

Observing Yom Ha'atzmaut

Rabbi Yehuda Balsam

Since the creation of the modern state of Israel, there has been a great deal of controversy concerning the proper observance of Israeli Independence Day. In Yerushalayim, many secular Jews have wild street celebrations, parades, and backyard barbeques, while religious Zionists recite special Tefilot and thanks to Hashem. One can even join a Minyan of Religious Jews who are fasting and reading 'Vay'chal', or one can choose to ignore the day entirely due to a lack of certainty about its significance. How one chooses to relate to this day can definitely depend on how he generally associates to the state of Israel from a political perspective. For our purposes, we will assume that one generally views the State of Israel's creation as a positive occurrence; one that has helped in the physical salvation of the Jewish people by giving them a homeland in which they can be free from racial persecution and anti-Semitism, and served as a spiritual center for Yeshivot and religious institutions in addition to allowing the Jewish people to be mikayem the mitzvot hatluyot ba'aretz. The question that remains is how to properly thank Hashem for this gift. Should we say hallel in order to show our gratitude to the Creator for returning us to this land after almost two thousand years of exile, or perhaps hallel in such a situation would be unwarranted due to the nature of the circumstances. Is it proper to recite Tachanun, or should our gratitude to Hashem lead us to observe this day as a yom mishteh v'simchah.

When do we say Hallel?

The Gemarah (pesachim 117a) teaches us that Hallel was instituted by the Nevi'im to be recited whenever the Jewish people are redeemed from a perilous situation. Many rishonim (Behag hil. lulav, Tosfos succah 44b, Rabbeinu Yonah Berachos 14a) are of the opinion that this Gemarah refers to a salvation which affects all klal yisrael, not a small segment or even an entire city of Jews. However, if such a deliverance occurs on a smaller scale, the Me'iri (psachim 117a) and others are of the opinion that one can recite hallel without a brachah. The notable exception to this rule is Chanukah, which happened to a minority of Klal Yisrael (it took place during the second Beit Hamikdash during which time the vast majority of Jews remained in Galus). Why then do we say Hallel with a Brachah? Rav Yonah Navon (sefer Get Mekushar 134c) and the Rugatchover Gaon (tzofnat Panei'ach 2:8) among others, explain that since the miracle of Chanukah took place in the beit hamikdash, which is the spiritual center of the Jewish nation, it is considered to have affected the entire Jewish nation. Based on his concept, the Chidah (shu"t Chaim Sha'al 2:11) recommends that a town or city that wishes to observe a Yom Tov commemorating a Nes and wishes to recite Hallel, should do so without a Brachah. He further recommends that they should not recite the Hallel immediately following Shmoneh Esrei, because Hallel following Shmoneh Esrei was instituted by Chazal with specific intentions, and perhaps we are not properly understanding these meanings and should say Hallel at a different point in the davening.

What is a miracle?

Aside from the issue of numbers, there is question concerning what constitutes a proper nes that requires reciting hallel. Rav Aryeh Pameranchik (sefer Emek Brachah 43) asks the obvious question: If we are to believe that there is no such thing as nature, rather everything that takes place is under the direct guidance of Hashem and is a miracle by its own rights (see Ramban al hatorah shemot 13:16), how can we determine which miracles are worthy of hallel and which are normal occurrences? He answers that although all of nature contains great miracles, nature does not openly reveal the hand of God. These occurrences require brachot of praise (such as the Birchot hashachar) thanking Hashem for giving us these gifts but do not necessitate the recital of Hallel because they do not openly demonstrate the hand of God and prove his existence. Only on miracles through which Hashem's might is openly revealed are we obligated to recite Hallel. This explanation is also stated by the Maharitz Chayos (Shabbat 21b) who explains why the Gemarah only cites the miracle of the oil as the reason for why we observe Chanukah. He claims that the military victory alone was not enough of a nes nigleh, and would not have led to the establishment of Hallel on these days, but the nes of the pach hashemen was an open miracle and therefore led Chazal to institute the Yom Tov of Chanukah.

