Big Data Meets the *Shulḥan Arukh*

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Earlier Discussions of the Sources Used in the *Shulḥan Arukh*¹

Soon after its publication, commentators began to pore over almost every statement in Yosef Karo's *Shulḥan Arukh*. Some commentators wanted to simply elucidate Karo's sometimes laconic language, desiring to help readers understand statements whose meaning or intention weren't clear. Others felt the need to further expand upon Karo's text, adding layer upon layer of interpretation. This multi-layered approach of the commentaries on the *Shulḥan Arukh* was even cited by Abraham Zevi Hirsch Eisenstadt in his *Pitḥei Teshuvah* in order to justify the reliance on the *Shulḥan Arukh* for halakhic decision-making. In response to the criticism of those who used the *Shulḥan Arukh* as the sole source for halakhic decision-making voiced by the *Maharsha*, Samuel Edels,² Eisenstadt wrote that

It is possible that [Maharsha adopted his position because] in Maharsha's time no glosses had yet been written to the *Shulḥan Arukh*. Nowadays, however, since *Taz*, *Shakh*, *Magen Avraham*, and other later commentaries have been written and the reason for each law is explained alongside it [i.e. alongside the law itself], reliance on the *Shulḥan Arukh* and the later commentaries is appropriate.³

Thus we see that the commentaries that were written on the *Shulḥan Arukh* became almost inseparable from the text itself.

I would like to return to the very text of the *Shulḥan Arukh* that has at times been almost superseded by the many commentaries that have been written on

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- 1 I would like to thank this volume's honoree, Rabbi Joel Roth, for all that he has taught me about halakhah and halakhic literature. Through his many public talks and lectures, writings, and personal conversations Rabbi Roth has helped shape my understanding of what it means to be a Jew who tries to live their life according to the halakhah.
 - 2 See Maharsha, *Hiddushei Aggadot*, Soṭah 22a, s.v. Yere et ha-shem beni. Cited in Menachem Elon, *Jewish Law: History, Sources, Principles*, trans. B. Auerbach and M. Sykes (Philadelphia: Jewish Publication Society, 1994), 1422.
 - 3 *Pitḥei Teshuvah*, *Shulḥan Arukh*, YD par. 242, subpar. 8. Cited in Elon, *ibid*.

it.⁴ Specifically, I would like to examine the sources that Karo used in compiling the *Shulḥan Arukh* by utilizing tools of data analysis that are based upon examining collections of data, asking specific questions about this data, quantifying the answers to those questions, and using these answers as the foundation for further analysis of the material.

Previous scholars, both academic and traditional, have already asked similar questions about the sources that Karo used in composing the *Shulḥan Arukh* and any possible modifications or editing that Karo may have applied to these texts. Alyssa Gray, in her insightful article that included a literary analysis of the laws of charity in the *Shulḥan Arukh*, showed both Karo's reliance on Jacob b. Asher's *Tur* and also the freedom that he sometimes took with the sources from the *Tur*.⁵

SA's literary dependency on *Tur* has been long-known, as well as its tendency to make changes to *Tur*. By thinking about SA as not simply a "law code," "restatement," or "collection of rulings," but as a work of legal and literary interpretation in which a gifted scholar systematized his interpretations of and additions to his received legal heritage, the door is opened to searching out the "latent structures of thought" in the work—in this case pertaining to poverty, the poor, and the Jewish communities of which they are a part. Moreover, by noting the differences between the laws of poverty and charity that SA inherited and what it bequeathed, this study is able to show aspects of SA's distinctive contribution to that body of law, including its reintroduction of topics (as James Boyd White and J.M. Balkin understand the term) that would thenceforth be part of the canon of poverty and charity topics for study and application. To paraphrase James Boyd White, SA may be understood as "attempting to establish a conversation of a certain kind," and as "establishing a set of topics, a set of terms in which those topics can be discussed, and some general directions as to the process of thought and argument" by which its laws are to be applied.⁶

Gray understood how an examination of Karo's literary sources and any editing that these sources may have undergone are essential to helping us understand the nature and goals of the *Shulḥan Arukh*.

4 For a bibliography of scholarly literature on the *Shulḥan Arukh* see Alyssa Gray, "Poverty and Community in R. Joseph Karo's *Shulḥan Arukh*: 'Law and Literature' and Halakhic History," *Diné Israel* 29 (2013): 57*–89*, esp. at nn. 1–5.

5 Gray, "Poverty and Community."

6 Gray, "Poverty and Community," 88*.

Among traditional scholars, in the seventeenth century Ḥayyim Benvenisti recognized Karo's reliance on the Rambam's *Mishneh Torah*, writing

That which R. Yosef Karo decided in his "short work" [i.e. the *Shulḥan Arukh*], is not decisive enough for us to rely upon it, since it is known that this book is entirely based upon the reasoning of the Rambam.⁷

More recently Yitzhak Yosef has formulated a good summary of Karo's reliance on previous literary sources.⁸

And that which we have found regarding a number of contradictions in the words of *Maran* [i.e. Karo] in the *Shulḥan Arukh*, the essence of the matter is that since the method of *Maran* the *Shulḥan Arukh* is to rely upon the language of the *poseqim* [halakhic decisors], and he doesn't use his own words, sometimes he copies the language of the Rambam, and he doesn't intend to [i.e. agree with] all of the words, and sometimes he copies the language of the *Rosh* (Rabbeinu Asher) or the *Tur*, every case must be examined individually.⁹

We have seen that both critical and traditional scholars have both exhibited an awareness of the literary dimensions of the *Shulḥan Arukh* and have offered numerous observations regarding the sources that Karo used when composing the *Shulḥan Arukh*. The two dominant sources used by Karo that scholars have identified were the Rambam's *Mishneh Torah* and Yaakov ben Asher's *Tur*.

A Data-Based Analysis of the Sources Found in the *Shulḥan Arukh*

I will now present the preliminary results of an analysis of the first 25 *simanim* (chapters) of the *Orah Ḥayyim* (OH) section of the *Shulḥan Arukh* that includes both an attempt to identify the sources that Karo used in composing the *Shulḥan Arukh* and also a discussion of some of the editorial activity undertaken

7 Ḥayyim Benvenisti, *Shayarei Knesset ha-Gedolah*, OH 495:5. For other sources that stated something similar see Yitzhak Ze'ev Kahana, *Mehkarim be-Sifrut ha-Teshuvot* (Jerusalem: Mossad Harav Kook, 1973), 69–70.

8 Yosef was addressing the phenomenon of contradictions that are found between different statements in the *Shulḥan Arukh*. This question has also been treated by Eliav Shochetman, "Al Ha-Setirot be-Shulḥan Arukh ve-Al Mahuto Shel Ha-Ḥibbur U-Ma'aratav," *Azufot: Sefer Shanah le-Mada'ei ha-Yahadut* 3 (1989–1990): 323–329.

9 Yitzhak Yosef, *Ein Yitzhak* (Jerusalem: Ei"sh Pituhim, 2009), 3:62.

TABLE 9.1 Major sources of citations in the Shulhan Arukh sections under review

Source	Number of times
Beit Yosef	125
Tur	87
Rambam	22
Rosh on the Talmud	25
Karo's own words	25
Rashi on the Talmud	18
Babylonian Talmud	16
Nimukei Yosef	13
Tosafot	12
Orhot Hayyim	11
Yitzhak Abuhav	11
Zohar	10

by Karo in his writing of the *Shulhan Arukh*. These results are very preliminary, based upon only the first 25 *simanim* of the *Shulhan Arukh*, and it is very possible that they will have to be modified after further research.

