

Yom Tov Sheini: Reasons and Relevance

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The Halakhic Cost of *Yom Tov Sheini*

Almost half of the thirteen Jewish holidays in which work is abjured are mandated by the rabbinical decree or the custom¹ of *Yom Tov Sheini Shel Galuyot* (“YTSG,” second day of holiday in diaspora)—not a direct Torah prohibition. YTSG was originally mandated because there was uncertainty as to the proper day of Yom Tov. That uncertainty has not existed since the calendar became fixed.² Nevertheless, the Sages ruled that the observance of YTSG continue. On first impression, the high halakhic and economic cost of YTSG appear to tower over the theological benefit. Consider how far *Hazal* went to establish *Yom Tov Sheini*:

- The positive command of putting on *tefillin* is abrogated on the last day of each holiday.
- *Kiddush*, *hadlakat neiros*, *Yom Tov Amidah*,³ and the blessings for *matzah* and *maror* on Pesah are recited on both days despite the prohibition of reciting a blessing in vain.

¹ There are several positions on the nature of the obligation to observe YTSG. Rambam, as explained by the *Lehem Mishneh* (Rav Avraham Khiyya de Boton (c. 1560–c. 1605) says that it is a *minhag* and when *Hazal* mandated to observe that *minhag*, it became a rabbinic enactment (*Hilkehot Talmud Torah* 6:14). Rabbeinu Tam said that it is a *minhag*, and there are certain *minhagim* over which blessings are made. (*Tosafot*, *Sukkah* 44b, *d”h Kan*). Rabbeinu Zerahiah ben Yitzhak ha-Levi Gerondi (the Rezah or Baal ha-Maor, 1115–c. 1186) states that it is a great *minhag* that has spread throughout the entire diaspora (*Pesahim*, *Dappei ha-Rif* 17a). Rabbeinu Nissim (Ran) (*Sukkah* 22a, *d”h Itmar*) and Ritva (*Rosh ha-Shanah* 18a) maintain that the primary reason is that it is a *takanah* because of *kilkul*. The author of *Sefer ha-Hinukh* states that it is because of *minhag*, see *Mitzvah* 301, *d”h Yesh Omrim*. The *Hatam Sofer* believes that it is a *minhag* which the nation accepted upon itself as an oath (*Responsa Hatam Sofer*, *Orah Hayyim* 145).

² Established by Hillel II, great-grandson of Rabbi Yehudah ha-Nasi (Rabbeinu ha-Kadosh), and his court in the year 359 CE.

³ *Shabbat* 23a.

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- The *She-heḥyanu* blessing, meant for the first night of the holiday, is recited at the end of *Kiddush* on both nights. One of those blessings is technically not correct.
- *Havdalah* is not recited after the first day of Yom Tov,⁴ so that one does not come to disrespect YTSG.
- With few exceptions, there is little difference between the first and second day of Yom Tov.⁵

Background

Originally the new month was proclaimed on the basis of eyewitness testimony before *Beit Din*⁶ in Jerusalem. By sanctifying the new month, *Beit Din* also set the day of Pesah and Sukkot⁷. To spread the news, fire signals were lit on a series of mountaintops until the information reached the diaspora.⁸ This practice was ended in response to sabotage by those who were antagonistic to the Jewish religion.⁹ The fire signal system was then replaced with a messenger system. Wherever the messengers reached, people would celebrate the holiday for one day. Places that were too far for the messengers to reach within ten days, observed two days because of uncertainty (*safek*),¹⁰ since they did not know which day *Beit Din* had sanctified as the beginning of the month and by extension, which day is Yom Tov.

When Jewish communities began to observe Rosh Ḥodesh and the *Yamim Tovim* based on fixed calendrical calculations, the observance of *Yom Tov Sheini* was no longer based on uncertainty. Nevertheless, the Sages from Eretz Yisrael (EY) sent to the Jews of the diaspora that they should continue to keep the custom of their forefathers because of the fear of *kilkul*, meaning that an anti-Jewish government may issue a decree against Torah study that would lead to the loss of the knowledge

⁴ Rashba and *Hidushei ha-Meiri*, *Beitzab* 4b; Ritva, *Sukkah* 47a.

⁵ Exceptions pertaining to the second day include certain laws associated with *kevirah* and *holeh sh'en bo sakanah*. Another difference would be *milah she-lo bizmano* (circumcision that was postponed past the eighth day) on YTSG according to Rambam, Semag, Kol Bo, Shakh, and the Bartanura. Rosh and others don't hold that way.

