

# Establishing Yom Haatzamut as a Yom Tov

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## Introduction

In the religious Zionist public, Yom Haatzmaut has emerged in the last fifty years as one of the most important days on the Jewish calendar. On this day, individuals can express their gratitude to Hashem for the modern miracle known as the State of Israel in a religious framework. In this essay, we will attempt to understand the halachic and hashkafic basis for instituting this new “Yom Tov,” some of the problems raised against it, and responses to those problems.<sup>11</sup>

Unlike some other halachic controversies, there is a strong correlation between the hashkafic perspective on the State of Israel and the halachic position of whether to celebrate this day in any form. Someone who argues that the establishment of the State was a negative occurrence will most likely contend that Yom Haatzamut should not be celebrated; while someone who believes that this was a positive development will be more inclined to argue in support for the significance of such a day. It is therefore important to investigate the different hashkafic positions concerning the State of Israel before discussing the halachic opinions concerning establishing a Yom Tov on the fifth of Iyar.

## Hashkafic Responses to the State of Israel

Since its inception, there have been a number of varied responses concerning the proper reaction to the founding of the State of Israel.

### **Atchalta D’Geulah (beginning of the redemption process)**

According to R. Tzvi Yehuda Kook<sup>12</sup> and many others in the Religious Zionist camp, the founding of the State is to be considered the beginning of the final redemption process.<sup>13</sup> They

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<sup>11</sup> This question is related, but distinct, from the question of whether to recite Hallel on Yom Haatzmaut. For summaries in English concerning Hallel, see R. Josh Flug, “Should you make a berachah on Hallel on Yom Haatzmaut?,” *Yom Haatzamut to go* 5768; R. Ralph Pelcovitz and R. Solomon Rybak, “Reciting Hallel on Yom Haatzmaut,” *Journal of Halacha and Contemporary Society*, Spring 1984, 5-24; and R. Chaim Jachter, “Hallel on Yom Haatzmaut,” found at [www.yutorah.org/lectures/lecture.cfm/735867](http://www.yutorah.org/lectures/lecture.cfm/735867).

<sup>12</sup> R. Tzvi Yehuda Kook, “B’Netivot Yisrael,” p.182.

<sup>13</sup> See Aharon Ahrend, “Pirkei Mechkar L’Yom Haatzmaut,” p.14; see also R. Menachem Kasher, “HaTekufah HaGedolah,” p.374 (cited in footnote #3 of Ahrend’s book and in Teshuvot Yabia Omer 6:41:5) where he documents a famous proclamation of many rabanim from all segments of orthodoxy who declared that “we should

argue forcefully that the large segments of the Jewish people returning to our homeland, the establishment a Jewish government, and the miraculous resurgence of the economy after two thousand years of desolation all point towards this conclusion. This conclusion may be supported by R'Aba's statement in the Gemara (Sanhedrin 98a) "*Ein lecha meg'uleh mizu*," there is no greater indication of the end of days than that which the prophet Yechezkel (Yechezkel 36:8) prophesizes, "now mountains of Israel, your branches shall come forth and your fruit will be offered to my people Israel."<sup>14</sup> Ramban (Shir HaShirim 8:12) also comments that the beginning of the future redemption will take place based on the permission of the governments (of the world) and this will be a partial *kibutz galuyot*.<sup>15</sup> This phenomenon is exactly what has been occurring over the past fifty years. This ideology certainly would yield the conclusion that we must recognize the founding of the State as a *nes nigleh*, an open miracle, requiring some sort of positive response on our part, and this is in fact what most of the authorities that subscribe to this approach believe.

### **Kol Dodi Dofek (my beloved is knocking)**

R. Joseph B. Soloveitchik, in his seminal work *Kol Dodi Dofek*, also viewed the establishment of the State of Israel in a positive light, but did not attach as much inherent significance to this event. In the mind of R.Soloveitchik, Hashem is knocking on our door in different ways, including through the military arena, political arena, and the historical arena, all of which clearly indicate the Divine imprint on events leading to the founding of the State. But the significance of a knock, explains R.Soloveitchik, is that He is waiting for us to answer. If we respond properly through embracing the gift we have been given and building on our connection to Eretz Yisrael, then this certainly can be the first step to redemption. However, if we do not respond properly, we might miss the opportunity.

### **Maaseh Satan (the work of the Satan)**

According to the former Satmar Rebbe, R. Yoel Teitelbaum,<sup>16</sup> the establishment of the State is all a test from Hashem to see if we remain faithful to him. Since He put us in exile, only He can return us to Israel as a nation, and we cannot do so on our own prior to this. Therefore, since Hashem has not yet brought the Mashiach Himself, we must reject what we are being offered here, since its basis is essentially human intervention in the Divine plan.<sup>17</sup> Therefore, this event must be viewed in an extremely negative light, and is certainly not one to celebrate. This approach has been adopted by many in the radical charedi world who totally reject the existence of the State of Israel today.

