



## Chofetz Chaim (Rabbi Yisrael Meir Kagan) and his *Mishna Berura*

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### Introduction

Rabbi Yisrael Meir Kagan, known as the Chofetz Chaim, holds a paramount position among 20th-century *gedolim*. Beyond his image as a devout, humble, and visionary community leader, he is celebrated for his extensive writings, most notably the *Mishna Berura*. This six-volume opus, published intermittently from 1884 to 1907, continues to wield authority in Orthodox Jewish law, offering a comprehensive guide to daily religious life by synthesizing traditions, laws, and customs. However, despite his profound scholarly impact, Rabbi Kagan's early life and influences remain mysterious. Few robust contemporary scholarly biographies have been written, and background literature, apart from commentaries on his works, especially the *Mishna Berura*, tends to be sparse and nearly exclusively written in Hebrew. This article likewise focuses on his scholarly and ethical works rather than delving into his personal life. Within his writings, particularly the *Mishna Berura* and its commentaries, Rabbi Kagan strikes a balance between traditionalism and iconoclasm, diverging from established halakhic norms. Throughout the *Mishna Berura* especially, Rabbi Kagan champions an innovatively pragmatic and ethical approach to daily life within the framework of Jewish law. His writings emphasize nuanced understanding, engagement, and flexibility, avoiding rigid adherence to a few principles. He does so with editorial precision, harmonizing multiple propositions and offering resolutions and recommendations while acknowledging diverse individual standards. Although scholars may vary in interpreting Rabbi Kagan's decision-making methodology, there is no disputing that the *Mishna Berura* marked a significant halakhic innovation as a major historical transition was taking place for eastern European Jewry in the early twentieth century. Rabbi Kagan's personal legacy, therefore, can be said to be one of resilience and innovation. And, though a veil of obscurity cloaks his personal life, Rabbi Kagan left a clear literary legacy that serves as a guiding light for many navigating faith amidst societal upheaval.

### Biographical Material on the Chofetz Chaim

Rabbi Kagan was born on 6 February 1838 in Zhetl, Belarus, and passed away on 15 September 1933 in Radun, Poland. He received early schooling from his parents until the age of ten. He subsequently pursued a formal education in Vilnius, Lithuania, but sources differ on whether he was ultimately ordained at the Vilnius Yeshiva. Regardless, Rabbi Kagan was outspokenly reluctant to make the rabbinate his profession. He married at seventeen, relocated to the small, rural town of Radun, Poland, and began working primarily as a bookkeeper for his wife's grocery store. Despite his occupation, Rabbi Kagan gained an early reputation as a teacher and, eventually, a religious leader characterized by piety, humility, integrity, and thoughtfulness. He was centrally preoccupied with the study and teaching of Torah, especially to laypersons. He placed a particular emphasis on teaching Jewish law. Over time, he garnered numerous students, leading to the establishment of Yeshivat Chofetz Chaim in 1869. In 1873, Rabbi Kagan published his first book anonymously, the *Hafetz Haim*, which focused exclusively on codifying and categorizing the laws of slander and gossip. Importantly, Rabbi Kagan did not publish this work—or any of his later writings—with scholarly intention or for self-promotion. Rather, his projects addressed specific needs and questions he observed within the rural Jewish communities to which he belonged. Many of his ideas were groundbreaking, however, and only enhanced

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will discuss these exploits, but none provide comprehensive details about his personal life, including, for example, information about his two wives, or even the date of his first wife's death. Such biographies might include Brown and Leon 2017, Derovan 2007, and Eckman 1974. Rabbi 1983 offers a bibliographic list of his works. Kagan 1990 offers biographical material written by Rabbi Kagan's son, Rabbi Aryeh Leib Kagan, which tends toward a more objective reflection as compared to other, more available hagiographic material. For a more hagiographic overview of his life and works, consider Yoshor 1984.

**Brown, Benjamin, and Nissim Leon. *The Gedolim: Leaders Who Shaped the Israeli Haredi Jewry*. Jerusalem: Magnes, 2017.**

In Hebrew. Brown and Leon dedicated one chapter to a more scholarly approach to the life and works of Rabbi Kagan. A condensed version of this information is found in Brown's entry in Yivo Encyclopedia entitled "Yisra'el Me'ir ha-Kohen."