⁶ *Rosh ha-Shanah* 21b–25b.

⁷ It was unknown when the new moon would be witnessed and if a given month would have 29 days or 30 days and which day would be Rosh Ḥodesh.

⁸ *Rosh ha-Shanah*, chapter 2, mishnah 2–4.

⁹ *Ibid.*

¹⁰ Rambam, *Sefer Zemanim, Hilkebot Kiddush ha-Ḥodesh* 3:11.

necessary to do the calendrical calculations. That persecution would cause them to make a mistake in designating the correct day of the holidays. This is detailed in *Beitzab* 4b. The Gemara asks:

And now that we know the determination of the first day of the new month, what is the reason that we observe two Festival days in the Diaspora? Because they sent a warning from there, from Eretz Yisrael: Although now there is a fixed calendar and there is no uncertainty, **be careful to observe the custom of your fathers that you received,** because **at times the monarchy will issue decrees** of persecution restricting Torah study and the fixed calendar may be forgotten. **And** the people will **come to** have their proper observance of the Festivals **be disrupted** again.¹¹

A simple understanding of the Talmudic text seems to indicate that the reason to continue observing two days¹² is as a precaution in case *Bnei Yisrael* are unable to calculate when the new month begins, and as a corollary, know when Yom Tov is.¹³ Read more broadly, an additional reason may be keeping up a custom or a rabbinic decree that cannot be abrogated even though it is no longer relevant.¹⁴

¹¹ *Beitzab* 4b, Koren translation.

¹² Earlier, the Talmud records a dispute between Rav and Rav Asi which appears to center around whether the two days of Yom Tov are one *kedushah* or two separate *kedushos*. (All agree that the two days of Rosh ha-Shanah are one *kedushah*). The halakhah as recorded in *Mishneh Torah* (*Hilkebot Yom Tov* 1:24) is that it is two *kedushos* and the *Shulhan Arukh* (*OH* 513:5) follows Rav with the implication that it is two separate *kedushos*. However, Rabbeinu Eliezer ben Natan of Mainz (Ra'avan, 1090–1170) stated in accordance with the Sages of Mainz that YTSG is not due to uncertainty (after calendar established) but because of *minhag*, adding that both days are now “one holiness” (*Sefer Ra'avan* 419, *Beitzab* 4a and b).

¹³ This reason is brought down by the *Mishnah Berurah*: “Even though we are expert in calculating the month based on the calculations that are in our hands. Nonetheless, the *Hakhamim* were concerned that maybe because of the many persecutions and wanderings from place to place in exile the calculation will be forgotten and they will come to render a short month (*haser*, a month of 29 days) as a full month (*malei*, a month of 30 days), or a full month out of a short month and end up eating *hametz* on Pesah. They therefore left it that outside EY they would conduct the calendar as in earlier days (i.e., two days outside EY)” (*Mishnah Berurah*, *OH* 495.1).

¹⁴ Rambam, *Hilkebot Mamrim* 2:2–3 states that a *beit din's gezeirah* or *takanah* cannot be upended by a subsequent *beit din* unless the second *beit din* is greater in wisdom and numbers. Rambam further states that this applies even if the original reason no longer applies. *Kesef Mishneh* (Rav Yosef Karo) asks why the previously noted

Several questions arise. First, why in the face of great halakhic and economic cost did *Hazal* insist on the continuation of YTSG when there was a time when it could have been abrogated?¹⁵ Second, why is there concern for *kilkul* in the diaspora and not in Roman-occupied Eretz Yisrael? Third, from a historical perspective, how often did the Jewish situation deteriorate to the point that they no longer could know the proper day for Pesah or Sukkot? Also, why is this unlikely scenario of *kilkul* or the “*minhag* of our fathers” a sufficient reason to increase the amount of

text in *Beitzab* 4b does not simply state that the previous decree of YTSG cannot be eradicated—even if the original reason is no longer true—because there is no *beit din* of greater wisdom and numbers to upend it? Why was it necessary for the Sages of EY to specifically direct the diaspora to continue the practice? *Kesef Mishneh* answers that perhaps the initial *takanah* was predicated on the premise that should they be able to determine based on calendrical considerations, the original decree would no longer apply and accordingly it was necessary for the Sages of EY to message the diaspora that it should continue.