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thank Hashem ... to be able to see the first sparks of the Atchalta D'Geulah with the establishment of the State of Israel"; see also R.Hershel Schachter's comments discussed below concerning this issue.

<sup>14</sup> This source has been noted by many, including R.Tzvi Yehuda Kook (ad loc.).

<sup>15</sup> For additional sources which treat Kibutz Galuyot and the blooming of the land as the beginning of the redemption, see *Tzitz Eliezer* (7:48), *Yeshuot Malko* (YD 2:66), & others cited by R.Yaakov Moshe Bergman, *HaMedinah HaYehudit*, pp.104-111.

<sup>16</sup> R.Yoel Teitelbaum, *Hakdamah L'Sefer Al HaGeulah V'al HaTemurah* and *VaYoel Moshe* p.178

<sup>17</sup> See below for more concerning the Satmar Rebbe's Talmudic basis for his position. See also R.Kenneth Brander, "The Mitzvah of Yishuv Eretz Yisrael." *Yom Haatzmaut to go 5768* for more on this issue.

### **Shev V'al Taaseh (no response)**

There are many others, mainly in the more mainstream charedi world today, that simply ignore the day of Yom Haatzmaut as having any significance whatsoever: it is a regular day, just like any other. In contrast to the religious Zionist world as well as the Satmar position, both of whom do view this event as a critical one, this position does not respond at all to the establishment of the State, neither positively or negatively. This may stem from tensions concerning whether halachah allows us to celebrate such a day or initiate new religious days on the Jewish calendar, the lack of religious direction in the government of Israel, or a variety of other reasons. Although there certainly may be legitimacy to these concerns, the danger in this approach is that our uncertainty as to how to respond or our intentional lack of response may begin to obscure our view of Hashem's guiding hand through history, and we may begin to lose sight of the amazing significance and consequences of having our own State.

## **What Is So Special About Yom Haatzmaut?**

Most individuals in the religious Zionist world accept either position one or position two which requires acknowledgment on our part. However, to contemplate instituting a Yom Tov on Independence Day, the fifth of Iyar, we must analyze what exactly occurred on this day that warrants potentially giving it a special status. What is so great about David Ben Gurion declaring independence, when the very next day the Arab countries declared war? How were the Jews saved from their enemies on this day? There are a number of answers given to this question:

### **Freedom for Jews to live in Israel**

R. Meshulam Roth argues (Teshuvot Kol Mevaser 1:21) that Yom Haatzmaut constitutes a shift from *avdut l'cherut*, servitude to freedom, similar to Pesach.<sup>18</sup> Until this point, for almost two thousand years, the Jews had nowhere they could truly call home, and relied on the good will of the local rulers to be allowed to live and conduct business. They did prosper in many countries, only to be thrown out and forced to wander. This reached a climax during the Holocaust when Jews that escaped often had nowhere to go. Some arrived at the shores of other countries, including Palestine, begging to be saved, and many were turned away or sent back to Europe to their deaths at the hands of the Nazis. Suddenly, now, after Israel declared independence, all Jews had a country they could call home, and no Jew would be turned away. This, says R. Roth, is an extremely significant development, and should be recognized as no less than a miracle from Hashem. R. Yitzchak Nissim<sup>19</sup> adds that although there was much pain and distress immediately after declaring statehood, over the years the pain will pass and be forgotten, while the very fact that statehood was declared and all the positive consequences that resulted from it will be foremost in people's minds. This indeed appears to be what has happened.

### **Being saved from enemies**

R. Roth continues that Yom Haatzmaut also constitutes a *yeshuah*, salvation, from "*mitah l'chaim*," from death to life, similar to Purim, since many were saved from death. However, he

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<sup>18</sup> See below for elaboration on the themes of Avdut L'cherut and Mitah L'chaim and for their Talmudic basis.

<sup>19</sup> R. Yitzchak Nissim, "Arichat Nisuin V'Tisporet b'Yom Haatzmaut," *Hilchot Yom Haatzmaut V'Yom Yerushalayim*, p.338.

doesn't explain exactly how. Perhaps we can explain that many who came to Israel as a result of its independence might otherwise have been killed in other hostile countries around the world.<sup>20</sup> Additionally, even those in Israel now were given the right to defend themselves, whereas before the struggle for independence they often would be subject to the whims of the Arabs, and even those that did defend themselves risked being deported by the British. Alternatively, we can explain that Yom Haatzmaut also celebrates being saved from our enemies during the War of Independence. Although the war and the danger did extend for a few months after the fifth of Iyar, we celebrate our deliverance on the day independence was declared as an arbitrary day. This explanation would contend that it is not so important *which* day is celebrated, but rather the critical fact is that *some* day is designated to acknowledge these events.<sup>21</sup>

