



Toldot

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Rabbi Joseph Hirsch Dünner (Ritzad): A (Mostly) Forgotten Pioneer of Academic Talmud

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Rabbi Joseph Hirsch Dünner (1833-1911), also known as Ritzad, was one of the first modern academic scholars of the Bavli, the Babylonian Talmud. While better known in Israel, in the United States his work is not regularly cited outside of a few academic talmudists.¹ Indeed, in

the US he is more likely to be mistaken for his great nephew of the same name, Rabbi Josef Hirsch Dünner (1913-2007), one of the last students of the Hildesheimer Rabbinical Seminary and leader of British Jewry. This is not to say that he has been entirely forgotten in English secondary literature. Indeed, in the *Encyclopedia Judaica* article on the “Babylonian Talmud,” one reads:

The *Yefeh Enayim* of Aryeh Leib Yellin, published in the Romm edition of the Bavli, made available

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See, e.g., Elizabeth Shanks Alexander, [*Transmitting Mishnah: The Shaping Influence of Oral Tradition*](#) (Cambridge University Press, 2006), 180; Barry Scott Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (University of Pennsylvania Press, 2011), 116n.104.

for the first time an easily accessible listing of parallel traditions in the Yerushalmi and Tosefta, the *Midrashei Halakhah*, and *Midrashei Aggadah*. The *novellae* of R. Joseph Zvi Dünner attempted an integrated reconstruction of the historical evolution of the parallel versions of talmudic *sugyot*, and together these works can be seen to mark the beginning the period of the *hokerim*.²

Yet, such references are rare, especially when compared with the extensive literature on his contemporary, the Orthodox academic Rabbi David Zvi Hoffmann. This disparity may be attributed to three factors. First, Dünner, as opposed to Hoffmann, did not leave much in the way of responsa—many appear to have been lost during WWII—so he is not studied in a halakhic context. Second, many people come across Hoffmann through his commentary on Tanakh, which is even cited in the Artscroll Stone

Chumash. Finally, the influence of the Dutch Jewish community on American Jewry has been significantly more limited than that of their German coreligionists.

Who, then, was this scholar, and what was his contribution to the academic study of Talmud? Born in 1833 in Cracow, Dünner was recognized as an *illui*, a prodigy, very early. After studying traditionally and receiving rabbinic ordination, he began to read maskilic works, although he always stayed within the Orthodox fold. In 1859, he enrolled in the University of Bonn and, in 1862, he received his PhD for a dissertation on Avraham ibn Ezra. That same year he became rector of *Nederlands Israëlietisch Seminarium*, the Orthodox seminary in Amsterdam, where he completely revamped the curriculum to include both secular studies and traditional learning. He became Chief Rabbi of Amsterdam in 1874 and he held that position until his death.³

Dünner's work covered much of classical rabbinic literature, including the Mishnah, Midrash Halakhah, Yerushalmi, and *Mishneh Torah*. His

² Stephen G. Wald, "Talmud, Babylonian," in [Encyclopaedia Judaica](#), 2nd ed., ed. Michael Berenbaum and Fred Skolnik (Detroit: Macmillan Reference USA, 2007), 19:481. There are a few other English articles and lectures about Dünner. See, e.g., Jacob S. Levinger, "Düenner, Joseph Zevi Hirsch," in *Encyclopaedia Judaica*, 2nd ed., ed. Michael Berenbaum and Fred Skolnik (Detroit: Macmillan Reference USA, 2007), 16:41, and Isaac Hershkowitz, "The Works of Rabbi Joseph Tzvi Dünner and Their Reception in the Religious Circles in the Second Half of the Twentieth Century," available at: [https://www.academia.edu/1705493/The Works of Rabbi](https://www.academia.edu/1705493/The_Works_of_Rabbi)

[Joseph Tzvi Düenner and Their Reception in the Religious Circles in the Second Half of the Twentieth Century](#).