**Derovan, D. "Israel Meir ha-Kohen." In *Encyclopedia Judaica*. 2d ed. Vol. 10. Edited by Fred Skolnik and Michael Berenbaum, pp. 756–757. Detroit: Macmillan Reference USA, 2007.**

This is a thorough, albeit short, introduction to Rabbi Kagan's life and works.

**Eckman, L. S. *Revered by All—The Life and Works of Israel Meir Kagan—Hafets Hayyim, 1838–1933*. New York: Shengold, 1974.**

An earlier biography and scholarly monograph endeavoring to situate Rabbi Kagan's writings in his temporal context.

**Kagan, Rabbi Yisrael Meir. *Kol Kitvei he-Hafetz Hayim ha-Shalem*. Jerusalem: Yeshivat HeHafetz Hayim MiRadin, 1990.**

Translated as "The complete works of Chofetz Chaim." The third volume of this series contains the following biographical pieces penned by Rabbi Aryeh Leib Kagan: *Kitzur Toldot Hayav* ["His abridged biography"], *Dugma mi-Darkhei Avi* ["A selection of my father's path"], and *Dugma mi-Sihot Avi* ["A selection of my father's talks"]. They are valued on account of the author's familiarity with the subject (his father), their realistic discussions of Rabbi Kagan, and their broader commentaries.

**Rabbi, Moshe Gelis. *Kitvei "he-Hafets Hayim," ha-Rav Yisrael Meir HaCohen me-Radin—Reshimah Bibliographit*. Jerusalem: Nezer David, 1983.**

See pp. 76–79. The piece catalogues and categorizes Rabbi Kagan's work in the order of their production. Translated as: "Writings of the Chofetz Chain—A Biographic List.

**Yoshor, Moses M. *The Life and Works of Rabbi Yisrael Meir Kagan of Radin*. Translated by Charles Wengrove. 2 vols. New York: Mesorah, 1984.**

A somewhat more extensive hagiographic biography of Rabbi Kagan.

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## Influential Works and Intellectual Legacy

Rabbi Kagan published numerous works of varying degrees of influence, nearly all of which were designed to address timely issues he saw

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education institutionally and in the home, respectively. These speak to his high passion for educating the next generation of Jewish youth, which he echoes in many personal letters. Finally, his *Mahaneh Yisrael* (1888) also figures importantly into his personal legacy, though for another reason: that it is largely ignored today. The work, inspired by his own experience as a Jew in the czarist military, offers a code of practical laws for soldiers needing to honor their Jewish faith while in service. Presenting a very critical view of war and violence, contemporary religious Zionists find Rabbi Kagan's perspectives unacceptable, and so, they largely suppress the work. His other works are more normative in scope and speak to his broader intellectual legacy. Outside of penning the six-volume *Mishna Berura* (see Introduction), for which he is especially famed, these include *Ahavat Hesed* (1888), concerning the various types of charity, as well as *Taharat Yisrael* (1910), *Geder Olam* (1890), *Beit Yisrael* (1928), all of which concerned questions of family, purity, and modesty. His *Niddhei Yisrael* (1894) and *Shem Olam* (1893) argued for and prescribed ways in which emigrating Jews might maintain their Judaism, while his *Likutei Halakhot* (1900–1925) offered a comprehensive anthology of sacrificial laws that would be necessary with the coming of the Messiah, which was a focus of the recent Zionist movement devoted to returning to a Jewish homeland. Each of these works, together with unmentioned essays and shorter materials, bolster Rabbi Kagan's reputation as not just an enduring scholar, but also a source of practical Jewish legal knowledge that is broad in scope. Kagan 1990 offers a compilation of his works, letters, and a biographical account by his son.

**Kagan, Rabbi Yisrael Meir. *Kol Kitvei he-Hafetz Hayim ha-Shalem*. Jerusalem: Yeshivat HeHafetz Hayim MiRadin, 1990.**

Translated as "The complete works of Chofetz Chaim." This is a large collection of most of the *Chofetz Chaim's* writings, other than the *Mishna Berura*, including an abridged biography by Rabbi Kagan's son. Also cited under Biographical Material on the Chofetz Chaim.