### **Explosion of Torah**

R. Ovadia Yosef (Teshuvot Yabia Omer 6:41) argues that the tremendous increase in Torah learning is also sufficient reason to establish a Yom Tov. He describes how this dramatic development has altered Torah learning not just in Israel but across the globe. Most critical questions pertaining to Klal Yisrael, as a whole, are sent to the Gedolim in Israel and many individuals have studied in Israel before pursuing professions, which has helped to raise the level of Torah and mitzvah observance in many communities worldwide.<sup>22</sup>

## **Establishing a New Yom Tov Today**

So far, we have established that Yom Haatzmaut and Israeli independence have had an enormous impact on Jews in Israel as well as around the world. But does this alone give us the right to establish a new "holiday" on the Jewish calendar? Do rabbis today halachically have the power to declare such a day as a Yom Tov? What in fact would be the halachic parameters of such a Yom Tov? To answer these questions, we must look at some of the halachic literature

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<sup>20</sup> It should be noted that the Satmar Rebbe (in context of ascribing the blame for the Holocaust to the Zionists' ascent to Israel) argues exactly the opposite: these Jews, primarily in Arab countries, were not in danger until *after* Israel declared independence, and therefore it is actually the Zionists at fault for placing these Jews in danger and forcing them to flee to Israel. See *Vayoel Moshe*, p.123.

<sup>21</sup> This issue also arises in the context of a "*nidche*," a year when the day of Yom Haatzmaut is moved due to concerns for desecration of Shabbat. Some poskim argue that although the fifth of Iyar is the regular day of celebration, other legitimate concerns such as preventing Shabbat desecration permit us to change the date. They explain that our celebration really encompasses the entire victory of the War of Independence, and the fifth of Iyar was chosen simply because independence was declared on that day. See for example R. Shlomo Goren, "Yom Haatzmaut SheChal B'Shabbat," *Hilchot Yom Haatzmaut V'yom Yerushalayim*, p.322 who suggests this at the very end of a discussion of a "*nidche*." R. Yona Metzger also authored a pamphlet published by the Rabanut HaRashit for Yom Haatzmaut 5764 (which was a *nidche*) where he also subscribes to a similar explanation.

<sup>22</sup> For an interesting source somewhat related to this, see R. Samson Rafael Hirsch's commentary on the Torah (*Vayikra 2:10*) who suggests that chametz symbolizes national independence ("*Atzmaut Medinit*"). He continues that we eat matzah on Pesach, our holiday of freedom, because Hashem is truly the one Who took us out of Egypt, since we never would have been capable of doing it ourselves. However, our observance of Torah and mitzvot does allow us the ability to demonstrate our own role in "*Atzmaut Medinit*," which can only take place in this way, which is why on Shavuot the national korban of the *Shtei HaLechem* was actually chametz. In our case, it is somewhat reversed since the independence of the State paved the way for the growth of Torah in Israel.

concerning previous attempts to establish additional Yomim Tovim, whether this was accepted in practice, and whether the criteria in other cases can be applied to Yom Haatzmaut as well.

### **Ibn Ezra**

Interestingly enough, one of the earliest sources related to this question is a comment by Ibn Ezra (Bamidbar 10:10) on the section of *chatzotzrot*, the trumpets. The Torah details the situations when there is a mitzvah to blow these trumpets: “on the days of your rejoicing and appointed holidays and on your days of Rosh Chodesh, and you shall blow the trumpets...” What does the Torah mean by “*yom simchatchem*,” the days of your rejoicing? Which holidays during the year does this refer to? Although the Sifrei (Piska 77) explains that this refers to Shabbat,<sup>23</sup> Ibn Ezra interprets this to mean a time when we have been victorious over our enemies and established a day of simcha to commemorate it, similar to Purim. This day, says Ibn Ezra, is a day when we blow the *chatzotzrot* to express our thanks to Hashem for saving us. Thus, according to Ibn Ezra, there may be grounds for establishing a day of rejoicing when we triumph over our enemies, which could serve as an interesting precedent for Yom Haatzmaut. Although this Ibn Ezra is not quoted in most of the classic halachic sources concerning establishing a Yom Tov below,<sup>24</sup> it is quoted by some of the contemporary authorities discussing Yom Haatzmaut, including R. Yehoshua Ehrenberg (ad loc.), R. Meshulam Roth (Teshuvat Kol Mevasser 1:21), and others.