¹⁵ See *Kesef Mishneh* on Rambam, *Hilkebot Mamrim* 2:2–3. A further analysis of why at times decrees are upended because the original decree no longer applies is beyond the scope of this paper. However, there are times decrees are rescinded if their original reason is no longer in effect if there is counter-pressure from an abrogated *mitzvah* (in this case that may apply to *tefillin* and proper *berakhot*). Examples of decrees that were changed because their original reason no longer applies include the prohibition of drinking *mayim giluyim* (revealed water), clapping and dancing on Shabbat and Yom Tov, *Kesuvot Bnin Dikbrin*, and *mayim aḥaronim* according to *Tosafot*. *Mayim Giluyim* in a container is forbidden for consumption due to the danger of snake venom getting into the water. However, in the times and lands in which the *Ba’alei Tosafot* lived, snakes were not commonly found in residential areas and so they ruled that this halakhah no longer applies (*Tosafot*, *Avodah Zarah* 35a, *d”b Khada*; *Tosafot*, *Beitzab* 6a, *d”b Vi-baidna*; *Tosafot*, *Yoma* 77b, *d”b Mishum*). That was not the opinion of Rambam who maintained the restriction (*Mishneh Torah*, *Hilkebot Rotze’ah u-Shmirat Nefesh* 11:14). Clapping and dancing on Shabbos and Yom Tov were proscribed because it could lead to fixing musical instruments. However, *Tosafot* say it is permitted now because average people were not experts in the art of fixing musical instruments and don’t fix them (see *Beitzab* 30a, *Tosafot*, *d”b Tinan Ein Mi-Taphim*). Rama is lenient like *Tosafot*, see *Shulhan Arukh*, *Orah Hayyim* 339:3; see also *Arukh ha-Shulhan*, *Orah Hayyim* 339.7–9 who is lenient for another reason, and the view of the *Mishnah Berurah* which is somewhat more stringent. Regarding *Kesuvot Bnin Dikbrin*, see *Ketubbot* 52b *Tosafot Rid*, *d”b Amar R. Yohanan*, as to why this no longer applied. The view of *Tosafot* regarding *mayim aḥaronim* is that it is no longer customary either because salt from Sedom is not used or because they did not dip their fingers into salt at the end of the meal (*Eruvin* 17b, *Tosafot d”b mayim aḥaronim* and *Hullin* 105b, *Tosafot d”b mayim aḥaronim*). Rosh, Tur, and others disagree.

labor-forbidden Jewish holidays by 86 percent? Fourth, why would not the concept of *safeke berakhot de-rabbanan le-bakel* (if in doubt regarding the necessity of making a rabbinically mandated blessing, leniency is mandated)¹⁶ apply to not make rabbinically mandated blessings on the second day?

The question of why *Hazal* went so far to strengthen and maintain *Yom Tov Sheini* increases by a level of magnitude when considering the holiday of Shavuot. Since Shavuot takes place fifty days from the second day of Pesah, it would have been known when Shavuot was regardless of when Rosh Hodesh Sivan took place. Despite that equation, *Hazal* wanted uniformity and instituted the second day of Shavuot in order to buttress the other *Yom Tov Sheinis*.¹⁷ (More on the special status of *Yom Tov Sheini* of Shavuot later). *Hazal* went even further. They decreed two days Yom Tov for Pesah in places that the messengers who went out in Nisan could reach, but the messengers who went out in Tishrei could not reach.¹⁸ The Sages decreed that two days must be observed in Nisan as a rabbinic decree due to Tishrei, for if they observe Pesah for only one day, they will come to observe Sukkot for one day as well.¹⁹ So, in this scenario the two extra days of Pesah and the extra day of Shavuot are observed to protect the second days of Sukkot and Shemini Atzeret.

The practice is further complicated by the fact that there is no second day for Yom Kippur. If there was truly a concern that the next day may be Yom Kippur, with all its severity and holiness, why would there not be a second day of Yom Kippur? Further, why is there no double counting for *sefirah*? After all, in the *Musaf Amidah* on all days of Sukkot, two days' worth of *korbanot* are mentioned, due to *safeke*.

In addition to the halakhic cost, there is the economic cost. Six additional days must be taken off from work. Those who run small businesses lose six days of income. This is especially burdensome in Tishrei as it follows the three days of Rosh ha-Shanah and Yom Kippur. Some find it theologically challenging to observe *Yom Tov Sheini*.

Some Fundamentals

To answer the aforementioned questions and concerns, it is important to note that there are many reasons for rabbinic enactments beyond the primary stated purpose.

¹⁶ *Shulhan Arukh, Oraḥ Hayyim* 209:3.

¹⁷ Ritva, *Rosh ha-Shanah* 18a, *d"ḥ Al Elul Mipnei Rosh ha-Shanah*.

