YOM HA’ATZMAUT & THE SHEHECHEYANU BLESSING

On the 5th of Iyar 5708, corresponding to May 5th 1948, the dream of 2000 years was realised through the establishment of the State of Israel. As the political, communal and religious leaders stood in what is now known as Independence Hall, and immediately after David Ben-Gurion completed his reading of the Declaration of Independence, Rabbi Yehuda Leib Hacohen Maimon – who was among those who drafted and signed Israel’s declaration of Independence - stood up and recited, with great emotion, the Shehecheyanu blessing.1

However, even at the time, there were some Rabbis – including those who were deeply passionate about the State of Israel – who felt that the Shehecheyanu bracha should not have been recited.

This article seeks to understand this debate, and in so doing, explain how it is rooted in a broader discussion concerning both the nature of the Shehecheyanu bracha, as well as the nature of our celebration on Yom Ha’atzmaut.

I. RABBI MAIMON’S SHEHECHEYANU (5708/1948)

To begin our exploration, we will start with Rabbi Maimon, who – while not writing a responsum on the topic – outlined his rationale for reciting Shehecheyanu. As he explained:

בונגו ל’שתויון, ויחי כורע ברכה שכרול פ’ איי לברך מצפה השמשה במענו בלעלו ויהי למגר ברעה של アメ

Regarding Shehecheyanu this is, as is well known, a bracha that any person can recite at a time when there is joy in their domain and in their heart, and this is entirely dependent on the mindset of that person.2

For Rabbi Maimon, the recitation of Shehecheyanu3 was a religious expression of his personal joy, and given the fact that those present in Independence Hall responded to his bracha with a resounding Amen, it seems that they too shared this feeling of joy & jubilation.4

II. RABBI UZIEL’S RESPONSUM (5709/1949)

The following year, Rabbi Ben-Zion Uziel, the then Sephardi Chief Rabbi of Israel, received a letter from Rabbi Beirish Zaltz of Tzfat dated 9th Iyar 5709 (1949). Prior to this, Rabbi Uziel had ruled that the celebrations on Yom Ha’atzmaut should include the recitation of the Shehecheyanu bracha, as well as the recitation of Hallel without a bracha. However, Rabbi Zaltz challenged Rabbi Uziel’s ruling, and in particular, his rationale for requiring the recitation of Shehecheyanu on Yom Ha’atzmaut.

While not disputing the principle that Shehecheyanu can, and perhaps should, be recited at moments of joy & euphoria, Rabbi Zaltz explained5 that the joy felt on the 5th of Iyar 5708 (ie. the day when the State was declared) was itself incomplete given the fact that Jerusalem was not in Jewish hands. As such, just as Shehecheyanu is not recited - at least according to Tosafot - at a Brit Milah since the child is in pain, so too Shehecheyanu shouldn’t be recited on Yom Ha’atzmaut given the anguish that is still felt for Jerusalem.

To this, Rabbi Uziel responded6 that the cases are different. Regarding Brit Milah (for which, according to the Rambam, Shehecheyanu should be recited and which too is the custom in Israel, Syria & Egypt as cited in

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1 A recording of this can be heard at https://www.youtube.com/watch?v=p5MHjzC2OCw at 12 mins 35 seconds
2 see Y. L. Maimon, L’Ma’anu Te’zon La Echefe p. 10. He writes the same in L’Sha’ah ULeDor p. 416.
3 It should be noted that Rabbi Maimon also believed that full Hallel should also be recited on Yom Ha’atzmaut, and that weddings and haircuts should be permitted on the day as they are on Lag BaOmer.
4 It should be noted that R’ Maimon supported this remark by citing the Chatam Sofer (Orach Chaim 55) and Rabbi Yosef Pollock’s Reshit Bezamim (Ma’arbech Ber No. 15), who explains that a person who feels that they have accrued a benefit for which the recitation of Shehecheyanu is appropriate, they themselves are obliged to recite the blessing even though the recitation of Shehecheyanu itself is described as a Rashbat (optional) bracha.
5 It should be noted that while Rabbi Uziel does not include the full-text of Rabbi Zaltz’s letter in his responsa, his responsa refers directly to Rabbi Zaltz’s remarks and occasions quotes directly from his letter.
6 Tosafot on Eruvin 40b DH Dilma
7 In a responsum dated 25th Iyar 5709. The responsum can be found in She’elot UTeshuvot Mishpetei Uziel Vol. 8 No. 23
8 Mishneh Torah, Brachot 11:9
the Shelechutan Aruch9), the joyous act of Milah itself causes pain. However, in the case of the establishment of the State, the pain felt for Jerusalem should be considered as a separate element to the joy felt in response to the establishment of the State. To support this argument, Rabbi Uziel referred to the Purim story which, as the Gemara10 observes, ended with the people remaining servants of Achashverosh. Yet notwithstanding this, Shehecheyanu is still recited on Purim prior to reading the Megillah.11

Then, Rabbi Uziel turns his attention to the nature of our celebration on Yom Ha'atzmaut, explaining that

And it is correct for us to establish this bracha and recite it in full while using the name of G-d, because all the inhabitants of the land of Israel fled from this oppression which was [at the time] encroaching upon being a danger of death for both individuals and the wider community, where the alien (British) government placed no value on our blood and even pursued any one of us carrying a weapon with the threat of death penalty, such that we were unable to even protect ourselves. And so, had it not been for the declaration of the State which unified the entire Jewish Yishuv into one unit to gather together and to stand up for our own lives, then the many armies of the countries around us would have joined with our enemies in the land, at which time the waters would have carried us off and the torrent would have swept up into the seething waters.12 For in such a situation, it is certainly required and necessary to praise G-d by invoking the name of G-d for redeeming us and for giving us life and sustaining us to this day, in the same manner that we recite a blessing upon a public miracle by invoking the name of G-d.13