### **Maharam Alashker**

The first source to directly raise the question of establishing a Yom Tov is Teshuvot Maharam Alashkar (Siman 49) who was asked whether a community can institute a day of celebration binding on all inhabitants, including future generations and individuals that move away. Basing himself on the Gemara (Bava Basra 8b) that permits the leaders of a city to institute binding decrees on its residents, Maharam Alashkar permits them to institute the observance of such a day. Maharam Alashkar also cites another relevant passage from the Gemara (Eruvin 41a) that R. Elazar bar Tzadok did not fast on the tenth of Av, even in years when Tisha B'av was observed on that date (such as when the ninth of Av falls out on Shabbos), since according to the Mishnah (Taanit 26a), his ancestors brought the wood offering on that day in the Beit HaMikdash during the time of Ezra, so for him it was a family Yom Tov. This ruling is subsequently cited by many achronim, including Magen Avraham (686:4), Chida (Chaim Shaal 1:6), Beer Heitev (686:5), and Mishnah Berurah (686:8).

### **Pri Chadash**

Pri Chadash (496:14) disputes this ruling of Maharam Alashkar. He notes that there is a dispute in the Gemara (Rosh HaShanah 18b) whether “*batlah Megillat Taanit*,” whether all of the days

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<sup>23</sup> This explanation is somewhat difficult, since we do not usually find Shabbat referred to as a day of Simcha in the Torah, and it is usually assumed that Shabbat does not have a mitzvah of simcha, rejoicing, like the other Yamim Tovim. Perhaps this is why Ibn Ezra interprets the pshat of the verse differently. See R. Yehoshua Ehrenberg, “Berurei Halachah B'kesher Im Chag Haatzmaut,” *Hilchot Yom Haatzmaut V'Yom Yerushalayim*, p.25, who elaborates on this Sifrei, and R. Shlomo Wahrman, *Sefer Orot Hashabbat*, Siman 18, who cites other sources that do seem to recognize a mitzvah of simcha on Shabbat, some of which even quote the Sifrei directly.

<sup>24</sup> Perhaps the reason they do not cite this is because in most situations during exile we did not actually defeat our enemies, we simply were saved from death or destruction in specific situations.

of celebration in the times of the second Temple recorded in the Megillat Taanit have been abolished or not. R. Elazar bar Tzadok, claims Pri Chadash, must have been following the opinion that “*lo batlah Megillat Taanit*,” and we can continue to observe these special days as Yomim Tovim even after the Temple’s destruction. However, argues Pri Chadash, the Gemara there seems to pasken that “*batlah Megilat Taanit*,” and these days have indeed been abolished and cannot be celebrated anymore. If so, the passage in Eruvin cannot serve as a proof that we can institute a new Yom Tov in our times for any type of salvation.<sup>25</sup>

### **Chatam Sofer**

Teshuvot Chatam Sofer (OC 191) was also asked this question and cites both of the above opinions, ultimately preferring that of the Maharam Alashker. However, his proof for this approach differs from Maharam Alashker. He accepts the argument of Pri Chadash that the Gemara Eruvin is not a valid proof, but instead offers two additional proofs for his opinion. First, the Gemara (Arachin 10a) says that after the Jews were exiled from Israel, “*huchsheru kol haAratzos lomar shirah*,” literally meaning that all lands were prepared to say shirah. According to Chatam Sofer, this means that we can celebrate a miracle or salvation even from a country other than Israel.<sup>26</sup> Second, he argues that the conclusion of “*batlah Megillat Taanit*” only applies to cases of Yomim Tovim relating to events in the Beit HaMikdash, but there is no problem celebrating events that do not relate to the Beit HaMikdash by establishing a Yom Tov.<sup>27</sup>

### **Application of the shitot to practical halachah**

According to Maharam Alashker and Chatam Sofer, it would seem that it is permitted to establish a new Yom Tov today, and there are records of many individuals and communities that indeed accepted days such as these upon themselves to celebrate various events in which they were saved.<sup>28</sup> On this basis, many recent poskim, especially within the religious Zionist

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<sup>25</sup> From the actual text of Maharam Alashkar, it seems that his main proof is actually the first Gemara quoted from Bava Basra, and the second quote about R.Elazar bar Tzadok only adds that even if the heads of the community did not actually decree a Yom Tov but it was simply a minhag the community practiced, it is still binding. It is interesting that Pri Chadash only attacks the second source and completely ignores the first. Perhaps Pri Chadash felt that the first source from Bava Basra alone does not prove at all that the ability of the elders to institute community takanot extends to establishing a Yom Tov as well, and only the second source could serve as a potential proof.

<sup>26</sup> This interpretation is not accepted by all commentaries. Turei Even (Megillah 14a), for example, explains that this refers only to the destruction of the first Temple, after which the Kedushah of the land did not remain (“*kedushah rishonah lo kidshah l’atid lavo*”). The Gemara’s point is then that despite the rule discussed in that sugya that we don’t recite Hallel for a miracle in chutz laaretz, that does not apply when Eretz Yisrael’s kedushah is lacking. However, after the destruction of the second Temple, when we hold that the kedushah of the land does remain (“*kedushah shniyah kidshah l’shaatah v’kidshah l’atid lavo*”), reciting shirah for miracles is still limited to Eretz Yisrael. Apparently Chatam Sofer interpreted this passage differently than Turei Even. See R.Yehudah Gershuni, “Al Keviat Yom Tov,” *Hilchot Yom Haatzmaut V’yom Yerushalayim*, p.57.