Additional qualifications

The Gemarah (Megilah 14a, Arachin 10a) lists three reasons why we do not recite Hallel on Purim. The first is that we do not say Hallel over a nes that happened outside Eretz Yisrael. The second is that we do, in fact, say a form of Hallel. We read the megilah, which tells the story of the nes and suffices as a proper form of praising Hashem. The last reason is that since even after the miracle of Purim, we were in Galut, it is an insufficient miracle to require Hallel.

Can one create a new Yom Tov?

One of the Issurim in the Torah is not to add on any new mitzvot (devarim 13:1). This is known as Bal Tosif. The Gemarah (megilah 14b) tells us that 48 nevi'im prophesied for klal yisrael and none of them added anything to the Torah except for the Mitzvah of reading the Megilah. They surmised this obligation through a Kal Vachomer: If the Jews sang Shirah to Hashem when they left Mitzrayim from slavery to freedom, certainly the Jews of Purim who were saved from certain death should do so. Therefore, they established the yom tov of Purim. This Gemarah is understood (see Maharsha, and shu"t kol mevasser 21) as explaining that the addition of Purim would have been in violation of Bal Tosif had it followed the framework of Kal Vachomer, which is one of the 13 Midot Shehatorah Nidreshet Bah. Based on this, the Maharam Alshaker (shu"t 49), the Magen Avraham (686:5) and the Chatam Sofer (shu"t O.C. 191, 163) assume that one who experienced a personal salvation has a Chiyuv to observe a Yom Tov commemorating the experience. Even if a member of the affected city moves to another place, he should continue to observe this day as a day of gratitude to Hashem. The Chasam Sofer cites cases where he has seen individuals observe a personal Yom tov, including his own Rebbi, Rav Noson Adler. He adds, that this should only be done to remember a deliverance from death to life, as in the times of purim, in order to fit in to

the Gemara's Kal Va'chomer. This Yom Tov should include a festive meal, a seudat hodayah, and be observed similarly to the way we generally experience simchat Yom Tov. The Minchat Chinuch (458,2) also writes that even an individual who experienced a miracle can observe a yom tov and have a festive meal on this anniversary and need not worry about bal tosif. In a other Teshuvot (O.C. 208, Y.D. 233) the Chatam Sofer claims that since the chiyuv to observe a yom tov commemorating a salvation is learned from a kal vachomer, it follows that the obligation is d'oraitah. (Thus he assumes that Chanukah and Purim are actually d'oraitah in essence, and only the associated halachot (nerot, megilah etc.) are d'rabanan. However, the Netziv (ha'amek Sheilah, Chanukah) argues that even if the chiyuv of Chanukah and purim was originally d'oraitah, it was only so the year that they occurred. When we observe these holidays, we do so midrabanan.)

Where does Yom Ha'atzma'ut fit in?

The day of Yom Ha'atzma'ut seems to toe the line on a number of the aforementioned issues. Clearly, the creation of the State of Israel constitutes a gift and from Hashem and an opportunity to vastly improve the physical and spiritual well-being of the Jewish people. Furthermore, after the horrors of the sho'ah, it became obvious that even when a Jew feels he has a home in chutz la'aretz, he can only get so comfortable before being reminded that he is in galus. Thus, one could argue that the creation of the state was indeed a deliverance mimitah l'chayim. Thus it would seem that it is proper to observe a yom tov on this day, and to have a seudat hodayah. It seems that Tachanun should not be recited, and one should be prohibited from fasting on such a day. Whether one should say Hallel depends on how we understand the miracles that took place. It happened in Eretz Yisrael, so it satisfies the first qualification of the Gemarah in Megilah, but what of the third? Are we to consider ourselves to be in a situation of 'we are still the sevants of Achashveirosh' since the many Jewish people are still in Galut and those in Eretz Yisrael have no Beit Hamikdash? Or perhaps the ability to live under a Jewish government, albeit a secular one, is enough to satisfy the gemarah's qualification. Furthermore, it can be argued that the Halachah is in accordance with the second opinion of kriyatah zu hi hallela; that we do say hallel on Purim in the form of the Megilah. Indeed, the Sha'arei Teshuvah (O.C. 693) cites the opinion of the Meiri that if one is unable to obtain a Megilah on Purim he should recite Hallel. Thus, it seems that the second opinion was accepted by some Poskim.