³ Biographical information is taken from Benjamin de Vries, "Ha-Rav Dr. Joseph Tzvi Dünner z"l: Toledotav, Mif'alo, Mishnato," in *Hidushei Ha-Riṣad* (Jerusalem; 1981-1990), 1:9-32. Note that de Vries and Jacob Nahum Epstein, mentioned below, married Dünner's granddaughters.

major contributions, however, were to the academic study of the Tosefta and the Bavli.⁴ With regard to the former, Dünner appears to have been one of the first to argue that the Amoraim were not familiar with the Tosefta that we have today and that, while containing authentic tanna'itic traditions, the Tosefta was only edited after the Bavli had been redacted.⁵ This idea would later be further expanded upon by the works of Ḥanokh Albeck and Yaakov Elman.⁶

⁴ J. H. Dünner, *Die Theorien über Wesen und Ursprung der Tosephtha, Kritisch Dargestellt* (Seyffardt'sche Buchhandlung, 1874). See also his comments in *Hidushei Ha-Riṣad*, 2:181, s.v. 'ור"ש בן אלעזר הוא וכו'.

⁵ Yaakov Elman, *Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia* (Ktav, 1994), 13, identifies the thirteenth century R. Samson of Chinon as the first to suggest this. Indeed, R. Samson of Chinon, *Sefer Keritut* (Divre Sofrim, 1965), 158, argues that what is referred to as "Tosefta" in the Talmud is not our Tosefta but rather explanatory comments on the Mishnah. R. Samson, however, does not explain what our Tosefta is, only that it postdates the Bavli.

⁶ See Ḥanokh Albeck, *Meḥqarim Bi-Veraita Ve-Tosefta Ve-Yahasana La-Talmud* (Mosad Ha-Rav Kook, 1969), 86-138; Elman, *Authority and Tradition*. Dünner, however, is rarely directly cited in these works. On Dünner being a pioneer in the study of the Tosefta, see de Vries, "Ha-Rav Dr. Joseph Tzvi Dünner z"l," 28; Hermann L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, 2nd ed. (Fortress Press, 1996), 153. Dünner and Albeck's theories are usually contrasted with Jacob Naḥum Epstein's, which posit that the editors of the Yerushalmi had knowledge of a version of the Tosefta we have now, but that the Bavli drew on a proto-Tosefta. See Jacob Naḥum Epstein, *Mevo'ot Le-Sifrut Ha-Tannaim; Mishna, Tosephtha Ve-Midreshei Halakhah* (Magnes Press, 1957), 248, for a chart summarizing his

While his contribution to the study of the Tosefta is almost completely forgotten now, he is still recognized for his commentary on the Bavli. Originally published as *Hagahot* in seven volumes (1896-1929), it was later reprinted by Mossad ha-Rav Kook as *Hiddushei ha-Ritzad* in four volumes (1981-1999), and includes his commentary to Rambam's *Mishneh Torah*.⁷ The commentary covers nineteen *masekhtot*, tractates, although it is far from comprehensive. In some cases,

position. For a survey of early research on the Tosefta, see Alberdina Houtman, *Mishnah and Tosefta: A Synoptic Comparison of the Tractates Berakhot and Shebiit* (Mohr Siebeck, 1996), 7-18.

⁷ The original *Hagahot* can be found here: <https://hebrewbooks.org/29057>; <https://hebrewbooks.org/29061>; <https://hebrewbooks.org/67622>; <https://hebrewbooks.org/67623>; <https://hebrewbooks.org/29060>; <https://hebrewbooks.org/29059>; <https://hebrewbooks.org/29058>. The reprinted *Hiddushei ha-Ritzad* is available on the *Otzar ha-Hachma* website. When the *Hagahot* first came out, Saul Horovitz, "Die Dünner'schen Talmudglossen," *Monatsschrift für Geschichte und Wissenschaft des Judentums*, no. 42 (1897), 385-394, gave it a very harsh review. While David Zvi Hoffmann, "Die Dünner'schen Talmud-Hagahot," *Israelitische Monatsschrift*, no. 2 (1897): 14-15 was more complementary, he was also very critical of the commentary. In contrast, Dünner's comments to *Mishneh Torah* were well received by Boaz Cohen, "Review: Duenner's Annotations on the Mishneh Torah," *Jewish Quarterly Review* 23 (1933): 394-97. For reception of Dünner's work in general, see the lecture by Hershkowitz, "The Works of Rabbi Joseph Tzvi Dünner."