As Rabbi Uziel explains, Yom Ha'atzmaut should be treated as an anniversary commemorating the miracle of the establishment of the State of Israel because, through the establishment of the State of Israel, lives were saved from imminent danger and greater stability and sustenance became available for the people of Israel.14 Given all this, Rabbi Uziel rules that, in contrast to Hallel where one can debate the propriety and necessity of reciting its bracha, in the case of Shehecheyanu, which is required in all instances where there is joy, we find that there is no halakhic innovation here [by requiring its recitation]. Instead, it is a clearly codified balakha that we should praise G-d for the joy of our salvation and for redeeming us from death to life.15

For Rabbi Uziel, like Rabbi Maimon, the recitation of Shehecheyanu on Yom Ha'atzmaut was a birkat boda'ab – a blessing of praise that expressed the joy of freedom, salvation & sustenance, and as he continues – this is not a doubtful bracha. Instead, it is certainly a mitzvah [to recite the bracha] according to everyone.

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9 See Shukhan Aruch, Yoreh Deah 265:7
10 See Megillah 14a
11 Rabbi Uziel then adds a further example where the Shulchan Aruch (Orach Chaim 223) rules that a person who inherits money after their father dies still recites Shehecheyanu, thereby proving that the joy of Shehecheyanu is valid notwithstanding wider considerations that may be negative.
12 Based on Teshilim 124:4-5
13 Mishpatei Uziel/ Vol. 8 No. 23
14 Rabbi Uziel contrasts the Shehecheyanu recited upon necessary rainfall (see Orach Chaim 221:2) with Yom Ha'atzmaut, explaining that the Shehecheyanu for rain was warranted for short-term sustenance, while Yom Ha'atzmaut allowed for long term protection and freedom in a manner comparable to Chanukah & Purim.
15 Mishpatei Uziel/ Vol. 8 No. 23
However, while Rabbi Uziel’s responsum was written in 1949, it seems\(^\text{16}\) that it was not published until 1961 which meant that the debate surrounding the recitation of Shehecheyanu continued. This led Rabbi Maimon to write to Rabbi Meshulam Rath to clarify the issue.\(^\text{17}\)

### III. RABBI RATH’S RESPONSUM (5712/1952)

Rabbi Meshulam Rath had previously been a Rav and Dayan in the Ukraine and in Romania. He moved to Israel in 5704 (1944) where he was appointed as a member of the Rabbinic High Court and of the Chief Rabbinate Council. Rabbi Rath’s responsum\(^\text{18}\), which itself is the best known and most oft-quoted ruling on this topic, is both long and dense. It lacks the poetic flair of Rabbi Uziel’s responsum, but in its place, Rabbi Rath provides copious halakhic sources to address the question asked of him.

However, beyond the difference in tone, there is also a stark difference in focus. Rather than considering the recitation of Shehecheyanu on Yom Ha’atzmaut in terms of a brakha b'doda’ah reflecting personal and national joy, Rabbi Rath dedicated the majority of his responsum to the possibility of treating Yom Ha’atzmaut as a festive day, on par with Purim & Chanukah, with the consequent halakhic question whether such a day carries innate spiritual significance such that the Shehecheyanu bracha may be recited as a brakha b’zeman – a festive blessing. But what was the reason for this change in focus?

Between 1949 and 1952 the State of Israel saw a huge influx of immigrants while, at the same time, experiencing its first period of relative peace. However, this also impacted on the way in which Yom Ha’atzmaut was celebrated. Rather than being a miraculous day of euphoria, Yom Ha’atzmaut was now an anniversary commemorating the miracle of the State, and in terms of Shehecheyanu, this changed the conversation altogether. In place of reciting the Shehecheyanu bracha through the prism of personal joy for the miracle of the State, the conversation concerning its recitation now centered around the nature of the day commemorating the miracle of the State.

Regarding holy days, Gemara Eruvin 40b discusses whether Shehecheyanu should be recited on Rosh Hashanah & Yom Kippur. The rationale for this discussion is that, unlike the Pilgrim Festivals of Pesach, Shavuot & Sukkot where joy is considered part and parcel of the celebration, perhaps this is not the case for Rosh Hashanah & Yom Kippur? At the same time, like the Pilgrim Festivals, both Rosh Hashanah & Yom Kippur are celebrated annually and as such, surely Shehecheyanu should be recited on these holy days?

After a lengthy analysis, the Gemara concludes that אומר זמר ב’hודאות שמחות המורדים – the Shehecheyanu bracha should be recited on Rosh Hashanah & Yom Kippur [in addition to the three Pilgrim Festivals]\(^\text{19}\), and that נאמר מחציו שבקל the bracha can be recited even in the marketplace (ie. the bracha is not inextricably linked with particular mitzvot of the festivals such as the recitation of Kiddush).

What this Gemara teaches is that the three Pilgrim festivals, along with Rosh Hashanah & Yom Kippur, are considered to have innate spiritual significance such that the day itself, even in the absence of any particular mitzvah, is sacred and requires the recitation of Shehecheyanu. However, the question asked by Rabbi Rath, along with numerous other halakhic scholars that followed him, was whether the post-biblical festivals of Purim & Chanukah - both of which celebrate national miracles and on which the Shehecheyanu bracha is recited - carry innate spiritual significance? If they do, then perhaps a comparison could be made to Yom Ha’atzmaut for which Shehecheyanu could be recited. However, if they only allow for the recitation of Shehecheyanu due to the mitzvot ordained for these days, then perhaps Shehecheyanu may not be recited on Yom Ha’atzmaut?

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\(^{16}\) I am not aware that this responsum was shared publicly before the publishing of Midpeot Eziid, but I would be keen to find out this was not the case.

