

# The Halakhic Basis for Yom Ha-Atzmaut

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On the fifth of Iyar, 5708 (May 14, 1948) – three years after the conclusion of World War II and the destruction of European Jewry – David Ben Gurion declared the independence of the State of Israel. The establishment of the State of Israel in 1948, representing the first Jewish autonomy in the Land of Israel in almost 2,000 years, and the ensuing military victory, signaled the return of *Am Yisrael* to its Land. For the religious Jew, such events demand a spiritual response. Indeed, the Talmud (*Sanhedrin* 94a) teaches that Chizkiyahu was due to be appointed the Mashiach, but his lack of gratitude denied him, and the Jewish People, this opportunity.

Therefore, all who recognize God's hand in modern historical events feel obligated to respond –but how? What are the proper, permissible, or obligatory means of thanking Ha-Kadosh Barukh Hu?

## The Establishment of New Holidays – *Bal Tosef*

In 1949, a year after the establishment of the State of Israel, the Israeli government declared that the 5<sup>th</sup> of Iyar should be observed as a national holiday. In response, the Chief Rabbis of Israel, R. Yitzhak Ha-Levi Herzog and R. Ben-Zion Meir Hai Uziel, recommended to the Chief Rabbinate Council that the 5<sup>th</sup> of Iyar be observed as a “day [commemorating] the joy of the beginning of the redemption of the Jewish People.” Since then, halakhic authorities discussed the legitimacy of the establishment of a holiday, Yom Ha-Atzmaut, as a day of praise and thanksgiving.

This establishment of a new “festival” posed a great halakhic dilemma. On the one hand, some suggested that instituting a festive day for the entire Jewish People constitutes a violation of the biblical injunction of *bal tosef*, derived from the verse, “You shall not add [to the mitzvot]” (Devarim 4:2, see also Ramban's Introduction to Rambam's *Sefer Ha-Mitzvot*). Others insist that commemorating Yom Ha-Atzmaut was not intended as an addition to the Torah, but rather an application of the well-established principles of *hakarat ha-tov* (gratitude) and giving *hoda'ah* (thanks) to Ha-Kadosh Barukh Hu for saving the Jewish People and giving them a country in Eretz Yisrael.

In grappling with this issue, numerous Poskim looked for prior historical/halakhic precedents. Centuries earlier, the Acharonim debated whether a community may establish a personal “Purim,” a day of thanksgiving commemorating a miraculous event that occurred, and whether the observance of such a day would be obligatory upon the residents of a given city even for generations afterwards. R. Moshe Alshakar (1466- 1542), for example, ruled that a community

certainly has this authority to establish a “Purim in order to publicize a miracle that happened on a specific day,” and it is binding upon generations to come (*Teshuvot Maharam Alshakar* 49). R. Chezekiah da Silva (1659-1698), in his commentary to the *Shulchan Arukh*, the *Peri Chadash*, disagreed, and insisted that one may *not* institute holidays that commemorate festive events (*Peri Chadash, Orach Chayim* 696).

R. Moshe Sofer (1762-1839), known as the *Chatam Sofer* (*Responsa Chatam Sofer, Orach Chayim* 191) rejects the *Peri Chadash’s* argument. In a responsum written in 1805, he argues that one may certainly establish days that commemorate other miracles. In fact, the *Chatam Sofer* relates that Rabbi Yosef Hahn (Frankfurt am Main, 1570-1637), in his *Sefer Yosef Ometz* (1109), records a miracle that occurred in Frankfurt am Main on the 20<sup>th</sup> day of Adar, and they established it as a festive day for generations to come. He similarly relates that his teacher, R. Natan Adler, as well as his community, which was located far away from the city, also observed this festive day. Interestingly, in a different responsum (*Yore De’ah* 233), the *Chatam Sofer* criticizes the celebration of the “*hilulla*” (*yarhtzeit*) of R. Shimon bar Yochai on Lag Ba-Omer in Tzfat. He claims that this celebration may constitute the establishment of a holiday that is *not* in commemoration of a miraculous event, which even he maintains would be prohibited.

Indeed, throughout the Middle Ages and until modern times, communities have instituted their own festive days, often known as Purim Sheini or Purim Katan. R. Ovadia Hadaya (1890-1969) cites examples of numerous communities that observed their own local “Purims” (*Yaskil Avdi, Orach Chayim* 7:44:12). R. Avraham Danziger (1748-1820), author of the *Chayei Adam*, also ruled in accordance with the R. Alshaker, and related that each year, he celebrates the day his family was saved from a fire that destroyed his home and homes of others in 1804. He describes how they would light candles, as on Yom Tov, recite specific Tehillim, participate in a festive meal for those who learn Torah, and give money to charity. He called this day the “*Pulver Purim*,” “Purim of the Gun Powder” (*Chayei Adam* 155:41).