<sup>27</sup> See also Chatam Sofer (Yoreh Deah 233, Orach Chaim 163, Orach Chaim 208) for other teshuvot related to our topic.

<sup>28</sup> See R.Shariah Devlitzky, “Keviat Yom Hadayah L’achar Milchemet Sheshet Hayamim,” and R.Ovadya Hadaya, “Keviat Yom chag Klali,” *Hilchot Yom Haatzmaut V’yom Yerushalayim* pp.61-68 who mention a number of examples of this, including “Purim Frankfurt,” a Yom Tov celebrated in Frankfurt on 20 Adar 1 for miracles they experienced as reported in Sefer Yosef Ometz (1109), a community Yom Tov in Tripoli on 23 Tevet (also discussed in his Teshuvot Yaskil Avdi OC 6:44), and a Yom Tov celebrated by the Chayei Adam after his family was saved from a terrible fire (Chayei Adam 155:41).

community, sanctioned the establishing of Yom Haatzmaut as well, including R. Shlomo Goren, R. Ovadya Hadaya, R. Yehoshua Ehrenberg, R. Meshulam Roth, and many others.<sup>29, 30</sup>

We should note that Chatam Sofer does limit his allowance of making a Yom Tov to a case where the Jews were literally saved “*mimitah l’chaim*,” based on the Gemara (Megillah 14a) which explains that this is why Purim was permitted to be established based on a *kal v’chomer* from Pesach: on Pesach when they were taken from *avdut* to *cherut*, Hallel is recited, so certainly when Jews are taken from potential death to life, Hallel should be recited (and a Yom Tov can be established). Chatam Sofer says that as long as we are still in *galut*, there can be no true *avdut l’cherut*, and therefore one shouldn’t make a Yom Tov on being saved from troubles other than threat of death. According to this, it should follow that on Yom Haatzmaut, where no individuals were actually saved from death on that day, a Yom Tov cannot be established. Nevertheless, argues R. Shlomo Goren (ad loc.), Chatam Sofer would certainly permit establishing it, since now we are not in *galut*: we have returned to our land and we have a sovereign government, so this might actually count as a true *avdut l’cherut*, especially since many Jews began returning from other countries where they were indeed in literal slavery.

According to Pri Chadash, however, it would be forbidden to institute any such Yom Tov. R. Chaim Regensberg, after suggesting a number of proofs to his position, adopts the Pri Chadash’s approach as normative and explains his opposition to such a holiday on this basis.<sup>31</sup> Although he did not quote the Pri Chadash directly, the Chazon Ish<sup>32</sup> also opposed instituting new religious days to the Jewish calendar, and thus was strongly against Yom HaShoah as the national day of remembrance for the Holocaust. Presumably, he would have opposed Yom Haatzmaut for similar reasons. This approach may also be one of the reasons why many groups do not accept the establishment of this day of religious celebration.

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<sup>29</sup> See their articles in *Hilchot Yom Haatzmaut V’yom Yerushalayim* where they all accept this conclusion.

<sup>30</sup> The character of such a Yom Tov and what exactly should be done to celebrate it is the subject of some debate. Based on the Talmudic sources regarding Megilat Taanit (Rosh Hashanah 18b, Taanit 18b) it seems clear that such a Yom Tov would forbid eulogies and fasting. Another widely accepted practice for this type of Yom Tov is to arrange a seudat mitzvah, which is also mentioned in some of the sources concerning Yomim Tovim. This is also evident from the words of Rama (Orach Chaim 670:2) who notes that although there is no mitzvah to have a seudah on Chanukah, a seudah with words of Torah and praise (*divrei shirot v’tishbachot*) would still qualify as a seudat mitzvah. However, as mentioned above, sources concerning reciting Hallel are much less clear. Many communities instituted their own special customs to commemorate their miracles, such as lighting special candles and reciting special Tehillim. See the sources cited in note 17. There is also a debate whether a Yom Tov such as Yom Haatzmaut permits shaving, haircuts, and weddings despite the restrictions of Sefirah. From R’ Chaim Palagi, *Moed Lchol Chai Siman 6*, it seems that a Yom Tov celebrated by a family for a miracle that occurred during Sefirah permits shaving as well, and many authorities in Eretz Yisrael use this source to permit shaving on Yom Haatzmaut. See R. Yitzchak Nissim, “Arichat Nisuin V’Tisporet B’Yom Haatzmaut” and R. Moshe Maimon, “Im Nohagin Divrei Aveilut B’Chag Haatzmaut,” *Hilchot Yom Haatzmaut V’Yom Yerushalayim*, pp.341-348, and *Teshuvot B’Mareh HaBazak (4:53)*. However, R. Schachter, *Sefer Nefesh HaRav*, p.94, cites R. Soloveitchik as disapproving of this approach.