In the first 25 *simanim* of the *Shulhan Arukh* there are 170 *se'ifim* (paragraphs).¹⁰ The topics covered in these *simanim* are: *hanhagat adam ba-boker* (morning behavior by a person); *levishat begadim* (wearing clothing); *hanhagat beit ha-kisei* (bathroom behavior); *netilat yadayim* (washing one's hands); *kavvanat ha-berakhot* (proper intention for blessings); *birkat asher yatzar ve'elohai neshama* (the blessings of *asher yatzar* and *elohai neshama*); *Tzitzit* (ritual fringes); *Talit* (four cornered garments); *Tefillin* (phylacteries).¹¹ I will begin by presenting some data points regarding the sources that Karo brought and then illustrate some of these with examples from the *Shulhan Arukh* itself.

In these 25 *simanim* Karo quoted from 47 different sources, this is in addition to the instances in which Karo formulated a statement entirely of his own words. A breakdown of the most frequently cited sources can be found in table 9.1.

10 Some of the *se'ifim* include more than one halakhah but my total count is of *simanim* and *se'ifim* and not *halakhot* [laws].

11 There are more *halakhot* related to *Tefillin* in subsequent *simanim* that I have not included. I have also not listed all of the sub-categories of the laws of *Tzitzit*.

The sources cited fewer than ten times can be found in table 9.2.

I will now analyze in more detail the data found in the above tables. First, it should be pointed out that in these 25 chapters Karo used material from over three-dozen different sources.¹² I would first like to go into further detail regarding the sources from the *Tur* and the Rambam. Table 9.3 shows the number of sources from the Rambam quoted in the *Shulḥan Arukh*, how many were quoted verbatim, and how many of these were also quoted in the *Tur*.¹³

From table 9.3 it is possible to see that of the 22 sources brought from the Rambam in these *simanim* of the *Shulḥan Arukh*, six of those were brought verbatim without any changes. Of these 22, seven were also brought in the *Tur*. We can therefore say that in the *simanim* examined, the majority of the sources brought from the Rambam underwent some type of editing and a little less than a third of the sources brought from the Rambam were also quoted by the *Tur*.

Regarding the sources quoted from the *Tur*, of these 87 sources 16 were quoted verbatim, meaning that in the *simanim* that I examined of the sources that Karo brought from the *Tur*, 18% of them were quoted verbatim while he edited 82% of them. Below we will go into further detail and bring examples of the types of editing done to sources from both the Rambam and the *Tur*.

By far the largest number of sources found in these *simanim* of the *Shulḥan Arukh* come from Karo's commentary on the *Tur*, the *Beit Yosef*. Of the 125 instances in which a source from the *Beit Yosef* is brought in the *Shulḥan Arukh*, 25 of them are either verbatim or near verbatim statements that Karo himself wrote in the *Beit Yosef*, while the other 100 sources are almost without exception from other *Rishonim* (medieval rabbinic authorities) who are listed in Tables 9.1 and 9.2. It should be noted that, with very few exceptions, sources from the Rambam that are found in the *Shulḥan Arukh* were either first brought in the *Tur* or the *Beit Yosef*.

12 In a preliminary examination of the first 100 chapters (*simanim*) of the *Shulḥan Arukh* I have identified material from approximately 75 different sources. For a discussion of the books that Karo had at his disposal see Yehudah Lavi, "Otzar ha-Sefarim shel ha-Beit Yosef," *Ha-Ma'ayan* 34, no. 2 (Tevet, 5744): 21–42; Tirza Kelman, "Ketuvot be-Ot Barzel ve-Oferet bi-Defus: Mahapeikhat ha-Defus ve-Yetzirat ha-Hibbur Beit Yosef," *Pe'Amim* 148 (2016): 9–26.

13 I would like to thank Tirza Kelman for stressing to me the importance of distinguishing between material that Karo has brought in the *Shulḥan Arukh* from the *Mishneh Torah* but was not also brought by Yaakov ben Asher in the *Tur* and material from the *Mishneh Torah* that was also brought in the *Tur*.

TABLE 9.2 Minor sources of citations cited in the Shulhan
Arukh sections under review

Source	Number of times
Agur	9
Responsa of the Rashba	8
Hagahot Maimoniyot	8
Abudaraham	7
Mordechai	7
Semag	6
Semak	5
Ittur	5
Kol Bo	5
Rabbeinu Yonah	4
Rabbeinu Yeruham	4
Terumat ha-Deshen	4
Responsa of the Maharik	3
Responsa of the Rosh	3
Responsa attributed to Ramban	2
Rokeaḥ	2
Responsa of the Maharil	2
Kaftor va-Feraḥ	2
Ran	2
Responsa of the Ribash	2
Yaakov ibn Ḥabib	1
Sefer ha-Batim	1
Menachem Recanati	1
Midrash Tanḥuma	1
Responsa R"i Migash	1
Tashbetz	1
Shibbolei ha-Leket	1
Ra"ah (Aharon ha-Levi)	1
Maggid Mishneh	1
Tosefta	1
Jerusalem Talmud	1
Sheiltot	1

TABLE 9.3 Citations of Maimonides in the Shulhan Arukh sections under review

Sources from the Rambam	22
Sources from the Rambam quoted verbatim	6 (27%)
Sources from the Rambam also in the Tur	7 (31%)

The above figures show that the sources for the *simanim* in the *Shulḥan Arukh* that I examined come from the following sources: the *Tur*; the Rambam; sources in the *Beit Yosef*, whether they are from the Talmud, the Rambam, other *Rishonim*, or the words of Karo himself.

Verbatim Quotations in the *Shulḥan Arukh* from the *Tur* and the Rambam¹⁴

I would now like to bring some specific examples of the types of sources that are found in the *Shulḥan Arukh* and some characteristics of the editing that they sometimes underwent.¹⁵ The first type of sources that I want to bring are verbatim quotations from either the *Tur* or the *Mishneh Torah* that were then brought in the *Shulḥan Arukh*.

שלחן ערוך אורח חיים ג:ז	רמב"ם הלכות בית הבחירה ז:ט
המטיל מים מן הצופים ולפנים ישב ופניו כלפי הקודש או יסלק הקודש לצדדין.	המטיל מים מן הצופים ולפנים ישב ופניו כלפי הקדש או יסלק הקדש לצדדין.

14 The texts of the *Mishneh Torah* are from the Rambam Meduyak (Maaleh Adumim, 2008), and translations from https://www.chabad.org/library/article_cdo/aid/682956/jewish/Mishneh-Torah.htm. Texts from the *Tur* and the *Shulḥan Arukh* are from *Tur ha-Shalem Shirat Devorah ve-Shulḥan Arukh ha-Bahir* (Jerusalem, 2016). Early printed editions of the *Shulḥan Arukh* have also been used. Translations from the *Tur* and the *Shulḥan Arukh* are my own.

