

## Casuistry, Halakha, and the Sabbath Day's Journey

*Casuistry* is a method of case reasoning especially useful in treating cases that involve moral dilemmas. Casuistry is a branch of applied ethics. Casuistry is the basis of case law in common law. It is the standard form of reasoning applied in common law. When Jewish Rabbis attempt to apply this line of reasoning to the Hebrew Bible it was called *Halakha*. Casuistry takes a relentlessly practical approach to morality. Rather than using theories as starting points, casuistry begins with an examination of cases. By drawing parallels between paradigms, so called "pure cases," and the case at hand, a casuist tries to determine a moral response appropriate to a particular case.

The name *Halakha* is derived from the Hebrew *halakh* הלך, which means "to walk" or "to go"; thus a literal translation does not yield "law", but rather "the way to go". The term Halakha may refer to a single law, to the literary corpus of rabbinic legal texts, or to the overall system of religious law. The root may be Semitic *aqqa*, meaning "to be true, be suitable".

The *Halakha* is often contrasted with the *Aggadah*, the diverse corpus of rabbinic exegetical, narrative, philosophical, mystical, and other "non-legal" literatures. At the same time, since writers of *Halakha* may draw upon the aggadic and even mystical literature, there is a dynamic interchange between the genres.

Halakha constitutes the practical application of the 613 mitzvot ("commandments", singular: *mitzvah*) in the Torah, (the five books of Moses, the "Written Law") as developed through discussion and debate in the classical rabbinic literature, especially the Mishnah and the Talmud (the "Oral law"), and as codified in the Mishneh Torah or Shulkhan Arukh (the Jewish "Code of Law".)

The Halakha is a comprehensive guide to all aspects of human life, both corporeal and spiritual. Its laws, guidelines, and opinions cover a vast range of situations and principles, in the attempt to realize what is implied by the central Biblical commandment to "be holy as I your God am holy". They cover what are better ways for a Jew to live, when commandments conflict how one may choose correctly, what is implicit and understood but not stated explicitly in the Bible, and what has been deduced by implication though not visible on the surface.

Because Halakha is developed and applied by various halakhic authorities, rather than one sole "official voice", different individuals and communities may well have different answers to halakhic questions. Controversies lend rabbinic literature much of its creative and intellectual appeal. With few exceptions, controversies are not settled through authoritative structures because during the age of exile Jews have lacked a single judicial hierarchy or appellate review process for Halakha. Instead, Jews interested in observing Halakha typically choose to follow specific rabbis or affiliate with a more tightly-structured community.

Halakha has been developed and pored over throughout the generations since before 500 BCE, in a constantly expanding collection of religious literature consolidated in the Talmud. First and foremost it forms a body of intricate judicial opinions, legislation, customs, and recommendations, many of them passed down over the centuries, and an assortment of ingrained behaviors, relayed to successive generations from the moment a child begins to speak. It is also the subject of intense study in yeshivas; see Torah study.

*Acts 1:12 NAS*

*Then they returned to Jerusalem from the mount called Olivet, which is near Jerusalem, a Sabbath day's journey away.*

**Sabbath Day's Journey** (jur'-ni) (sabbatou hodos): Used only in Acts 1:12, where it designates the distance from Jerusalem to the Mount of Olives, to which Jesus led His disciples on the day of His ascension. The expression comes from rabbinical usage to indicate the distance a Jew might travel on the Sabbath without transgressing the Law, the command against working on that day being interpreted as including travel (see Ex 16:27-30). The limit set by the rabbis to the Sabbath day's journey was 2,000 cubits from one's house or domicile, which was derived from the statement found in Josh 3:4 that this was the distance between the ark and the people on their march, this being assumed to be the distance between the tents of the people and the tabernacle during the sojourn in the wilderness. Hence, it must have been allowable to travel thus far to attend the worship of the tabernacle. We do not know when this assumption in regard to the Sabbath day's journey was made, but it seems to have been in force in the time of Christ. The distance of the Mount of Olives from Jerusalem is stated in Josephus (Ant, XX, viii, 6) to have been five stadia or furlongs and in Josephus, Jewish Wars, V, ii, 3, six stadia, the discrepancy being explained by supposing a different point of departure. This would make the distance of the Sabbath day's journey from 1,000 to 1,200 yards, the first agreeing very closely with the 2,000 cubits. The rabbis, however, invented a way of increasing this distance without technically infringing the Law, by depositing some food at the 2,000-cubit limit, before the Sabbath, and declaring that spot a temporary domicile. They might then proceed 2,000 cubits from this point without transgressing the Law.

And in some cases even this intricacy of preparation was unnecessary. If, for instance, the approach of the Sabbath found one on his journey, the traveler might select some tree or some stone wall at a distance of 2,000 paces and mentally declare this to be his residence for the Sabbath, in which case he was permitted to go the 2,000 paces to the selected tree or wall and also 2,000 paces beyond, but in such a case he must do the work thoroughly and must say: "Let my Sabbath residence be at the trunk of that tree," for if he merely said: "Let my Sabbath residence be under that tree," this would not be sufficient, because the expression would be too general and indefinite (Tractate 'Erubhin 4:7).

Other schemes for extending the distance have been devised, such as regarding the quarter of the town in which one dwells, or the whole town itself, as the domicile, thus allowing one to proceed from any part of the town to a point 2,000 cubits beyond its utmost limits. This was most probably the case with walled towns, at least, and boundary stones have been found in the vicinity of Gaza with inscriptions supposed to mark these limits. The 2,000-cubit limits around the Levitical cities (Num 35:5) may have suggested the limit of the Sabbath day's journey also. The term came to be used as a designation of distance which must have been more or less definite.

