbis
  BM197 .C46 1983
- Contemporary American Reform Responsa
  Edited by Walter Jacob
  BM197 .J33 1987
- Contemporary Halakhic Problems
  By J. David Bleich
  Library of Jewish Law and Ethics
  New York : Ktav, 1977-2004
  4 vols.
  BM520.3 .B5
  more...
- Jewish Law: Bibliography of Sources and Scholarship in English
  By Phyllis Holman Weisbard, David Schonberg
  Littleton, CO : F.B. Rothman
  English
  Z6374.L4 W45 1989
  more...
- Jewish Law: History, Sources, Principles
  By Menachem Elon
  Translated from the Hebrew by Bernard Auerbach & Melvin J. Sykes
  Philadelphia : Jewish Publication Society
  4 vols.
  English
  BM520.5 .E4313 1994
  more...

## Using Responsa
### Major Problems:
Researching Responsa is difficult, especially for the nonexpert. There are over 300,00 known responsa, in 3,000 books. There is no comprehensive digest of these decisions. Most compilations of responsa are organized according to the subject structure of Shulchan Aruch. However, an individual compilation often lacks indices or digests. They are also not translated into English.

### Useful Strategy:
The best available strategy is to locate one of several major translated compilations and check for the desired topic.
<table>
<thead>
<tr>
<th>General Treatises</th>
</tr>
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| • Authority, Process and Method: Studies in Jewish Law  
  Edited by Hanina Ben-Menahem and Neil S. Hecht  
  Australia: Harwood Academic Publishers  
  BM520.2 A98 1998 |
| • Contemporary Halakhic Problems  
  By J. David Bleich  
  Library of Jewish Law and Ethics  
  New York: Ktav, 1977-2004  
  4 vols.  
  BM520.3 B5 |
| • Jewish Law: An Introduction  
  Via OhioLink. By Mendell Lewittes  
  Northvale, N.J.: J. Aronson  
  BM520.5 L44 1994 |
| • Jewish Law: History, Sources, Principles  
  By Menachem Elon  
  Translated from the Hebrew by Bernard Auerbach & Melvin J. Sykes  
  Philadelphia: Jewish Publication Society  
  4 vols.  
  English  
  BM520.5 E4313 1994 |
| • A Living Tree: The Roots and Growth of Jewish Law  
  By Elliot N. Dorff and Arthur Rosett  
  Albany, N.Y.: State University of New York Press  
  KBM524.42 D67 1988 |
| • Studies in Jewish Jurisprudence  
  Vol. 5 - Divorce in Jewish law and life / Irwin H. Haut  
  Vol. 6 - Criminal jurisprudence of the Jews / by Samuel Mendelsohn  
  with a new intro. by Irwin H. Haut  
  New York: Hermon Press  
  KBM80.A75 S8 |
| • Studies in Jewish Law and Philosophy  
  By Isadore Twersky  
  New York: Ktav Pub. House  
  BM520.5 T85 1982 |
| • The Spirit of Jewish Law: A Brief Account of Biblical and Rabbinical |

<table>
<thead>
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<th>Treatises on Shulchan Aruch</th>
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| • A Restatement of Rabbinic Civil Law  
  By Emanuel Quint  
  Adaptation of Shulchan Aruch: Hoshen Mishpat (Civil & Criminal Laws) / Joseph Karo  
  10 vols.  
  KBM523.72 Q8 |

<table>
<thead>
<tr>
<th>Treatises on Talmud</th>
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</thead>
</table>
| • The Babylonian Talmud: A Topical Guide  
  By Judith Z. Abrams  
  Lanham, Md.: University Press of America  
  English  
  BM504 A26 2002 |
| • The Burnt Book: Reading the Talmud  
  By Marc-Alain Ouaknin  
  Translated by Llewellyn Brown  
  BM504 O92 1995 |
| • Everyman's Talmud: The Major Teachings of the Rabbinic Sages  
  By Abraham Cohen  
  BM504.3 C63 1937 |
| • How the Talmud Works  
  By Jacob Neusner  
  Boston: Brill  
  BM503.6 N477 2002 |
| • A Practical Guide to Torah Learning  
  By Dovid Landesman  
  Northvale, N.J.: Jason Aronson  
  BM503.5 L36 1995 |
| • Understanding the Talmud: A Systematic Guide to Talmudic Structure and Methodology  
  Via OhioLink. By Yitzhak Feigenbaum  
  Jerusalem: New York: Feldheim  
  2nd rev. ed.  
  BM503.6 F45 1988 |
Subject-Specific Treatises