\(^{17}\) It is noteworthy that Rabbi Rath’s responsum is dated 24th Adar 5712 (1952). Rabbi Maimon had lost his seat in the elections taking place in 1951 which may have meant that he used his extra time to explore this issue in greater detail.

\(^{18}\) She'elot UTeshuvot Kol Mevaser Vol. 1 No. 21

\(^{19}\) As the Yerushalmi (Pesachim 10:5) explains, this is because all festivals referred to as Mikra Kodish require the recitation of Shehecheyanu.
In terms of Chanukah, a simple reading of the Gemara Shabbat 23a as well as the Shulchan Aruch20 indicates that Shehecheyanu can only be recited by someone who either lights the Chanukah candles or sees Chanukah candles lit. However, the Meiri21 states otherwise, noting that someone who cannot light and is not in a place where they can see lit candles should recite the bracha of Sheasah Nissim as well as the Shehecheyanu bracha. For Rabbi Rath, this source supports the argument that post-biblical festivals like Chanukah can be imbued with their own innate spiritual significance such that Shehecheyanu can be recited in the absence of any specific mitzvah.

Contrasting this view is the Pri Chadash22 who is absolute in his position that Shehecheyanu cannot be recited by someone who has neither lit Chanukah candles or seen them lit, and it is in response to the Pri Chadash that Rabbi Rath offers a number of arguments and sources to side with Meiri.

In a similar manner but with reference to Purim, Rabbi Rath notes that while the Magen Arrabam23 rules that someone without a Megillah should not recite Shehecheyanu on the other mitzvot of Purim, Rabbi Yaakov Emden24 disagrees and rules that Shehecheyanu can and should be said on Purim, even in the absence of the mitzvot, because Shehecheyanu celebrates the day itself.25 In fact, the Mishna Brurah26 not only cites this ruling of Rabbi Emden, but also the above-mentioned Meiri to further support this point.

Additionally, Rabbi Rath presents a rationale, based on the ruling of Rabbi Shlomo of Vilna27, that the recitation of Shehecheyanu prior to Hallel may even be considered as a recitation of Shehecheyanu on a mitzvah.

All the above leads Rabbi Rath to state that:

What comes out in terms of the law on this matter is that on the day when a miracle occurred to the entire people of Israel, where they went from death to life and from subjugation to freedom, and as such a festive day was established that is Yom Ha’atzmaut, according to the Pri Chadash one should not recite Shehecheyanu, while according to the Meiri (which the Pri Chadash did not see and as such we do not presume that the law follows the later halakhic authority, as is known), and Rabbi Yaakov Emden, and R. I Molcho, and the author of the book Mishna Brurah, it is necessary to recite Shehecheyanu. And if you recite Shehecheyanu prior to saying Hallel, like Rabbi Shlomo of Vilna writes, it is possible that this would be effective even according to the Pri Chadash.28

Having now established the framework of Yom Ha’atzmaut as a modern-day festival carrying innate spiritual significance, Rabbi Rath explains that while this is a doubtful bracha, there is no concern for taking G-d’s name in vain when reciting even a doubtful Shehecheyanu because the foundation of Shehecheyanu is the inner joy of a person which itself validates the bracha. As such,

The above leads Rabbi Rath to state that:29

And if you recite Shehecheyanu prior to saying Hallel, like Rabbi Shlomo of Vilna writes, it is possible that this would be effective even according to the Pri Chadash.28

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20 Orach Chaim 676:1
21 Meiri commentary to Shabbat 23a.
22 In his commentary to Shulchan Aruch, Orach Chaim 676:1
23 Commentary to Orach Chaim 692:1
24 Mar U’Ketziah on Orach Chaim 692.
25 Rabbi Rath cites further support from the R. I Molcho as cited by the Birkei Yosef (OC 692)
26 See Biur Halacha on Orach Chaim 692 DH veshehecheyanu
27 See Sdei Chemed, Ma’arechet Chanukah Ch. 9 No. 3
28 Kol Mevaser Vol. 1 No. 21
What comes out from all this in terms of the law is that while it is not possible to require every person to recite the Shehecheyanu on Yom Ha’atzmaut, nonetheless whoever wishes to say the bracha may do so and there is no concern whatsoever of reciting a bracha in vain. Moreover, whoever knows within themselves that they are pleased and joyous from the event of establishing the State on that day that it was established as a festive day, then their bracha is obligatory, rather than merely optional. And it is proper to recite the Shehecheyanu just prior to saying Hallel, that is before the bracha of Hallel if you say Hallel with a bracha (which is permissible as I have proven above) or before the recitation of Hallel if you say Hallel without a bracha.

Comparing the responsa of Rabbis Uziel and Rath, it may seem that they reach similar, if not identical, conclusions. But upon closer inspection it is clear that they radically differ in their methodology. For Rabbi Uziel, the question of reciting Shehecheyanu on Yom Ha’atzmaut is a simple matter that requires no halakic innovation and it is a clearly codified halakha that we should praise G-d for the joy of our salvation and for redeeming us from death to life. No reference is needed to Purim or Chanukah, other than to explain that we recite Shehecheyanu even in situations when not every ending is as perfect as it could be, because the basis of Shehecheyanu is the inner joy, not the sanctity of the day.

Rabbi Rath, however, does not begin with the emotions of the people, but rather, the sanctity of the day, and in so doing he is compelled to explore the complex question of whether the days of Chanukah & Purim have their own innate spiritual significance. Rabbi Rath invokes Yiddish halakh - halakhic innovations, and he develops a bold argument that rests on the Meiir and Rabbi Emden. In doing so, he built a halakhic foundation for establishing Yom Ha’atzmaut as a festive day that carries religious significance, but one that would be strongly challenged.