<sup>31</sup> *Sefer Mishmeret Chaim (Siman 38)*. R. Regensberg was a well known Rosh Yeshiva at Hebrew Theological College in Skokie, IL, in the first part of the twentieth century. Interestingly enough, my father, R. Joseph Ozarowski, who attended and received semichah from HTC, has told me that R. Regensberg was known to be a very big supporter of religious Zionism and the State of Israel. Contrary to other opinions discussed above, this positive outlook of Medinat Yisrael did not impact on his decision that halachically instituting Yom Haatzmaut as a Yom Tov was incorrect.

<sup>32</sup> R. Avraham Yeshayah Karelitz, *Igrot Chazon Ish*, # 97.

## A Yom Tov for all of Klal Yisrael?

Even if we accept the more lenient approach permitting the establishment of a Yom Tov, R. Hershel Schachter (*B'ikvei HaTzon* siman 32) notes that Yom Haatzmaut may pose more of a problem than the others discussed in earlier poskim. Chatam Sofer himself in the above teshuvah gives an additional answer to how R. Elazar bar Tzadok kept his own personal Yom Tov despite the fact that “*batlah Megilat Taanit.*” He says that personal or communal holidays are permitted to be instituted, but national holidays, such as those in Megilat Taanit, would be forbidden to establish anymore. Chayei Adam (Hilchot Purim 155:41) also expresses similar sentiments to that of Chatam Sofer forbidding a Yom Tov for the whole nation. According to this, argues R. Schachter, the fact that Yom Haatzmaut was meant to be established for the entire Jewish people means that it should actually be forbidden to do so according to these authorities.<sup>33</sup>

Interestingly, most of the contemporary poskim mentioned above discussing Yom Haatzmaut do not mention this point; they simply quote the first part of the Chatam Sofer in support of establishing a Yom Tov. Perhaps they interpreted Chatam Sofer to be giving an *additional* explanation why R. Elazar bar Tzadok was permitted to keep his own personal Yom Tov on the tenth of Av, but this does not *reject* his first explanation that a Yom Tov is permitted if it has no relation to events in the Beit HaMikdash, and this would hold true even if it was for “Kol Yisrael.” Alternatively, some poskim, such as R. Ovadya Hadaya (ad loc.), rely mainly on the Maharam Alashkar (perhaps because they are both Sefardim), who never mentions this limitation of “Kol Yisrael.”<sup>34</sup>

R. Schachter himself suggests another defense for Yom Haatzmaut that an event which qualifies as “*atchalta d'geulah*” would still warrant a Yom Tov, despite being targeted to the whole Jewish nation. He bases this on a comment of R. Yaakov of Lisa (author of the *Netivot HaMishpat*) in his commentary to Megillat Esther<sup>35</sup> who says that the reason Purim was established as a Yom Tov was because it was considered *atchalta d'geulah*. Based on the Ramban's introduction to Sefer Shmot where he says that the Jewish people were considered “redeemed” after arriving at Har Sinai and subsequently building the Mishkan, R. Schachter argues that the definition of *geulah* is building the Beit HaMikdash, and the Purim miracle was a step on the way to the Jews returning to Israel to build the Bayit Sheni. So too, he says, Yom Haatzmaut can be viewed as the first step of restoring Jewish sovereignty over its homeland which will hopefully lead to the building of the Temple, similar to the mitzvah of appointing a king, which the Gemara (Sanhedrin 20b) says is the first step to building the Beit HaMikdash.<sup>36</sup>

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<sup>33</sup> This may be one important difference between the parameters for reciting Hallel on Yom Haatzmaut and the question of establishing Yom Haatzmaut as a formal Yom Tov of sorts. Regarding Hallel, a miracle affecting the entire nation is more likely to obligate its recitation (see Yabia Omer ad loc.), whereas for establishing the day as a Yom Tov, the Kol Yisrael aspect makes it harder to allow according to Chatam Sofer and Chayei Adam.

<sup>34</sup> In fact, even Magen Avraham, Beer Heitev, and Mishnah Berurah, who accepted the possibility of establishing a communal Yom Tov, only quote the Maharam Alashker but make no mention of Chatam Sofer.

<sup>35</sup> R. Yaakov MiLisa, *Megillat Setarim*, 9:19.

<sup>36</sup> See the remainder of R. Schachter's piece for other sources and details concerning his position, including his conclusion that although one is not obligated to celebrate a holiday related to *atchalta d'geulah*, including Yom Haatzmaut, nevertheless one is permitted to do so.