## The Politics of the Chofetz Chaim

Given Rabbi Kagan's weariness of public attention, it is no surprise that he was only selectively outspoken on major political issues. However, his concerns for the Jewish community of eastern Europe were very broad and, at many points, made public. The turn of the twentieth century proved a time of great upheaval for European Jewry—implicating issues of emigration, antisemitism, religious disconnection, and more. Reacting to different controversies, Rabbi Kagan participated in more than one important political cause. As immigration to Palestine, for instance, increased, he became convinced that the coming of the Messiah was imminent. For this reason, he called for renewed study into ritual sacrifice and ultimately published *Likutei Halakhot* (in five volumes). He established Kodashim, a group of yeshiva students devoted to the study of these matters and to the elevation of these ideas in the Jewish consciousness. His relationship with the new Zionist movement, however, was more complicated. On the whole, Rabbi Kagan was very critical of political Zionism because of its secular nature. This burgeoning nationalism, he maintained, redefined the terms of Jewish identity in a way that problematically distanced people—especially the younger generation—from religious learning and life. Even amidst the gradually deteriorating political and social situation of eastern European Jewry, his solution to bring the Jewish people together was to offer more learning rather than the premature creation of a Jewish state before the Messiah came. Yet, at the same time, Rabbi Kagan himself expressed an interest in immigrating to Israel at varied points in his life. By 1925 (at the age of eighty-six), he even made plans to leave Radun, though for various reasons, he never ended up leaving. Still, his attention was clearly on Jewish revival in Europe. He would help establish and support Orthodox organizations strengthening the structure and scaffolding of Jewish communities in eastern Europe. Famously, Rabbi Kagan supported the establishment of Agudat Yisroel in 1912 and was appointed honorary president of the party's Council of Torah Masters. He generally avoided the political aspects of the organization, and he regarded the fulfillment of the religious needs of European Jewry as the primary function of the party. Still, he did attend the famous Aguda Convention's First Knessia Gedolah in Vienna in 1923 and contributed to conversations concerning the deleterious effect of political Zionism. In 1924, he took part in the establishment of the Va'ad ha-Yeshivot, intended to help sustain Jewish religious institutions in eastern Europe by raising money in America. Until his death, he continued to respond to current events and wrote open letters to the Jewish press in the interest of preserving the integrity of the Jewish community and advocating for Jewish interests. Many of Rabbi Kagan's ideas on various political causes are captured in his varied letters made available in Kagan 1983 and *Kol Kitvei he-Hafetz Hayim ha-Shalem* 1990. Fox Movietone News Collection 2015 contains a video of Rabbi Kagan's arrival at the Aguda Convention's First Knessia Gedolah in Vienna. Domb 1958 contains information on the establishment of Agudat Yisroel, discussing the position of Rabbi Kagan and others on the Zionist movement and featuring a letter penned by Rabbi Kagan on the subject.

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Offering a history of the founding of Agudat Yisroel and featuring important statements by leading figures in the Jewish community—including Rabbi Kagan—on the Zionist movement.

**Fox Movietone News Collection. “World Congress of Agudas Yisroel—outtakes.”** *Yeshiva, World News*, 24 February 2015.

A video of Rabbi Kagan filmed in 1923 at the inaugural meeting of the Aguda Convention in Vienna resurfaced in 2015. It is the only known footage of the *gadol*.

**Kagan, R. Aryeh Leib. *Kitzur Toldos HaChofetz Chaim*. Brooklyn, NY: Feldheim, 1983.**

Translated as: “Collected Letters of the Chofetz Chaim. This is a collection of important writings compiled by Rabbi Kagan’s son. It is both religious and secular in nature and contains a biographical account of his life and writings.

***Kol Kitvei he-Hafetz Hayim ha-Shalem*. 4 vols. Jerusalem: Yeshivat HeHafetz Hayim MiRadin: 1990.**

Translated as “The complete works of Chofetz Chaim.” In many letters, the Chofetz Chaim discussed the Messiah, the question of the Jewish homeland, and commented upon the political causes oppressing eastern European Jewry in his day.