¹⁸ The messengers did not travel on Rosh ha-Shanah or Yom Kippur, and therefore they could travel three days further in Nisan than in Tishrei.

¹⁹ *Rosh ha-Shanah* 21a, Rambam, *Hilkehot Kiddush ha-Hodesh* 3:12.

King Shlomo stated 1,005 reasons for rabbinic legislations as detailed in *Erwin* 21b.

Rav Hamnuna said: What is the meaning of that which is written: “And he spoke three thousand proverbs, and his poems were a thousand and five” (1 Kings 5:12)? This teaches that Solomon pronounced three thousand proverbs for each and every word of the Torah, and one thousand and five reasons for each and every word of the Scribes.²⁰

This concept is noted by Rav Hai Gaon (939–1038)²¹ who maintains that the real reason or “secret” behind many of the enactments of the *Neviim* is often not known. Rav Eliyahu of Vilna (Vilna Gaon or HaGra, 1720-1797) states that there are many reasons for a rabbinic enactment aside from the primary stated one.²² Accordingly, it follows that YTSG has a much larger and wider meaning beyond its primary stated purpose.

The Origins of *Yom Tov Sheini*

To expound on the concept of Rav Hamnuna and to more comprehensively understand the deep reasons behind *Yom Tov Sheini*, one must explore its earliest origins. Rav Hai Gaon noted that Rav Saadiah Gaon (882/892–942) stated:

There is no doubt that initially Hashem commanded his servant Moshe and he told Israel that in the land it will be one day and outside of the land two days. And so it was always, just as Hashem said to Moshe that in the land it will be one day and outside of the land two days. And our master, Rav Saadiah Gaon, said in his responsa to the men of Kabas that it is a decree from the days of the early *Neviim* and so the early *Neviim* led Israel from the beginning of the exile that they observe *Yamim Tovim* outside of Israel two days and Yom Kippur one day.²³

Rav Hai Gaon continues and states that,

²⁰ *Erwin* 21b, Koren translation.

²¹ *Otzar ha-Geonim, Masekhet Yom Tov*, 3-9, referencing *daf* 4b.

²² As quoted by R. Meir Simḥah ha-Kohen of Dvinsk in *Meshekh Hokhmah*, Volume *Shemot*, p. 76, Rabbi Y. Copperman, Jerusalem College for Women 1974.

²³ *Otzar ha-Geonim, Masekhet Yom Tov*, 3-9, referencing *daf* 4b.

His own view is that *Yom Tov Sheini* outside of Eretz Yisrael began in the days of the *Neviim*,²⁴ and perhaps even in the days of Yehoshua bin Nun.

He further explains the wording of the Talmud *Beitzab* 4b “**be careful to observe the custom of your fathers that you received.**” Why not just state that “because **at times the monarchy** (an anti-Jewish government) will **issue decrees** of persecution restricting Torah study and the fixed calendar may be forgotten”? Rav Hai Gaon maintains that it is a decree (*gezeirah*) from the days of the first *Neviim* and so the *Neviim* led Israel. Interestingly, in the Gemara it does not say who made this *gezeirah* because the *Neviim* commanded Israel to do it and that is what Yehezkel did and what Daniel did and not only that, but Hashem commanded them to do it.²⁵

Rav Hai Gaon added that since it was the *Neviim* who decreed this and the exact reason for their decree is not known, it is also not known for certain that the reason for the decree doesn’t apply anymore. In any event, the decree cannot be abrogated without a *beit din* that is greater in number and in wisdom (than the *beit din* of the *Neviim*). So, in addition to the Gra maintaining that there are many reasons for these rabbinic decrees and Rav Hai Gaon stating that the reason the *Neviim* made this decree is not known, perhaps one can speculate that there were reasons beyond *safeik* and *kilkul*.

Accordingly, the Talmud warns that you should “be careful to keep the customs of your forefathers,” as the custom of keeping two days of Yom Tov in the diaspora is not just about satisfying a doubt, but about adhering to an enactment instituted by the *Neviim*. The key takeaway is that there may be a reason for observing *Yom Tov Sheini* other than *kilkul* or *safeik*. We can conclude from the words of Rav Saadiah Gaon and Rav Hai Gaon that there was a very early dictum mandating two days of Yom Tov for those outside Eretz Yisrael.

Eretz Yisrael or Ten-Day Journey

Rav Yekhiel Mikhel Tukachinsky (1874–1955) maintains that the words of the Geonim resonate and he used it to explain the view of Rabbeinu Yom Tov ben Avraham Asevilli (Ritva, c. 1260–1320), that YTSG is predicated on whether the area is inside or outside the borders of EY and not based on whether or not it is a ten-day journey from *Beit Din*.