Based upon these precedents, R. Hadaya (*Yaskil Avdi* Vol. 8, *hashmatot* 4) strongly argues in favor of establishing a festive day in commemoration of the establishment of the State of Israel, as does R. Meshulam Roth (1875- 1963), a member of the Israeli Chief rabbinic Council, who authored a responsum on this subject. He writes:

*Indeed, there is no doubt that that day [the 5th of Iyar] – which was established by the government and the members of the Parliament, the elected representatives of the people, as well as the majority of the great Rabbis to celebrate through the land, to commemorate our salvation and our freedom – it is a mitzva to make it [a day of] happiness and Yom Tov and to recite Hallel.*

**Kol Mevasser 1:21**

הנה אין ספק שהיום ההוא (ה' אייר) שנקבע על ידי הממשלה וחברי הכנסת (שהם נבחרו רוב הצבור) ורוב גדולי הרבנים לחוג אותו בכל הארץ זכר לנס של תשועתנו וחירותנו, מצווה לעשותו שמחה ויו"ט ולומר הלל.

**קול מבשר א:כא**

## Hallel on Yom Ha-Atzmaut

The Talmud (*Arakhin* 10a) records the eighteen days upon which one recites the full Hallel (twenty-one days in the Diaspora, due to Yom Tov Sheini). In a fascinating responsum, R.

Moshe Sofer (*Chatam Sofer, Orach Chayim* 208) claims that although the Hallel recited on the festivals may be of rabbinic or biblical origin, “Commemorating the miracles that saved us from death which occurred on Purim, Chanukkah, and the days enumerated in the *Megillat Ta’anit* is certainly *mi-de’oraita*.” In other words, the *Chatam Sofer* maintains that through reciting Hallel on Chanukkah or fulfilling the mitzvot on Purim, one fulfills a biblical commandment of commemorating deliverance from near death. While the Hallel recited on the festivals expresses one’s *simchat Yom Tov* (joy on the festival), the Hallel of Chanukkah relates directly to the miracle of Chanukkah. What is the source for this type of Hallel, and may it be recited on other occasions?

*And who recited this Hallel? The prophets among them ordained that Israel should recite it at every important epoch and at every misfortune — may it not come upon them! And when they are redeemed, they recite [in gratitude] for their redemption.*

**Pesachim 117a**

והלל זה מי אמרו נביאים שביניהן  
תקנו להן לישראל שיהו אומרים  
אותו על כל פרק ופרק ועל כל צרה  
וצרה שלא תבא עליהן ולכשנגאלין  
אומרים אותו על גאולתן.  
**פסחים קיז.**

According to this passage, the prophets instituted that Hallel should be recited on every holiday and upon the redemption of the Jewish People from misfortune. Rashi (s.v. *ve-al*) explains that an example of such redemption from misfortune is Chanukkah. To what extent does this source serve as a precedent for reciting Hallel upon being saved from danger? The Poskim raise a number of issues.

First, what kind of “redemption” obligates one to recite Hallel? R. Tzvi Hirsch Chajes (1805-1855), (*Maharatz Chayot, Shabbat* 21b), suggests that Hallel is recited in response to a public miracle, a “*nes nigleh*,” and therefore the Talmud (*Shabbat* 21b) refers only to the miracle of the flask of oil on Chanukkah, and not to the military victory, because the miracle of the oil was blatant and apparent to all. While some argue that the pronouncement of independence and the ensuing military victory do not constitute a “*nes nigleh*,” and therefore do not qualify as deserving of Hallel according to this theory, others argue that the victory of the small Jewish army against the surrounding Arab states constitutes a “*nes nigleh*,” or that Hallel may even be recited over a redemption that occurred through natural means.