15 Menachem Elon examined numerous examples of the literary relationship between sources from the Rambam, *Tur*, and *Shulḥan Arukh* in his *Jewish Law*, 1327–1341.

טור אורח חיים סימן יג	שלחן ערוך אורח חיים יג:א
<p>ארבע ציציות מעכבות זו את זו שכל זמן שאין בה כל הארבע אינה מצוייצת כהלכתה והיוצא בה לרשות הרבים בשבת חייב חטאת.</p>	<p>ארבע ציציות מעכבין זה את זה שכל זמן שאין בה כל הארבע אינה מצוייצת כהלכתה והיוצא בה לרשות הרבים בשבת חייב חטאת.</p>
<i>Shulḥan Arukh</i> , OH 3:7	<i>Mishneh Torah, Hilkhot Beit ha-Behirah</i> 7:9
<p>Whoever urinates from Mt. Scopus inward to the city should sit facing the Temple or have the Temple at his side.</p>	<p>Whoever urinates from Mt. Scopus inward to the city should sit facing the Temple or have the Temple at his side.</p>
<i>Shulḥan Arukh</i> , OH 13:1	<i>Tur</i> , OH 13
<p>The four <i>tzitzit</i> (ritual fringes) can disqualify one another so that as long as all of the four corners do not have <i>tzitzit</i> attached according to the halakhah if one goes out into the public domain on Shabbat they are obligated to bring a sin offering.</p>	<p>The four <i>tzitzit</i> (ritual fringes) can disqualify one another so that as long as all of the four corners do not have <i>tzitzit</i> attached according to the halakhah if one goes out into the public domain on Shabbat they are obligated to bring a sin offering.</p>

As can be seen from these sources, there are instances when Karo simply quotes verbatim in the *Shulḥan Arukh* a source from either the *Mishneh Torah* or the *Tur*.

Modification of Source in the *Shulḥan Arukh*

Already in the very first *se'if* of the *Shulḥan Arukh* we see an example of how Karo edited a source from the *Tur* before it was brought in the *Shulḥan Arukh*.

שולחן ערוך אורח חיים א:א	טור אורח חיים סימן א
יתגבר כארי לעמוד בבקר לעבודת בוראו שיהא הוא מעורר השחר.	לכן צריך האדם להתגבר כארי לעמוד בבקר לעבודת בוראו ואף אם ישיאנו יצרו בחורף לאמר איך תעמוד בבקר כי הקור גדול או ישיאנו בקיץ לאמר איך תעמוד ממטתך ועדיין לא שבעת משנתך התגבר עליו לקום, שתהא אתה מעורר השחר ולא יהא הוא מעירך כמו שאמר דוד עליו השלום עורה כבודי עורה הנבל וכנור אעירה שחר אני מעיר השחר ואין השחר מעיר אותי.

<i>Shulḥan Arukh</i> , OH 1:1	<i>Tur</i> , OH 1
One should gather strength in the morn- ing to arise and worship his creator that he should wake the dawn.	Therefore a person needs to gather strength in the morning to arise and wor- ship his creator that he should wake the dawn. And even if in the winter his urge should entice him and say "how can you get up in this great cold," or in the summer it will entice him and "how can you get up from your bed while you still haven't satisfied your sleep?" Overcome it and get up, that you should wake the dawn and not he wake you as David may he rest in peace said "Awake

(cont.)

*Shulḥan Arukh, Oḥ 1:1**Tur, Oḥ 1*

up, my glory; awake, psaltery and harp: I myself will awake early." (Psalms 57:8)
I wake up the dawn, and the dawn does not wake me.

In this example Karo selectively chose portions from a larger text that was in the *Tur*. Other times the editing was as simple as adding a word or a slight modification in order to make a statement easier to understand.

טור אורח חיים סימן א

שלחן ערוך אורח חיים א:ד

טוב מעט תחנונים בכוונה מהרבות בלא כונה. כי טוב מעט בכוונה מהרבות בהם שלא בכוונה.

*Shulḥan Arukh, Oḥ 1:4**Tur, Oḥ 1*

It is better a few supplications with proper intention than many without intention.

For it is better a few with intention than many without intention.

טור אורח חיים סימן ד

שלחן ערוך אורח חיים ד:כב

ואם אין לו מים יקנח ידיו בצרור או בכל מידי דמנקי ויברך על נקיות ידיים.

אם אין לו מים יקנח ידיו בצרור או בעפר או בכל מידי דמנקי ויברך על נקיות ידיים.

*Shulḥan Arukh, Oḥ 4:22**Tur, Oḥ 4*

If one does not have water he should clean his hands with a stone or dirt or

If one does not have water he should clean his hands with a stone or with any-

(cont.)

Shulḥan Arukh, OH 4:22*Tur*, OH 4

with anything else that cleans and bless
“on the cleanliness of hands.”

thing else that cleans and bless “on the
cleanliness of hands.”

In another place Karo made a change that on the surface reflects a different opinion regarding how to write God's name, but on a deeper level may possibly be a different understanding of God based upon the Zohar.¹⁶

טור אורח חיים סימן ח

שלחן ערוך אורח חיים ח:ח

ויכוין בהתעטפו שציוונו המקום להתעטף כדי
שנזכור כל מצותיו לעשותם.

יכוין בהתעטפו שציוונו ה"ה [הברוך הוא]
להתעטף בו כדי שנזכור כל מצותיו לעשותם.

Shulḥan Arukh, OH 8:8*Tur*, OH 8

One should intend in their wrapping [of
the *tallit*] that the Blessed be He com-
manded us to wrap ourselves in order
that we remember all of his command-
ments and to perform them.

One should intend in their wrapping [of
the *tallit*] that the Place commanded us
to wrap ourselves in it in order that we
remember all of his commandments and
to perform them.

Other times there is both a slight change in language along with the editing out of a clause.

¹⁶ The use of ה"ה in the Venice 1567 edition is most likely an abbreviation for הקב"ה, the Holy One Blessed be He, which is either הקדוש ברוך הוא or הקודשא בריך הוא, and it was subsequently changed to הקב"ה in later editions. The influence of the Zohar on Karo will be discussed below. On the different ways in which God's name was written see Yaakov Spiegel, *Amudim be-Toldot ha-Sefer ha-Ivri: Ketivah ve-Ha'atakah* (Ramat Gan: Bar-Ilan University Press, 2005), 565–632, esp. 592–594. See also Ephraim E. Urbach, *The Sages*, trans. I. Abrahams (Cambridge: Harvard University Press, 1987), 66–79.

שלחן ערוך אורח חיים ג:ג	טור אורח חיים סימן ג
לא ישתין מעומד מפני ניצוצות הניתזין על רגליו אם לא ישתין במקום גבוה או שישתין לתוך עפר תיחוח.	ולא ישתין מעומד שלא יתזו ניצוצות על רגליו ויראה ככרות שפכה ונמצא מוציא לעז על בניו אם לא שיעמוד במקום גבוה או שישתין לתוך עפר תיחוח.

<i>Tur</i> , OH 3	<i>Shulhan Arukh</i> , OH 3:13
And a person should not urinate standing up in order that droplets should not spray on his legs and it should not seem as if he is a castrated person and thus causing his sons to be slandered, unless he stands in a high place or urinates into soft dirt.	A person should not urinate standing up because of the droplets that are sprayed on his legs, unless he stands in a high place or urinates into soft dirt.