masekhtot receive only a few comments and, in general, aggadic material receives much less attention than halakhic material. The commentary in many places is brief and, not infrequently, refers the reader to comments made elsewhere. This is especially pronounced in his notes on the Yerushalmi, Midrash Halakhah, and the Tosefta—placed at the back of each volume—which often refer the reader to his commentary on the Bavli.⁸

Despite its title, *Hiddushei ha-Ritzad* is not a traditional commentary, but a historical-critical analysis. Thus, for example, it is not uncommon for Dünner to write that the version of a tradition is incorrect in one rabbinic compilation, that an Amora was not familiar with a tanna'itic source, or

⁸ de Vries, “Ha-Rav Dr. Joseph Tzvi Dünner z”l,” 28n.16, notes that although Dünner compared the Bavli to the Yerushalmi, he did not believe that the former had knowledge of a redacted Yerushalmi. This is still an open question within the field today. For some studies that touch on this, see Martin S. Jaffee, “The Babylonian Appropriation of the Talmud Yerushalmi: Redactional Studies in the Horayot Tractates,” in *New Perspectives on Ancient Judaism*, ed. Alan J. Avery-Peck, vol. 4 (Lanham: University Press of America, 1989), 3-27; Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah* (Providence, RI: Brown Judaic Studies, 2005); Marcus Mordecai Schwartz, *Rewriting the Talmud: The Fourth Century Origins of Bavli Rosh Hashanah* (Tübingen: Mohr Siebeck, 2019).

⁹ For examples of post-Ravina and Rav Ashi material, see Joseph Hirsch Dünner, *Hiddushei Ha-Riṣad*, 1:236, s.v. היתה גבוהה ‘; ; 1.262 זר שסידר את המערכה חייב וכו; מעשרים אמה וכו. Dünner will occasionally state that an addition is either from a late generation of Amoraim or the Saboraim. See, e.g., *Hiddushei Ha-Riṣad* 1:229, s.v. ; רב אדא ; וכו. אמר להו הא טרחנא וכו. 2:106, s.v. בר אהבה אמר הא מני

that a tanna'itic or amora'ic comment was not said in the context in which it now appears. He also argues that certain sections of the Bavli post-date Ravina and Rav Ashi and, while he occasionally mentions the post-talmudic Savora'im, he is not always clear about when these traditions were created and added.⁹

While advanced for its time, the commentary falls short of modern standards of talmudic research. In general, Dünner does not have a systematic approach to the Bavli.¹⁰ He also rarely makes use of Raphaelo Rabbinovicz's *Diqduqei Sofrim* (1867-1897), which compares manuscripts of the Talmud.¹¹ Furthermore, some of Dünner's interpretations are apologetic, as when he claims

He, however, sometimes just states that the material post-dates the Amoraim without stating who was responsible for adding it. See, e.g., *Hiddushei Ha-Riṣad* 1:296, s.v. ואי איתא וכו לכסייה וכו.

¹⁰ For a more programmatic approach to talmudic criticism, see the fourteen criteria of Shamma Yehuda Friedman, “Pereq ha'isha rabba babavli,” in *Mehqarim umeqorot*, ed. H. Dimitrovksi (New York: Jewish Theological Seminary, 1977), 301-308. See also the work of Friedman's students at the *Igud ha-Talmud* project, available at <https://www.talmudha-igud.org.il/nosafot.asp?lang=en>. Admittedly, Halivni also was not as systematic as Friedman, but he did have a more developed approach to the Bavli than Dünner.