## The Chofetz Chaim and the Laws on Gossip

Rabbi Kagan’s first work was an intellectual masterstroke, compiling rabbinic sources on malicious gossip and “evil tongue” into an effectively new category of Jewish law by offering explicit, detailed rules for when *not* to speak. Rabbi Kagan applied—in a way never before attempted—the rigidities of *halakha* and *halakhic* writing to a subject that had only been treated beyond non-legal, moralistic literature. Many scholars therefore argue that the *Hafetz Haim* effectively amounts to an exemplar of a new literary enterprise: the legalization of ethics, or “halakhization of musar.” To be sure, Rabbi Kagan’s motivation for implementing a *halakhization* of ethics [*musar*] is still unknown. Rabbi Kagan himself merely notes (in the introduction to his work) that gossip has yielded communal degradation and divine disconnect, while others—including his own son—have reflected that his motivations stem from a personal experience. While there was certainly criticism of the piece in its day, Rabbi Kagan’s work endured as a bulwark against community-wide proclivities toward empty and idle chatter. It complicated the notions of “truth-telling,” “derogatory speech,” and “tale-bearing” in a way that is systematic and coherent. Rabbi Kagan adopts a notoriously stringent stance not only regarding the few halakhic sources that appear on the topic in Talmudic literature, but also with regard to relevant moralistic literature. The work, reproduced in Kagan 1999, is divided into two key parts: prohibitions on derogatory speech and prohibitions on tale-bearing, each with ten chapters and subsections. Brown 2008 makes an important argument about the novelty and critical importance of this work in moving the idea of gossip from ethics to law. Katz 1996 and Rottenberg 2005 also offer insight into the novelty of the text. For exemplary critical discussions, a strong foundation can be laid by exploring Kaufman 2005, and Rosner 2005.

**Brown, Benjamin. “From Principles to Rules and from *Musar* to *Halakhah*: The Hafetz Hayim’s rulings on Libel and Gossip.”** *Dine Israel: An Annual of Jewish Law and Israeli Family Law* 25 (2008): 171–256.

This piece discusses the phenomenon of “legalization of ethics,” with special attention to the Chofetz Chaim’s first work. Brown pays special attention to both the novelty of the piece and its enduring legacy.

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**Kagan, Israel Meir. *Shemirat HaLashon*. 2 vols. New York: Mazal, 2006.**

In Hebrew and English. Originally published in 1876, this piece continues the discussion set forth in Kagan 2020. Whereas the first text offers a codification of the laws of gossip, this piece offers substantive context around the laws of gossip and other forms of forbidden speech so as to better inform our incorporation of the laws.

**Kagan, Israel Meir. *Sefer Hafetz Haim*. 2 vols. New York: Mesorah, 2020.**

In Hebrew and English. This text offers another modern version of the codification of the laws on gossip. This version also includes various aids, descriptions, and elucidations to help the reader understand the law.

**Katz, Dov. *Tenu'at ha-Musar*. Vol. 4. Jerusalem: Feldhaim, 1996.**

See pp. 19–20. Discussing further the phenomenon of the legalization of ethics on the motivations for legalization of ethics.

**Kaufman, Moshe. *Netivot Hayim al Sefer Hafetz Hayim*. Bnei Brak, Israel, 2005.**

For a critical commentary on *Hafetz Haim* published with the original text.

**Rosner, Shlomo Ben Yehoshua. *Ali Be'er u-Mekor ha-Be'er al Sefer Hafetz Hayim*. Jerusalem: Shlomo Ben Yehoshua Rosner, 2005.**

For a critical commentary on *Hafetz Haim* published with the original text.

**Rottenberg, Naftali. “Guarding One’s Tongue: Between Halakhah and Musar in the Writings of the Hafetz Hayim.” In *Hogim ba-Parasha*. Edited by N. Rottenberg, 325–336. Tel Aviv: Miskal, 2005.**

His literary enterprise on the legalization of ethics.

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## **The *Mishna Berura* Generally and Its Legacy for Contemporary Orthodoxy**

The *Mishnah Berura*, Rabbi Kagan’s commentary on Rabbi Caro’s *Shulchan Arukh’s Orach Chaim* section, spans six volumes published over a twenty-three-year period. Volume 1 debuted in 1884, Volume 3 in 1891, Volume 2 in 1895, Volume 4 in 1898, Volume 5 in 1902, and the final volume in 1907. Rabbi Kagan’s deep focus on ethics is apparent in his work, where he underscores the integration of moral and religious perfection through rigorous halakhic observance. Rabbi Kagan keeps both the layman and the scholar in mind as potential readers. Unlike traditional halakhic works that often present a single definitive answer, the *Mishna Berura* categorizes rulings as minimally acceptable, acceptable, better, or best, offering readers a spectrum of options for adherence. To do so, Rabbi Kagan mediates between discordant views expressed by post-Talmudic and post-*Shulchan Arukh* scholars using second-order rules of decision. Still, even with this atypical approach, the *Mishna Berura* has gained widespread recognition and is considered authoritative by virtually all contemporary Orthodox Jewry. Indeed, it is the structure and methodology of the *Mishna Berura* that enables it to speak to different Orthodox cultures (see Methodology in the *Mishna Berura*). After all, the ability to approve or disapprove of a normative text according to one’s culture only exists where there are clear rulings. As the *Mishna Berura* has few of these, the work speaks differently to—but retains authority within—