### Criminal Law

- **In The Name of the Father: A Critique of Reliance upon Jewish Law to Support Capital Punishment in the United States**
  By Chad Baruch

- **Teshuva: A Look at Repentance, Forgiveness and Atonement in Jewish Law and Philosophy and American Legal Thought**
  Article by Samuel J. Levine
### Civil Law

- **Equity in Jewish Law**: Beyond Equity: Halakhic Aspirationism in Jewish Civil Law  
  By Aaron Kirschenbaum  
  BM520.6.K57 1991  
- **A Restatement of Rabbinic Civil Law**  
  By Emanuel Quint  
  KBM523.72 .Q8  
- **Some Observations on the Talmudic Law of Torts**  
  Article by Steven Friedell  

### Health Law

- **“And You Shall Live by Them”: Contemporary Jewish Approaches to Medical Ethics**  
  By Louis Flancbaum  
  Pittsburgh, Penn.: Mirkov Publications  
  BM538.H43 F55 2001  
- **Birth Control in Jewish Law**  
  By David M. Feldman  
  New York: New York University Press  
  KBM5124 .F45 1968  
- **The Medical Halachah for Everyone: Comprehensive Guide to Medical Halacha**  
  By Lev Avraham and Nishmat Avraham, & Abraham S. Abraham; Translated by authors & Naomi S. Cohen  
  Jerusalem: New York: Feldheim Publishers  
  BM538.M4 A27 1990  
- **Encyclopedia of Jewish Medical Ethics**  
  By Avraham Steinberg  
  Translated by Fred Rosner  
  BM538.H43 S7413 2003  
- **Jewish Bioethics**  
  Edited by Fred Rosner & J. David Bleich  
  BM538.H43 J47 1999  
- **Jewish Ethics and the Care of End-of-Life Patients**  
  Edited by Peter Joel Hurwitz, Jacques Picard, and Avraham Steinberg  
  Translations by Benjamin Sklarz  
  Jersey City, N.J.: KTAV; Basel, Switzerland: Institute for Jewish Studies, University of Basel, c2006  
  BM635.4 .J384 2006  
- **Matters of Life and Death: A Jewish Approach to Modern Medical Ethics**  
  By Elliot N. Dorff  
  1st ed.  
  Philadelphia: Jewish Publication Society, 1998  
  BM538.H43 D68 1998  
- **Medicine and Jewish Law**  
  Edited by Fred Rosner  
  Northvale, N.J.: J. Aronson  
  BM538.H43 M43 1990  
- **Modern Medicine and Jewish Ethics**  
  By Fred Rosner  
  2d ed.  

### Family Law

- **Between Civil and Religious Law: The Plight of the Agunah in American Society**  
  Irving A. Breitowitz  
  Westport, Conn.: Greenwood Press  
  KF536 .B74 1993  
- **Moredet: A Study of the Rebellious Wife and Her Status in Initiating Divorce in Jewish Law**  
  By Shlomo Riskin  
  Thesis (Ph.D.)--New York University, 1982  
  BM521 .R575 1983  
- **Tears of the Oppressed: An Examination of the Agunah Problem**  
  By Aviad Hacohen  
  Foreword by Menachem Elon & Edited by Blu Greenberg  
  Jersey City, NJ: Ktav Pub. House  
  KBM550.5 .H33 2004
Women and Jewish Law: An Exploration of Women's Issues in Halakhic Sources
By Rachel Biale
New York: Schocken Books, 1984
KBM526 .B53 1984

Women and Jewish Law: The Essential Texts, Their History, and Their Relevance for Today
By Rachel Biale
New York: Schocken Books: Distributed by Pantheon Books
BM729.W6 B52 1995

Analysis and Argumentation in Rabbinic Judaism
By Jacob Neusner
Lanham, MD: University Press of America
BM496.5 .N4775 2003

The Open Canon: On the Meaning of Halakhic Discourse
By Avi Sagi
Translated by Batya Stein
New York, NY: Continuum
BM520.6 .S23413 2007

  Article by Phyllis Holman Weisbard
  Law Library Journal, Vol. 82, Issue 3 (Summer 1990), pp. 519-530

• The Blackwell Companion to Judaism
  Via OhioLink. Edited by Jacob Neusner, Alan J. Avery-Peck
  Malden, MA : Blackwell Publishers, 2000
  BM42 .B54 2000

• An Introduction to Legislation in Jewish Law, with References to the American Legal System
  Article by Samuel J. Levine

• An Introduction to the History and Sources of Jewish Law
  Edited by Neil S. Hecht
  New York : Oxford University Press
  BM520.5 I5 1996

• Jewish Law (Mishpat Ivri) : Cases and Materials
  By Menachem Elon
  New York : Matthew Bender
  KBM524 .J49 1999

• Jewish Law : Bibliography of Sources and Scholarship in English
  By Phyllis Holman Weisbard, David Schonberg
  Littleton, CO : F.B. Rothman
  English
  Z6374.L4 W45 1989
  more...