IV. RABBI EHRENBERG’S RESPONSUM (5710-5712/1950-1952)

Already prior to Rabbi Rath penning his responsa, Rabbi Yehoshua Menachem Ehrenberg, a Hungarian Rav who later became the Av Beit Din in Tel Aviv, began publishing his position on the topic of reciting Shehecheyanu on Yom Ha’atzmaut in a number of installments in the Kol Torah journal.

The question to which he was replying began by explaining how many had ruled that Shehecheyanu should be recited in full, others were doubtful and instead ha Shehecheyanu was recited in a number of installments in the Kol Torah journal.

The first words of his reply already indicate the direction of his response, and he expresses great surprise about the entire enterprise of reciting Shehecheyanu on Yom Ha’atzmaut despite being supportive of the recitation of Hallel.

Even though I myself have explained… that it is a mitzvah to make a simcha and a festive day, and even to recite Hallel [on Yom Ha’atzmaut], where did anyone get the idea that it would be permissible to recite Shehecheyanu? Who said that [Yom Ha’atzmaut] is greater than Chanukah and Purim when, were we not to recite Shehecheyanu on the mitzvot that our Sages instituted for those days, we would not have made a [Shehecheyanu] on the essence of the day, as the Pri Chadash has explicitly written…

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29 Kol Mesevir Vol. 1 No. 21
30 Kol Torah 5710-5712. This responsa was published in full in Professor Nachum Rakover’s Hitbrot Yom Ha’atzmaut V’Yom Yerusalem pp. 239-253. It also appears, in a slightly amended form, in Rabbi Ehrenberg’s responsa Dor Yehoshua Vol. 2 No. 91.
It should be noted that neither does Rabbi Rath directly refer to Rabbi Ehrenberg’s responsa or vice versa. However, Rabbi Ehrenberg’s responsa demonstrates how there was already unease, and various different approaches concerning the recitation of Shehecheyanu from 5710 (1950).
31 The formula, which is recorded by the Chatam Sofer in his She’elot U’Teshuvot (Orach Chaim 156), was developed in response to a query from a Rabbi David Strouiz Katz who was unsure whether to recite Shehecheyanu when delivering his first sermon after having been appointed Av Beit Din. Since he was named David he said: יברך רבים ויאמר: עלי לי לחקל יום אחרון ויברך אין מלח שנשחת שתהא: día. Since then, this formula has been invoked for similar doubtful cases.
Rabbi Johnny Solomon

Rabbi Ehrenberg then cites the Mishna Brura and the Meiri, adding that ‘תוâu דצמא’ in the context of the recitation of Shehecheyanu, which was applied by Rabbi Ehrenberg to the recitation on Yom Ha’atzmaut. However, he continues to explain that the argument that Yom Ha’atzmaut carries its own spiritual significance as a day is untenable. This is because:

באמות אין נודע דיום סליק לעילא ואתי ואמר שביום ה’ באתר נעשה הנס וא ※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※※###

In truth, the case in point is in no way comparable to Chanukah. In that case, they established the days of Chanukah on those very days that the miracle occurred, and given this, the timing of the festival of Chanukah has significance just like the case in point is in no way comparable to Chanukah.

The decision was made for the rule of the British ended, they chose this day as a day to celebrate and to remember the miracle that was done for us at some previous time. As such, how can be recite ‘and has brought us to this time’ on this day?

Then, Rabbi Ehrenberg continues by explaining that:

איכא לומר דאינו קול לברך שמתענוג דלומ ק/gccן דך פארא תקוה לומרא in the discussion concerning Yom Ha’atzmaut, and as he then explains, the position of Rabbi Eiden is in conflict with a remark of the Rokeach. Given all the above, Rabbi Ehrenberg concludes that someone who recites Shehecheyanu on Yom Ha’atzmaut transgresses Bal To'af (adding onto the mitzvot), and in contrast with both Rabbi Uziel and Rabbi Rath, he states that when in doubt - such as in this instance - Shehecheyanu should not be recited.

It should be stressed that Rabbi Ehrenberg believed in celebrating the establishment of the State, and he even supported the recitation of Hallel on Yom Ha’atzmaut. However, he objected to the establishment of a festive day of celebration comparable to Purim or Chanukah because, while there is ample justification to celebrate on Yom Ha’atzmaut, this level of joy does not meet the necessary criteria for the recitation of Shehecheyanu.

V. RABBI GOREN’S RESPONSUM (5716/1956)

It seems that the discussion concerning the recitation of Shehecheyanu on Yom Ha’atzmaut went quiet for a few years. However, in 1956, Rabbi Shlomo Goren – who was then Chief Rabbi of the IDF – wrote a somewhat circuitous responsum on the topic which he published in the HaTzofeh newspaper.32

32 HaTzofeh, 4th Iyar 5716 (16th April 1956). This responsum was later republished as part of a longer essay titled Yom Ha’atzmaut L’Or Halachach in his book Torat HaMoadim.
While he made no direct reference to previous responsa on the topic, Rabbi Goren was clearly aware of the halakhic challenges posed by people like Rabbi Ehrenberg. As such, rather than focusing on the nature of the miracle celebrated on the 5th of Iyar, he sought to construct a more elaborate argument – basing himself on a nuanced reading of the Yerushalmi - to defend the notion of Yom Ha’atzmaut having innate spiritual sanctity.

Simply put, Rabbi Goren reaches a bold conclusion, based primarily on the above-mentioned Meiri, that the recitation of Shehecheyanu on Purim & Chanukah is a result of a dual duty – for the mitzvot performed on the days, and for the days themselves, concluding that:

We learn that even though it is a rabbinic duty [to recite the bracha], the duty to recite Shehecheyanu rests not only on the festive days of G-d that the Torah refers to as Mikra'i Kodesh, but also on rabbinic festivals on which Shehecheyanu should be recited, and [therefore, with reference to Yom Ha’atzmaut], even if this is not considered as a duty, at least let it be considered as something that is permitted to do.