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the enduring interest in the *Mishna Berura* is the veneration felt for Rabbi Kagan himself and the magnetic pull of his pious reputation. Like Rabbi Kagan in his other works, the *Mishna Berura* acknowledges the complexity of life, providing a spectrum of reasonable answers for the observant Jewish to halakhic questions and incorporating these variables into a coherent structure. Furthermore, *the Mishna Berura* provides concrete insights into the legal and social environment in which Rabbi Kagan lived and wrote. Feldman's 1989, an English translation of the *Mishna Berura*, is authoritative, and Eidensohn's 2023, an index covering all six volumes, proves invaluable for those interested in specific topics within the *Mishna Berura*. Recent commentaries, Ohr HaOlam Institute 2013 and Kagan and Hofstedter 2021, incorporating halakhic authority from the past century, further underscore the continued relevance, importance, and presence of the *Mishna Berura* over a century after its publication.

**Eidensohn, Daniel, and Israel Meir. *Yad Yisroel: Index to the Mishna Berura*. Jerusalem: D. Eidensohn, 1994.**

This is an extensive, English topic index—developed from the Hebrew originally published in 2003—to the entire six volumes of the *Mishna Berura*.

**Kagan, Yisrael Meir, Aharon Feldman, and Aviel Orenstein. *Mishnah Berurah: The Classic Commentary to Shulhan Aruch Orach Chayim, Comprising Laws of Daily Jewish Conduct*. Spring Valley, NY: Feldheim, 1989.**

The authoritative translation of the *Mishna Berura* into English, including, as well, a contextualization and overview of the scope and impact of the work. This text proffers a new *halakhic* code meant for the lay person struggling with the daily observance of Jewish law. This body of writing also contains *Biur Halacha*, which discusses the rulings of previous *halakhic* authorities as a part of the *Mishna Berura*, as well as the *Sha'ar HaTziyyun*, which clarifies—in a footnote form—ambiguous statements and documents sources of law.

**Kagan, Israel Meir, and Rabbi Dovid Hofstedter. *Dirshu Mishnah Berurah (with Maft'e'ach)*. 7 vols. Toronto, Canada: Dirshu, 2021.**

In Hebrew. These volumes offer a modern commentary on the *Mishna Berura*, focusing especially on novel interrogations for modern-day questions. The piece goes about this by including commentary from the last century. The work contains, as well, previously unpublished insights, cross-references, and explanatory notes that help the reader elaborate their understanding of the work.

**Ohr HaOlam Institute. *Mishna Berurami*. Lawrence, NY: Ohr Olam, 2013.**

In English. This is a project that translates and comments upon the classic text with clarity and precision for the reader who is not as familiar with Hebrew. It makes use of extensive explanatory notes, as well as a contemporary *halakhic* discussion exploring the modern-day application of the *Mishna Berura*'s rulings. Available online by subscription.

## The *Mishna Berura* in Conversation with Previous or Contemporaneous Halakhic Authority

The *Mishna Berura* seeks to provide enough information to ensure that its reader can always act correctly, accounting for various circumstances and differing opinions. The commentary seemingly begins from the position that virtually all disputes of Jewish law and Talmudic understanding are analytically irresolvable. There is disagreement as to whether this means that the *Mishna Berura* leaves matters in a state of no decision, or rather a decision to leave the reader some degree of free choice between the normative options presented to him or her. With that said, there is consensus as to the *Mishnah Berura*'s purpose and audience: an attempt to elucidate for the Hebrew-reading educated layperson, and not only for the legal scholar, both what should be the normative *halakhic* practice and why it should be so—for complicated *halakhic* matters and for simple daily life alike—but without omitting alternative views. To demonstrate this, consider the structure of the work. Alongside the text of the *Mishna Berura*, Rabbi Kagan included two other works on each page: the *Biur*