²⁴ Rav Hai Gaon’s view was that Rav Saadiah Gaon only said this in response to criticism from those who were not followers of the Rabbis and YTSG was instituted due to uncertainty and the practice dates to the time of the *Neviim*.

²⁵ *Otzar ha-Geonim, Masekhet Yom Tov*, 3–9, referencing *daf* 4b.

The YTSG nomenclature would imply that it applies in EY and not outside of it. But if the reason is because of *safeq*, then any place outside of a ten-day journey from Jerusalem would be subject to it even in EY. Conversely, a place outside EY within a ten-day journey of Jerusalem would have one day. In fact, that is the view of Rambam.²⁶ Rambam maintains that only places within a ten-day journey of Jerusalem, which could have been reached by the messengers and which were actually inhabited during that time, may observe one day of Yom Tov. Communities farther than a ten-day journey from Jerusalem, or new communities which did not exist in the time of the Talmud, must observe two days.

Ritva²⁷ disagrees and explains that when the Rabbis established the obligation to observe *Yom Tov Sheini*, they decided that since most of the communities in the diaspora generally observed two days, outside of Israel, all communities should observe two days. Similarly, since most communities within the Land of Israel observed one day, all communities within Israel should observe one day.

Rav Yekhiel Mikhel Tukachinsky, quoting Ritva, maintains that YTSG never applied inside EY. He believes the words of the Geonim shown to him by Chief Rabbi Ben-Tzion Meir Hai Uziel (1880–1953) reinforce the point and that “the decree (for YTSG) was in place from the days of the *Neviim*.”²⁸ He further notes that initially he was hesitant to accept the Geonic documents that were discovered in a *genizah* and thought that they may even conflict with the Talmud, and also because they were not mentioned by the *poskim*. But after studying the newly found documents he realized they were authentic, and that they give a clear perspective on the whole concept of YTSG.²⁹

The View of Netziv

Rav Naftali Tzvi Yehudah Berlin, the Netziv (1817–1893), agrees with and expounds upon Rav Saadiah Gaon’s view. Netziv interprets the verse in *Vayikra* 22:31, which is presented before the laws of the *Yamim Tovim* and which on the surface seems very general and even superfluous. Netziv interprets the verse “And you should observe my commands and do them I am Hashem your G-d” as referring to taking special care to make sure the *Yamim Tovim* are in the proper time. He sees this as a mandate for two days Yom Tov from the Torah. Netziv believes that,

²⁶ *Mishneh Torah, Hilkehot Kiddush ha-Hodesh* 5:4 and 11–12.

²⁷ Ritva, *Rosh ha-Shanah* 18a, *Sukkah* 43a.

²⁸ Rav Yekhiel Michel Tukachinsky, *Sefer Eretz Yisrael*, p. 40.

²⁹ *Ibid.*

this is what Rav Hai Gaon referred to when he said that “concerning *Yom Tov Sheini Shel Galuyot* that the *Neviim* commanded Israel to do it and that is what Yehezkel and Daniel did. And Rav Hai Gaon concluded with this language: and maybe from the days of Yehoshua bin Nun all those who left and stayed outside of the Land of Israel conducted themselves that way. And all this is certainly hinted to in the Torah because based on the depth of the law we should not have to be concerned if Adar near Nisan (even Adar II) was 30 or Elul because most of the time they are *haser*. And know that there is no *safek* because we do not do *safeka d-yoma* by *sefirat ha-omer* even though it is also from the Torah outside of the Land of Israel according to the *shittah* of the Rif³⁰ and Rambam, and because of the (possible) denigration of the Yom Tov of Atzeret [Shavuot]³¹ they did not establish it. And similarly in the month of Tishrei we do not do it by Yom Kippur because it is not possible to observe two days. But we establish it based on most years that it is 29 days (*haser*). In any event, with the actual holidays they acted as though there was doubt (*noheg safek*) because of added watchfulness. And this is the word of the *Shiltot* “and make a fence around the Torah” and in this was included this warning here.³²

Netziv concludes that the above verse: “And you should observe my commands and do them I am Hashem your G-d” teaches us that *Bnei Yisrael* should be careful with the times of Yom Tov and observe two days to make sure outside EY the date of Tom Tov is correct. Netziv wrote that the instruction to protect Yom Tov by creating YTSG is mandated by the Torah.

³⁰ Rabbeinu Yitzhak ben Yaakov Alfasi ha-Cohen (1013–1103).