• Judaism in America
  By Marc Lee Raphael
  New York : Columbia University Press
  BM205 .R37 2003

• The Legal System of Jewish Law
  Article by Menachem Elon
  International Law and Politics, Vol. 17, Issue 2 (Winter 1985), pp. 221-244

• Research of Jewish Law Issues: A Basic Guide and Bibliography for Students and Practitioners
  Article by Chad Baruch and Karsten Lokken

• Teaching Jewish Law in American Law Schools: An Emerging Development in Law and Religion
  Article by Samuel J. Levine
## Journals Devoted to Jewish Law

<table>
<thead>
<tr>
<th>Journal Name</th>
<th>Publisher</th>
<th>Digital Access</th>
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<tbody>
<tr>
<td>Alei Mishpat (Law Leaves)</td>
<td>Ramat Gan College of Law</td>
<td>Full Text from HeinOnline (1999-2010)</td>
</tr>
<tr>
<td>Jewish Law Annual</td>
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<tr>
<td>Journal of Law and Religion</td>
<td>Hamline University School of Law and Council on Religion and Law</td>
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<tr>
<td>Jewish Law and Socially Responsible Corporate Conduct</td>
<td>Steven H. Resnicoff</td>
<td>Citation: 11 Fordham J. Corp. &amp; Fin. L. 681 (2005-2006)</td>
</tr>
<tr>
<td>Liability for environmental damage: An American and Jewish legal perspective</td>
<td>Daniel Pollack</td>
<td>Citation: 19 Temple Envir. &amp; Tech. L. J. 77 (2000-2001)</td>
</tr>
<tr>
<td>Murder by Gruma: Causation in Homocide Case Under Jewish Law</td>
<td>Irene Merker Rosenberg, Yale L. Rosenberg, Bentzion S. Turin</td>
<td>Citation: 80 B.U.L. Rev. 1017 (2000)</td>
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<tr>
<td>Teshuva: A Look at Repentance, Forgiveness, and Atonement in Jewish Law and Philosophy and American Legal Thought</td>
<td>Sam Levine</td>
<td>Citation: 27 Fordham Urban Law Journal 1677 (2000)</td>
</tr>
</tbody>
</table>

## Selected Articles on Jewish Law

Note: Law review articles on Jewish law are published in a variety of mainstream law reviews.

- Resources to Begin the Study of Jewish Law in Conservative Judaism
  Author: David Hollander
  Citation: 105 Law Libr. J. 305 (2013)

- The Recent Transformation of Medical Liability in Jewish Law
  Author: Steven F. Friedell
  Citation: 14 DePaul J. Health Care L. 441 (2011-2013)

- Patient Autonomy in the Dying Process and Brain Death: Jewish Law and Its Role in Recent Israeli Biomedical Legislation
  Author: Danial Sinclair
  Citation: 35 Hamline L. Rev. 591 (2012)

- The Hidden Influence of Jewish Law on the Common Law: One Lost Example
  Author: Michael J. Broyde
  Citation: 57 Emory L.J. 1403 (2007-2008)

- Jewish Law and Socially Responsible Corporate Conduct
  Author: Steven H. Resnicoff
  Citation: 11 Fordham J. Corp. & Fin. L. 681 (2005-2006)

- Liability for environmental damage: An American and Jewish legal perspective
  Author: Daniel Pollack
  Citation: 19 Temple Envir. & Tech. L. J. 77 (2000-2001)

- Murder by Gruma: Causation in Homicide Case Under Jewish Law
  Authors: Irene Merker Rosenberg, Yale L. Rosenberg, Bentzion S. Turin
  Citation: 80 B.U.L. Rev. 1017 (2000)

- Teshuva: A Look at Repentance, Forgiveness, and Atonement in Jewish Law and Philosophy and American Legal Thought
  Author: Sam Levine
  Citation: 27 Fordham Urban Law Journal 1677 (2000)

- Method in Jewish Bioethics: An Overview
  Author: Dena S. Davis
  Citation: 20 J. Contemp. L. 325 (1994)
Mishneh Torah Citation