R. Ovadia Yosef (ad loc.) argues that even an *atchalta d'geulah* is not sufficient to warrant reciting Hallel with a berachah on Yom Haatzmaut, since there are still numerous challenges and troubles in Israel. Although it is possible R.Ovadia would distinguish between Hallel and the other characteristics of establishing a Yom Tov, it is clear that he feels this type of *atchalta d'geulah* is not strong enough at least regarding certain aspects of such a chag. He bases this on the Yerushalmi (Pesachim 10:6) that says although one should indeed recite praises (“shirah”) to Hashem when He does miracles for you, this does not apply to “*techilat geulatan*,” such as the night they left Egypt (as opposed to after crossing the sea).<sup>37</sup> Also, it is worthwhile to note (as does R. Goren in passing) that we don’t have records of a specific day of Yom Tov for the return of Jews to Israel in the time of Ezra, so too here one could argue that *atchalta d'geulah* alone would not warrant a designation of Yom Tov.

### **Bal Tosif**

Another challenge dealt with by contemporary poskim in attempting to establish Yom Haatzamut as a religious holiday is the prohibition of *bal tosif*. The Torah tells us (Devarim 4:2) that we are not allowed to add or detract in any way from the Torah as it was given to Moshe. According to Ramban there, this prohibition includes establishing new holidays on the Jewish calendar. How can we justify our establishing of Yom Haatzmaut as a Yom Tov when Ramban seems to explicitly prohibit such an action? In fact, this source, or at least the general hashkafah behind it, may be another reason why many in the charedi world have been opposed to Yom Haatzamut and why Chazon Ish was opposed to Yom HaShoah.

To answer this problem, rabbinic authorities have suggested the following two explanations.<sup>38</sup> First, it is noteworthy that Rashi (Megillah 14a s.v. chutz) appears to disagree with Ramban and implies that *bal tosif* is only violated when a Navi, a prophet, institutes a new mitzvah or holiday. However, a Beit Din does have the authority to establish such a day as a rabbinic enactment. Therefore, says Rashi, the Gemara was only bothered by the introduction of *mikra megillah* into halachic practice since *nevuah* still existed at this time, but Chanukah, which took place after the conclusion of prophecy, is not questioned. So too, Yom Haatzmaut should not violate *bal tosif* according to this since it was not instituted through a Navi. Second, Ramban himself must confront the question of how the Jews during the second Temple were allowed to institute all of the holidays detailed in Megilat Taanit, mentioned in the Gemara (Taanit 18b and elsewhere). Shouldn’t these days of celebration violate *bal tosif* according to Ramban? The answer is that apparently Ramban must also agree that these days do not violate *bal tosif* because they are done

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<sup>37</sup> R. Schachter could respond that the Yerushalmi only refers to leaving Egypt which has nothing to do with building the Beit HaMikdash, or that the Yerushalmi means that one is not obligated to do so, but if one wanted to it would still be allowed. Nevertheless, the Yerushalmi does not appear to differentiate between Yetziat Mitzrayim and other types of miracles other than based on “*techilat geulatan*.”

<sup>38</sup> See R.Shlomo Goren (ad loc.). See also R.Yehudah Gershuni, R.Betzalel Cohen, and other authors in *Hilchot Yom Haatzmaut V'Yom Yerushalayim* who discuss this question. R.Schachter’s approach discussed above could answer that normally *bal tosif* would apply when establishing a new holiday for Klal Yisrael, which would be the reason for Chatam Sofer and Chayei Adam’s limitation of instituting new days of Yom Tov to personal or community events alone. However, here when done for an event which is *atchalta d'geulah* this may not apply. R.Schachter discusses this issue in a shiur recorded on [www.yutorah.org/lectures/lecture.cfm/725325](http://www.yutorah.org/lectures/lecture.cfm/725325) concerning Yom Haatzmaut.

with the sanction of the Chachamim, and their purpose is to praise Hashem for His salvation. Consequently, Ramban will agree that any day designated to celebrate by thanking Hashem would not qualify.

## Hashkafic Challenges to Yom Haatzmaut and the State

Many of those that oppose celebrating Yom Haatzmaut, and even some that support it, wonder how we can celebrate the inception of a state with numerous failings and deficiencies in the spiritual realm. Is celebration the response when we haven't truly achieved our goals yet? Let us briefly detail a few of these concerns and possible responses to them.