There are other times when Karo added an interpretation to an otherwise almost verbatim quotation from the Tur.

שלחן ערוך אורח חיים יא:ה	טור אורח חיים יא
המשתחוה לבהמה צמרה פסול לציצית המשתחוה לפשתן נטוע כשר לציצית שהרי נשתנה.	המשתחוה לבהמה צמרה פסול לציצית אבל המשתחוה לפשתן נטוע כשר לציצית.

<i>Tur</i> , OH 11	<i>Shulhan Arukh</i> , OH 11:8
One who bows down to an animal [in order to worship it], its wool is disqualified for <i>tzitzit</i> , but one who bows down to planted flax, it is fit for <i>tzitzit</i> .	One who bows down to an animal [in order to worship it], its wool is disqualified for <i>tzitzit</i> . One who bows down to planted flax, it is fit for <i>tzitzit</i> since it has changed.

In this last example Karo added a reason to a law from the *Tur* that previously did not include one. From the above examples we see that while there were instances in which Karo quoted sources from either the *Tur* or the Rambam verbatim, there were also examples in which he made changes, some slight and others not so slight, to earlier sources.

The Centrality of the *Beit Yosef* in the Writing of the *Shulḥan Arukh*

In this section I will bring examples of different ways in which the *Beit Yosef* served as a vehicle and a source for later formulations found in the *Shulḥan Arukh*. The first example that I will bring in order to show the important role that the *Beit Yosef* played in the writing of the *Shulḥan Arukh* will be from the *se'if* that was brought at the end of the last section, *OH* 11:8. Above I emphasized how the formulation of this *se'if* differed in the *Shulḥan Arukh* from the *Tur* on which it is based and now I will show the role of the *Beit Yosef* in this modification.

טור אורח חיים יא	שלחן ערוך אורח חיים יא:ח
המשתחוה לבהמה צמרה פסול לציצית אבל המשתחוה לפשתן נטוע כשר לציצית.	המשתחוה לבהמה צמרה פסול לציצית המשתחוה לפשתן נטוע כשר לציצית שהרי נשתנה.
<i>Shulḥan Arukh</i> , <i>OH</i> 11:8	<i>Tur</i> , <i>OH</i> 11
One who bows down to an animal [in order to worship it], its wool is disqualified for <i>tzitzit</i> . One who bows down to planted flax, it is fit for <i>tzitzit</i> since it has changed.	One who bows down to an animal [in order to worship it], its wool is disqualified for <i>tzitzit</i> , but one who bows down to planted flax, it is fit for <i>tzitzit</i> .

As seen in the above quoted *se'if*, there is a slight change between the *Shulḥan Arukh* and the *Tur*. In the *Beit Yosef* Karo directly references the Rambam who included a reason for this specific halakhah and this explanation was then included in the *Shulḥan Arukh* even though it was not found in the *Tur*.

שלחן ערוך אורח חיים יא:ח	בית יוסף אורח חיים סימן יא	רמב"ם הלכות עיצית א:יא
המשתחוה לבהמה צמרה פסול לציצית. המשתחוה לפשתן נטוע כשר לציצית שהרי נשתנה.	"אבל המשתחוה לפשתן נטוע כשר לציצית"—כן כתב הרמב"ם בפרק א ונתן טעם מפני שהרי נשתנה.	... המשתחוה לבהמה צמרה פסול לציצית אבל המשתחוה לפשתן הנטוע הרי זה כשר שהרי נשתנה.

<i>Shulḥan Arukh</i> , Oḥ 11:8	<i>Beit Yosef</i> , Oḥ 11	<i>Rambam, Hilkhot Tzitzit</i> 1:11
One who bows down to an animal [in order to worship it], its wool is disqualified for <i>tzitzit</i> . One who bows down to planted flax, it is fit for <i>tzitzit</i> since it has changed.	"But one who bows down to planted flax, it is fit for <i>tzitzit</i> ": So wrote the Rambam in chapter one [of the laws of <i>tzitzit</i>] and gave a reason, since it has changed.	If, however, one bows down to flax which is planted, it is acceptable, since it has changed.

Isadore Twersky has previously written about the instances when Karo seemed to have gone out of his way and *removed* a reason found in the Rambam for a commandment, yet here we see a case in which Karo went out of his way to *include* a reason for a commandment that was included by the Rambam but excluded from the *Tur*.¹⁷ Another example of when Karo added a reason for a commandment or practice that was not found in the *Tur* but was brought in the *Beit Yosef* can be seen in the following source.

In Oḥ 3:11 Karo brings numerous instructions regarding how to clean oneself after defecating.¹⁸

17 See Twersky, "Ha-Rav R' Yosef Karo Ba'al ha-Sh"Ar," *Asufot: Sefer Shanah le-Mada'ei ha-Yahadut* 3 (1989–1990): 257. As Twersky has shown, Karo's use of sources found in the Rambam was multi-faceted and not uniform.

18 See Julius Press, *Biblical and Talmudic Medicine*, trans. F. Rosner (New York: Sanhedrin Press, 1978), 550. Also see this comment by Philippe Charlier et al., "Toilet Hygiene in the Classical Era," *British Medical Journal* 2012; 345:e8287: "The abrasive characteristics of ceramic suggest that long term use of pessoi [i.e. pebbles, MP] could have resulted in local irritation, skin or mucosal damage, or complications of external haemorrhoids."

שולחן ערוך אורח חיים ג:יא	טור אורח חיים סימן ג	בית יוסף אורח חיים סימן ג
לא יקנח בחרס משום כשפים ולא בעשבים יבשים שהמקנח בדבר שהאור שולט בו שיניו התחתונות נושרות. ולא בצרור שקינח בו חברו מפני שמביא את האדם לידי תחתוניות.	ולא יקנח בחרס משום כשפים ולא בעשבים יבשים ולא בצרור שקינח בו חברו.	"ולא יקנח בחרס משום כשפים" — בסוף פרק המוציא (שבת פב ע"א) ובפרק (חולין קה ע"ב) "ולא בעשבים יבשים" — גם זה בסוף פרק המוציא (שבת פב ע"א) וטעמא משום דהמקנח בדבר שהאור שולט בו שיניו התחתונות נושרות ... "ולא בצרור שקנח בו חברו" — בסוף פרק הרואה (ברכות נה ע"א) עשרה דברים מביאים את האדם לידי תחתוניות ואחד מהן המקנח בצרור שקינח בו חברו.

<i>Shulḥan Arukh</i> , Oḥ 3:11	<i>Tur</i> , Oḥ 3	<i>Beit Yosef</i> , Oḥ 3
A person should not wipe themselves with a pottery shard because of witchcraft nor with dried grass, since one who wipes themselves with something that is affected by light his bottom teeth fall out. Nor with a rock that his friend used to wipe himself since it causes a person to develop hemorrhoids.	A person should not wipe themselves with a pottery shard because of witchcraft nor with dried grass nor with a rock that his friend used to wipe himself.	"A person should not wipe themselves with a pottery shard because of witchcraft"—At the end of chapter " <i>ha-motzi</i> " (b. Šabb. 82a) and in chapter " <i>kol ha-basar</i> " (b. Hul. 105b). "Nor with dried grass"—This is also at the end of chapter " <i>ha-motzi</i> " (b. Šabb. 82a). And the reason is that since one who wipes themselves with something that is affected by light his bottom teeth fall out. "Nor with a rock that his friend used to wipe himself"—At the end of

(cont.)