¹¹ de Vries, “Ha-Rav Dr. Joseph Tzvi Dünner z”l,” 30. A search on the *Otzar ha-Hachma* website shows that Dünner cited *Diqduqei Sofrim* approximately 29 times throughout his commentary. All of *Diqduqei Sofrim* is available on Hebrewbooks.com. Manuscripts of the Bavli are now available on the *Hachi Garsinan* portal of

that unflattering stories about the Rabbis—such as when Rav and Rav Nahman would go to a town looking for a temporary wife for a day (*Yoma* 18b) or when Rava states that he learned a *halakhah* from Rav Elazar be-Rabbi Shimon when the latter was on the toilet (*Zevahim* 102b)—were inserted by an errant student (looking to insult the Rabbis).¹² In contrast, modern scholars of these stories look to the Sasanian practice of “temporary marriage” or examine how Babylonian and Palestinian texts depict rabbis’ etiquette in bathrooms differently.¹³

Despite these caveats, Dünner’s commentary remains a valuable work from which much can be gained. As can be imagined, much of the commentary is complex and requires knowledge of the specific topic. However, I will summarize two brief, but representative, examples of both the value and limitations of Dünner’s commentary. For both of these examples, I have used the printed version of the Bavli, as that is what Dünner generally used.

The first example shows the benefits of Dünner’s commentary. [Bava Metzi’a 33a](#) records a *baraita*

<https://fjms.genizah.org/>, which is in the process of being migrated to ktiv.nli.org.il.

¹² Joseph Hirsch Dünner, *Hidushei Ha-Riṣad*, 1:88, s.v. רב כי מקלע לדרשיש 4:88; and s.v. דנתה: הכסא.

¹³ Yaakov Elman, “The Torah of Temporary Marriage: A Study in Cultural History,” in [A Thousand Judgements: Festschrift for Maria Macuch](#), ed. Maria Macuch et al. (Harrassowitz Verlag, 2019). While not discussing *Zevahim* 102b, Yael Wilfand, “Did the Rabbis Reject the Roman Public Latrine?”

commenting on *m. Bava Metzi’a*. 2:11, which discusses the priority of returning lost objects when there are multiple objects to return at once. One of the conflicts that arises is between a person’s father and teacher, with the *mishnah* ruling that the teacher has priority because he taught the student wisdom. The *baraita* states:

Our Rabbis taught [in a *baraita*]: “‘His teacher’ that they mention is *his teacher who taught him wisdom* and not *his teacher who taught him Scripture and Mishnah*” — [these are] the words of R. Meir. R. Yehudah says: “[*His teacher is*] *from whom [he learned] most of his wisdom.*” R. Yose says: “Even if *he only opened his eyes regarding a single mishnah, he is his teacher.*”

By comparing this *baraita* to the version in the Yerushalmi [*y. Bava Metzi’a* 2:11, 8d; *y. Mo’eid Katan* 3:7, 83b; *y. Horayot* 3:4, 48b]—where R. Meir states: “Who is the rabbi that taught him wisdom? The one that first taught him ”—and *t. Bava Metzi’a* 2:30, which records variations on

BABESCH, no. 84 (2009): 183-96, does discuss the Rabbis’ relationship to public bathrooms. Dünner also makes many references to *batei midrash* in Palestine and Babylonia. While some of these appear to be references to post-talmudic institutions, he also seems to take at face value that they existed in the Amoraic period. Modern scholarship, however, has cast doubt on this assertion. See, for example, Jeffrey L. Rubenstein, “The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence,” *Jewish Studies: An Internet Journal* 1 (2002): 55–68.

three named rabbis' opinions, Dünner argues that R. Meir only stated: "His teacher that taught him wisdom," and those that came after R. Meir interpreted his opinion in different ways. In our Babylonian *baraita*, they interpreted R. Meir as meaning "not his teacher who taught him Scripture and Mishnah," while in the Yerushalmi they interpreted his statement as referring to the one that first taught him.¹⁴ Here, then, Dünner looks at the problem of different versions of the same tanna'itic tradition—something also noted by modern scholars—and, seeing that they do not agree, suggests that there was a core tradition that was interpreted and added to in different ways in the Yerushalmi and Bavli.¹⁵

Another example shows the limitations of his commentary. *Sukkah* 31a reads:

It was taught [in a *baraita*]: A dry one is invalid; [but] R. Yehudah permits. Rava said: "The debate concerns *lulav*." The rabbis believe

we compare *lulav* to *etrog*: just as an *etrog* requires *hadar*, beauty, so does a *lulav* require *hadar*. Rebbe and R. Yehudah believe that we do not compare *lulav* to *etrog*, but everyone agrees that *etrog* requires *hadar*... Come and hear [from a *baraita*]: An old *etrog* is invalid; [but] R. Yehudah permits. A refutation of Rava—a refutation.