**Citation structure**: cited by section name, chapter number, and paragraph number.

**MT, Nizkei Mamon 1:1**

MT = Mishneh Torah

*Nizkei Mamon* = section Nizkei Mamon, damages caused by property

1:1 = refers to chapter 1, paragraph 1

Shulchan Arch: Citation

**Citation structure**: cited by part, chapter, and paragraph number.

**Sh. Ar. HM 201:1**

Sh. Ar. = publication name: *Shulchan Arch*

HM = part name: Hoshen Mishpat

201:1 = refers to Chapter 201 and paragraph 1

Research Strategies
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<td>Torah (Hebrew Bible)</td>
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<td>1700 BCE</td>
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<td>Abraham</td>
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<tr>
<td>1290 BCE</td>
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<td>Exodus from Egypt</td>
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<tr>
<td>1000 BCE</td>
<td></td>
<td>David</td>
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<tr>
<td>722 BCE - 586 BCE</td>
<td>Biblical Laws &amp; Prophets</td>
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<tr>
<td>722 BCE</td>
<td></td>
<td>Fall of Northern Kingdom; 10 tribes become &quot;lost&quot;</td>
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<tr>
<td>586 BCE</td>
<td></td>
<td>Fall of Southern Kingdom, Exile from Babylonia</td>
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<tr>
<td>516 BCE</td>
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<td>Retrun of some Jews to Israel under Haggai &amp; Zekhariah</td>
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<td>444 BCE</td>
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<td>Ezra; Development of synagogue and prayer service;</td>
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<td>canonization of Torah; Establishment of the Men of the Great Assembly (Sanhedrien)</td>
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<td>444 BCE - 70 CE</td>
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<td>70 CE - 220 CE</td>
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<td>220 - 500</td>
<td>Mishnah: R. Judah HaNasi</td>
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<td>Tosefta: R. Hiyya &amp; R. Oshaiah</td>
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<td>Baraitot [known through appearance in Gemara]</td>
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<td>Midrash Halakhah [Legal Interpretations of Biblical Verses]</td>
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<td>Mekhilta on Exodus</td>
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<td>Sifre on Leviticus</td>
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<td>Sifre on Numbers and Deuteronomy</td>
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<td>200 - 500</td>
<td>Jeremiah Talmud (Gemara) [same order as Mishnah]</td>
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<td>500</td>
<td>Babylonian Talmud (Gemara): compiled by Ravina &amp; Rav Ashi [same order as Mishnah]</td>
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<td>500 - 650</td>
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<td>Ravina &amp; Rav Ashi compiled Babyloniam Talmud c. 500 C.E.</td>
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<td>650 - 1050</td>
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<td>Saboraim Period</td>
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<td>Geonim Period (in Babylonia)</td>
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<td>1013 - 1073</td>
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<td>Commentarors &amp; Early Posekim, in Spain, France, &amp; North Africa)</td>
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<td>Tosafot: Rabbenu Tam, Ri, etc.</td>
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<td>Mishneh Torah &amp; The Guide for the Perplexed: Maimonides (&quot;Rambam&quot;)</td>
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<td>c. 1250 - 1550</td>
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<td>Rishonim Period, in Spain, France &amp; North Africa</td>
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<td>1195 - 1270</td>
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<td>R. Moses ben Nahman (Nahmanides, &quot;Ramban&quot;)</td>
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<td>R. Solomon ben Abraham ibn Adret (&quot;Rashba&quot;)</td>
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<td>R. Asher ben Yehiel (&quot;Rosh,&quot; &quot;Asheri&quot;)</td>
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<td>1270 - 1343</td>
<td>Araah Turim (&quot;The Tur&quot;), Orah Hayyim, Yoreh Deah, Eben-Ha-Ezer, Hosehn Hamishpat; R. Jacob ben Asher</td>
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<td>1365</td>
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<td>R. Jacob ben Asher</td>
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<tr>
<td>1565</td>
<td>Shulhan Arukh [the order of the Tur]: R. Josepsh Caro</td>
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<tr>
<td>1565 - present</td>
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<td>Aharonim Period, primarily in Eastern Europe</td>
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<tr>
<td>c. 1650</td>
<td>Turei Zahav (&quot;Taz&quot;): R. David ben Samuel HaLeyv</td>
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</tbody>
</table>
### Structure of Babylonian Talmud

#### Using Babylonian Talmud

Extremely hard to navigate. It is suggested that researchers use secondary treatises to locate relevant citations. Using the Talmud in conjunction with contemporary treatises and major law codes is the easiest way to conduct your research. However, a Talmudic reference will almost always be necessary when citing to Jewish law.

