

Peninei Halachah on Yom HaAtzma'ut⁵⁸

Rabbi Moshe Lichtman

Yeshivat Yesodei HaTorah

The Mitzvah of Settling the Land of Israel

When the State of Israel was established, on the fifth of Iyar, 5708, the Jewish people were privileged once again to be able to fulfill the mitzvah of *yishuv Eretz Yisrael* (settling the Land of Israel). Even before the declaration of statehood, every Jew who lived in the Land fulfilled this mitzvah. The Sages even said, "A person should always dwell in Eretz Yisrael, even in a city inhabited mostly by heathens, and he should not dwell outside the Land, even in a city inhabited mostly by Jews, for anyone who dwells in Eretz Yisrael is like one who has a God, and anyone who dwells outside the Land is like one who has no God" (*Ketuvot* 110b). Nonetheless, the mitzvah is mainly incumbent upon *Klal Yisrael* (the Jewish Collective) to take control of the Land. The mitzvah to dwell in the Land, which applies to every individual Jew, is an offshoot of the general mitzvah that is incumbent upon *Klal Yisrael*.

This is the meaning of the verse, "*You shall possess the Land and dwell in it, for to you have I given the Land to possess it*" (*BeMidbar* 33:53). "*You shall possess*" denotes conquest and sovereignty, while "*You shall dwell*" implies settling the Land so that it not be desolate. Similarly, the Torah states, "*You shall possess it and you shall dwell therein*" (*Devarim* 11:31). Accordingly, the Ramban defines the mitzvah as follows: "We were commanded to take possession of the Land that God, may He be blessed, gave to our forefathers, Avraham, Yitzchak, and Ya'akov; and we must not leave it in the hands of any other nation or [let it remain] desolate" (Addendum to Ramban's *Sefer HaMitzvot*, Positive Commandment 4).

This mitzvah is incumbent upon the Jewish people in every generation. For a long time, however, we lacked the means by which to fulfill it. We were forced to neglect it, because we did not have an army or weapons with which to conquer and settle the Land. A few generations ago, God showed kindness to His nation and a spirit of nationalism began to stir, causing Jews to go forth and gather in the Land. They planted trees, developed the country's

⁵⁸ This article is translated from *Peninei Halachah, Zemanim*, by Rabbi Eliezer Melamed *shlita*. R. Melamed is the Rosh Yeshiva and communal rabbi of Har Berachah in the Shomron and is a prolific author on both halachic and hashkafic issues. To date, he has written thirteen volumes of *Peninei Halachah*, on a wide range of halachic topics, and three volumes of *Revivim*, on hashkafic issues. The complete translation of *Zemanim* (on the minor holidays) is due out towards the end of 2012.

economy, established an organized defense force, and struggled against the foreign power that controlled the Land, so that when the British Mandate expired, our representatives were able to declare the establishment of the State of Israel. On that day, the Jewish people began fulfilling the mitzvah of *yishuv HaAretz*. Granted, we are not yet in control of the entire Land, and we are partially dependent on the nations of the world, but we are actually fulfilling, once again, the mitzvah of *yishuv HaAretz*.

We find in halachah, as well, that Jewish sovereignty over the Land is significant, for the laws of mourning over Eretz Yisrael's destruction depend on sovereignty. Our Sages prescribe that one who sees the cities of Judea in ruins should say, *Your holy cities have become a wilderness* (*Yeshayah* 64:9) and tear his garments. The *poskim* explain that the definition of "in ruins" depends on who is in control. If Gentiles rule the Land, its cities are considered ruined, even if most of the inhabitants are Jewish, and one must tear his garment upon seeing them. But if the Jews are in control, the cities are not considered ruined, even if Gentiles constitute the majority, and no tearing is required (*Beit Yosef* and *Bach O.C.* 561; *M.A.* 1 and *M.B.* 2).

Besides all this, Chazal lavish praise upon the mitzvah of *yishuv HaAretz*, going so far as to say that it is equal to all the mitzvot [of the Torah] (*Sifrei, Re'eh* 53).⁵⁹

⁵⁹ The Ramban lays down the foundations of the mitzvah of settling the Land in his addendum to *Sefer HaMitzvot*, Positive Commandment 4, and our master and teacher, R. Tzvi Yehudah HaKohen Kook *zt"l* expands upon them in his work *LeNetivot Yisrael* (vol. 1, *LeTokef Kedushato shel Yom HaAtzmaut*, Beit El Publications, pp. 246-50, see also pp. 160-62; vol. 2, *Mizmor Yud Tet shel Medinat Yisrael*, pp. 357-68). A synopsis: The mitzvah of *yishuv HaAretz* applies in every generation, as the Ramban (loc. cit.) and Rivash (387) write. Therefore, the halachah that a husband and wife can force each other to make aliyah (*Ketuvot* 110b) is applicable at all times, as the *Shulchan Aruch* determines (*E.H.E.* 75:3-5). This is also the consensus of the *Rishonim* and *Acharonim*, as the *Pitchei Teshuvah* cites there (6). True, *Tosafot* in *Ketuvot* (110b) quote Rabbeinu Chayim's opinion that the mitzvah "does not apply today," but the greatest *Rishonim* and *Acharonim* disregard this opinion, claiming that an erring student authored it [Maharit, *Y.D.* 28; many of the greatest *Acharonim* agree; see also *Gilyon Maharsha, Ketuvot* 110b; *Responsa Chatam Sofer, Y.D.* 234]. The fact that the mitzvah is mainly fulfilled by way of Jewish sovereignty is elucidated in *Yeshu'ot Malko, Y.D.* 66, *Avnei Neizer, Y.D.* 455, and elsewhere.