Second, when the Gemara states that upon being redeemed, “they should say Hallel”, of whom is the Gemara speaking? The *Behag* (*Hilkhos Lulav*, p. 35) and Rabbeinu Tam (*Tosafot, Sukkah* 44b) limit this recitation of Hallel to cases in which **all** of Israel was saved, such as during the Chanukkah miracle. This gives rise to the question of how we view the miraculous events of 1948 (or even 1967), and whether they can be said to have affected “all of Israel” in the same manner as the Chanukkah miracle. The Me’iri disagrees with this limitation, and explains that “any person who was delivered from trouble is allowed to establish a custom for himself to recite Hallel on that day every year, but may not do so with a *berakhah*. A similar ruling applies to a community [of the Jewish People].” According to the Me’iri, even an individual person or community that experiences salvation should recite Hallel, but without a *berakhah*. Incidentally, the Netziv (Commentary to the *She’iltot*, 26) limits the obligation to commemorate one’s deliverance from danger to the time of the miracle, and not years later.

In summary, we see that a number of Rishonim derive from the Talmud that if the entire nation is saved from danger, they may recite Hallel. They disagree as to whether this applies to individuals as well and whether this Hallel should be recited with a blessing.

May one invoke these sources in order to justify or mandate reciting Hallel on Yom Ha-Atzmaut? While R. Yitzchak Yaakov Weiss (1902-1989), former head of the *Eida Chareidit*, recorded his opposition to the establishment of Yom Ha-Atzmaut and Yom Yerushalayim and to the recitation of Hallel, many contemporary authorities endorse the recitation of Hallel on Yom Ha-Atzmaut. For example, R. Ovadia Hadaya and R. Ovadia Yosef (*Yabi'a Omer, Orach Chayim* 6:41) ruled that Hallel may be recited without a blessing, as did R. Yitzchak Herzog (cited by R. Yosef). R. Meshulem Roth, in the responsum cited above, argues that Yom Ha-Atzmaut should be observed as a festive day, and that naturally one should recite the full Hallel, with a blessing, as well. R. Shmuel Katz ("*Ha-Rabanut Ha-Rashit Ve-Yom Ha-Atzmaut*," in *Ha-Rabanut Ha-Rashit Le-Yisrael: Shiv'im Shanah Le-Yisudah, Samkhutah, Pe'uloteha, Toldoteha*, Part 2, Jerusalem: Heikhal Shlomo, 2002), discusses the various opinions of the Chief Rabbis and the Chief Rabbinical Council. Interestingly, R. Soloveitchik, whose recognition of the significance of the events of 1948 and 1967 is well documented (see *Kol Dodi Dofek*, for example), objected to reciting Hallel, as he objected to any changes in the liturgy. He sanctioned, however, reciting half-Hallel, without a blessing and at the end of *Shacharit*, as this does not constitute a major change in the liturgy (*Nefesh Ha-Rav*, pg. 96).

Although some suggest reciting Hallel without a blessing on Yom Ha-Atzmaut, either due to doubt, because the *takanah* of the prophets never included reciting a blessing over Hallel, or due to the undesirable security and spiritual situation of the State of Israel, we might suggest a different approach. In addition to the eighteen days upon which one recites the full Hallel, one recites Hallel on the evening of Pesach during the seder. This Hallel has puzzled the commentators for centuries, as it appears to violate numerous classic halakhic norms: it is recited at night, it is interrupted by the meal, and it is not preceded by a *berakhah*. The Rishonim question the nature of this Hallel and why it does not conform to the classic models of Hallel.

R. Hai Gaon, as cited by the Rishonim, offers an intriguing explanation. He distinguishes between Hallel of the eighteen days, upon which one is obligated to read (*korei*) Hallel, and the Hallel of the seder, which one is obligated to sing (*shirah*) in response to the miraculous events of *yetziat mitzrayim*. This Hallel of "*shirah*" is meant to be a spontaneous outburst of song expressing praise and gratitude to the Almighty for the redemption from Egypt. A *berakhah* before such a Hallel is not only unnecessary, but also inappropriate, as it undermines and negates the very essence of this Hallel. One might suggest that the Hallel described by the Gemara in *Pesachim*, which one recites in response to a miracle, should also be "spontaneous," a "*shirah*," and not preceded by a blessing. The closer one is to an event, the less formal and more "natural" the Hallel is. If so, then this model of Hallel, without a blessing, may actually be the more appropriate Hallel for Yom Ha-Atzmaut. Those who pray in Religious Zionist communities in Israel on Yom Ha-Atzmaut can testify to the genuine feeling of fervor and relevance with which Hallel is recited on that day.

## Conclusion

It is our religious obligation to find, and implement ways of recognizing and expressing our gratitude for the establishment of the State of Israel. The celebration of Yom Ha-Atzmaut, the recitation of Hallel, and eating a “*se’udat hodayah*” are worthy means of commemorating this historically and religiously significant event.