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single conclusion. In this way, the *Mishna Berura* stood apart from another commentary on the *Shulhan Arukh*, Rabbi Yechiel Epstein's *Arukh HaShulchan*, roughly contemporaneous with Rabbi Kagan's work, which proffered what Epstein saw as analytically correct rulings. Both Rabbi Kagan and Rabbi Epstein shared much in common—they lived sixty-five miles apart during the same overlapping decades, lived under the same secular government, and spoke the same languages. The two had access to nearly identical libraries of rabbinic texts, but they made very different choices about how to weigh and prioritize the importance of these texts in *halakhic* decision making. They represent fundamentally different approaches to *halakhic* decision making. The *Mishna Berura*'s distinctiveness from Rabbi Epstein's work and other traditional commentaries has resulted in later disagreements as to the scope and purpose of the project. Fishbane 1990 offers that the *Mishna Berura* is a limited work, a summary and comment on Rabbi Caro's *Shulchan Arukh* alone. Henkin 2018 supports this, to some extent, by using the *Mishna Berura* as a content for discussion of the *Shulchan Arukh*. Broyde and Bedzow 2014, meanwhile, posits that it is a new codification of law altogether. Soloveitchik 1994 augments this conversation by offering a comparative perspective on the *Mishna Berura* with earlier law codes in describing the development of modern orthodoxy. Meanwhile, Broyde and Pill 2020 develops a discussion of the *Mishna Berura*'s purpose by way of comparison with a contemporary work, Rabbi Epstein's *Arukh HaShulchan*.

**Broyde Michael J., and Ira Bedzow. *The Codification of Jewish Law and an Introduction to the Jurisprudence of the Mishna Berura*. Boston: Academic Studies Press, 2014.**

This book argues that the *Mishna Berura* systematically negotiates between important principles and constitutes a coherent, unified code of *halakha*.

**Broyde Michael, and Shlomo Pill. "Building the Set Table: An Introduction to the Jurisprudence of Rabbi Yehiel Mikhel Epstein's *Arukh ha-Shulhan* in Contrast to the *Mishnah Berurah*." *Dine Israel* 33 (2020): 1–69.**

This article discusses the novelty of the *Mishna Berura* by way of comparison with Rabbi Epstein's contemporary work.

**Henkin, Eitam. *Set a Table before Me: The Life, Time, and Work of Rabbi Yechiel Mikhel Epstein, Author of the Arukh HaShulchan*. Jerusalem: Maggid, 2018.**

Isolating the timeline of the writing of the *Shulhan Arukh* using the publication of the *Mishna Berura* as context.

**Soloveitchik, Haym. "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy." *Tradition* 28.4 (Summer 1994): 64–131.**

Comparing the methodology of the *Mishna Berura* and the earlier *Arukh HaShulchan* as it pertains to the legitimacy of customs, and, in doing so, masterfully portraying the shift in Orthodoxy from a mimetic tradition into one which is controlled by textual justification.

## Methodology in the *Mishna Berura*

It is an outstanding question whether the *Mishna Berura* constitutes a law code in and of itself. To be sure, Rabbi Kagan's work, at base, comments on Joseph Caro's *Shulhan Arukh*—offering synopses of the code found therein and resolving potential contradictions between the rulings of Rabbi Caro, as well as between the positions of the *Shulhan Arukh* and other legal authorities. The jurisprudence of the *Mishna Berura* is somewhat clear, as well. Doctrinally, the *Mishna Berura* saw each legal dispute as irresolvable; therefore, any *halakhic* resolution would have to consider all the varied opinions on the matter. And, as a matter of social policy, the *Mishna Berura* sought to balance tradition and modernity. Yet, agreement on associated questions stops there. The debate around methodology—and to a certain extent the philosophy of the *Mishna Berura*—is especially important. Rabbi Kagan seems to operate without seeking to answer an

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question of “rightness.” The sophistication of his analysis has led some scholars to consider the *Mishna Berura* a work of novel *halachic* decision making all its own. While Fishbane 1991 might present that the *Mishna Berura* is just a work revolving around the *Shulhan Arukh*, Broyde and Bedzow 2014 posits that the *Mishna Berura*'s *halakhic* methodology presents a complex and nuanced attempt to transform the laws of daily conduct into a comprehensive, unified system of laws according to Rabbi Kagan's own perspective. Brown 2007 proffers something altogether different—Rabbi Kagan's work, to the author, is simply an example of “soft stringency” methodology, a commentary that allows for leniency in observance in challenging times but still proffers and prefers stringent observance requirements. Regardless of these distinct perspectives, as mentioned above, the methodology of the *Mishna Berura* makes the work meaningful across Orthodox cultures. Indeed, to a certain extent, Broyde and Bedzow's approach of “diversity” could be said to even become Brown's approach of “soft stringency,” since every liberal approach is offset by the idea that it is better to be strict, even if the law does not require it.