However, because this is most certainly a חידוש הלכה, Rabbi Goren then provides a secondary reason that:

ואם אין זה זמן כמו ברגל, תהא זו ברכת ‘שהחיינו’ כמו על שמחת הנפש בכלים חדשים

If [the recitation of Shehecheyanu on Yom Ha’atzmaut] is not [comparable to] the Shehecheyanu recited on the Pilgrim festivals, it should be regarded as the Shehecheyanu recited for the inner joy felt when purchasing new items and other similar things.

But then, Rabbi Goren makes the following remarkable deduction:

ולכן כל יום טוב אחרי שנקבע ע”י הציבור כהודיה על נסי הבורא ונפלאותיו, שגאלנוogan ואגאל את ארצנו – מולדתנו מכל אויבינו הרבים, ואחר שנתבררה חובת התורה לקבוע יום טוב על נסים אלו וראשית קיום חזון גאולתנו, כל שקבוע לו זמן مدى שנה בשנה, חייבים

Therefore, every festival that has been established by the community as an expression of praise for the miracles of the Creator and for His wonders who has redeemed us and who has redeemed our land and our birthplace from all of our many enemies, and having established the duty to establish festive days for such miracles and specifically for the realisation of the vision of our redemption, whatever time that is established on an annual basis [for such celebration] demands (emphasis mine) that we recite the Shehecheyanu bracha, just like Chanukah and Purim on which [Shehecheyanu is recited] for the festive day itself.

This statement is startling. While Rabbi Goren had previously spoken about the permissibility of reciting Shehecheyanu on Yom Ha’atzmaut as a birkat hazon, while also providing a second reason that Shehecheyanu could also be recited on the day as a birkat boda’ah, here he is emphatic that even the first reason generates an obligation for Shehecheyanu to be recited.

Then, basing himself on the writings of the Noda BiYehuda34 to argue that it is always permitted to recite Shehecheyanu even if there is no obligation in doing so, Rabbi Goren concludes by stating that the obligation of reciting Shehecheyanu on the day of Yom Ha’atzmaut as a festive day depends on the inner joy of the individual:

The Halakhic sources obligate (emphasis mine) the recitation of the Shehecheyanu bracha while invoking the name of God on Yom Ha’atzmaut by all those who feel in their soul on this day the true joy of a festival.

33 This word was replaced with רשאים (are permitted) in later versions of this responsum
34 Tzlach on Brachot 60a. It should be noted that this analysis was removed in later versions of this responsum
35 This word was replaced withמאפשרים (allow for) in later versions of this responsum
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What this ruling points to is a blurring of the lines between two categories of Shehecheyanu which, ironically, Rabbi Goren himself had clearly distinguished, and as may have been expected, a firm reply to this responsum was not slow in coming.

VI. RABBI NERIAH'S RESPONSE TO RABBI GOREN'S RESPONSUM (5716/1956)

Just under three weeks later Rabbi Moshe Tzvi Neriah, a leading religious Zionist teacher and founder of the Bnei Akiva movement, wrote a reply to Rabbi Goren. Already from the opening line it is evident that Rabbi Neriah was not a fan of Rabbi Goren nor of his halakhic statements which he felt were often unsubstantiated. In fact, Rabbi Neriah stated that he didn’t actually wish to enter into a discussion on the question of reciting Shehecheyanu on Yom Ha’atzmaut. Instead, he explained that the purpose of his response was to highlight the contradictory arguments in Rabbi Goren’s ruling, and in particular, his claim that the recitation of Shehecheyanu on Yom Ha’atzmaut was obligatory. To do so, Rabbi Neriah addressed the two key sources that Rabbi Goren cited to support his conclusion.

In terms of Rabbi Goren’s citation of the Nodah B’Yehudah, Rabbi Neriah explained that - at best - the corollary of his remarks is that Shehecheyanu may be recited, as opposed to Rabbi Goren’s seeming exaggeration that ‘the Halakhic sources obligate the recitation of the Shehecheyanu bracha’.

Then Rabbi Neriah turned to the Meiri:

If we look closely at the second source to the Meiri on Tractate Megillah and see there the continuation of his words, it is clear that not only did the Meiri disagree with this position and disqualify it completely in relation to Purim, but he also revoked what he seemed to conclude upon in [his commentary to] Tractate Shabbat in relation to Chanukah.

Simply put,

The Meiri established that Shehecheyanu doesn’t refer to the day itself, and that his previously cited opinion is incorrect.

Moreover, as Rabbi Neriah continues to explain, even if we are to take the Meiri’s initial approach, would it really mean that someone who neither lights Chanukah candles nor sees them lit should recite Shehecheyanu? As he points out, it is clearly evident from the Rambam and Shulchan Aruch that this is not the case, and the Magen Avraham explicitly rejects such a conclusion clearly implying that these authorities reject the notion that either Purim or Chanukah have independent sanctity aside from the mitzvot performed on the day.

He therefore concludes by saying,

How is it possible to come and establish that the Shehecheyanu blessing “on Chanukah and Purim is on the festive day itself” – an opinion that even the single source that he quoted reversed and revoked? And how it is possible to render a halakhic ruling on the basis on this opinion that conflicts with the opinion of the Rambam and the Shulchan Aruch? Only Rabbi Shlomo Goren has answers!

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36 This response was published in HaTzofeh, 23rd Iyar 5716 (4th May 1956) and was republished with slight variation in Professor Nachum Rakover’s Hilchos Yom Ha’atzmaut V’Yom Yerushalayim pp. 266-267.

37 It should be added that a further challenge of Rabbi Neriah is the fact that the rationale offered by the Nodah B’Yehudah refers to a single instance, as opposed to supporting the recitation of Shehecheyanu on an annual basis.