³¹ The Ba'al ha-Maor states that first there is no need to be stringent when it comes to *sefirah* since in his view it is not that paramount because it is only a remembrance for what was done in the time of the *Beit ha-Mikdash*. He then goes on to state that if each day was counted twice, it would lead to a count on the first day of Shavuot and that would lead to a denigration of the first day of Shavuot which is from the Torah or *di-oraita* (see *Ba'al ha-Maor, Pesachim* in *Dappei ha-Rif* 28a). Rav Avraham Dov-Ber Kahana Shapiro (1870–1943) maintains that the reason to not double count *sefirah* is that counting must be definitive and cannot be in doubt (see *Dvar Avraham*, Vol. 1, *Siman* 34).

³² *Harhev Davar, Vayikra* 22:31.

No Second Day of Yom Kippur and What It Reveals

Why are two days of Yom Kippur not observed? If there is truly a concern that the next day may be Yom Kippur with all its elevated severity, holiness, and prominence above other holidays, why would there not be a second day of Yom Kippur? The Talmud (*Rosh ha-Shanah* 21a) states that in fact Rava observed two days Yom Kippur.³³ However, the majority opinion is not to do so. Observance of a second day of Yom Kippur is considered a danger (JT *Halab* 2b). Likewise, Rav Nahman considers a second day of fasting to be life threatening (later in *Rosh ha-Shanah* 21a). Ritva³⁴ explains that two days of Yom Kippur are not observed especially after the establishment of the fixed calendar, as this would constitute an enactment that the majority of the community could not fulfill. *Arukh ha-Shulhan* (*Orah Hayyim* 624:8) enumerates three reasons why two days of Yom Kippur are not observed: 1) We are now expert with calendrical calculations; 2) From the time of Ezra, Elul was never found to be full (*m-uber*, 30 days)³⁵; and 3) It is a danger (see JT *Halab* first chapter [2b]).

Based on the fact that since the days of Ezra there was never really a *safeke* regarding the dates of Tishrei holidays, why is there YTSG for Sukkot and Shemini Atzeret?

Second Day Shavuot and What It Reveals

As noted earlier, even though there is no chance the proper day of Shavuot would not be known, *Hazal* instituted a second day to not differentiate between holidays³⁶ as explained by the Ritva and Rambam.³⁷

Rav Menahem Azariah da Fano (Rema mi-Pano, 1548–1620),³⁸ points out that the Torah was given specifically in the diaspora and on the 51st day of the *omer*³⁹ and specifically on the day that Moshe Rabbeinu added, and that it hints to *Yom Tov Sheini Shel Galuyot*.⁴⁰ As Hashem Himself agreed to celebrate this day He revealed that He was giving power to the

³³ According to Rabbeinu Hananel (965–1055), Rava observed it as a stringency.

³⁴ Ritva, *Rosh ha-Shanah* 18a, *d"b Al Elul Mipnei Rosh ha-Shanah*.

³⁵ It is always 29 days, so the proper day for Yom Kippur is known.

³⁶ Ritva, *Rosh ha-Shanah* 18a.

³⁷ *Mishneh Torah, Hilkhos Kiddush ha-Hodesh* 3:12.

³⁸ Rema mi-Pano was a student of Rav Moshe Cordovero (Ramak, 1522–1570).

³⁹ I.e., on *Yom Tov Sheini*.

⁴⁰ Rema mi-Pano, *Ma'amar Hikur ha-Din*, Vol. 2, Chap. 15, quoted by *Magen Avraham, Orah Hayyim* 494. See also Responsa of *Hasam Sofer, Orah Hayyim* 145.

Hakhamim to sanctify a weekday. The words of Rema Mi-Pano appear to state that YTSG is from the Torah or at least hinted to in the Torah.

Rav Yosef Dov Soloveitchik (Beit ha-Levi, 1820–1892) offers a profound and very interesting take on the second day Shavuot stemming from the acts of Moshe Rabbeinu.⁴¹

And this can solve the question of the Magen Avraham⁴² how we can say that Shavuot is the time of the giving of the Torah for we conclude that on the seventh of the month the Torah was given... and that Moshe Rabbeinu added a day on his own for he expounded that today is like tomorrow as it says in *Masekhet Shabbat*⁴³ and Hashem agreed with him as the *Shekhinah* did not descend until the morrow. And we find this is the gift that the Torah was given and like it was expounded (*darshened*) it was... that the Torah was given on the sixth and accepted on the seventh...⁴⁴

He goes on to say the sixth day for the Written Torah and the seventh day for the Oral Torah. That the Torah was given as a gift on the sixth day of Sivan and was accepted on the seventh day of Sivan and this explains what is meant by *Matan Torateinu* (the giving of our Torah) and not *Matan Torah*. *Torateinu* means our Torah, the Oral Law and the *derashot* (expounding on the Torah) is called in the name of Israel (i.e., is actualized by Bnei Yisrael).