Chazal comment on several other mitzvot that they are equal to all the rest (circumcision – *Nedarim* 32a; charity – *Bava Batra* 9a; *tzitzit* – *Shevuot* 29a; *tefillin* – *Menachot* 43b; *Shabbat* – *Yerushalmi Nedarim* 3:9; Torah study – *Peah* 1:1; acts of kindness – *ibid.*). Nonetheless, from a halachic standpoint, *yishuv HaAretz* takes precedence over them all, for it is the only one that overrides a rabbinic injunction relating to the Sabbath (a "shevut"). If someone needs to violate a *shevut* in order to perform a *brit milah* (circumcision) on Shabbat, we postpone the *brit* instead of violating the *shevut*. For the sake of *yishuv HaAretz*, however, the Rabbis allow one to purchase a home in Eretz Yisrael on the Sabbath, if necessary, even if this entails violating the *shevut* of *amirah le'nachri* (telling a non-Jew to do work for you on Shabbat), as the Talmud states in *Gittin* 8b and *Bava Kama* 80b (with *Tosafot*). And we are not talking about the redemption of the entire Land, just the purchase of one house, and it still overrides a *shevut*! Furthermore, in order to make a protective "fence" around the Sabbath, our Sages abrogate the biblical commandments of *shofar* and *lulav*, when Rosh HaShanah and the first day of Sukkot coincide with Shabbat. When it comes to *yishuv HaAretz*, however, the Sages revoke their words and permit the violation of a *shevut*, which is a serious offense, as it is supported by a scriptural text (and the *Smag* apparently considers it a biblical prohibition).

The Beginning of Redemption and Sanctifying God's Name

The establishment of the State removed the disgrace of exile from the Jewish people. Generation after generation, we wandered in exile, suffering dreadful humiliation, pillage, and bloodshed. We were an object of scorn and derision among the nations; we were regarded as sheep led to the slaughter, to be killed, destroyed, beaten, and humiliated. Strangers said to us, "There is no more hope or expectation for you." That situation was a terrible *chillul HaShem* (desecration of God's name), because *HaKadosh Baruch Hu's* name is associated with us, and when we are degraded, His name is desecrated among the nations (see Yechezkel 36).

The prophets of Israel prophesied, in God's name, that the exile will eventually end: "*I will take you from among the nations and gather you from all the lands, and I will bring you to your own soil.*" (Yechezkel 36:24) "*They will build houses and inhabit them; they will plant vineyards and eat the fruit thereof.*" (Yeshayah 65:21) "*You will yet plant vineyards upon the mountains of Samaria; the planters will plant and eat of [the fruit].*" (Yirmiyah 31:4). "*The desolate Land will be tilled, instead of having been desolate in the eyes of all passersby. They will say, 'This Land [which was] desolate has become like the Garden of Eden and the cities [which were] ruined, desolate, and destroyed have been fortified and inhabited.'*" (Yechezkel 36:34-35) "*I will return the captivity of My people Israel, and they will rebuild the destroyed cities and inhabit [them]; they will plant vineyards and drink their wine; they will make gardens and eat their fruits. I will plant them upon their Land and they will never again be uprooted from their Land that I have given them, says the Lord, your God.*" (Amos 9:14-15)

However, after so many years passed without God's word coming to fruition, HaShem's name became increasingly desecrated in the world, and the enemies of Israel decided that there is no chance that the Jews will ever return to their Land. Even Chazal spoke exaggeratingly about the miracle of the ingathering of the exiles, to the point that they said, "The ingathering of the exiles is as great as the day upon which the heaven and earth were created" (*Pesachim* 88a). And behold, the miracle occurred! HaShem fulfilled His promise, causing an enormous and

We are commanded to sacrifice our lives for the mitzvah of *yishuv HaAretz*. After all, the Torah commands us to take possession of the Land, i.e. to conquer it; and soldiers endanger their lives in war. See *Minchat Chinuch* 425.

The reason why the Rambam does not include this mitzvah in his count of the 613 is that it is beyond the regular "value" of mitzvot; therefore, it is not included in their detailed enumeration. This coincides with [one of] the rules the Rambam lays down at the beginning of *Sefer HaMitzvot*: it is inappropriate to reckon commandments that encompass the entire Torah, as he writes in Mitzvah #153 that settling the Land of Israel is all-inclusive. Besides which, it is implausible to say that the mitzvah of *yishuv HaAretz* is only rabbinically ordained today and that is why the Rambam leaves it out of the count. After all, Chazal's statement that settling the Land is equal to all the mitzvot of the Torah was made after the destruction of the Second Temple. Now, it is unlikely that they would say such a thing about a rabbinic mitzvah. Moreover, it is improbable that the Rabbis would dismantle a family and allow one to violate a *shevut* merely for the sake of a rabbinic mitzvah (see Rabbi Zisberg's *Nachalat Ya'akov*, vol. 1, pp. 201-249).

awesome *kiddush HaShem* (sanctification of God's name), which gained even more strength during the Six Day War, when we liberated Jerusalem and the holy cities of Judea and Samaria.

This process – the ingathering of the exiles and the blooming of the wasteland – which gained tremendous momentum when the State was established, is the beginning of the redemption, as Rabbi Abba says (*Sanhedrin* 98a), “There is no clearer [sign of the] End [of Days] than this [verse]: “*But you, O mountains of Israel, will give forth your branches and yield your fruit to My people Israel, for they are soon to come* (Yechezkel 36:8).” Rashi comments, “When Eretz Yisrael gives forth its fruit in abundance, the End will be near, and there is no clearer [sign of the] End [of Days].”