We still must contend with the issue of whether this day contained a nes nigleh, or perhaps the miracle was too 'normal' to require Hallel. One could contend that since the nes of Purim contained no supernatural miracles; yet it required a hallel, the same can be said here. One can obviously see the hand of God at work playing an active role in returning his people to their homeland almost immediately following the worst physical tragedy they had ever suffered. On the other hand, the events of Purim were understood by the nevi'im of the time to be an open miracle, and took place through tzaddikim like Mordechai and Ester, while the State of Israel was created by the united nations and was not celebrated by many of the gedolim who were alive at the time.

In addition, one might argue that Yom Ha'atzma'ut didn't affect a large enough percentage of the Jewish people to require Hallel. However, since it took place in Eretz

Yisrael, one might compare it to Chanukah, where we stated that since it happened in the beit hamikdash, it is considered to have benefited all of klal yisrael. Furthermore, it can easily be stated that the existence of a Jewish state benefits all Jews whether or not they choose to participate in its endeavors.

Based on these issues, poskim have debated whether or not to say Hallel on Yom Ha'atzmaut. Rav Meshulam Roth (shu"t Kol Mevaser 41) claims that the creation of a Jewish state is open miracle which both saved Jewish lives and redeemed them from non-Jewish rule. He assumes that one should say hallel on this day, but is unsure whether one should recite a Brachah. Rav Ovadiyah Yosef (Yabi'ah Omer 6:41) also rules that one should say Hallel without a Brachah. (He includes a number of reasons that have not been mentioned here.) This was the psak of the chief rabbinate of Israel in 1948 (See Rabbi Ralph Pelkovitz, R.J.J. Journal of Halachah, vol. 7 footnote 21). In 1973 Rav Shlomo Goren ruled that hallel be recited with a Brachah, and this has become the standard policy of the religious Zionist community in Eretz Yisrael. Although he doesn't state his psak explicitly, the Tzitz Eliezer (vol. 10:10) implies that one should not say Hallel at all based on the aforementioned Maharitz Chayos. This is the practice of the vast majority of the Yeshivos and Chassidic communities. Others have the practice of reciting half-hallel. This is based on the Gemarah (taanit 28b) which explains that saying half-hallel on Rosh Chodesh is permissible despite the fact that it is only a Minhag. This can perhaps avoid the problem that the Gemarah (Shabbat 118b) describes that whomever says Hallel every day (or when unwarranted time) has blasphemed the name of God (mechareif um'gadeif). Perhaps half-hallel is not subject to this chashash (this point requires further clarification which is beyond the scope of our discussion). Others have taken the approach attributed to Rav Yosef Shlomo Kahanamen (the Ponivetcher Rav) who is said to have remarked to a reporter that he observes Yom Ha'atzma'ut exactly the way Ben-Gurion does: he doesn't say Tachanun and he doesn't say Hallel.

In conclusion, we have seen that the celebration of Yom Ha'atzmaut is not merely a political issue, but a halachic one. How to properly thank Hashem for the gifts he has imparted upon us is never a simple issue. One must certainly follow the advice and practice of his own rebbe or rav, and avoid denigrating those who are doing the same but have come to a different conclusion. To quote the words of the Sha'arei Teshuva (O.C. 461:10) "al eilu v'al eilu shelibam La'shamayim Korei ani v'ameich kulam tzaddikim".