On this section, Dünner simply writes: "Rava still did not know of the *baraita* that teaches explicitly that an old *etrog* is invalid but R. Yehudah permits."¹⁶ This, indeed, is a straightforward read of the *gemara*; had Rava known that *baraita*, he would not have said that the debate was only about *lulav*.

By way of contrast, R. David Weiss Halivni—one of the foremost academic talmudists of the past generation—agrees with Dünner that Rava was unfamiliar with the second *baraita*, but goes into

¹⁴ Dünner, *Ḥidushei Ha-Riṣad*, 3:150, s.v. רבו שלמדו חכמה.

¹⁵ While noting that the Yerushalmi's language differs, R. David Halivni, *Mekorot u-masorot: Masekhet Bava Meṣia* (Magnes Press, 2003), 112, takes a different approach. Later in the *sugya* there is an Amoraic statement by Rav Yitzḥak bar Yosef in the name of R. Yoḥanan that the *halakhah* follows R. Yehudah. The Stam, however, notes that R. Yoḥanan elsewhere states that the *halakhah* follows an anonymous *mishnah*—which would agree with R. Meir's opinion that it is the teacher that teaches him wisdom—and provides a weak answer. As a result, Halivni suggests that either the *mishnah* did not contain the phrase *she-limdo*

hokhmah, or that R. Yoḥanan had a different version of the *baraita*, which may match the version in the Yerushalmi. Louis Ginzberg, *A Commentary on the Palestinian Talmud: A Study of the Development of the Halakhah and Haggadah in Palestine and Babylonia: Volume IV*, ed. David Halivni (Jewish Theological Seminary of America, 1961), 23 [Hebrew], also argues that the *mishnah* did not read *she-limdo hokhmah*. On this source, see Moulie Vidas, [Tradition and the Formation of the Talmud](#) (Princeton University Press, 2017), 118.

¹⁶ Dünner, *Ḥidushei Ha-Riṣad*, 1:277, s.v. אבל באתרוג וכו'.

far more detail as to why Rava interpreted the first *baraita* as he did.¹⁷ Weiss Halivni argues that because Rava only knew the small section of the *baraita* that stated in the singular, “a dry one is invalid,” he believed that this tradition only referred to *one* of the four species, the *lulav*. However, had Rava known of the collection of teachings in *t. Sukkah* 2:8-9—where the statement is in the plural, “R. Yehudah says: If they were dry they are valid”—he would have known that it also referred to the other species.¹⁸ Further, Halivni also utilizes the extant manuscripts, and notes that there are *versions of the second baraita that instead of reading “an old etrog is invalid” read “a dry etrog is invalid, which he believes is the better version.*

I would also add that, while Dünner is sometimes sensitive to later interpolations, as shown in the first example, in this instance he does not comment on what appears to be later additions. Rava’s initial statement appears to have only been the short Hebrew sentence: “The debate concerns *lulav*.” However, the explanatory comment in the *gemara* text—the rabbis think we compare *lulav* to *etrog*, that just as an *etrog* requires *hadar*, so

does a *lulav* require *hadar*; Rebbe and R. Yehudah think we do not compare *lulav* to *etrog*; [but] everyone agrees that an *etrog* requires *hadar*— is in Aramaic, and was likely added later to explain the reasoning behind Rava’s laconic comment.¹⁹

Dünner was a pioneering scholar whose contributions deserve more recognition. His theory concerning the post-Bavli redaction of the Tosefta continues to be debated among scholars today, even if he himself is not always cited. Additionally, *Hiddushei ha-Ritzad* still has much to offer the modern student of Talmud, with certain caveats. Dünner was very sensitive to many issues in the Bavli text, and his comparisons to other rabbinic compilations are particularly valuable. While modern scholars may offer alternative explanations, his proposed reconstructions of traditions merit serious consideration. While his work does not meet modern standards of talmudic criticism—lacking a systematic approach to the Bavli, largely ignoring manuscript evidence, and occasionally adopting an apologetic stance—these limitations should not overshadow the enduring significance of his contributions

¹⁷ I have heard that Halivni read Dünner’s commentary, but I have not yet found a reference to it in the former’s commentary. There are, indeed, some instances where Halivni and Dünner reach the exact same conclusion. Compare, for example, Dünner, *Hidushei Ha-Risad*, 1:331, s.v. דאמר שמואל הלכה כדברי המיקל ולא סבירא לן כוותיה דתניא with David Halivni, *Mekorot u-masorot: Masekhtot Eruvin u-Fesahim* (Jewish Theological Seminary of America, 1981), 556-57.

