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A young man who has already achieved an international reputation for basic research in chemistry, Dr. Antelman here continues a halakhic discussion commenced by Rabbi Meyer Karlin in our Spring 1960 issue. A graduate of Yeshiva University, City College of New York, and New York University, he is pursuing studies for the advanced rabbinic degree of *yadin yadin* at Mesivta Rabbi Chaim Berlin. He is the recipient of an honorary doctorate for his scientific work, and has made some notable contributions to recent cancer research. A comment by Rabbi Karlin on Dr. Antelman's animadversions follows this article.

HALLEL ON YOM HA-ATZMAUT

In the Spring 1960 issue of TRADITION, Rabbi Meyer Karlin presents an excellent summary of the status of *Yom ha-Atzmaut* (Israel's Independence Day) in the Halakhah. In his article, Rabbi Karlin describes the current reluctance of our rabbinical authorities to sanction recitation of the preliminary Hallel blessing on this day. Their reason: the absence of any overt miracle in the establishment of the State.

In my humble opinion this view is perhaps not in the best tradition of the Halakhah. For the issue involved here is that of when the *benediction* ("Who has sanctified us with His commandments, and has commanded us to recite the Hallel") is said, rather than the recitation of the Hallel itself and the circumstances that led to it.

We recite the general benediction including the formula "Who has sanctified (*asher kideshanu*)" before the performance of many *mitzvot*, such as the washing of the hands, putting on the *tallit* and *tefillin*, eating bitters at the Seder, sitting in the Sukkah, and lighting the Chanukkah candles. Some of these commandments are biblical in origin whilst others are the result of rabbinic enactment (*takkanah*).

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It is with regard to the lighting of the Chanukkah candles, a *mitzvah* established by *takkanah*, that the Talmud (*Shabbat* 23a), seeks a source for the equality of rabbinical with biblical commandments.

How, the Talmud asks, can we say *ve'tzivanu* ("and He commanded us") as part of the benediction, when the entire commandment is only a rabbinic decree, and not part of the biblical revelation? Two answers are given. The first of these, offered by R. Iyya, is accepted by Maimonides (*Hil. Berakhot* 11:3). R. Iyya cites Deuteronomy 17:11, ". . . thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left" which commands us to obey our halakhic authorities in each generation and not to deviate from their commandments. Furthermore, this passage, in Deuteronomy 17, is preceded by "unto the judge that shall be in those days" (17:9), upon which the Sifre comments (as quoted by Rashi), "even if the halakhic authority in your generation is inferior to his predecessors, you are obliged to obey him!" Thus, a *takkanah* by the rabbis of our generation has the authority of the word of God as revealed in the Bible. In the same vein, the Talmud tells us (*R.H.* 25b) that Gideon in his generation is likened unto Moses in his generation, Samson to Aaron, and Jephtah to Samuel. One has to go no farther for an interpretation of the law than the contemporary authority. Maimonides is even more emphatic (*Hil. Mamrim* 2:1), saying that "You have no farther to go than the court of your generation."

There is a vast halakhic literature on the equality of *takkanah* with the word of God. The general attitude is best expressed by Nachmanides in his commentary on Exodus 21:6, where he explains that the word "God" is often used in the Torah to designate the halakhic authorities, because God sanctions their decrees and their decisions, and it may be considered as if He Himself decided them. (See, too, *Sefer ha-Chinukh*, no. 496.) Consequently, when the rabbis in our generation tell us to read the Hallel on Yom ha-Atzmaut, it is as if God Himself commanded it.

However, there are specific sources regarding the *benediction*

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over the Hallel that deserve special study. We shall now proceed to examine them.

In *Berakhot* (14a) the Tosafot state that on Rosh Chodesh it is a *minhag* (custom) to read the Hallel. The opinion of *Machzor Vitri* is quoted to the effect that since it is only a *minhag*, we do not recite the benediction. The point is further made that the benediction on a *minhag* is not regarded as a blessing in vain (*berakhah le'vatalah*), just as women may pronounce the blessing over *mitzvot* from whose observance they are exempt, such as *lulav*, or even *tefillin*.

In *Sukkah* (44b), the Tosafot discuss the problem of those benedictions pronounced on the second days of *yom tov*, which are observed only in the Diaspora. These days are observed only as a matter of *minhag*. They declare that *ve'tzivanu* cannot be recited, there being no specific "commandment" to observe them. They also point out that the sounding of the Shofar on the second day of Rosh Hashana is a *takkanah*, thus requiring a *ve'tzivanu* blessing. Rabbenu Tam maintains that the complete Hallel is recited with the prior benediction when the redemption occurs to the *entire* people of Israel. Rabbenu Chananel remarks, at the conclusion of this Tosafot passage, that if redemption occurs to a group, then that group recites Hallel without a benediction. This statement of Rabbenu Chananel is somewhat out of context in *Sukkah*, but its relevance becomes more evident when we consider a statement by Tosafot in *Taanit* (28b), and again in *Arakhin* (10a), where Rabbenu Tam's opinion is cited as affirming the benediction on a *minhag*, such as the benediction before Hallel on Rosh Chodesh.