True, many things still need fixing – unfortunately, we have not been privileged to repent fully, and many Jews have yet to immigrate to Eretz Yisrael – but our Sages have taught that redemption can come in one of two ways: if we achieve complete repentance, God will hasten the redemption, and if not, it will come “in its time,” through natural processes (*Sanhedrin* 98a). That is, when the predetermined time for redemption arrives – even if Israel fails to repent – natural processes, loaded with complications and severe hardships, will begin to unfold, causing the Jewish people to return to their Land and rebuild it. We will proceed from stage to stage in this manner, until the ultimate redemption materializes. These hardships, which stimulate the redemptive process, are called the birth pangs of Mashiach. The more we strengthen ourselves in the areas of *yishuv Eretz Yisrael* and penitence, the sweeter and more pleasant these birth pangs will become (based on the Gra in *Kol HaTor*). Concerning this type of redemption, Chazal say, “Such is the redemption of Israel: at first little by little, but as it progresses it grows greater and greater” (*Yerushalmi, Berachot* 1:1).

Explicit verses in the Torah and the Prophets indicate that the order of redemption is as follows: First, there will be a small degree of repentance and the Jewish people will gather in their Land, which will begin to yield its fruit. Afterwards, HaShem will bestow upon us a spirit from on high, until we return to Him completely.⁶⁰

Salvation of Israel

On Yom HaAtzma'ut (Israeli Independence Day), the Jewish people were delivered from bondage to freedom – from subjugation to the kingdoms of the world, with all that it entails, to political independence. This also brought about an actual salvation from death to life. Until then, we were unable to defend ourselves against our enemies who pursued us. From

⁶⁰ My teacher and master, R. Tzvi Yehudah HaKohen Kook, explains in detail – in an essay entitled “*HaMedinah KeHitkymut Chazon HaGeulah*,” *LeNetivot Yisrael*, vol. 1, pp. 261-72 – that this is the order of redemption: first there will be a small degree of repentance, with a return to the Land and a national revival; then, a complete return to God will ensue. Many sources confirm this... R. Elyashuv quotes in *Hakdamot VeSha'arim* (pp. 273-76) some of the greatest *Acharonim* who viewed the modern-day ingathering of exiles as the beginning of redemption. Our teacher and master, Rav Tzvi Yehudah HaKohen Kook adds, in vol. 2, p. 365, that one who fails to recognize these acts of kindness on HaShem's part lacks faith. And this lack of faith sometimes wraps itself in a garb of ultra-Orthodoxy and righteousness, but it is actually a denial of the Divine nature of the Written Law, the words of our Prophets, and the Oral Law ...

that day on, thanks to God's kindness, we defend ourselves and win our battles. True, all the enemies who rise up to destroy us have yet to be destroyed, but after the establishment of the State we formed an army, thank God, and we have the strength to fight back and even win. And even though more than 20,000 holy souls have been killed in wars and terror attacks since the State came into being over sixty years ago, just a few years beforehand, during the horrific Holocaust, more than six million holy Jews were killed in the span of five years – more than three hundred times the amount. This is the difference between having the ability to fight back and not having that ability.

That day brought about a salvation for Diaspora Jews, as well. They now have a country that is always willing to absorb them, one that even works on their behalf in the international arena. Before the State was established, almost no one paid attention to the Jews' complaints against the murderous, anti-Semitic persecutions that raged in many countries. After Israel gained independence, however, even the most evil regimes were forced to take into consideration Israel's actions on behalf of the Jews living in their midst. Even Communist Russia had to relent and allow the Jews to leave from behind the Iron Curtain, something that was unfathomable before the State was born.

The establishment of the State also brought spiritual salvation to the Jews. The Jewish nation underwent a profound spiritual crisis in the modern era. The opportunity to integrate into the civil and national frameworks of the developed nations, which the Jews now enjoyed, generated a strong desire to assimilate. This is not the place to elaborate on the reasons for this crisis; our master, Rav Kook *zt"l* deals with the issue at length, discussing its various facets. Practically speaking, a dangerous process of assimilation and the abandonment of religion developed in all countries that embraced modernization. This process threatened the very existence of the Jewish communities in the Diaspora. Assimilation began approximately two hundred years ago in Western Europe, spreading gradually to Eastern Europe and the capitals of the more developed Arab countries. Most youth in the greater Jewish community of America marry out of the faith, and even those who marry Jews beget very few offspring. Under these circumstances, Diaspora Jewry is fading away. Only in the State of Israel is the Jewish population growing; and intermarriage is relatively rare. Moreover, the percentage of Jews connected to Torah and mitzvot in Israel is higher than that of any other Jewish community in the world. This spiritual salvation came about in the merit of the establishment of the State, which enabled the ingathering of the exiles and diminished the temptation of assimilation.

Thus, Yom HaAtzma'ut is invested with three sanctities: the mitzvah of settling the Land, the beginning of redemption which created a *Kiddush HaShem* in the eyes of the nations, and the various salvations that the holy Jewish people enjoyed.

