## The Traditional Jewish Law of Sale

Shulhan Arukh Hoshen Mishpat Chapters 189-240

Translated and Annotated by

Stephen M. Passamaneck

Hebrew Union College Press Cincinnati 1983

## Contents

1 / 1	
Acknowledgments	i
Introduction	1
Abbreviations	9
A Synopsis of the Jewish Law of Sale	11
Lexicographical Notes	69
The Laws of Buying and Selling	75
Chapters:	
189 Verbal Agreement and Acquisition	75
190 Acquisition of Land by Monetary Consideration	75
191 Acquisition of Land by Instrument of Transfer	82
192 Acquisition of Land by Physical Possession	83
193 Things Attached to Land	87
194 Non-Jewish Vendor of Land	87
195 Acquisition by Symbolic Kerchief Exchange	89
196 Acquisition of a Non-Jewish Slave	93
197 Acquisition of Domesticated Animals	94
198 Acquisition of Moveable Property	97
199 Acquisition of Moveable Property by Means of Monetary Consideration	101
200 Acquisition by One's Real or Moveable Property	103
201 Purchasers' Marks on Goods; The Handshake	109
202 Acquisition of Moveable Goods as a Consequence of Acquisition of Land or Slaves	110
203 Acquisition by Exchange	114
204 Withdrawal, Condemnation, and Faithlessness	119
205 Sale Under Duress; Protested Sales	122
206 Conditional Sale to a Specific Person for a Specific Sum	127
207 Conditions, Stipulations, and Aleatory Forfeiture	128
208 Manifest Illegality in a Sale	141
209 An Indeterminate or Nonexistent Thing	141
210 Transfer of Ownership to a Futurus	147
211 Sale of Something Not Possessed; Post-Mortem Gift	148
212 Ownership of Rights; Consecration of a Nonexistent Thing	151

213	Acquisition of the Yield of a Beehive or Dovecote	156
214	An Undetailed Sale of a House	156
215	Sale of a Courtyard, Press House, Bathhouse, or City	165
216	Exceptions and Reservations in Sales of Land	169
217	Sale of an Irrigation Ditch, Roadway, or Burial Land	175
218	Sale of a Field Containing Tillable and Untillable Land	176
219	Specification of Boundary Lines	185
220	Sale of a Ship, Cart, Yoke of Oxen, Cow, Ass, or Slave-Girl	188
221	Dispute Over Price	193
222	Dispute Over Item Sold	193
223	Disputes in Barter for Animals, Fields, or Slaves	195
224	Barter for an Animal Found to Be Unfit for Use as Food by Jews	197
225	Seller's Warranties	199
226	Sale of Land Without Warranty	201
The Lav	ws on Unfair Price as Constructive Fraud and Rescission	
Owing 1	to a Fundamental Error in the Contract for Purchase	
Chapter	rs:	
227	Constructive Fraud by Unfair Pricing	205
228	Misuse of Speech; Verbal Abuse; Deception; Fraudulent Practice	218
229	Refuse Material in Foodstuffs	223
230	The Sale of Wine	225
231	Weights, Measures, and Market Superintendents	227
232	Errors in Weight, Measure, and Counting	234
233	Sale of One Type of Produce Which Is in Fact Another Type	247
234	Sale of Ritually Forbidden Food	248
235	Persons of Permanent or Temporary Legal Incapacity to Buy and Sell	249
236	Extortion by Non-Jews	257

237	Acquisition of Something for Which Another Is Negotiating	263
238	The Seller's Written Record of the Sale	265
239	Replacement of a Lost Instrument of Acquisition	266
240	Multiple Instruments Relating to the Same Real Property	267
Notes		271
Index		323

· -