Shulḥan Arukh, OH 3:11*Tur*, OH 3*Beit Yosef*, OH 3

the chapter “*ha-ro'eh*” (b. Ber. 55a): “ten things cause a person to develop hemorrhoids and one of them is wiping with a rock that his friend used.”

In this *se'if* we see how in the *Shulḥan Arukh* Karo quoted the *Tur* verbatim yet also felt the need to add comments that explained the halakhah. Unlike the case cited above where Karo added an explanation that was found in the *Rambam*,¹⁹ here Karo added two explanations that were based on the Talmud and were brought in the *Beit Yosef*.

In some instances Karo codified a halakhah in the *Shulḥan Arukh* that is not found in the *Tur*. OH 13 discusses which types of four-cornered garments are obligated to have *tzitzit* on them, specifically the difficult cases when the garments are not entirely open at the sides, but rather only partially open. How much does the garment have to be open at the sides in order for it to be required to have *tzitzit*? The *Tur* addressed a number of related issues, but there was enough missing that Karo brought a large amount of supplementary material in his *Beit Yosef*, and some of this was later incorporated into the *Shulḥan Arukh*.

בית יוסף אורח חיים סימן י

שלחן ערוך אורח חיים יז

ובספר כפתור ופרח פרק ס' כתוב כלשון הזה
כתב ר"מ מרוטנבורק שהבגדים שפתוחים מעט
מלמטה בארבע כנפות שאין חייבים בציצית
דבתר גופא אזלינן עד כאן לשונו. משמע שכל
שאינן רובו פתוח בגד ארבע כנפות מיקרי וחייב
בציצית ולא פטר הר"מ אלא כשרובו פתוח ...
וכן כתב מהר"ק בשורש קמ"ט דלא פטר רבינו
שמחה אלא דווקא בשרובה פתוח אבל אם רובה
פתוח חייבת ...

מלבושים שהם פתוחים מן הצדדין למטה ויש
להם ד' כנפות לצד מטה ולמעלה הם סתומים אם
רובו פתוח פטור ואם רובו פתוח חייב. ואם חציו
סתום וחציו פתוח מטילין אותו לחומרא וחייב
בציצית ואין יוצאין בו בשבת.

19 That Rambam does not codify any of the *halakhot* found in this *se'if* in his *Mishneh Torah*. For related material see chapters four and five of *Hilkhot De'ot*.

(cont.)

<p>שלחן ערוך אורח חיים יז:</p>	<p>בית יוסף אורח חיים סימן י</p>
<p>ובהכי הרשב"א ורבינו שמחה מסכימים לדעת אחת ואם חצי הבגד סתום וחציו פתוח נראה לי דמטילין אותו לחומרא וחייב בציצית ואין יוצאין בו בשבת ...</p>	
<p><i>Shulḥan Arukh</i>, OH 10:7</p>	<p><i>Beit Yosef</i>, OH 10</p>
<p>Articles of clothing that are open on the sides at the bottom and they have four corners at the bottom and at the top they are closed, if the majority of it is closed it is exempt [from <i>tzitzit</i>] and if the most of it is open it is obligated. If half of it is closed and half is open one attaches [<i>tzitzit</i>] in order to be strict and it is obligated to have <i>tzitzit</i> and one does not go out with it [into the public domain] on Shabbat.</p>	<p>In the book <i>Kaftor va-Ferah</i> chapter 60 it is written in the following language: Rabbi Meir of Rothenberg wrote that articles of clothing that are open a little bit at the bottom of the four corners are not obligated to have <i>tzitzit</i> since we follow the body [of the garment]. It seems that anything that is mostly open is considered a four-cornered garment and is obligated in <i>tzitzit</i>. Rabbi Meir only exempted [a garment] which was mostly open ... so too wrote the Maharik in section 149, that Rabbeinu Simchah did not exempt a garment except one that was mostly closed but if most of it was open it was obligated [to have <i>tzitzit</i>] ... And in this case the Rashba and Rabbeinu Simchah agreed. and if half of the garment is closed and half is open, it seems to me that we attach <i>tzitzit</i> in order to be strict and it is obligated in <i>tzitzit</i> and one does not go out with it [into the public domain] on Shabbat.</p>

In the *Beit Yosef* on *OH* 13, Karo brought many medieval sources that addressed these partially opened four-cornered garments. These sources included responsa collections such as the responsa of the Rashba²⁰ and the Maharik²¹ in addition to codes such as *Kaftor va-Ferah*.

In the *Beit Yosef* Karo quoted some of these sources verbatim while others he paraphrased. Similarly, in the *Shulḥan Arukh* Karo quoted some of his statements from the *Beit Yosef* verbatim while he also paraphrased and reformulated other material. This *se'if* in the *Shulḥan Arukh* shows how sometimes the *Beit Yosef* was used as a supplementary commentary on the *Tur*, addressing material and issues that were not directly addressed in the *Tur*. This material was then subsequently brought in the *Shulḥan Arukh*, sometimes verbatim while at other time paraphrased and modified.

The *Beit Yosef* and the Influence of the *Zohar* on the *Shulḥan Arukh*

I would now like to address a specific phenomenon found in the relationship between the *Beit Yosef* and the *Shulḥan Arukh*. *OH* 4 discusses the laws surrounding *netilat yadayim*, washing one's hands in the morning and before prayer. When one compares the amount of material found in this *siman* in the *Tur* and the *Shulḥan Arukh* it isn't hard to see that the *Shulḥan Arukh* contains much more material on this subject than does the *Tur*. The material in the *Tur* amounts to just a few lines.²²

Tur, *OH* 4

טור, אורח חיים סימן ד

One should wash their hands hygienically and bless "Blessed are You Lord our God who has commanded us on washing hands."

One should be meticulous to pour over them three times since an evil spirit dwells on the hands until they are washed and is not removed until one pours water on them three times. There-

וירחץ בנקיון כפיו ויברך ברוך אתה יי' אלהינו מלך העולם אשר קידשנו במצוותיו וציוונו על נטילת ידים.

וידקדק לערות עליהם שלושה פעמים מפני שרוח רעה שורה על הידים קודם נטילה ואינה סרה עד שיערה עליהם שלוש פעמים ועל כן צריך למנוע מהגיע בידו קודם נטילה לפה ולחוטם ולאוזניים ולעיניים מפני שרוח רעה שורה עליהם.

²⁰ R. Shlomo ben Aderet.

²¹ R. Yosef Colon.

²² On the concept of רעה רוח see 1 Sam 16:14, 23; m. Šabb. 2:5; b. Pesah. 112a.

(cont.)

Tur, OH 4

טור, אורח חיים סימן ד

fore one needs to refrain from touching his mouth, nostrils, ears, and eyes, with his hands before washing because an evil spirit is dwelling on them.

And if one does not have water he should clean his hands with a rock or anything else that cleans and bless "on the cleanliness of hands."

