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Parashat Acharei Mot-Kedoshim 5772 - #230

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## On Yom Ha-Atzmaut... Hallel on Yom Ha-Atzmaut

[Sefer Be-Ahavah U-Be-Emunah vol. 1 #112]

Question: Should we recite Hallel with a blessing on Yom Ha-Atzmaut?

Answer: We derive the answer to this question from what our Sages say about reciting Hallel on Purim. They explain that Hallel is not recited on Purim for three reasons (Megillah 14a): 1. The miracle of Purim occurred outside of the Land of Israel (this reasoning does not, however, apply to Pesach which occurred before we even arrived in the Land of Israel). 2. After the miracle, we were still slaves to Achashverosh. It is thus not logical to recite the verse from Hallel: "Praise, servants of Hashem." 3. The reading of the Megillah takes the place of reciting Hallel.

So it seems straightforward regarding Yom Ha-Atzmaut: its miracle occurred in the Land of Israel in which we are servants to Hashem (and not to the non-Jews), and it has no Megillah reading in place of Hallel. Rabbenu Tam (one of the Tosafot), however, established that Hallel is only recited on a miracle which occurred for the entire Jewish People (Tosafot, Pesachim 117a). If the miracle did not occur for the entire Nation, Hallel should be recited without a blessing. The Meiri and the Chida (Shut Chaim Sha'al) also hold this way. The Rogotchover Rebbe explains that this is the reason that Chizkiyahu, King of Yehudah, did not sing a song of praise after the fall of Sancheriv, since the miracle did not occur for the entire Jewish People (a number of the tribes were already exiled). Accordingly, one does not recite Hallel with a blessing for a miracle which occurred only for those who dwell in Zion. In truth, however, the "Entirety of the Jewish People" means the Nation who dwells in the Land of Israel. Jews who dwell in Exile are dangling limbs who we pray will return to us. In his article "Reciting Hallel on the holiday of Ha-Atzmaut" (The Laws of Yom Ha-Atzmaut and Yom Yerushalayim, p. 146), Ha-Gaon Ha-Rav Shlomo Goren proves this idea from the Gemara. He points to a discussion concerning "[A matter] overlooked by a community": If the Sanhedrin was mistaken in a ruling and the community followed them, there is an obligation to bring a sacrifice for sinning. Who is this community? Those who live in the Land of Israel. This is based on a verse in the Book of Melachim (1 8:65) which refers to the Jews in Israel as "all of Israel": "And at that time Shlomo held a feast for all of Israel with him, a great congregation, from the entrance of Chamat to the Wadi of Egypt, before Hashem our G-d" (Horayot 3a). The Rambam emphasizes that all of our holidays exist only in the merit of there being Jews in the Land of Israel. If it could be imagined that there were no Jews there at all, the entire order of the holidays would collapse, something which would never occur, G-d forbid, because of the divine promise to always have some Jews living in the Land of Israel (Sefer Ha-Mitzvot positive commandment #153). The Chatam Sofer adds that those who dwell in the Land can even be ordinary people

such as vinegrowers and farmers (Shut Chatam Sofer, Yoreh Deah #134). The strength of the Nation of Israel living in the Land of Israel can also be seen in the Rambam ruling that in theory there could be an agreement among the Sages to renew "Semichah" (ordination which Moshe received from Hashem and was passed on through the generations until the Romans prohibited it with capital punishment) and the Sanhedrin (the Jewish Supreme Court), "provided that this will occur in the Land of Israel" (commentary on Mishnah Sanhedrin, chap. 1).

Another proof is provided by Chanukah. Despite the fact that at the time of the Chasmonean victory a majority of the Jews were outside of Israel, they nevertheless recited Hallel. There are those, however, who reject this parallel arguing that Chanukah was a deliverance of the entire Nation of Israel because the Chasmonean victory against the Hellenists and the rededication of the Temple affected the entire Nation. But one can respond: The establishment of the State of Israel also affects the entire Nation! Our Rabbis teach: "The sole difference between this world and the Days of the Messiah is the servitude to the nations" (Berachot 34b). In other words, in this world, the non-Jews tell us what to do, but in the Days of the Messiah we will decide for ourselves. If so, doesn't the establishment of the State, which enables us to decide matters for ourselves, have a direct connection to the Days of the Messiah? Does this concern the entire Nation of Israel? – It certainly does!!

It once happened that a delegation from the Religious Kibbutzim met with the Chief Rabbi of Israel, Ha-Gaon Rav Yitzchak Nissim, and asked why the Chief Rabbinate ruled to recite Hallel without a blessing. He responded in earnest the Chief Rabbinate needed to do this in order to avoid increasing disputes amongst the Nation of Israel. It is better, he reasoned, that a majority recite Hallel without a blessing than a minority with a blessing, i.e. if we rule that Hallel should be recited with a blessing only a minority of the people will accept this ruling, whereas if we rule the opposite the majority will follow. The delegation then asked him: What about one who wants to recite it with a blessing? He responded: A blessing will come upon him. Ha-Gaon Rav Shlomo Goren had already ruled that Hallel should be recited on this day with a blessing.