### **The government is not run according to the Torah**

One of the most troubling questions asked is how we can rejoice when Jews are not running the country in accordance with the laws of the Torah. Furthermore, the entire state was founded by secular Zionists, many of whom were even anti-religious. How can the beginning of the redemption be brought about in this manner? R. Yaakov Moshe Bergman<sup>39</sup> and others explain that the development of Israel can be a positive thing even when achieved by the secular. The Gemara (Sanhedrin 102b) already tells us that the reason the wicked Omri merited to rule the Jewish people as king was because despite all his wickedness, he built up a number of cities in Eretz Yisrael. So Yishuv Eretz Yisrael, even when brought about by non-religious, carries great merit with it. In addition, Rav Soloveitchik (in Kol Dodi Dofek) and others point out that the religious Jews could in fact have had more of a role in running the country had more of them come on aliyah. However, the vast majority of those that came were secular, and they were the ones who helped the shape the fledgling state in its formative years.

### **Shalosh Shevuot (the three oaths)**

The Gemara (Ketubot 111a) tells us that the Jewish people “swore” to the nations of the world that they would not conquer the land of Israel (“*shelo yaalu b'chomah*,” literally they “wont go over the wall”) before the proper time. How then can we celebrate the founding of a State if we are not allowed to be there in the first place? This question is in essence the main attack of the Satmar Rebbe on Yom Haatzmaut and the State of Israel as discussed above. One of the main responses to this question is that the Jews in fact did not *conquer* the land of Israel, but were given permission by the nations of the world, first after the Balfour Declaration, and later after the U.N. vote in 1947, to return to Israel and establish a Jewish state there.<sup>40</sup>

### **The security situation in Israel**

Another question raised by many, including R.Ovadya Hadaya (Teshuvot Yaskil Avdi 6:10 in explaining why we cannot make a berachah on Hallel on Yom Haatzmaut), is that although we are in control of our own land, there are constant threats directed at Israel by its hostile neighbors, and one does not feel a sense of national security. How can we celebrate when we

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<sup>39</sup> R.Yaakov Moshe Bergman, “*HaMedinah HaYehudit*,” pp.27-31.

<sup>40</sup> For more sources and detailed analysis of this question, see R.Kenneth Brander, “The Mitzvah of Living in the Land of Israel: Is it a Biblical Commandment?”, *Yom Haatzmaut to go 5768*; R.Hershel Schachter, *ad loc.*; R.Menachem Kasher, *ad loc.*; and R.Shlomo Aviner, *Maamar Shelo Yaalu b'Chomah* (also found in *Noam Volume 20* and online at: <http://bit.ly/cdRxT8>).

never know when the next war might erupt or the next missile might hit? Although this contention was even truer during the first thirty years of Israel's existence, it certainly is still relevant in our day as well, with Hamas, Hizbullah, and Iran amassing weapons, and frequent shooting attacks by Arabs in various parts of the country.

### **We still don't have the Beit HaMikdash**

One of the final challenges raised is that the true complete Geulah is certainly the rebuilding of the Beit HaMikdash, which has not happened yet. How can we celebrate Yom Haatzmaut when we have not yet achieved our primary goal? What is our country worth without the Beit HaMikdash? The answer to the last two challenges is that our celebration of Yom Haatzmaut does not indicate that all of our problems are solved and that we live in the ideal society as will be experienced in the days of Mashiach. However, if we ever want to reach that stage, we must thank Hashem for everything he gives us along the way. Each step is significant, similar to a child growing up whose parents take pride each time the child learns how to do something new, such as crawl, walk, speak in full sentences, and graduate school. If we thank Him for every stage, we hope that He will continue to help us pass through subsequent stages successfully.

## Conclusion

Although rabbinic authorities debate whether one can and should establish a Yom Tov on the occasion of the establishment of the State of Israel, this disagreement should not obscure the more critical issue that those of us in the religious Zionist camp are in agreement about: we have been witness to the monumental event of the founding of a Jewish state in Israel in our times, and the far reaching effect that this has had, and it is our responsibility to demonstrate to Hashem how much we appreciate it, in whatever method we feel is halachically and hashkafically acceptable.

The Gemara (Sanhedrin 94b) tells us that Chizkiah was set to be the Mashiach, but Heaven was upset at him because he had not properly thanked Hashem for the salvation of the Jews from Sancheriv and Ashur. Metzudat David has a similar thought concerning the pasuk in Shirat Devorah (Shoftim 5:12) of "*uri uri dabri shir kum Barak v'shaveh shevyecha ben Avinoam,*" "awaken, awaken, speak the words of song, arise Barak and capture your captives (of war) son of Avinoam." According to Metzudat David, the connection between the singing in the first half of the pasuk and the taking of captives in the second half is that the more we praise Hashem for how He has helped us, the stronger the salvation will be. If we don't thank Hashem now, how can we expect for Him to give us more of the vision that we want for our nation?

Perhaps we can merit the fulfillment of the berachah of the Metzudat David through internalizing the lesson of Chizkiah: the more we thank Hashem for the gifts He has given us, the more He will increase our salvation in today's challenging times, leading to the final step of the ultimate redemption through the building of the Beit HaMikdash once again in Jerusalem.