For more on understanding a page of Talmud, see: [Guide to Layout of Talmud Page](#).

#### Using Jewish Legal Codes

<table>
<thead>
<tr>
<th>Two Types: There are two different Talmuds: the Babylonian Talmud and the Jerusalem Talmud (Hebrew Transliteration: <em>Talmud Yerushalmi</em>).</th>
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</thead>
<tbody>
<tr>
<td>Preferred Talmud: The <strong>Babylonian Talmud</strong> (Hebrew Transliteration: <em>Talmud Bavli</em>) is the most complete and more widely used and cited. The Babylonian Talmud contains the <em>Mishnah</em> and the Babylonian <em>Gemara</em>. But not every Mishnah tractate is in the Babylonian Talmud. The Babylonian Talmud is the newer talmud and consists of documents compiled in the 3rd to 5th centuries in Mesopotamia, later known as Iraq.</td>
</tr>
<tr>
<td>Talmud Contents: A reference to the term “Talmud” is universally considered a reference to the Babylonian Talmud. The Talmud is a collective term for several individual works: <em>Mishnah</em>, <em>Gemara</em>, and Commentaries- Most authoritative appear within the pages of Talmud.</td>
</tr>
</tbody>
</table>
Mishneh Torah: Selected Civil Laws

Book 4: Sefer Nashim (Women):

1. Hilchot Ishut: laws of marriage, including kiddushin and the ketubah
2. Hilchot Gerushin: laws of divorce
3. Hilchot Yibum va-Chalitzah: laws of levirate marriage
4. Hilchot Na’arah Betulah: the law of a man who seduces or rapes an unmarried woman
5. Hilchot Sotah: laws concerning a woman suspected of infidelity

Book 11: Sefer Nezikin (Damages): criminal and tort law

1. Hilchot Nizkei: laws of damages caused by property
2. Hilchot Genevah: laws of theft
3. Hilchot Gezelah v-Avedah: laws of robbery and lost property
4. Hilchot Chovel u-Mazzik: laws of wounding and damaging
5. Hilchot Rotzeah u-Shemirat ha-Nefesh: laws of homicide and preservation of life

Book 12: Sefer Kinyan (Acquisition): laws of the marketplace

1. Hilchot Mechirah: laws of sales
2. Hilchot Zechiyah u-Matanah: laws of entitlements and gifts
3. Hilchot Sechenim: laws of neighbors
4. Hilchot Sheluchim: laws of agency and partnership
5. Hilchot Avadim: laws of slaves

Book 13: Sefer Mishpatim (Civil Law): civil law

1. Hilchot Sechirut: laws of leasing and hiring
2. Hilchot She’elah u-Fikadon: laws of borrowing and bailment
3. Hilchot Malveh ve-Loveh: laws of creditor and debtor
4. Hilchot To-en ve-Nitan: laws of plaintiff and defendant
5. Hilchot Nachalot: laws of inheritance

Book 14: Sefer Shofetim (Judges): the laws relating legislators, the Sanhedrin, the king, and the judges.

1. Hilchot ha-Sanhedrin v’ha-Onshin ha-Mesurin Lahen: Laws of Sanhedrin and its penal jurisdiction
2. Hilchot Edut: laws of evidence

Shulchan Aruch: Structure

Shulchan Aruch is divided into four parts. Each part is divided into sections (halachot), each section is subdivided into chapters (simanim), and each chapter is subdivided into paragraphs that contain the law (se’if, pl. se’ifim).

Parts:

- **Orach Chaim** (laws addressing daily religious ritual observance)
- **Yorsh De’ah** (laws addressing ritual observance such as kashrut, circumcision, burial, and mourning)
- **Even ha-Ezer** (family law)
- **Hoseh Mishpat** also **Choshen Mishpat** (civil and criminal laws)

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Shulchan Aruch: Citation

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Sh. Ar. HM 201:1

Sh. Ar. = publication name: Shulchan Aruch

HM = part name: Hoshen Mishpat

201:1 = refers to Chapter 201 and paragraph 1

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- **American Reform Responsa: 1889-1983**
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  BM197 .C46 1983

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  BM197 .J33 1987

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### Terms

**Aggadah** (Aramaic: אגדה; pl. aggadot; definition: tales, lore) Aggadah refers to the nonlegal or narrative material used as parables, maxims, or anecdotes in the Talmud and other rabbinical literature. These stories serve to illustrate a law, custom, or Biblical passage being discussed or to introduce a different, unrelated topic.