What an amazing Oral Torah statement. Moshe Rabbeinu added the seventh day—an additional day—representing the Oral Torah and it would lead to believing that YTSG of Shavuot is on a higher level than the other *Yom Tov Sheinis*. In fact, Hatam Sofer maintains that the second day of Shavuot should be treated more stringently than other second days of Yom Tov (except Rosh ha-Shanah⁴⁵). For the other holidays, the second day of Yom Tov was established based on a doubt, but the second day of Shavuot was established as a certainty.⁴⁶

⁴¹ *Shabbat* 87a.

⁴² *Magen Avraham, Orach Hayyim* 494.

⁴³ *Shabbat* 87a.

⁴⁴ *Beit ha-Levi* on the Torah, *Parashat Yitro, d"b Ha-Kol Modim*.

⁴⁵ For the fundamental reason behind two days Rosh ha-Shanah, see *Beitzah* 5b.

⁴⁶ As noted earlier, it was always known which day would be Shavuot by counting from Pesah.

Mystical Reasons: Two Days Needed to Absorb Holiday Holiness Outside Eretz Yisrael

The concept that there are other reasons for rabbinic enactments aside from the stated ones is noted by Rav Hamnuna in *Erwin* 21b and was postulated by Rav Hai Gaon and the Vilna Gaon. In addition, the concept that not all the reasons for rabbinic enactments are known dovetails with mystical reasons cited by *Tzemaḥ Tzedek* in name of Ramak and also by Ḥakham Yosef Ḥayyim (the Ben Ish Ḥai, 1835–1909). In the world of mysticism and Kabbalah, there are references to the importance of Eretz Yisrael and why YTSG is required outside of it. Rav Moshe Cordovero (Ramak, 1522–1570) is quoted by *Tzemaḥ Tzedek* (Rav Menachem Mendel Schneersohn, the third Lubavitcher Rebbe, 1789–1866), in explaining that since holiness is more revealed in Eretz Yisrael, the *Yamim Tovim* can be revealed and received there in one day. However, those in the diaspora require two days to absorb the spirituality of Yom Tov.

In a similar vein, Ben Ish Ḥai, in *Ben Yebovada* on Talmud, states that,

By way of the holiness of EY there is strength to complete the *tikkun* on one day which is not the case outside EY where there are two days Yom Tov. We find that the concept (*inyan*) of *tikkun* of the *tefillot* and the *mitzvot* of EY are double and therefore also for the *inyan* of acquiring the Torah they are double because one of us (in Eretz Yisrael) is more like two of them (outside of Eretz Yisrael) (this refers to greatness in Torah learning that is expanded by virtue of the holiness of the land that enhances spiritual connection and ability). And we learn this from Rav Yirmiyah ... and we find that a *Ḥakham* outside of EY if he ascends to EY he will become wiser and ascend in wisdom four-fold compared to what he was outside EY. And he believes that there is a *remez* from *Devarim* 3:25.⁴⁷

Perhaps one can point to these mystical reasons to explain why there are two days Sukkot and Pesah, but only one day Yom Kippur outside EY. The spiritual power of Yom Kippur allows all to absorb the import of the holiday in one day even outside EY.

Meshekh Hokhmah

Rav Meir Simḥah of Dvinsk (1843-1926) in *Meshekh Hokhmah* (*Parashat Bo* 12:1) details yet another reason for the observance of YTSG.

⁴⁷ *Ben Yebovada, Ketubot* 75a, Senlake edition, 2019, based on *Ben Yebovada*, Jerusalem, 1897.

With this, we derive a wondrous explanation of the statement of the Gemara, “Be careful with the *minhag* of your forefathers; [ignoring it] may cause damage.” For there is a difficulty. Areas outside EY and areas within EY should have the same ruling. The reasoning should apply to EY as well [A decree imposed by a wicked kingdom could lead to *kilkula*!] We must therefore say that [outside EY] they already practiced [a second day Yom Tov]. It is thus as if the reason behind the decree never ceased. It is not applicable here to say that a greater *beit din*—in knowledge and size—is needed. This does not appear to be the main reason. Rather, we have a tradition from Rabbeinu ha-Gra that even when *Hazal* explained their reasoning, they nevertheless left hidden in the recesses of their hearts, thousands of reasons, great and many...