38 Mishnah Torah, Chanukah 3:4
39 Orach Chaim 676:3
40 Magen Avraham, Orach Chaim 692:1
Considering the response of Rabbi Neriah, it is clear that this is both a scholarly and personal attack on Rabbi Goren, and in doing so, he convincingly demonstrates that the reasoning supporting the recitation of Shehecheyanu on Yom Ha’atzmaut as a birkat hazman is faulty. At the same time, it is noteworthy that Rabbi Neriah makes no mention of the Shehecheyanu blessing as a birkat hoda’ah which, to quote Rabbi Uziel above, ‘is a clearly codified halakha’. Yet, as we see in the responsa of both Rabbi Rath and Rabbi Goren, Shehecheyanu as a birkat hoda’ah was merely a secondary consideration and instead, the agenda to establish Yom Ha’atzmaut as a festive day with all its religious significance led both Rabbi Rath and Rabbi Goren to develop a far less convincing halakhic argument. It is the opinion of this author that it was this choice, coupled with the poorly constructed and perhaps one may even say intellectually dishonest argumentation of Rabbi Goren whose responsum was lambasted in such a forceful way such that he made a number of changes to it in later editions, that led to the almost complete erasure of the Shehecheyanu bracha from public Yom Ha’atzmaut ceremonies.

VII. RABBI HEDAYA’S RESPONSUM (5719/1959)

Rabbi Ovadia Hedaya was a Kabbalist as well as a Dayan & Chief Rabbi of Petach Tikvah, and in the sixth volume of his responsa Yaskil Avdi he addresses the question of reciting Shehecheyanu on Yom Ha’atzmaut. Like Rabbis Rath, Ehrenberg and Goren, Rabbi Hedaya focuses on the halakhic basis of Yom Ha’atzmaut as a festive day and the consequent possibility of reciting Shehecheyanu, and perhaps as expected, he begins with a detailed analysis of Eruvin 40b. However, Rabbi Hedaya swiftly comes to the conclusion, with the support of the Pri Chadash, that Shehecheyanu as a birkat hazman can only be recited in association with a physical pleasure (such as a new fruit) or spiritual pleasure (such as a mitzvah), but not simply to commemorate a miracle, and then, in a similar manner to Rabbi Ehrenberg, Rabbi Hedaya explains that Yom Ha’atzmaut does not itself commemorate a miracle. Instead,

בעצם היום ההוא של ההכרזה על המורדים לא אירע שום נס

On that very day of the declaration of the State, no miracle occurred whatsoever

Moreover, Rabbi Hedaya adds that,

ראורבו עב ביוו משתודר לטרם ציב על הנכבד המורדים. חורב גולא על שפ ים שיריא, זמיחו שלח מבצלתנו

On the contrary! It was on that very day when the declaration of the State was made known to the Arab nations that they all gathered upon the Jewish nation and initiated war upon us

Like Rabbi Ehrenberg, Rabbi Hedaya explains that if a day were to be chosen for celebrating, this would be the day of ceasefire, or the 17th of Kislev when the UN granted permission for the State to be established which itself was certainly a divine miracle. As such, given that Shehecheyanu focuses on the time, and given that no obvious miracle occurred at this time, Rabbi Hedaya concludes that Shehecheyanu should not be recited.

VIII. RABBI (SHAUL HANA) KOOK’S RESPONSUM (5723/1963)

From the earliest years of the State there were those who believed that Shehecheyanu should not be recited and that alternatives should be used, and by the early 1960’s the discrediting of Rabbi Goren’s responsum, along with those of Rabbis Ehrenberg & Hodaya which undermined the reasoning of Rabbi Rath’s ruling led many to question the propriety of reciting Shehecheyanu on Yom Ha’atzmaut. Simply put, if the rationale

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41 It should be noted that this argument also undermines the reasoning of Rabbi Rath, and as we see in later rulings, he too is criticized for his partial citation of the Meiri. Nonetheless, as Rabbi Neriah explained, his agenda was solely to highlight the failings in Rabbi Goren’s responsum.
42 I say this purely with reference to Rabbi Goren’s corollary that the recitation of Shehecheyanu should be a chiyuv rather than a reshut.
43 See footnotes 33 & 35 above
44 She’elot UTeshuvot Yaskil Avdi Vol. 6 Orach Chaim No. 10
for reciting *Shhecheyanu* was wrong, a clear corollary was that the recitation of the bracha itself was wrong, and therefore, any such recitation would be a *bracha levatala* (a blessing in vain). However, there remained many people who were attached to the recitation of *Shhecheyanu* on Yom Ha'atzmaut, regardless of the debate surrounding its usage.

The question posed by Rabbi Shaul Hana Kook, brother of the famous Rabbi Avraham Yitzchak Kook, was how to reconcile the yearning to recite the bracha, with the challenges that this is a *bracha levatala*? Rabbi Kook begins by citing a unique formulation, originally found in the writings of the *Chatam Sofer*, to suit doubtful *Shhecheyanu* cases. However, he then explains that:

רבים הם החכמים שאינם מסכימים לנוסח הנזכר, ושני הצדדים מחייבי ברכת 'שהחיינו' בחג העצמאות ושוללי הברכה, לא נחה דעתם מפשרה זו.

There are many scholars who do not agree to using this above-mentioned formula, and both sides – those who require the recitation of *Shhecheyanu* on Chag Ha'atzmaut and those who dismiss the recitation of this bracha – are uncomfortable with this compromise solution.

Given this, Rabbi Kook offers a fascinating solution. Referring to the *Yerushalmi*, Rabbi Kook suggests that the *Shhecheyanu* bracha can be recited if followed immediately with words *Baruch Shem Kavod Malchuto LeOlam Va'ed* after saying the *Shhecheyanu* bracha because, by doing so, these words counteract the transgression of taking G-d's name in vain.