The Three Oaths

The verse says, "*I made you swear, O daughters of Jerusalem, by the gazelles or by the hinds of the field, that you not awaken nor arouse the love until it desires.*" (Shir HaShirim 2:7) The Sages explain that God administered three oaths: two to Israel and one to the Gentiles. He adjured

Israel not to ascend “as a wall” (some versions read, “against the wall”) and not to rebel against the nations, while adjuring the Gentiles not to overly subjugate the Jews (*Ketuvot* 111a). Afterwards, the Gemara adds three other oaths that HaShem administered to the Jews: “That they will not reveal the End [of Days], delay the End, or reveal the secret to the Gentiles.” Furthermore, “R. Elazar says: The Holy One, blessed be He, said to Israel, 'If you fulfill the oath, fine; but if not, I will allow your flesh [to be devoured] like that of the gazelles and the hinds of the field.’ ”

One of the *Rishonim*, Rabbi Yitzchak De Leon, author of *Megillat Esther* [on the Rambam’s *Sefer HaMitzvot*], understands the oaths to mean that “we may not rebel against the nations and conquer the Land forcibly,” and this is the intention of “not to ascend as a wall.” Based on this, he concludes that there is no mitzvah to settle the Land until Mashiach arrives (Gloss on the Ramban’s Addendum to *Sefer HaMitzvot*, Positive Commandment 4).

However, the greatest *Rishonim* and *Acharonim* hold that the mitzvah of *yishuv HaAretz* is fixed and eternal, as the Ramban, *Shulchan Aruch* (*E.H.E.* 75:3-5), and *Pitchei Teshuvah* (*ibid.* 75:6) determine. Thus, one should not learn from this aggadic statement that the mitzvah of *yishuv HaAretz* no longer applies nowadays.

Many interpretations have been given for the three oaths. Several of them imply that we must not precipitate the End of Days and ascend to the Land forcibly, without first considering the matter realistically. For there is reason to fear that, because of the hardships of exile and the protracted anticipation for redemption, people will ascend to the Land impetuously, without any practical means by which to build the Land and stand up against the nations of the world. This will lead to destruction and crisis instead of the beginning of redemption. Therefore, God made us swear that we will not attempt to return before carefully calculating our actions. Rather, we should ascend and build the Land gradually, in coordination with the nations of the world, or by way of manifest miracles, if [we deserve] the “I [God] will hasten it (*Yeshayah* 60:22)” form of redemption.

Indeed, the modern return to Zion occurred gradually. The Jewish community in the Land established itself step by step, while the Zionist Organization simultaneously engaged in diplomatic efforts, until the nations recognized the Jewish people’s right to return to their Land and build there a national home. Accordingly, after the [League of] Nations agreed, in San Remo, to return the Land of Israel to the Jewish people, Rabbi Meir Simcha of Dvinsk *zt”l* wrote that “the fear of the oaths has faded away.”⁶¹

⁶¹ The [full] quote can be found in *HaTekufah HaGedolah*, p. 175. We will mention a few of the sources. Rashi explains [the Gemara’s statement] “They shall not go up as a wall” [to mean], “Together, with a strong hand.” The Avnei Neizer (*Y.D.* 453) writes that if the Jews ascend to the Land with the permission of the nations, it is not considered strong-handed. Rabbi Teichtal concurs in *Eim HaBanim Semeichah*, pp. 226-28 [English edition], adding that when the Jews in exile encounter great suffering, it is a heavenly sign that they must ascend to Eretz Yisrael (see the index there) ...

Even if someone wants to explain the oaths differently, the rule is that we do not derive halachah from aggadic statements. So writes the Avnei Neizer (*Y.D.* 454). Hence, the Rif, the Rosh, and all the other early

Establishing Yom HaAtzma'ut as a Lasting Holiday

There is a mitzvah to establish a holiday, to rejoice and praise God, on a day the Jews were delivered from distress. This is what prompted the Rabbis to establish Purim and Chanukah as everlasting holidays. Even though it is forbidden to add mitzvot onto the Torah, this mitzvah is an exception, for it is derived from a logical inference (a *kal va'chomer*): When we left Egypt and were delivered from slavery to freedom, God commanded us to celebrate *Pesach* and sing praise to Him every year; all the more so must we celebrate Purim, when we were saved from death to life (*Megillah* 14a). This is what the Rabbis relied on when establishing Chanukah, as well (Ritva, *ibid.*). The *Chatam Sofer* explains (*Y.D.* end of 233, *O.C.* 208) that since this mitzvah is derived from a *kal va'chomer*, it is considered a biblical commandment. However, the Torah does not prescribe exactly how to make a holiday; therefore, one who does anything to commemorate the salvation fulfills his biblical obligation. It was the Rabbis who determined that we read the *Megillah*, prepare a festive meal, send portions of food to others, and give charity to the poor on Purim, and light the candles on Chanukah.

Many Jewish communities throughout the ages kept this mitzvah, instituting days of joy in commemoration of miracles that happened to them. Many of them used the name Purim in reference to these days, like “Frankfurt Purim” and “Tiberias Purim.” Some communities had a custom to eat festive meals, send portions of food to one another, and give alms to the poor on these days. Maharam Alshakar (49) writes that the enactments made by these communities have binding force, obligating all of their descendants to keep them, even if they move to a new community. Other *Acharonim* concur (*Magen Avraham* and *Eliyah Rabbah* 686:5).⁶²

commentators on Tractate *Ketuvot* disregard the three oaths. On the contrary, they write that there is a mitzvah to ascend to the Land. The Rambam and *Shulchan Aruch*, as well, leave the oaths out of their works. The author of *P'nei Yehoshua* (on *Ketuvot* 111a) points out that the Gemara in *Yoma* (9b) implies the opposite – that the redemption did not come because the Jews did not ascend as a wall. And since these two aggadic sources contradict each other, we must understand them in some other way, not related to halachah. According to the author of *Sefer Hafla'ah* (*Ketuvot*, *ibid.*), the “wall” only relates to *aliyah* from Babylonia. The Gra writes in his commentary to Shir HaShirim that the oaths relate to the building of the Temple, warning us not to burst forth and build it without Divine authorization, given through a prophet. According to Rebbe Tzaddok (*Divrei Sofrim* 14), even the author of *Megillat Esther* would agree that there is a mitzvah to settle the Land nowadays. For a comprehensive treatment of this issue, see *Nachalat Ya'akov* by R. Ya'akov Zisberg, vol. 2, pp. 715-815.

