

Setting the Table: An Introduction to the Jurisprudence of Rabbi Michael Yechiel Epstein's Arukh Hashulhan, Michael J. Broyde and Shlomo C. Pill, Academic Studies Press, 2021 (ISBN 978-1-64-469070-3), xiii + 413 pp., hb \$139

How does a legal system evolve, especially if it is centuries old? Broyde and Pill's book shows how this happened for Jewish law, and it is a fascinating, if complex, story.

In the early centuries of rabbinic Judaism (up to around 600 CE), there was a judicial system, and there were judicial authorities who codified, discussed, legislated, and decided matters of Jewish law. Even in this period, however, Broyde and Pill point out that there were two approaches to Jewish law. One sought to codify; that is, to decide questions of law. The other sought to explore the options within the law; that is, to present analysis and not necessarily to decide law. This is represented, in part, by the contrast between the Mishna and the Gemara, both of which make up the Talmud.

This tension in the approach to Jewish law carried over into medieval rabbinic Judaism (600–1700 CE). One school, represented by northern European Jewish scholars (Tosafot, Jacob ben Asher, and Moses Isserles), preferred the analytic approach. It is based on the open-textual nature of the Talmud that permits two or three positions to be seen as reasonable. To further complicate matters, on many issues, the Talmud remains silent, thus making any analytic determination of the correct halakhic standard impossible. This school favored commentaries and *responsa* that set forth the analytic options.

The second school, represented generally by scholars of the Sephardic tradition (Maimonides, Shulhan Arukh), preferred the rule-oriented approach. It is based on the realization that, in real life, it is sometimes more important for legal questions to be clearly and definitively resolved than that they be resolved correctly and analytically. This school favored codes of law with *responsa* that set forth clear resolutions to specific problems.

By the premodern and modern period (1800–1900 CE), the analytic school had developed commentaries on the previous commentaries (super-commentaries) (Akiva Eger, Vilna Gaon) while the rule-oriented school had developed updated digests of the codes (Shulhan Arukh of Lubavitch, Kitzur Shulhan Arukh). The field was so complex that, by the year 1880, it was difficult for a legal scholar, let alone a layperson, to discern what was normative halakhic practice on even simple matters. Indeed, it was not just the number of works but the variety of the literature that made determining the correct result nearly impossible.

Into this disarray stepped two scholars: Rabbi Israel Meir Kagan (1839–1933) and Rabbi Yechiel Mikhel Epstein (1829–1908). Kagan chose the rule-oriented approach in his *Mishna Berura* ('The Clear Mishna')

and Epstein chose the analytic approach in his *Arukh Hashulhan* ('The Setting of the Table'). They are contrasted briefly, with examples, in Chapter 3.

The rest of the book explains Epstein's methods (Part Two) and gives examples (Part Three). The explication of Epstein's approach is nicely summarized in the following ten principles: the Talmudic text is normative; one is humble in the face of earlier authorities and colleagues; the centrality of precedent; the importance of secondary rules; the relevance of non-normative halakhic opinions; the expectation of supererogatory conduct; the reconciliation of legal and mystical practices; the importance of custom; the change of social and economic circumstances; and the responsibility of Jewish law to respond to real situations no matter how difficult or unforeseen they are in the earlier sources (pp. 78–81).

Broyde and Pill's construction of the development of Jewish law is based on a play of words in the titles of the key books. The plethora of analytic and rule-oriented sources leads to the publication of the *Shulhan Arukh* ('The Set Table') in the Sephardi tradition and the addition of the European tradition to the *Shulhan Arukh* by Isserles, sometimes known as the *Mappa* ('The Tablecloth'). The continued flow of analytic and rule-oriented sources leads, by 1880, to an 'overcrowded table' which, in turn, leads to the *Mishna Berura* ('The Clear Mishna') and Epstein's *Arukh Hashulhan* ('The Setting of the Table'); that is, to the analytic reorganization of the body of Jewish law. Broyde and Pill give a detailed analysis of the latter in Parts Two and Three that is thorough even though it is readily available only to readers with prior education in Jewish law.

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The Book of Amos: The New International Commentary on the Old Testament, Daniel Carroll, Eerdmans, 2020 (ISBN 978-0-8028-2538-4), xxx + 574 pp., hb £19.99

A 112-page introduction to this weighty commentary explains the author's approach to the text. There are seven sections, the first of which deals with historical background. Carroll notes contemporary skepticism regarding our ability to get back to an historical prophet but regards the eighth century setting as plausible, suggesting a *terminus ad quem* of 750 BCE for Amos's ministry. Readers interested in alternative views on date, historicity, and our ability to access the historical Amos are given