Baruch Hashem – Blessed is Hashem, we therefore merit saying Hallel on Yom Ha-Atzmaut *with* a blessing.

Rav Aviner in the News...

Don't Protest Expulsion from Beit El Homes

[www.theyeshivaworld.com/news/Israeli+News/124726/Rav-Aviner:-Don%E2%80%99t-Protest-Expulsion-from-Beit-El-Homes.html](http://www.theyeshivaworld.com/news/Israeli+News/124726/Rav-Aviner:-Don%E2%80%99t-Protest-Expulsion-from-Beit-El-Homes.html)

[The Ulpana neighborhood in Beit El has been inhabited for 13 years. The Residents purchased their homes legally, with government-subsidized bank mortgages. Government agencies funded the construction and infrastructure of the community. But now the neighborhood has been declared illegal by the Bagatz - the High Court of Justice - for being on private Arab land, and there is a chance that it will be destroyed.]

Rav Shlomo Aviner Shlita, a posek in the Dati Leumi community and resident of Beit El is quoted as telling the Tzibur that he will not take part in any protests against such a move should it be actualized, Chas Ve-Shalom. The plan calls for expelling families from five apartment buildings, each home to six families.

News1 quotes the Rav, who during a Friday night Drashha said that if security forces are sent to remove the families from their homes, he would not take part in a protest. Rav Aviner did not - Chas Ve-Shalom - side with such a plan, but explains that even if the government moves ahead with this “evil act”, we are compelled “to lose with honor”. He cites three reasons for his Hashkafah: 1. A protest is designed to influence others, primarily decision-makers and this is not relevant in this case. 2. Another reason for a protest is to instill fear in the other side, and this too is not applicable, as demonstrated by past expulsions. “The IDF is not afraid of tens of thousands of Jews or 30 million Arabs.” 3. A protest is to express one’s dissent, and this picture, one of Jews opposing Jews is not the sight we wish to send to the international media.

## Rav Aviner on... The Traffic Laws

[Be-Ahavah U-Be-Emunah – Tazria-Metzora 5772 – translated by R. Blumberg]

Question: Does violating the traffic laws also constitute a Halachic violation of Torah law?

Answer: Certainly, and this is for two reasons, either of which would suffice. The first is Pikuach Nefesh, preserving life. After all, the traffic laws are not laws someone made up just like that. They are international laws (as is, incidentally, our traffic-light system, which is kept in sync with international instructions). Were this not the case, we could not belong to the international body that governs traffic. These are things that were investigated very well in order to increase safety.

In our country, several hundred people a year are killed in traffic accidents. In other words, we’re talking about a total that reaches several times the number killed in all of Israel’s wars, and by terror.

A Torah scholar wrote an article entitled, “Our Country’s Number Two Enemy”. He explained, “The country’s number two enemy is the Arabs. Its number one enemy is traffic accidents.”

Violating the traffic laws is dangerous! Don’t be a wise guy and say, “It’s not dangerous. I see no danger involved, and the fact is that I have violated the traffic laws and nothing happened to me.”

It is dangerous! It’s been examined objectively. Obviously, I’m not saying that everyone who breaks the traffic laws will have an accident, but in law, the principle of generalization holds, or in Aramaic, “Lo Pelug” – “We don’t distinguish regarding exceptions.” This, then, is the first reason: preserving life.

The second reason is the authority of the laws of the State. A person has to fulfill the country’s laws even according to Torah law, and this for three reasons:

1. Dina De-Malchuta Dina - “The State’s laws are binding”. This principle, by the way, applies even outside the Land of Israel. If someone lives in England, he is bound by the laws of England, and if he doesn’t like them, he should leave England. Obviously, in our own country, Israel, we won’t tell a Jew that if he doesn’t like the laws he should leave the country... but in any event, the principle of Dina De-Malchuta Dina is binding.

2. Tuvei Ha-Ir [town notables. Bava Batra 8] - In other words, the principle that elected officials are authorized to enact municipal laws, and these laws bind everyone. There is no difference between city officials and national government officials.

3. Monarchic Authority. It is true that today we have no king, but Maran Ha-Rav Avraham Yitzchak HaCohain Kook proves in a long Teshuvah in Shut Mishpat Cohain that some of the king's authorities are transferable to any agreed-upon leadership, i.e. the Israeli Government. It is therefore permissible for the government to send soldiers to war, without being guilty of murder. They are also allowed to collect taxes without being guilty of theft.

These three concepts, in addition to the requirement to preserve life, explain why we must adhere to the country's traffic laws.

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