⁶² The *Pri Chadash* (*O.C.* 496, *Kuntras HaMinhagim* 14) disagrees with Maharam Alshakar, writing that we should not establish [new] holidays after the destruction of the Temple, when the Rabbis canceled the already-existing holidays enumerated in *Megillat Ta'anit*. However, the *Chatam Sofer* (*O.C.* 191) proves that we should create new holidays; the fact that they canceled, after the destruction, the festive days mentioned in *Megillat Ta'anit* is no proof, for they canceled only the holidays that were connected to the Holy Temple. The *Chatam Sofer* adds and relates that he himself celebrates “Frankfurt Purim,” on the 20th of Adar, because he was born there, even though he had since moved elsewhere. It is also well-known that the Rambam established holidays for himself and his offspring in commemoration of salvations that he experienced – for example, surviving a storm at sea. A similar account is found in *Chayei Adam* (155:41). The author of *Yaskil Avdi* (vol. 7, *O.C.* 44:12) cites many examples of the institution of “Purim” days in various communities and consequently rules (vol. 8, omissions 4) that we may establish Yom HaAtzma'ut as a holiday. Two more sources on this issue from the *Rishonim* are: Ibn Ezra, *BeMidbar* 10:10; Rabbeinu Tam, cited in *Tosafot Ri* to *Berachot* (8a in the Rif pages).

The great *gaon*, R. Meshulam Roth (Rata), writes: “There is no doubt that we are commanded to rejoice, establish a holiday, and say Hallel on [the fifth of Iyar], the day which the government, the members of the Knesset (who were chosen by the majority of the people), and most of the greatest rabbis fixed as the day on which to celebrate, throughout the Land, the miracle of our salvation and freedom” (*Responsa Kol Mevaser* 1:21).⁶³

The Recitation of Hallel

It is a mitzvah to say Hallel on special occasions, in order to thank and praise HaShem for the miracles He performs on our behalf. First and foremost are the holidays that the Torah commands us to observe: Pesach, Shavu’ot, and Sukkot, on which we remember the miracles and acts of kindness that God did for us when He took us out of Egypt, gave us the Torah, and brought us through the desert to Eretz Yisrael.

Our Sages also instituted the recitation of Hallel on all eight days of Chanukah, as the *Beraita* states (*Megillat Ta’anit*, chap. 9): “Why did they see fit to [require us to recite the] complete Hallel on these days? To teach us that for every salvation *HaKadosh Baruch Hu* performs for Israel, they [the Jews] come before Him in song and praise. Accordingly, it says in the Book of Ezra (3:11), ‘They sang responsively with praise and thanksgiving to the Lord, for He is good...’”

Similarly, the Talmud (*Pesachim* 117a) states that after the miracle of the splitting of the Red Sea, “the prophets among them instituted that the Jews should recite Hallel for each and every season [i.e. festival] and each and every trouble that should ‘not’ come upon them; [meaning], when they are redeemed they should say it upon their redemption.” Rashi explains that the Sages of the Second Temple era relied on this to institute the recitation of Hallel on Chanukah.

⁶³ In his *Responsa Kol Mevaser* (vol. 1, 21:2-3), the brilliant R. Meshulam Roth (about whom our master R. Tzvi Yehudah HaKohen Kook said that he was the *gadol ha’dor* after the passing of the Rav *zt”l*) explains – based on the Ramban, the Ritva, and other *Rishonim* and *Acharonim* – that the foundation of the mitzvah to establish Yom HaAtzma’ut as a holiday is the *kal va’chomer* mentioned above. Therefore, establishing it was not in violation of “You shall not add [to the commandments]” (Devarim 13:1), for the prohibition against inventing a holiday refers only to holidays that do not commemorate a salvation. Based on the *kal va’chomer*, however, we are obligated to institute holidays that commemorate salvations. R. Roth adds that a prophet is forbidden to establish a new holiday based on prophecy. The need to come up with a special scriptural exposition regarding Purim (*Megillah* 7a) was only in order to canonize the Scroll of Esther.

Pay attention to R. Meshulam Roth’s reliable statement that Yom HaAtzma’ut was instituted by the majority of the greatest rabbis. (Granted, they argued about reciting Hallel with a blessing, but the majority of the greatest rabbis agreed on the basic obligation to give thanks and rejoice.) The *Chatam Sofer* writes (*O.C.* 191, s.v. *mihu*) that one might violate the prohibition of adding on to the commandments by establishing a holiday for all of Israel. This does not contradict our thesis, because he means that one may not establish a nationwide holiday to commemorate a miracle that happened to one community. We are, however, obligated to establish a holiday for all of Israel for a miracle that happened to the Jews as a whole...

Some ask, why did Yehoshua neglect to establish a holiday to celebrate the conquest of Eretz Yisrael? The answer is that the holiday of Pesach commemorates both the redemption from Egypt and Israel’s subsequent entry into the Land. This corresponds to the fifth expression of redemption [see Shemot 6:6-8]. Rebbe Tzaddok HaKohen of Lublin posits that the holiday of Tu B’Av (the fifteenth of Av) was established for this reason...