**Arba’ah Turim** (Hebrew: ארבעה תורמים), often called simply the Tur, is a Code of Laws composed by Rabbi Jacob ben Asher (1270 - 1340). **Arba’ah Turim** has a four-part structure, and is divided into chapters (simanim).


**Babylonian Talmud** see Talmud.

**Baraitot** (singular: Baraita; def: outside) a traditional Jewish interpretation or statement of biblical law dating from the tannaitic period but not included in the **Mishnah**.

**BCE** This is the abbreviation for Before the Common/Current/Christian Era (an alternative to Before Christ, abbreviated BC). The notation includes a year zero and the two notations (CE/BCE and AD/BC) are numerically equivalent; thus "2012 CE" corresponds to "AD 2012" and "399 BCE" corresponds to "399 BC."

**Chumash** (Hebrew: חומש) is a term for Torah in printed book form, as opposed to scribed on a scroll. A more formal term is **Hamishah Homshei Torah**, "five fifths of Torah," the Hebrew name for the Five Books of Moses.

**Even Ha'ezer** (The Stone of Help) in common usage may refer to an area of Jewish law related to marriage, divorce, and sexual conduct. Originally, it was a work by Rabbi Jacob ben Asher in the **Arba’ah Turim**. Later, Rabbi Yosef Karo modeled the framework of his own compilation of practical Jewish law, the **Shulchan Aruch**, after the Arba'ah Turim. Many later commentators used this framework as well. Thus, "Even Ha'ezzer" in common usage may refer to an area of halakha non-specific to Rabbi Jacob ben Asher's compilation.

**Gemara** (Other Transliterations: Gemora, Gemarah, Gemorra; Aramaic: גמרא; Definition: "[to] study" or "learning by tradition") This is the component of the **Talmud** comprising rabbinical analysis of and commentary on the **Mishnah**.

**Gloss** (from Latin: glossa, from Greek: γλώσσα glossa, lit. "language") is a brief marginal notation of the meaning of a word or wording in a text. It may be in the language of the text, or in the reader's language.

**Halakha** (also Halacha, Hebrew: הלכה, pl. halakhot; definition: Jewish Law) The term derives from the root that means "to go" or "to walk." For purposes of this Guide, Halakhah refers to the whole legal system of Judaism, embracing all laws and observances. This includes **Mitzvot**, **Talmud** and **Mishnah**, as well as customs and traditions. Halakhah guides not only religious practices and beliefs, but numerous aspects of day-to-day life. Halakha is different than **Aggadah**. Specifically, it refers to the body of Jewish law supplementing the scriptural law and forming especially the legal part of the **Talmud**.

**Hoshen Mishpat** ("Breastplate of Judgement"). The term refers to an area of halakha or Jewish law pertinent to finance, torts, legal procedure and loans and interest in Judaism. The term originates from a section in a work by Rabbi Jacob ben Asher's called **Arba’ah Turim**. Later, Rabbi Yosef Karo modeled the framework of his own compilation of practical Jewish law, the **Shulchan Arukh** after the **Arba’ah Turim**. Many later commentators used this framework and title.

**Jewish Law** see: Halakha

**Masekhtot** (Hebrew: מכסחות; sing. "web", masechet, sing.) Hebrew tractates are sections of the **Talmud** dealing with specific subjects. Each masekhet is divided into chapters, and each chapter is made up of individual laws.

**Mekhilla** (Aramaic: המילה, a collection of rules of interpretation) is a halakhic midrash to the book of Exodus. The name "Mekhilla", corresponds to the Hebrew "middah" (= "measure," "rule"), and is used to denote a compilation of Scriptural exegesis ("middot"); comp. Talmudical Hermeneutics.

**Mishnah** (also Mishna, Hebrew: משנה, Definition: repetition, also secondary) This is the first major written redaction of the Jewish oral law. It is also the first major work of Rabbinic Judaism. The Mishnah consists of six **sedarim**, each containing 7–12 **tractates** (pl. masechtot, singular: masechet, Hebrew: מסכת; Definition: "web"). There are a total of 63 tractates in the Mishnah, and further subdivided into chapters and paragraphs or verses. The word **Mishnah** can also indicate a single paragraph or verse of the work itself, i.e. the smallest unit of structure in the Mishnah. The rabbis of the Mishnah are known as **Tannaim** (sing. **Tanna ונה).**
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