ואם אין לו מים יקנה ידיו בצרור או בכל מיני דמנקי ויברך על נקיות ידיים.

The subjects addressed in this *siman* are the following: 1. The blessing recited when washing one's hands in the morning; 2. How many times water is poured over the hands and how; 3. What happens when a person does not have water.

Unlike this relatively small amount of material in the *Tur*, the *Shulḥan Arukh* contains a total of 23 *se'ifim* on this topic. A closer examination of the differences between them shows how in the *Shulḥan Arukh* Karo added a large amount of material to what is found in the *Tur*. Primarily, although not exclusively, this material came from the Zohar.

The first example will be regarding the possible relationship between washing one's hands in the morning and washing one's hands before eating a meal. In *siman* 4 of the *Tur* there is no mention at all of washing one's hands before eating a meal while in the *Shulḥan Arukh* the relationship is explicitly addressed. The *Shulḥan Arukh* contains the following in 4:7.

It is good to be meticulous about washing one's hands in the morning regarding anything that disqualifies washing one's hands for a meal.

טוב להקפיד בנטילת ידיים שחרית בכל הדברים המעכבים בנטילת ידיים לסעודה.

An examination of the *Beit Yosef* on this *siman* shows Karo's sources for making the connection between washing one's hands in the morning and washing one's hands before eating a meal.

And it seems from the words of the Rosh that we do not need a vessel for washing hands in the morning as one requires for washing hands for a meal. And so it is written in *Hagahot Mordechai* chapter “*Eilu Devarim*,” and so wrote the Ran in the beginning of chapter “*Kol ha-Basar*.” It seems that so too is the law regarding other things that disqualify washing hands for a meal that they are not required for washing hands in the morning since this washing is only for the purpose of cleanliness.

ומשמע מדברי הרא"ש דלא בעינן כלי לנטילת שחרית כי היכי דבעינן לנטילת ידים לסעודה. וכן כתוב בהגהת מרדכי פרק אלו דברים וכן כתב הר"ן בריש פרק כל הבשר ומשמע דהוא הדין לשאר דברים המעכבים בנטילת ידים לסעודה שאינם צריכים לנטילת ידים דשחרית דנטילה זו אינה אלא משום נקיות בעלמא.

The sources quoted here by Karo in the *Beit Yosef* seem to imply that there isn't any connection between the laws of washing one's hands in the morning and those of washing one's hands before eating a meal, so why then did he write in the *Shulḥan Arukh* that it is “טוב להקפיד בנטילת ידיים שחרית בכל הדברים המעכבים,” “that it is preferable or good to be meticulous in matters relating to washing one's hands in the morning just as one would regarding washing one's hands before a meal”?

If one wants to focus on the narrow literary source for Karo's formulation in 4:7, the source seems to be based upon a statement in the *Beit Yosef*, specifically a responsum of the Rashba.²³

בית יוסף אורח חיים סימן ד	שלחן ערוך אורח חיים ד:ז
<p>ומשמע דהוא הדין לשאר דברים המעכבים בנטילת ידים לסעודה שאינם צריכים לנטילת ידים דשחרית דנטילה זו אינה אלא משום נקיות בעלמא.</p> <p>אבל בתשובת הרשב"א כתוב שנשאל למה תקנו ברכת על נטילת ידים בשחרית והשיב איברא כך</p>	<p>טוב להקפיד בנטילת ידיים שחרית בכל הדברים המעכבים בנטילת ידים לסעודה</p>

²³ See Responsa of the Rashba 1:191.

(cont.)

שולחן ערוך אורח חיים ד:ז	בית יוסף אורח חיים סימן ד
	<p>נהגו בכל מקום לברך בשחרית על נטילת ידים ומקפידין בכל תנאי נטילה כבשעת סעודה ואני לא מצאתי בשום מקום דבר ברור שיצטרך אדם ליטול ידיו שחרית ...</p>

Shulḥan Arukh, OH 4:7

It is good for one to be meticulous in washing one's hands in the morning regarding all things that disqualify washing one's hands for a meal.

Beit Yosef, OH 4

And we learn that the same laws that apply to the other things that disqualify washing one's hands for a meal do not apply to washing one's hands in the morning since this hand washing is only because of cleanliness.

But in a responsum of the Rashba it is written that he was asked why the blessing "on washing hands" was established for [washing hands] in the morning and he responded: It is clear that this is the practice everywhere, to bless in the morning "on washing hands," and they are meticulous about all of the conditions that apply to the washing just as like with a meal.

And I didn't find any clear source that would require a person to wash their hands in the morning.

It still needs to be explained why Karo moved from his first statement where he said that it seemed there was no necessary correlation between the laws of washing one's hands in the morning and those of washing one's hands before eating a meal to the recommendation that one should be meticulous in matters relating to washing one's hands in the morning just as one would regarding washing one's hands before a meal.

After bringing a number of halakhic authorities, some of whom supported such a correlation and some who opposed, Karo proceeded to bring a number of sources from the Zohar, “וכן כתוב בספר הזוהר”. In this instance the sources from the Zohar played the role of tilting the scales in favor of one school of halakhic thought over another.

This decision by Karo to attribute to the Zohar a central role in the discussion of this topic can be seen in most of the *se'ifim* in this *siman*. See for example the following.²⁴

שולחן ערוך אורח חיים ד:י	בית יוסף אורח חיים סימן ד
נוטל כלי של מים ביד ימינו ונותנו ליד שמאלו כדי שיריק מים על ימינו תחילה.	ואפשר שיש חילוק בין נטילת ידים דשחרית לנטילת ידים דאכילה דבנטילת ידים דשחרית כיוון שהם טמאות מסטרא מסאבא דשרייא עליהו, אי הוה נטיל בקדמיתא שמאלא בימינא היה נראה כאלו סטרא דימינא משמש לסטרא אחרא ולפיכך בעי לנטולי בקדמיתא ימינא משמאלא כמו שכתוב בפרשת וישב.
אבל בנטילת ידים לאכילה שידיהם הם טהורות ואינו נוטל אלא לתוספת קדושה, צריך ליטול תחילה יד שמאל מיד ימין מהטעם שכתב בפרשת תרומה.	אבל בנטילת ידים לאכילה שידיהם הם טהורות ואינו נוטל אלא לתוספת קדושה, צריך ליטול תחילה יד שמאל מיד ימין מהטעם שכתב בפרשת תרומה.
ויש לפרש שלעולם תחילה נוטל יד ימין מיד שמאל, בין בנטילת ידים דשחרית בין בנטילת ידים דאכילה, כמו שכתוב בפרשת וישב. ומה שכתוב בפרשת תרומה מאן דנטיל מיא בידיה וכו' היינו לומר שנוטל כלי של מים ביד ימינו ונותנו ליד שמאלו כדי שיריק מים על יד ימינו	ויש לפרש שלעולם תחילה נוטל יד ימין מיד שמאל, בין בנטילת ידים דשחרית בין בנטילת ידים דאכילה, כמו שכתוב בפרשת וישב. ומה שכתוב בפרשת תרומה מאן דנטיל מיא בידיה וכו' היינו לומר שנוטל כלי של מים ביד ימינו ונותנו ליד שמאלו כדי שיריק מים על יד ימינו

24 In order to understand this *se'if* it is important to note that according to the Zohar the left side, *sitra de-smola*, is considered evil. See Joseph Dan, *Kabbalah: A Very Short Introduction* (Oxford: Oxford University Press, 2006), 52–53: “In the Zohar the realm of evil is called *sitra ahra*, an Aramaic phrase meaning ‘the other side.’ ‘Other’ is the unmentionable left side, which is also the name of God’s archenemy, Samael.”