Thus, it is incumbent upon us to say Hallel over the miracle that HaShem did for us on Yom HaAtzma'ut. On that day we were saved from the greatest trouble of all, that of exile and subjugation to foreigners, which caused all of the terrible decrees and massacres that we suffered for nearly two thousand years.⁶⁴

We must be very careful not to deny God's benevolence. The Sages say, "Whoever acknowledges his miracle will be privileged to have another miracle done for him." On the other hand, if we fail to thank HaShem, we will delay the redemption, God forbid, as the Talmud relates regarding King Chizkiyahu. He was a very righteous man who spread a great deal of Torah throughout Israel, but difficult times eventually beset him. Sancheriv, King of Assyria, descended upon Jerusalem with a mighty army, intending to destroy it, and Chizkiyahu fell deathly ill. Nevertheless, he did not lose faith; instead, he cried out to God, Who performed a great miracle on his behalf, curing his illness and destroying Sancheriv's entire army in one night. At that moment, God wanted to declare Chizkiyahu as the Messiah and make the war against Sancheriv into the final war of Gog u'Magog, and bring redemption to the world. But Chizkiyahu did not say *shirah* (song) – i.e., Hallel – over his redemption. The heavenly Attribute of Justice said to God, "Master of the Universe, if You did not make David, King of Israel, the Messiah, even though he uttered so many songs and praises before You, will You make Chizkiyahu the Messiah, seeing that he failed to say *shirah* after You performed all of these miracles for him? Therefore, the matter was sealed," and there was great sorrow in all the worlds. The earth wanted to say *shirah* in his stead, and the "minister of the world" wanted to defend him, but their pleas were rejected; the opportunity was lost. The prophet said, "Woe to me! Woe to me! Until when?" (*Sanhedrin* 94a)

The same is true of us. For many generations we prayed, "Raise a banner to gather our exiles" and "Swiftly, lead us upright to our Land." Now that our prayers have been answered, shall we not thank HaShem?! Similarly, it says, "Save us, O Lord our God, and gather us from among the nations, that we may thank Your holy name, [and] glory in Your praise." (*Tehillim* 106:47) Now that He has gathered us, shall we not thank His holy name and glorify His praise?!

Hallel With or Without a Blessing?

Some say that even though we should thank HaShem on Yom HaAtzma'ut, we should not say Hallel with a blessing. They mention five main reasons: 1) Based on several *Rishonim*, the Chida holds that Hallel is said with a blessing only when all of Israel experiences a miracle; and

⁶⁴ The *Yerushalmi* (*Pesachim* 10:6) also teaches that Hallel should be said on such occasions: "When the Holy One, blessed be He, performs miracles for you, you should say *shirah* (song)," meaning, you should recite Hallel. *Shemot Rabbah* (23:12) on the Song at the Sea concurs: "And they said, saying (*Shemot* 15:1) – we will say to our children, and our children [will say] to their children, that when You perform miracles for them, they should say before You a song like this one." The Talmud (*Megillah* 14a) asks why we do not say Hallel on Purim. Three answers are given: 1) Starting from the moment the Jews first entered the Land, we do not say Hallel on miracles that occur in *Chutz LaAretz*. 2) Rav Nachman says that the reading of *Megillat Esther* is in place of Hallel. 3) Rava answers that we recite Hallel only if the salvation includes freedom from foreign rule; and we remained subjugated to Achashveirosh after the Purim story. The miracle of Yom HaAtzma'ut occurred in Eretz Yisrael and freed us from the yoke of the nations. Therefore, according to all opinions, we must say Hallel...

when we declared independence only a minority of world Jewry lived in Eretz Yisrael. 2) We should give thanks only for a complete salvation; and our enemies still threaten us on all sides. 3) The low spiritual state of the country's leaders and many of its citizens diminishes our joy. 4) It is proper to show deference to the opinion that holds that Hallel should be said only when a revealed miracle occurs, like the oil-flask miracle; the establishment of the State was a natural miracle. 5) It is unclear whether the day of thanksgiving should be set for the day we declared independence (5 Iyar), the day the War of Independence ended, or the day the United Nations decided to establish a Jewish State, which was the sixteenth of Kislev (Nov. 29).

Because of all, or some, of these concerns, the Chief Rabbinate's Council originally prescribed that one recite the Hallel without a blessing during the morning prayers of Yom HaAtzma'ut. Over the course of the next twenty-six years, however, the State of Israel's situation improved dramatically. We were privileged to liberate Judea and Samaria in the Six-Day War, and we even came out of the Yom Kippur War with a great victory, despite the adverse conditions at the start. More than three million Jews already lived in the Land, five times the number that lived there at the State's inception (1948). Therefore, on the 25th of Nissan, 5734 (1974), the Chief Rabbinate's Council assembled once again – at the initiative of the Ashkenazi Chief Rabbi, R. Shlomo Goren *zt"l* – to discuss the issue of Hallel on Yom HaAtzma'ut. They decided, by majority vote, that a strong case can be made in favor of saying the full Hallel with a blessing on Yom HaAtzma'ut morning. On this basis, our master and teacher, R. Tzvi Yehudah HaKohen Kook *zt"l* instructed the Merkaz HaRav yeshiva to recite Hallel with a blessing, and all of his students act accordingly.

