

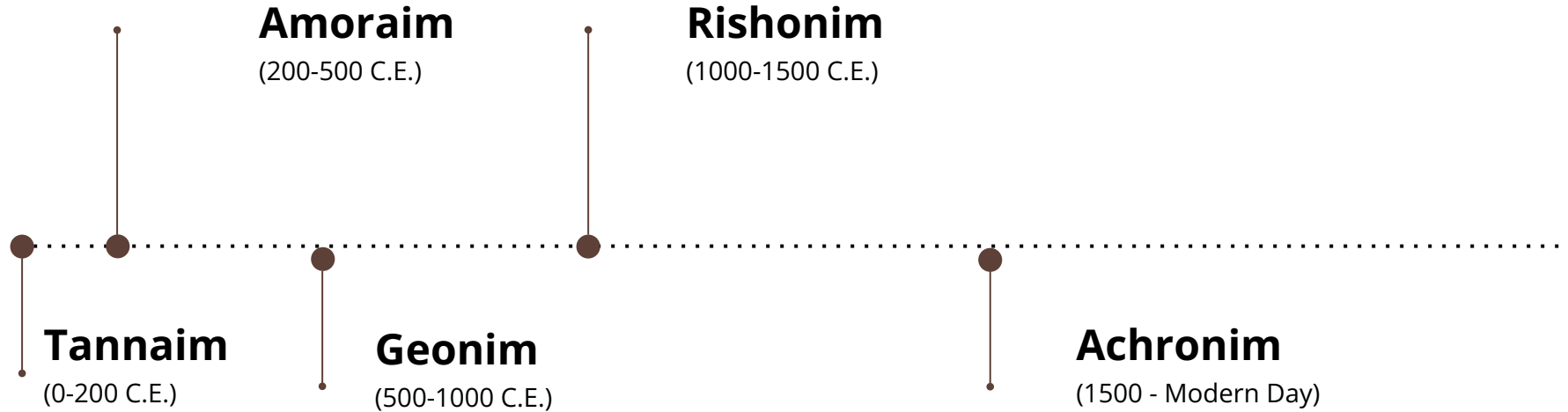


# The Development of Halacha

Rabbi Jaffe



# Major Time Periods in the Development of Halacha



# We received two Torahs on Har Sinai

The Written Torah - תורה שבכתב  
and  
The Oral Torah - תורה שבעל פה

The Oral Torah was  
never meant to be  
written down, yet Rabbi  
Yehudah HaNasi  
realized that there was  
a danger of the Torah  
being forgotten.

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# The Mishnayos were divided into 6 sections

1. The opinions of the Tannaim are recorded in the Mishnayos.
2. The Amoraim discussed and analyzed the Mishnayos.
3. These discussions are called Gemara.

## זמן נק"ט

זרעים

מועד

נשים

נזיקין

קדשים

טהרות

# Rishonim - The Three Pillars of Instruction

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## The Rambam

**Spain/Egypt**

**(1135-1204)**

- Mishna Torah
- Guide for the Perplexed
- Commentary on the Mishna

## The Rif

**North Africa**

**(1013-1103)**

His commentary on the Talmud eliminated all of the back and forth discussions and non-legal sections. He gave the bottom line Halacha.

## The Rosh

**Germany/Spain**

**(1250-1327)**

He gave paragraph summaries of the discussions in the Gemara, continuing in the Ashkenazi traditions of Rashi/Tosfos.

# Four Sections of the Tur and Shulchan Aruch



## Orach Chaim

Discusses all of the events that happen in daily life and the yearly cycle.



## Yoreh Deah

איסור והיתר

What is allowed  
and what is forbidden



## Even HaEzer

The laws that deal with interactions between men and women.



## Choshen Mishpat

Civil Law

(Courts, damages, witness, contracts)



The dividing line  
between the Rishonim  
and the Achronim is the  
Shulchan Aruch.

## Rabbi Yosef Karo - "The Mechaber"

He wrote the Halacha for Sephardim, often times he quotes the Rambam verbatim (word for word)

## Rabbi Moshe Isserles - "The Rema"

He wrote insertions into the Shulchan Aruch to show where Ashkenazi halacha is different than the Sephardim. Every comment he makes begins with the word הגה, which means "note"

# שו"ת שאלות ותשובות

**Questions always arose about situations that are not discussed in the Shulchan Aruch...**

**Our modern day Poskim have the entire Mishna, Gemara, Rishonim, and Achronim at their fingertips...**

**All of these stages combine to bring the Torah from Har Sinai to you...**





A general rule of thumb is that each time period will not argue with the scholarship of a previous period.

### Rabbinic Eras: Sages & Spiritual Leadership