Shulḥan Arukh, OḤ 4:10

One takes a vessel of water in his right hand and passes it to his left [hand] in order that he pour out the water on his right hand first.

Beit Yosef, OḤ 4

And it is possible that there is a difference between washing hands in the morning and washing hands for eating since in the case of washing hands in the morning, because [the hands] are impure on account of the impure side that is resting on them, if he would first have water poured from right hand onto his left hand it would seem that the right power (*"sitra de-yemina"*) is working for the other side (*"sitra aḥra"*), therefore one needs to first pour on his right hand from his left hand as it is written in *Parashat Vayeshev* [in the Zohar].

But in the case of washing hands for a meal when one's hands are pure and washing is only done in order to add holiness, one needs to first pour from the right hand on the left hand as is written in *Parashat Terumah* [in the Zohar].

One should interpret that first the right hand is always washed from the left hand, whether it is for washing in the morning or for a meal, as it is written in *Parashat Vayeshev* [in the Zohar]. And that which is written in *Parashat Terumah* [in the Zohar], "whoever pours water on his hand," that means to say that one takes a vessel of water in his right hand and passes it to his left [hand] in order that he pour out the water on his right hand first.

In this case Karo addresses the question of in which hand a person first holds the vessel for washing one's hands, the right or the left. When confronted with two possibly conflicting sources from the Zohar, Karo decided that one begins by holding the vessel in the right hand, then passes it to the left hand, and while it is in the left hand, water is then poured over the right hand.

The role of these Zoharic sources in Karo's decision-making process in this *siman* was directly addressed by Jacob Katz.

Karo, working systematically on the basis of a comprehensive survey of the sources, absorbed Zoharic prescription and granted them higher status than had any halakhist before him. In Chapter 4 of the *Beyt Yosef* which deals with "hand-washing in the morning," Karo quotes a long passage from the Zohar as supporting evidence before announcing his decision between two conflicting schools of thought. Was the Talmudically prescribed hand-washing in the morning a mere hygienic provision or was it, rather, a ritual one requiring the observance of all minutiae connected with the washing of hands before a proper meal. Karo adopted the second position for which he found support in the Zoharic passage he quoted.²⁵

Katz continued and discussed the relationship between Karo's discussion of this topic in the *Beit Yosef* and his later formulation in the *Shulḥan Arukh*.

While in the *Beyt Yosef* these prescriptions were wrapped in Zoharic symbolism which they were intended to reflect, in the *Shulḥan Arukh* they were reduced to a few laconic statements.²⁶

Katz then added an important observation that helps us understand Karo's thoughts about the role of Zoharic material in the halakhic process in a clearer fashion.

In the first of these concerning the ritual minutiae of hand-washing, where the Zohar had merely supported one of two halakhic opinions

25 Jacob Katz, *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem: Magnes Press, 1998), 53. For a discussion on the role of the Kabbalah in Karo's halakhic decision-making process see Moshe Hallamish, *Ha-Kabbalah bi-Tefillah, be-Halakhah, uve-Minhag* (Ramat Gan: Bar-Ilan University Press, 2000), 161–179.

26 Ibid., 54.

Karo's decision was presented as a recommendation only. ('It is commendable to take care.'²⁷) The others, based exclusively on the Zohar's authority and uncontested by any known halakhist, were formulated authoritatively ... For Karo ... the Zoharic view would be binding as long as it was not explicitly repudiated in the Talmud.²⁸

This *siman* illustrates another aspect of the *Shulḥan Arukh* in relation to earlier sources and that is the importance of Zoharic sources for Karo in his formulation of halakhic practice. In this case Karo first discussed these sources and opinions in the *Beit Yosef* and it is possible to see how they then migrated to the *Shulḥan Arukh*.

OH 17 As an Example of Different Editorial Actions by Yosef Karo within the Same *Siman*

If we look at OH 17, we can see how within one relatively short chapter Karo quoted and added to the foundation that he found in the *Tur* with material from the *Beit Yosef*, chose to edit a larger selection from the *Tur* while at the same time adding new material, and then chose to quote from the *Tur* verbatim without adding anything. The first *se'if* is an example of Karo quoting from the *Tur* but adding additional material to this quotation.

שלחן ערוך אורח חיים יז:א	טור אורח חיים סימן יז	בית יוסף אורח חיים סימן יז
אף על גב דכתיב וראיתם אותו סומא חייב בציצית.	סומא חייב בציצית.	דתניא וראיתם אותו פרט לכסות לילה אתה אומר פרט לכסות לילה או אינו אלא פרט לכסות סומא כשהוא אומר אשר תכסה בה הרי כסות סומא אמור.

²⁷ טוב להקפיד, In 4:7.

²⁸ Ibid.

<i>Shulḥan Arukh</i> , OH 17:1	<i>Tur</i> , OH 17	<i>Beit Yosef</i> , OH 17
Even though it is written “and you shall see it” (Num 15:39) a blind person is obligated in <i>tzitzit</i> because it was included in the interpretation of “which you shall cover with” (Deut 22:12), and the verse “and you shall see it” is needed in order to exclude [from the commandment] nighttime garments.	A blind person is obligated in <i>tzitzit</i> .	It is taught in a baraita: “and you shall see it” (Num 15:39)—excluding nighttime garments. You say that it excludes nighttime garments, but maybe it excludes the garments of a blind person? When he says “which you shall cover with” (Deut 22:12) it is speaking about the garments of a blind person.

Karo's comments in the *Beit Yosef* on this *siman* seem to be the source for the contextualization of the quotation from the *Tur*. Here Karo does not quote his own words from the *Beit Yosef* verbatim, he rather summarizes the conclusions of the *baraita* that he brought in the *Beit Yosef* and in the *Shulḥan Arukh* wrote his own reformulation of that source.²⁹

In the next *se'if* we see another example of when Karo copies certain parts from the *Tur* but at the same time adds to the material from the *Tur*.

טור אורח חיים סימן יז	שלחן ערוך אורח חיים יז:ב
ונשים ועבדים פטורים. וטומטום ואנדרוגיניס חייבין מספק. וכתב הרמב"ם ז"ל יתעטפו בלא ברכה והוא הולך לשיטתו שפירש שנשים אין יכולות לברך בדבר שהן פטורות. אבל רבינו תם כתב שיכולות לברך אף על פי שהן פטורות ויותר טוב שלא יברכו.	נשים ועבדים פטורים מפני שהיא מצות עשה שהזמן גרמא טומטום ואנדרוגיניס חייבין מספק ויתעטפו בלא ברכה.

²⁹ The *baraita* is found on b. Menah. 43a.

Shulḥan Arukh, OH 17:2

Women and slaves are exempt [from *tzitzit*] since it is a positive time-bound commandment. A *tumtum* and *androgynos* are obligated because of a doubt [whether they are obligated or not] and they should wrap themselves [in a four-cornered garment with *tzitzit*] without reciting a blessing.