However, despite the creativity of this solution, it did not stick. Nonetheless, it was from this period onward that the question of the *bracha levatala*, more than any other element of the discussion, took priority, thereby sowing the seeds of the impropriety of reciting this bracha even further.

**VIII. RABBI YOSEF’S RESPONSA (5724/1964, 5733/1973)**

In 1964, as part of a longer responsum concerning the permissibility of women reciting *Shhecheyanu* when performing positive time-bound mitzvot, Rabbi Ovadia Yosef - who, at the time, was a Dayan in a Jerusalem Beit Din – addressed the appropriateness of reciting *Shhecheyanu* in cases of doubt, and in a parenthetical remark, he touches on this question.

Rabbi Yosef had previously asserted that the rule of *safek brachot lehakel* – the principle that a doubtful bracha should not be recited - applies even with respect to *Shhecheyanu*, and as such, he challenged the conclusions of Rabbi Rath while invoking support by citing the conclusions of Rabbi Hedaya.

Moreover, while mentioning a possible work-around offered by the *Chida* that wearing a new piece of clothing could enable someone to recite *Shhecheyanu* in doubtful cases, he rejects this option, noting that the *Chida* rules elsewhere that *safek brachot lehakel* applies even with respect to *Shhecheyanu*.

However, it is his responsum written in 1973, the same year that he was appointed Sephardic Chief Rabbi of Israel, which is most significant to this debate.

As with his previous responsum, Rabbi Yosef addresses the recitation of *Shhecheyanu* on Yom Ha'atzmaut as a *birkat hazman*, and as such, a key text to the debate is *Eruvin* 40b and the surrounding discussion about the sanctity of the day of rabbinic festivals like Purim & Chanukah.

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45 See above footnote 31
46 *Yerushalmi* Brachot 6:1 (43b)
47 As he notes, this is how the Mahari Ibn Habib interprets the invocation of ‘Baruch Shem etc.’ when saying two brachot when laying tefillin (see *Beit Yosef*, Orach Chaim 25)
48 It should be noted that the responsum is undated. However, this volume was published in 1964.
49 *She’elot UTeshuvot Yabia Omer* Vol. 4, Orach Chaim 50 section 5
50 *Birkei Yosef*, Yoreh Deah 270
51 *Birkei Yosef*, Orach Chaim 643
52 *She’elot UTeshuvot Yabia Omer* Vol. 6, Orach Chaim 42. It should be noted that the responsum is undated. However, this volume was published in 1973.
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Through a lengthy and detailed discussion, Rabbi Yosef reiterates the point made by Rabbi Neriah that the Meiri—upon which many authorities such as Rabbi Rath had relied—revised his position concerning the innate sanctity of Purim & Chanukah. Moreover, he also adds that the opinion of the R. I Molcho which was recorded by the Chida and cited as a further source by Rabbi Rath to support his conjecture, was itself rejected by the Chida.

This leads Rabbi Yosef to the conclusion that:

Therefore, regarding [Rabbi Rath’s] reliance upon his responsa Kol Mevaser (Siman 21) in absolute terms regarding the rectification of the Shehecheyanu bracha, based on this they permitted the recitation of Shehecheyanu on Yom Ha’atzmaut, and as such some other scholars of our time relied on this opinion, the fact is, as I have explained based on the rulings of the Rishonim and Acharonim cited, according to the true voice of the prophets who have ruled that the principle of safek brachot lehakel does apply to Shehecheyanu, certainly one should not rely upon the ruling of the Kol Mevaser to rectify a bracha in vain G-d forbid, neither in the case of Shehecheyanu, nor in the case of Hallel, especially given the known severity of reciting a bracha levatala.54

IX. RABBI HALEVY’S RULING (5729/1969)

Others, however, took a different view, and like his mentor Rabbi Uziel, Rabbi Hayyim David Halevy, who in 1969 was a Rabbi in Rishon LeTzion and a member of the Chief Rabbinate Council, disagreed with this conclusion.

In his book Dat U’Medinah, Rabbi Halevy explores a number of questions including the topic of reciting Shehecheyanu on Yom Ha’atzmaut, and having just discussed the question of reciting Hallel on Yom Ha’atzmaut he writes that:

Regarding the recitation of Shehecheyanu, which is much simpler to address [than the previous complex analysis concerning the recitation of Hallel] it does not require a deep analysis, and based on what we have previously explained in Volume 2 of ‘Mekor Chaim’ in Ch. 92, that ‘in instances where there is a doubt whether a person is duty-bound to recite the Shehecheyanu bracha or not, even though it is a clear rule with all other brachot that safek brachot lehakel, in the case of the Shehecheyanu bracha whose entire expression is rooted in the inner joy of a person, certainly a person can recite the bracha if they are truly joyous, and they can recite a bracha to the blessed G-d on bringing him for keeping him alive and for sustaining him until this time’.

He then rules that:

Although, it should be noted, he does not refer to him directly

In fact, it is reported in Orchat Maran p. 376 that not only did Rabbi Yosef strongly object to the recitation of Shehecheyanu on Yom Ha’atzmaut, but he also ruled that one should not respond Amen to such a bracha.

He rules that Hallel with a bracha should be recited on both Yom Ha’atzmaut and Yom Yerushalaim.

Dat U’Medinah p. 102
Rabbi Johnny Solomon

It is therefore clear that someone who recites Shehecheyanu on the 5th and 28th of Iyar as an expression of their feelings of true joy is doing a mitzvah, and certainly there is no concern for a bracha levatala whatsoever.\(^{56}\)

As should be clear, Rabbi Halevy’s presentation about Shehecheyanu focused on its dimension as a birkat boda’ah, and as discussed in a previous essay,\(^{59}\) he was insistent on emphasizing the personal dimension of the Shehecheyanu bracha.