**Brown, Benjamin. “Soft Stringency in the Mishnah Berurah: The Jurisprudential, Sociological and Ideological Aspects of a Halakhic Formulation.” *Contemporary Jewry* 27.1 (2007): 1–41.**

This text proposes the ideas that the *Mishna Berura*'s “soft stringency” allows readers to decide themselves the *halakhic* opinion—whether stricter or more lenient—in which to ascribe, both of which are valid. The more stringent opinion is just a suggestion; optional norms whose adherence stems from an extra-*halakhic* motive—either to democratize Jewish law or based off of necessity given the religious and social contexts in which he was writing.

**Broyde Michael J., and Ira Bedzow. *The Codification of Jewish Law and an Introduction to the Jurisprudence of the Mishna Berura*. Boston: Academic Studies Press, 2014.**

This text on the *Mishna Berura*'s methodology asserts the view that the text is Rabbi Kagan's deliberate attempt to elucidate for the layperson—not only for the legal scholar—*both* what should be the normative *halakhic* practice and why it should be so. This goes for both complicated *halakhic* matters and for simply daily tasks alike. In other words, the *Mishna Berura* systematically negotiates between important principles and constitutes a coherent, unified code of *halakha*.

**Fishbane, Simcha. *The Method and Meaning of the Mishnah Berurah*. Hoboken, NJ: Ktav, 1991.**

This work expresses another view of the methodology of the *Mishna Berura*. Specifically, Fishbane posits that the text will *seem* to rule leniently in order to implicitly convey the message that it is not difficult to remain observant in order to prevent people from joining liberal movements in Judaism. In reality, however, the *Mishna Berura* is predominantly strict in its adjudication.

## Literary Features of the Mishna Berura

The *Mishnah Berura* makes use of unique literary and stylistic choices that both distinguish it from other commentaries and also invite it into the group of essential materials for those preoccupied with Jewish law. The *Mishna Berura* utilizes, for example, traditional Talmudic vocabulary, direct duplication of the words of older Rabbinic authorities, and dependence on a myriad of texts before and after *Shulhan Arukh*. The piece, of course, incorporates non-*halakhic* materials (especially ethics, on occasion) in offering commentary. The work uses short, decisive statements in *Mishnaic* fashion to increase clarity for the reader. In all these ways, the *Mishnah Berura* works very hard to be useful to many different groups at one time—both scholars and lay readers, wealthy people with resources and poor Jews without enough to eat, *Hasidim* and *Mitnagdim* find guidance. The literary style of the tri-sectional work includes a primary text of law and options, scholarly discussions in a smaller font on the outside, and additional footnotes. This is the first such tri-sectional work of Jewish law written by a single author. Much copied since then, Rabbi Kagan's tri-sectional invention is itself a novel contribution of Jewish law. Were one to look at a page of the *Mishnah Berura*, one would be struck by its layout and structural novelty. The top line features a topic area—usually a chapter

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places, Rabbi Kagan also has special star footnotes which are worthy of further exploration and as of yet have not been well explained. Fishbane 1988 and Fishbane 1990 offer excellent discussions on the literary attributes and organizational style of the *Mishna Berura*.

**Fishbane, Simcha. "An Analysis of the Literary and Substantive Traits of Rabbi Israel Mayer Hachohen Kagan's *Mishnah Berurah*." PhD diss., Concordia University, 1988.**

Surveys some of the more nuanced points of the literary style of the *Mishna Berura*.

**Fishbane, Simcha. "Structure and Form in Halakhic Literature: A Different Approach to the Study of Modern Jewish Law." *Method & Theory in the Study of Religion* 2.1 (1990): 72–90.**

An excellent review of the tri-sectional structure of the *Mishna Berura*.

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