¹⁸ Tosefta, *Sukkah*, 2:8-9.

¹⁹ Although these lines do appear in all manuscripts (except in MS Vat. 134, in which the second line was skipped as a result of a homeoteleuton). For an early discussion on how to separate the later comments from the Amoraic core, see Hyman Klein, “Gemara and Sebara,” *The Jewish Quarterly Review* 38 (1947): 67-91. In his commentary, Halivni does not discuss the stammaitic additions, but he does remove these lines when he copies the text before his commentary.

Ben Gurion and Hazon Ish: The Sequel

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A critical moment in the history of the *kulturkampf* between the Israeli secular Jewish world and the Israeli Haredi world occurred more than 75 years ago with the famous meeting between Prime Minister David Ben Gurion and R. Avraham Yeshaya Karelitz, the outstanding Haredi Talmudic scholar and leader of the mid-twentieth century, universally known by the title of his multi-volume halakhic novelle, *Hazon Ish*. The run-up to the meeting and its details have been well documented and analyzed in several essays in Hebrew over the decades in the secular, religious, and Haredi presses.¹

In short, during the summer and fall of 1952, one of the first religious-secular legal and ideological crises erupted regarding the question of enshrining into law the conscription of girls/women into the armed forces of the fledgling Israeli state. The religious community across its entire spectrum rejected this move, and the Haredi community vowed to give up their lives rather than submit to this law if passed, which they termed an “evil decree.” The religious-Zionist camp settled for a compromise position of drafting women to national service (*sheirut le’umi*), which the Haredi community continued to reject.

In the midst of that firestorm, Ben Gurion reached out to the leading Haredi figure at the time, R. Yitzhak Ze’ev Ha-Levi Soloveitchik, known as the Brisker Rav, for a meeting to discuss the underlying impasse, but was rebuffed. He then turned to Hazon Ish, who accepted a meeting with Ben Gurion. This meeting took place on October 20, 1952 at the home of Hazon Ish in Bnei Brak. During the meeting, that lasted about an hour, Ben Gurion asked his interlocutor, (as recorded by Ben Gurion’s personal secretary, Yitzhak Navon, the only other person who was in the room at the time): “I have come to ask you: how can we, religious and non-religious Jews, live together in the land, without us imploding from within?”

Hazon Ish famously responded with a reference to a Talmudic statement in [Sanhedrin 32b](#), that when two camels are traversing a narrow path and there is not enough room for both to pass at the same time, the camel that has no burden on its back should compromise and make way for the camel that is laden with a burden. (In subsequent imprecise retellings, the camels turned into wagons, yielding the famous catchphrase of the secular community having “an empty wagon”).

The exact import of Hazon Ish’s reply has been subject to various interpretations, including the popular conception (both in the secular, religious, and Haredi media and in popular consciousness) that he intended to state that the secular world is

¹ For an overview of this literature, and for the Hebrew texts translated into English below, see Benjamin Brown, *Hazon*

Ish: Ha-Posek, Ha-Ma’amin, U-Manhig Ha-Mahepekhah Ha-Hareidit (Magnes Press, 2011), pp. 265-274.

empty and bereft of any values. More likely, as Navon himself, Israeli scholar Binyamin Brown, and others who have examined the source material argue, Hazon Ish was contending that religious Jews have many obligations and “burdens” that secular Jews do not, *e.g.*, *kashrut* restrictions, Shabbat observance, and sexual mores that require the secular side to accommodate them to be able to function in society. Ben Gurion’s response as reported by Navon and Haredi literary sources was: “Do only religious Jews have the yoke of *mitzvot* and others do not?... Is not settling the land of Israel a *mitzvah*? And what of the obligation to work the land? And protection of life and the borders? Is this a small *mitzvah* in your eyes? The secular Jews are ready to give their lives for these *mitzvot*...for eradicating the desolation of the land, the work of the army, and the building of the land are also not easy or pleasant work.”