X. RABBI SHLOUSH’S RULING (1976)

Yet, despite both Rabbi Uziel and Rabbi Halevy’s conception of Shehecheyanu as a religious expression of personal joy, the debate surrounding Yom Ha’atzmaut as a religious day, and the consequent attempt to establish the recitation of Shehecheyanu as a chiyav – a religious requirement – did not lead to the desired results. This, coupled with the strong criticism by Rabbi Neriah of Rabbi Goren’s ruling, as well as the weight placed on the opinion and authority of both Rabbi Hedaya and specifically Rabbi Yosef, all but silenced the debate.

In 1976, Rabbi David Shloush, the then Chief Rabbi of Netanya, published a lengthy essay concerning the nature of religious celebration of Yom Ha’atzmaut and including a section about Shehecheyanu.\(^{60}\) As expected, he discusses Emunin 40b as well as the responsum by Rabbi Hedaya, and he then concludes by stating that

לקפ איה הענוה וחינה בכל הדן וראים ויעשר לברוך עליך ושלום.\

Therefore, the best advice I can give is to put aside a new garment or a new fruit [for Yom Ha’atzmaut], and to recite on it Shehecheyanu, and at the same time, to intend that this [bracha] also will apply to the day.

To this author’s knowledge, no suggestion such as this had previously been made.\(^{61}\) However, since then, other authorities and texts have made the same suggestion of wearing a new piece of clothing to enable the recitation of Shehecheyanu on Yom Ha’atzmaut.\(^{52}\)

XI. CONCLUSION

The story of the recitation of Shehecheyanu on Yom Ha’atzmaut began in Independence Hall in 1948 when Rabbi Maimon was overwhelmed with a sense of joy and gratitude, or what we may refer to as simchat halev, and he expressed his joy through reciting the Shehecheyanu bracha to which there was a resounding Amen.

Since then, as emotions towards the State of Israel have developed, so too have opinions concerning that Shehecheyanu and its recitation on subsequent years. For some, Shehecheyanu was the visible expression of the formalization of a rabbinic festive day on par with Purim & Chanukah, while for others including those who fully supported the State and believed in celebrating on Yom Ha’atzmaut, this was a step too far. As such, what we see played out in the responsa is not only a battle about a blessing, but in fact a battle about the nature of Yom Ha’atzmaut.

\(^{57}\) It is noteworthy that Rabbi Halevy encouraged the recitation of Shehecheyanu both on Yom Ha’atzmaut and Yom Yerushalayim. Additionally, while reaching a different conclusion, Rabbi Shloush also makes mention of Shehecheyanu on Yom Yerushalayim (She’elot U’Teshuvot Hemdah Genizah Vol. 1 No. 21 section 74). This should be contrasted with Responsa Bemareh HaBaza Vol. 7 No. 45 which states that they were unaware of any discussion of reciting Shehecheyanu on Yom Yerushalayim.


\(^{59}\) See She’elot U’Teshuvot Hemdah Genizah Vol. 1 No. 21 sections 72-74.

\(^{60}\) See Penimi Halacha (Zmanim) p. 84. See also ‘The Koren Yom Haatzmaut Mahzor’ p. 48 which includes guidelines on this issue written by Rabbi Binyamin Lau. While mentioning the opinions of Rabbi Rash and Rabbi Halevy, and while also noting that others have challenged these opinions, the guidelines conclude that ‘if one wishes to honor the day and still adhere to the opinion above, one may wear a new item of clothing and recite Shehecheyanu over the clothing, whilst having the day in mind as well. A Hazan leading a congregation in prayer should bless Shehecheyanu on his new clothing before Hallel, so that the congregation can fulfill this mitzvah by answering Amen.’

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Certainly, the 5th of Iyar was a historic day. But the question raised by those like Rabbi Ehrenberg and Rabbi Hedaya is whether it was a miraculous day as well? And certainly one should feel pride and joy for the establishment of the State of Israel, but the question raised by those like Rabbi Neriah is whether Shehecheyanu should be an obligatory bracha? From my research it seems that the intent to establish a festive day on par with Purim & Chanukah led people like Rabbi Goren to overstretch the birkat hazman dimension of the Shehecheyanu bracha, and this led to the further marginalisation of Shehecheyanu on Yom Ha'atzmaut.

As I have explained elsewhere, it is deeply regrettable that our misunderstanding of Shehecheyanu has led to its misuse and marginalization, and in the case of Yom Ha'atzmaut as celebrated today, few communities recite Shehecheyanu, and in the few places that do, many use the round-about way of wearing a new piece of clothing or having a new fruit to create the opportunity for its recitation. However, like Rabbi (Shaul Hana) Kook’s suggestion, such an action conveys a conflicting message, whereby while Shehecheyanu is being recited on Yom Ha'atzmaut, it is being recited neither as a birkat hazman or a birkat hoda'ah for Yom Ha'atzmaut.

But, at least according to this author, it needn’t have come to this. For Shehecheyanu to be authentically recited on Yom Ha'atzmaut there was no need for the establishment of a festive day like Purim or Chanukah. Instead, all that was required were authentic feelings of simchat halev.

Beyond this, what we see from the above is a fascinating debate about the miracle of the State of Israel, and while some take the view that the 5th of Iyar itself is not a day of spiritual significance, others believe that the miracle of the existence of the State is sufficiently supernatural to warrant the recitation of Shehecheyanu, and that the 5th of Iyar is an appropriate day to do so.

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63 See my article titled ‘The Shehecheyanu Blessing’ Conversations, Issue 26 (Autumn 2016/5777)
64 See Responsa Bemareh HaBzak Vol. 7 No. 45