In response to the claim that Hallel may be said only on a miracle that affects all of Israel, the rabbis explained that the establishment of the State constituted a salvation for all of Israel (as explained above). In addition, the residents of the Land of Israel are considered the entirety of Israel (*Klal Yisrael*). The Day of Independence was specifically chosen as the day of thanksgiving because it was the foundation for the deliverance and salvation.⁶⁵

⁶⁵ According to the *gaon* Rabbi Meshulam Roth (*Responsa Kol Mevaser*, vol. 1, 21), it would have been appropriate to institute the saying of Hallel with a blessing on Yom HaAtzma'ut immediately after the State was established. He writes: "The leaders who chose this day in particular were correct, for that was when the main miracle occurred, when we went from bondage to freedom by declaring independence. Had we postponed this declaration for a different day, we would have missed the opportunity and we would not have attained the recognition and consent of the world's major powers, as is well known. This miracle also brought in its wake the second miracle: being saved from death to life, both in terms of our war against the Arabs in Eretz Yisrael and the salvation of the Diaspora Jews, who immigrated to the Land. This led to the third miracle: the ingathering of the exiles." Our master and teacher, R. Tzvi Yehudah HaKohen Kook explains further (*LeNetivot Yisrael*, vol. 1, pp. 248-49) that the courage displayed in declaring the State was miraculous in and of itself; see *Bava Metzia* 106a, with *Tosafot*.

However, R. Ovadyah Hadayah (*Yaskil Avdi*, vol. 6, O.C. 10) – although agreeing fully that [the establishment of the State] was the beginning of redemption – cites the Chida in *Chayim Sha'al* (2:11) as saying that Hallel should be said only over a miracle that happened to *Klal Yisrael*, adding that the salvation of 1948 was not complete. Furthermore, he asserts that no miracle happened on Yom HaAtzma'ut; on the contrary, the war

intensified. R. Hadayah is also unsure of the appropriate date on which to establish the holiday: perhaps the day of the cease fire is most fitting or maybe the 17th of Kislev (Nov. 29), when the United Nations confirmed the Jewish people's right to a state. To avoid disrupting the order of our prayers, which were arranged on the basis of deep *kavanot* (intentions), R. Hadayah concludes that one should recite Hallel without a blessing at the end of the *Shacharit* service. The *Rishon LeTzion* (Sefardic Chief Rabbi), R. Ovadyah Yosef (*Yabi'a Omer*, vol. 6, O.C. 41) agrees that we should omit the blessing, because the miracle did not happen to all of *Klal Yisrael* and because we still have a long way to go before reaching a state of rest and security, from both a political-military and spiritual standpoint. R. Yosef Mashash (*Otzar HaMichtavim* 3:1769) holds that one should recite the full Hallel (with a blessing). R. Shalom Mashash felt that one should recite the blessing, but when he heard R. Ovadyah Yosef's opinion he ruled that one who already has a custom to say the blessing should continue to do so, while one who does not have such a custom should refrain from reciting the blessing (*Shemesh U'Magen* 3:63, 66). Our master and teacher, R. Shaul Yisraeli holds that one should recite the Hallel without a blessing. The Chief Rabbi, R. Avraham Shapiro and the *Rishon LeTzion*, R. Mordechai Eliyahu concur, but R. Shapiro agrees that one who wants to recite the blessing, in accordance with his custom, is permitted to do so (cited in *Sefer HaRabbanut HaRashit*, vol. 2, pp. 901-903).

Those who hold that Hallel should be said with a blessing explain that the miracle actually did happen to *Klal Yisrael*, as R. Roth writes (above). Thus, even the Chida would agree. Furthermore, the residents of Eretz Yisrael are considered the entirety of Israel. This is how Rabbi Goren and Rabbi Gershuni explain the matter (their words are cited in a book entitled *Hilchot Yom HaAtzma'ut VeYom Yerushalayim*). In *Yabi'a Omer* (loc. cit. 3), R. Ovadyah Yosef writes that the Jews of Eretz Yisrael are considered *Klal Yisrael* only for specific issues. Rabbi Sharki rebuts this claim in his *Siddur Beit Meluchah* (Essay *Ba Oraich*, sec. 2). Regarding the claim that the salvation was incomplete, we can learn from Chanukah that this is irrelevant. After all, the Jews of the time observed the holiday after their first victory, even though they needed to fight many more, difficult battles over the next few decades, establishing a holiday after every subsequent victory. Moreover, when the wars finally ended, Hellenism had already spread throughout the Hasmonean Empire. It is implausible to say that the Rabbis instituted Chanukah only in commemoration of the oil-flask miracle, because the first day surely celebrates the military victory. Furthermore, the *kal va'chomer* upon which everything is based relates to the salvation, not the miracle. The fact that many holy soldiers have been killed does not preclude the saying of Hallel; after all, more fighters were killed in the Hasmonean wars, and they nevertheless established a holiday. In addition, we have at least as much political independence as the Hasmoneans did. R. Goren substantiates the mitzvah of reciting Hallel with a blessing in his work *Torat HaMo'adim*, as does R. Natan Tzvi Friedman in *Responsa Neitzer Mata'ai* (36). This is also the opinion of R. Chayim David HaLevi in *Dat U'Medinah*, p. 82.

Quoting testimony by Rabbi Yehudah Ushpizai, R. Shmuel Katz writes in his work *HaRabbanut HaRashit* (vol. 2, p. 841, n. 33) that Chief Rabbis Herzog and Uziel believed that it was appropriate to say Hallel with a blessing from the moment the State was established, but since they were told that the *Chazon Ish* and other rabbis strongly opposed this, they refrained from issuing such a ruling, so as not to increase strife. On page 890, note 6, [R. Katz] cites Rabbi Zevin as saying that this is cause for eternal weeping: that due to external intervention, by rabbis who are not members of the Chief Rabbinate's Council, the Chief Rabbis did not rule immediately when the State was born to say Hallel with a blessing. Similarly, R. Sha'ar Yashuv HaKohen relates that his father, the Nazir, held that one should say Hallel with a blessing, but since his opinion was not accepted, he did not recite the blessing, explaining: "I am missing the *'ve'tzivanu'* ('He has commanded us') of the Chief Rabbinate."