The meeting ended with no solid conclusions, nor, surprisingly, do we have any written documentation that they discussed the immediate point of contention, women’s conscription into the IDF, before its conclusion. In his journals for that day, Ben Gurion wrote that Hazon Ish concluded the meeting with the statement that “there are things we are willing to give up our lives for; we are a minority, but when we give up our lives we will be strong, and there will be no force that will overpower us.” Ben Gurion wrote in his journal that the atmosphere at the meeting was pleasant and that Hazon Ish spoke “in a pleasant and jovial manner, without any zealous anger,

though it is certain that he has an element of zealotry in him, though it is hidden.” However, Ben Gurion, as he expressed later in his writings, left the meeting disappointed and with the feeling that the chasm was too wide to be bridged.

* * *

But the relationship between Ben Gurion and Hazon Ish does not end there. Below is an account of the “sequel” to the meeting and the publication of a number of letters between Hazon Ish and Ben Gurion, most of which have not yet been translated into English.

On November 21, 1952, Hazon Ish wrote a short letter to Ben Gurion regarding the issue of conscription of women. (All translations are my own):

“The Honorable Prime Minister, may his light shine.

After inquiring as to your welfare,

I would be honored to request of you the following: I believe that the Prime Minister, who is full of the choice quality of freedom of conscience, is troubled by promulgating an obligation of conscription of girls for national service, lest it harm the freedom of conscience of the many or the individual.

I thus dare to express my great pain before you regarding this decree, and to request that the

Prime Minister forego it.

Until now I could not make this request as this concession would have been seen as made under pressure. Now that the Prime Minister has cleared all the obstacles in his path,² the concession will be viewed as a product of the pure gentleness of the Prime Minister, to recognize the pain of the religious community and their conscience.

This will now be to the honor of the Prime Minister and his glory in the eyes of others.

I bless you that from peace with the religious community everyone will emerge blessed.

With the proper respect,

Avraham Yeshaya

This letter is fascinating and calculated in its deployment of arguments. First, it does not proffer any claim based on religious principles or classic Jewish values, but entirely rests on a purely secular western value, freedom of conscience. This value, Hazon Ish would have correctly assumed, would potentially have more sway with Ben Gurion than anything else he could have written. While it is doubtful that Hazon Ish himself would have subscribed to this value in the western sense of the term, using the language and values system of his interlocutor rather than a Talmudic

metaphor, as he had done a month before in person, must have seemed the more proper course to achieve his aim at this point. Moreover, Hazon Ish subtly introduces his perception that Ben Gurion's opposition to making any concessions may have been motivated by his political standing and how he would be perceived rather than by pure ideological commitment.

On both accounts, Hazon Ish turned out to be wrong. Four days later, Ben Gurion sent the following letter to Hazon Ish:

To the Honorable Ga'on Hazon Ish, Bnei Berak.

My honorable sir,

I was happy to receive your letter, but I am very sorry that I cannot respond to your request in the affirmative. Regarding conscription of girls there is a dual problem of freedom of conscience:

There is a religious wing (not all the religious factions agree to this) whose conscience is harmed by conscription; and there is a great number of people in Israel whose conscience is troubled by the lack of conscription. There is also a legal debate. Though I know that there is a debate amongst scholars of halakhah about this issue, I am not about to place my head between these mountains and I will certainly not dare to oppose you on a matter of halakhah as I know you are the

² Ben Gurion had by that point been able to establish a coalition without any of the religious parties. As such he

would not be perceived as caving in to coalition deal-making and pressures.

greatest of the generation . However, I do know the security needs of the nation of Israel, and the survival of the nation pushes aside, in my eyes, all other factors.