Tur, OH 17

And women and slaves are exempt [from *tzitzit*] and a *tumtum* and *androgynos* are obligated because of a doubt [whether they are obligated or not]. And the Rambam wrote: they should wrap themselves [in a four-cornered garment with *tzitzit*] without reciting a blessing. He follows his own approach since he interpreted that women are unable to make a blessing on something from which they are exempt, but Rabbeinu Tam wrote that they are able to make a blessing even if they are exempt. It's best if they don't bless.

The additional material found in this *se'if* again seems to be from a *baraita* that is brought in the *Beit Yosef*.

Beit Yosef, OH 17

בית יוסף אורח חיים סימן יז

In the chapter “*techeilet*” (*b. Menah.* 43a) our rabbis taught: Everyone is obligated in *tzitzit*, Priests, Levites, Israelites, converts, women, and slaves. R. Shimon exempts women since it is a positive time-bound commandment and women are exempt from all positive time-bound commandments.

בפרק התכלת תנו רבנן הכל חייבים בציצית, כהנים לויים וישראלים גרים נשים ועבדים רבי שמעון פוטר בנשים מפני שמצות עשה שהזמן גרמא היא וכל מצות עשה שהזמן גרמא נשים פטורות.

In this case it was the *Tur* who did not see fit to include any explanation why women and slaves are exempt from the *mitzvah* of *tzitzit*, even though this reason is found in the Talmud. Karo then chose to return the explanation to his discussion of the exemption, adding it between two different quotations from the *Tur*.

The last *se'if* in this *siman* is an example of a verbatim quote from the *Tur* that explains that relationship of a minor to the mitzvah of *tzitzit*.

טור אורח חיים סימן יז	שלחן ערוך אורח חיים יז:ג
קטן היודע להתעטף אביו צריך ליקח לו ציצית לחנכו.	קטן היודע להתעטף אביו צריך ליקח לו ציצית לחנכו.
<i>Shulḥan Arukh, OH 17:3</i>	<i>Tur, OH 17</i>
A minor who knows how to wrap himself in a four-cornered garment with <i>tzitzit</i> , his father needs to take for him <i>tzitzit</i> in order to educate him.	A minor who knows how to wrap himself in a four-cornered garment with <i>tzitzit</i> , his father needs to take for him <i>tzitzit</i> in order to educate him.

It should also be emphasized that the order of the *halakhot* in this *siman* are identical to those found in the *Tur*.

1. Obligation of a blind person with regard to the *mitzvah* of *tzitzit*.
2. Obligation of women and slaves with regard to the *mitzvah* of *tzitzit*.
3. Obligation of *tumtum* and *androgenus* with regard to the *mitzvah* of *tzitzit* and whether they recite a blessing.
4. Performance of the *mitzvah* of *tzitzit* by a minor.

From the examination of this single *siman* that includes only three *se'ifim* we can see how Karo chose a different approach to the formulation of every *se'if* and *se'if*, even within the same *siman*, while at the same time relying upon the overall structure of the *siman* found in the *Tur*.

Conclusion

Menachem Elon summarized the literary methodology of the *Shulḥan Arukh* in the following words.

The method of the *Shulḥan Arukh* is distinct from that of the other codes. The *Shulḥan Arukh* states the substance of the law briefly, sometimes adopting the formulation of the *Turim* for this purpose. However, when

clarity is particularly needed, the *Shulḥan Arukh* frequently prefers Maimonides' text; and in these instances, the *Shulḥan Arukh* is more expansive than the *Turim*. The *Shulḥan Arukh* presents only the normative rule; in contrast to Maimonides and the *Turim*, it includes neither rationales for the law nor any philosophic considerations. Laws are generally stated without attribution of source and with no reference to contrary opinions.³⁰

There is much in common with my conclusions after examining the first 25 *simanim* of the *Shulḥan Arukh* and those of Elon. The literary foundations of the *Shulḥan Arukh* can be found in the Rambam, the *Tur*, and the *Beit Yosef*. When Karo chose to deviate from a verbatim quotation from either the Rambam or the *Tur* the reasons varied, sometimes it was in order to clarify a difficult to understand statement, while other times it reflected legal or theological considerations. In addition, Karo's *Beit Yosef* served as a conduit for sources that he felt were needed to supplement what was found in the Rambam and the *Tur*.

Far from being a mere collection of sources, Karo's *Shulḥan Arukh* represents a new literary creation, one that while standing on the shoulders of both his own work and that of others, is also a new and creative restatement of Jewish law.

Bibliography

- Charlier Philippe, et al. "Toilet Hygiene in the Classical Era." *British Medical Journal* 2012, 345:e8287.
- Dan, Joseph. *Kabbalah: A Very Short Introduction*. Oxford: Oxford University Press, 2006.
- Elon, Menachem. *Jewish Law: History, Sources, Principles*. Translated by B. Auerbach and M. Sykes. Philadelphia: Jewish Publication Society, 1994.
- Gray, Alyssa. "Poverty and Community in R. Joseph Karo's *Shulḥan Arukh*: 'Law and Literature' and Halakhic History." *Diné Israel* 29 (2013): 57*–89*.
- Hallamish, Moshe. *Ha-Kabbalah bi-Tefillah, be-Halakhah, uve-Minhag*. Ramat Gan: Bar-Ilan University Press, 2000.
- Kahana, Yitzhak Ze'ev. *Mehkarim be-Sifrut ha-Teshuvot*. Jerusalem: Mossad Harav Kook, 1973.

30 Elon, 1339.

- Katz, Jacob. *Divine Law in Human Hands: Case Studies in Halakhic Flexibility*. Jerusalem: Magnes, 1998.
- Kelman, Tirza. "Ketuvot be-Ot Barzel ve-Oferet bi-Defus: Mahapeikhat ha-Defus ve-Yetzirat ha-Ḥibbur Beit Yosef." *Pe'Amim* 148 (2016): 9–26.
- Lavi, Yehudah. "Otzar ha-Sefarim shel ha-Beit Yosef." *Ha-Ma'ayan* 34, no. 2 (Tevet 5744): 21–42.
- Press, Julius. *Biblical and Talmudic Medicine*. Translated by F. Rosner. New York: Sanhedrin, 1978.
- Shochetman, Eliav. "Al Ha-Setirot be-Shulḥan Arukh ve-Al Mahuto Shel Ha-Ḥibbur U-Maṭarotav." *Asufot: Sefer Shanah le-Mada'ei ha-Yahadut* 3 (1989–1990): 323–329.
- Spiegel, Yaakov. *Amudim be-Toldot ha-Sefer ha-Ivri: Ketivah ve-Ha'atakah*. Ramat Gan: Bar-Ilan University Press, 2005.
- Twersky, Isadore. "Ha-Rav R' Yosef Karo Ba'al ha-Sh'Ar." *Asufot: Sefer Shanah le-Mada'ei ha-Yahadut* 3 (1989–1990): 245–262.
- Urbach, Ephraim E. *The Sages*. Translated by I. Abrahams. Cambridge: Harvard University Press, 1987.
- Yosef, Yitzhak. *Ein Yitzḥak*. Jerusalem: Ei"sh Pituhim, 2009.