It is fitting to cite here part of a sermon that our master and teacher, R. Tzvi Yehudah HaKohen Kook, delivered on the nineteenth Independence Day, when the Rabbinate had not yet instructed the public to recite a blessing on Hallel (*LeNetivot Yisrael*, vol. 2, pp. 359-60): "An important man approached me and asked why our rabbis do not permit us to recite Hallel with a blessing on Yom HaAtzma'ut? I answered that the Rabbinate's decision is balanced and correct. The Chief Rabbinate's edicts are made for the entire population, and – unfortunately and disgracefully – many of our people do not acknowledge God's great deeds as revealed in the reestablishment of Jewish sovereignty [in the Land]. And since they lack this belief, they lack the joy [that goes

Shaving, Haircuts, Weddings, and Tachanun

After Yom HaAtzma'ut was established as a day of joy and thanksgiving, the question arose: do the customs of mourning that we observe during the *Sefirat HaOmer* period apply to Yom HaAtzma'ut? The halachic authorities have expressed their opinions in both directions. The accepted practice is not to keep those customs that subvert the joy. Therefore, it is permissible to dance and play music. However, one should not make a wedding on that day, because avoiding weddings is not considered an expression of mourning that clashes with the joy of Yom HaAtzma'ut.

Those who shave regularly should shave in advance of Yom HaAtzma'ut, just like one puts on special clothing before the holiday begins. Regarding haircuts, it seems that only one who looks disgraceful because of his long hair may take a haircut prior to Yom HaAtzma'ut. Someone who looks fine, however, is allowed to take a haircut only on Yom HaAtzma'ut itself, for then the joy of the day overrides this custom of mourning.⁶⁶

along with it] and we cannot obligate them to recite a blessing. This can be compared to the blessing a person says upon seeing a [long-lost] friend: if he is happy to see his friend, he recites the blessing, but if he feels no joy, he does not recite it. Rabbi Maimon, who was totally dedicated to the rebuilding of God's nation and territorial inheritance, was filled with the joy of faith [when the State was born]. He, therefore, instituted the recitation of Hallel with a blessing in his synagogue. The same is true of other, similar places, like the army and the religious *kibbutzim*. However, the all-inclusive Chief Rabbinate cannot issue a comprehensive ruling for the entire population, instructing them to recite a blessing, when [many people] are not ready for this. In our Central Yeshiva (*Merkaz HaRav*), we follow the Rabbinate's ruling, because we are not some *kloyz* (small house of study) of a specific group. We belong to the concept of *Klal Yisrael*, which is centered in Jerusalem, and since – painfully and shamefully – there are currently obstacles preventing the public as a whole from attaining perfect faith and joy... it is appropriate that we, too, act in accordance with the Rabbinate's ruling for the general public.”

After the Six Day War, R. Tzvi Yehudah bemoaned the fact that the Rabbinate did not immediately institute the saying of Hallel with a blessing on Yom HaAtzma'ut. When Rabbi Goren did so after the victory of the Yom Kippur War, R. Tzvi Yehudah was elated, and this became the custom of Yeshivat Merkaz HaRav. Even though all types of events have occurred since then – ups and downs – and the Chief Rabbinate is not what it used to be, nonetheless, the recitation of Hallel with a blessing was already accepted, and this is how R. Tzvi Yehudah's students conduct themselves.

⁶⁶ *Rishon Letzion* (Sefardic Chief Rabbi) R. Yitzchak Nissim writes (*Hilchot Yom HaAtzma'ut VeYom Yerushalayim*, pp. 334-40) that all customs of mourning are canceled on Yom HaAtzma'ut. He bases his ruling on those *poskim* who hold that one who has not yet fulfilled the mitzvah of procreation may get married during *Sefirah* (Radvaz, *Pri Chadash*). Similarly, some people take haircuts in honor of Shabbat and Rosh Chodesh (Radvaz, *Ya'avetz*). Furthermore, R. Chayim Palagi writes (*Mo'ed LeChol Chai 6*) that a miracle happened to some of the people of his city on the eighth of Iyar, and to others on the eleventh, and they take haircuts on these days. These are R. Nissim's proofs. There is even more room for leniency when it comes to shaving, because shaving is not festive in nature; it simply eliminates the mournful appearance. The author of *Responsa Yaskil Avdi* (6:10), on the other hand, does not permit haircuts or weddings on Yom HaAtzma'ut. Our master and teacher, R. Tzvi Yehudah HaKohen Kook used to rebuke those students who usually shave but look like mourners on Yom HaAtzma'ut, saying, “Their countenance testifies against them (cf. Yeshayah 3:9) that they are not happy and that they do not [truly] thank HaShem [for the miracle].” See R. Shmuel Katz's essay in *HaRabbanut HaRashit*, vol. 2, pp. 877-82.

The Chief Rabbinate, under the leadership of R. Unterman and R. Nissim, determined that even Ashkenazim who observe the customs of mourning during the latter part of *Sefirah* should not curtail their joy on the 28th of Iyar, Yom Yerushalayim. After all, many communities terminate all the restrictions after Lag BaOmer (the 33rd day of the Omer). All the more so, now that the 28th of Iyar has been instituted as a day of thanksgiving and joy over the miracle that *HaKadosh Baruch Hu* performed for His nation, Israel. Therefore, one may even make a wedding on Yom Yerushalayim.

We do not say *Tachanun* on Yom HaAtzma'ut, Yom Yerushalayim, or the Minchah service preceding these days.