I am pained that you describe conscription of girls into national service as a “decree.” The laws of the nation of Israel in its own land are not a “decree.” ...Let me add that the meeting and discussion with you were an important experience, and I will never forget it.

With great respect and recognition,

David Ben Gurion

In subsequent years, Ben Gurion occasionally mentioned the meeting with Hazon Ish in his letters and journal entries while noting his disappointment that this “man of the spirit,” as he called him in his journal entry from the day of the meeting, did not appreciate the depth of the dilemma. In a letter to one of the heads of the religious-Zionist community, R. Yehuda Leib Maimon, on June 25, 1954, Ben Gurion wrote:

I even turned to the late Hazon Ish, not to discuss the issue of conscription of girls, as a number of newspapers reported, but regarding the question how he, after the establishment of the state...sees the joint existence of the secular and religious publics, who willy nilly, will have to live and work together, without one of them coercing the conscience of the other. To my regret, I did not find that the deceased comprehended the problem.

Despite this disappointment, Ben Gurion continued to hold the person of Hazon Ish in high esteem, an esteem that grew in later years as he was exposed to some of his non-Halakhic writings. After receiving a copy of the small philosophic-ethical treatise *Emunah U-Vitahon (Faith and Trust)*, written by Hazon Ish, from a religious minister of parliament alongside another book, he wrote back:

I must thank you, not only for the first volume of the Yad Ha-Hazakah (Maimonides’ Code of Law), but even more so for the precious pamphlet of the Hazon Ish. It is a long time since I have had such pleasure in reading, as I had in reading the vision of the Hazon Ish on faith, good character traits, and more. The text is worthy to be read by every young person in Israel.

When, a few years later, Ben Gurion received a copy of the collected letters of Hazon Ish, he cited a poignant section from one of the letters in his journal and expressed in amazement: “How many people like this still exist amongst our religious leadership today?”

More than a decade later in 1966, when he was asked about that fateful meeting in 1952, Ben Gurion said:

At the time I had the impression that the question [I had posed to him] did not really trouble him, and, as someone who knew him well told me, he lived only in the world of halakhah. However, after his death, I read his letters and saw that he was a

man of the spirit, in addition to being an expert in halakhah. And till this day, I wonder why he did not appreciate the gravity and significance of the question that I posed to him?

On the day of Hazon Ish's funeral, on Sunday, October 26, 1953, at the start of the weekly cabinet meeting, Prime Minister Ben Gurion rose and said: "Before we turn to the day's agenda, let us all rise in honor of Hazon Ish zt"l who passed away. We lost a great human being and a great Jew, who was without a doubt one of the greatest scholars of halakhah, the area to which he devoted all of his days."

In a letter a few months later to members of Hazon Ish's family, Ben Gurion wrote:

I merited to meet with the deceased, and was impressed with his outstanding wisdom. The [day of the] death of Hazon Ish was a day of personal mourning to me."

* * *

The culture battle between Haredim and the rest of Israeli society has not abated in the last seven decades since the fateful meeting between Ben Gurion and Hazon Ish. The conflicting value systems and the sense of clashing ideals has only heightened with the growing political and demographic power of the Haredi community, which many thought would wither away with the

passing of time.

During the course of the last two years of war in Gaza, Lebanon, and other locales, the deep tensions between the secular majority and the Haredi community, as well as the religious Zionist community, have crystallized around the issue of army service for young men in Haredi yeshivot. The sense of the "unequal nation burden" not being shared by the Haredi community has only exacerbated with the mounting casualties and injured of IDF soldiers, the need for many more soldiers for fighting battles on many fronts and long term security needs, the long tours of reserve duty and the impact it has had on families and marriages. The extreme rhetoric of some of the leaders of the Haredi community against any attempt to conscript yeshiva students into the IDF, and statements on the ground from activists such as "namut ve-lo nitgayeis" (we will die rather than enlist), harken back to, and echo Hazon Ish's words to Ben Gurion that:

There are things we are willing to give up our lives for; we are a minority, but when we give up our lives we will be strong, and there will be no force that will overpower us.

How this issue, central to the future and cohesion of the State of Israel, will play itself out is a burning question that has its roots in the early days of the State and the conflicting world views that were already articulated at the time.

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