There are thus five cases, according to the Tosafists, in which the *ve'tzivanu* blessing is to be considered:

1. A *mitzvah* of the Torah, such as *Tefillin*, *Lulav* or *Tzitzit*, observed under circumstances prescribed by the Torah.
2. Observance of a *mitzvah* of the Torah in circumstances not prescribed by the Torah, e.g. women performing the *mitzvah* of *Lulav* (which is *not* obligatory upon them).
3. Observance of a *mitzvah* ordained by rabbinical edict (*Takkanat Chakhamim*), such as reciting the Hallel when this

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is prescribed by the Rabbis, for example on Chanukkah.

4. Observance of a *mitzvah* (ordained by rabbinical edict) as a *minhag*, in circumstances not prescribed by the Rabbis, which has been universally accepted, such as the recitation of the Hallel on Rosh Chodesh.

5. Observance of a rabbinical commandment in optional circumstances on a local or individual basis, such as a congregation saying the Hallel on a day they were delivered from a calamity.

There is no question at all that we recite the *ve'tzivanu* blessing in cases 1, 2, and 3. The question arises in case 4. Here Rabbenu Tam maintains that a benediction *is* pronounced, while the other Tosafists disagree. In case number 5, where local observance is pursued, Rabbenu Tam concedes that a benediction is not pronounced.

The issue under consideration is this: does a *mitzvah* ordained by rabbinical edict still remain a *mitzvah* when it is observed outside of its prescribed limits? Rabbenu Tam says yes, and though Rashi and other Tosafists disagree, halakhic practice has followed Rabbenu Tam who is supported by such decisors as the Rama, Mordecai, and Ashri (*Shulchan Arukh, Orach Chayyim* 422:2).

Note that not once in reference to the benediction has there been any mention of the nature of the circumstances contributing to the universal acceptance of a rabbinical *mitzvah* (in unprescribed circumstances). It is rather the performance of the *mitzvah* and the definition of its limits which are important.

The current objection to a benediction before Hallel on Yom ha-Atzmaut is that an "overt" or supernatural miracle is not associated with Israel's independence. The State of Israel, it is argued, is only a first step in the redemption; a genuine *geulah* has not yet been achieved. Assuming all this to be true, it is still irrelevant. For we have conclusively shown that once the Hallel is universally recited, irrespective of why it has been accepted, it requires a benediction. This is certainly true of the Hallel on Yom ha-Atzmaut even if we were to consider the Hallel reading then a universal *minhag*. Although the Hallel

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reading on Yom ha-Atzmaut is not a *takkanah* of a Sanhedrin, it has most certainly received the sanction of our leading halakhic authorities, which is the equivalent of a *takkanah* (in view of Deuteronomy 17:9).

The basis of the argument concerning the nature of the miracle of Yom ha-Atzmaut is attributed to Rashi's remarks concerning when the Hallel is to be said (*Pesachim* 117a). He states that if, God forbid, a calamity befall Israel, we are to recite the Hallel upon our subsequent redemption, as is the case on Chanukkah. The statement "as on Chanukkah" is construed by some authorities to mean a miracle such as occurred Chanukkah, conforming to Rashi's commentary on *Shabbat* 21b: "for which miracle was it [Chanukkah] instituted?" However, these arguments seem to be taking Rashi out of context in view of what Rashi has stated in his commentary on the Sid-dur in connection with reciting the Hallel on Rosh Chodesh: "I do not recite a benediction on it, either when praying alone or with the congregation, because it is only a custom, and a custom requires no benediction . . . but I do recite the concluding benediction *melekh mehullal ba-tishbachot*." The implication is, clearly, that Rashi's objection to the benediction is based upon his agreement with the Tosafot, and not because of any reasons governing the reading of the Hallel itself.

My personal opinion is that Yom ha-Atzmaut is on par with Chanukkah, and it is improper to judge the value of a holiday on the basis of the miracles performed on that day. My opinion is based on Maimonides' comments on the nature of miracles (*Hil. Yesodei Torah* 8:1): "The Children of Israel did not believe in Moses because of the miracles he performed, because he who believes only on the grounds of miracles possesses a baseness in his heart that perhaps the miracle is accomplished by magic or sorcery. Rather, all the miracles that Moses performed in the desert were performed because of necessity and not as proof of prophecy. It was necessary to drown the Egyptians, so the sea split and they sank in it; we required food, he brought Manna down on us; they were thirsty, he smote the rock, etc." Similarly, I think that if there would have been

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enough oil, there would not have occurred a miracle of Chanukkah. The miracle came about because of necessity. If there were no miracle associated with Chanukkah we would still recite the Hallel today because of our redemption at that time. If there would have been a necessity for an overt miracle during Israel's War of Independence, I have no doubt that God could have and would have wrought it.