He goes on to mention that there will be a time period in the future when there is a Beit Din in EY that has the ability to sanctify the new month by sight while there are *Bnei Yisroel* living in the diaspora. He brings proof from Rambam’s *Perush ha-Mishnah* in the beginning of *Masekhet Sanhedrin* and *JT Ma’aser Sheini*, chapter *Kerem Rivai* (chapter 5, halakha 2). He then continues

If so, there will be a *beit din* in the Land of Israel, and we will be obligated to sanctify the new lunar month based on sight. If the moon is not visible on the thirtieth day, even if according to our calculation it would be proper to establish the new month on that day, nevertheless that month would need to be *m-uber*, lengthened by a day. They will then be forced in the diaspora to make two days [Yom Tov]. Therefore, they decreed that it is applicable now too. This is similar to what R. Yoḥanan ben Zakai (first century) decreed to forbid *Yom Hanef, gezeirah*, perhaps *yibaneh Beit ha-Mikdash*.⁴⁸ This is the proper reason to observe in our time, a second day Yom Tov in the diaspora...

The Possibility of *Kilkul* was Very Real to *Hazal*

It is not hard to understand why *Hazal* told Jews of the diaspora to observe a second day because of *kilkul*. The possibility of *kilkul* was very real to *Hazal*. The Hadrianic persecutions which criminalized teaching of Torah, circumcision, rabbinical ordination and Sabbath observance were not that far in the past. In addition, before the Maccabean revolt, the Seleucid King Antiochus IV Epiphanes decreed against the Jews observing three *mitzvot*: Rosh Hodesh, Shabbat and circumcision (*Megillat Antiyokhus*

⁴⁸ See Mishnah Tractate *Rosh Ha-Shanah*, chapter 4, mishnah 3.

7:11). The aforementioned persecution took place in Eretz Yisrael. Perhaps one can speculate that, in addition to a very real concern for *kilkul*, *Hazal* were also sending a message about the religious prominence of Eretz Yisrael. Conceivably that can be an additional reason why, despite a history of persecution and the possibility of *kilkul*, YTSG was not established in Roman-occupied EY.⁴⁹

***Berakhot* Bestow Gravitas on YTSG**

The concept of *safek berakhot rabbanan le-hakel*, that when there is uncertainty regarding rabbinically mandated blessings⁵⁰ one is to be lenient (i.e., not recite the blessings), would seem to apply and mandate that holiday-related *berakhot* on YTSG not be recited. Nevertheless, they are. *Hazal* can mandate *berakhot* for *mitzvyot di-rabbanan* and even on *minhagim*. A full suite of *berakhot* was mandated for YTSG to lend gravitas to the day. *Hazal* were concerned lest the second day be disrespected.⁵¹

Teleological and Practical Benefits of *Yom Tov Sheini* in Modern Times

Teleology⁵² explain things by the purpose they serve rather than their causes. This can apply to certain religious observances and for common secular customs and legal and economic practices. In the spirit of Rav Hamnuna, the Geonim, the Gra, and *Meshekh Hokhmah*, that there are many reasons for rabbinic decrees, perhaps one can postulate that there is also a teleological reason for YTSG. Even though the original reason was *safek* and then it became because of *kilkul*, perhaps another reason, especially applicable in the 21st century, is the need to have an added day of connection to Hashem, to family, to community, without the distractions of the contemporary world. Two days can be dedicated to Torah learning, prayer, family and friends with no iPhone, e-mail, Facebook, Twitter or work distractions.

⁴⁹ Ritva on *Rosh ha-Shanah* 18a maintains that the reason is that there was already an existing decree, so it was maintained for that reason. In EY with no existing decree, it was not started ab initio.

⁵⁰ The only Torah-mandated *berakhot* are grace after meals and possibly *birchat ha-Torah*.

⁵¹ See *Shabbat* 23a and Ritva, *Sukkah* 47a.

⁵² This is to differentiate from describing YTSG as stemming from hysteresis or the dependence of the state of a system on its history alone. Hysteresis can be found in physics, chemistry, engineering, biology, and economics.

Conclusion

There are sources and reasons for the observance of YTSG beyond *safeke* and *kilkul*. Rav Saadiah Gaon's view that it was commanded to Moshe Rabbeinu and as detailed by Netziv that it is a mandate from the Torah to ensure the proper date for Yom Tov is fascinating. Rav Hai Gaon's view is that YTSG is an early decree of the *Neviim*. Rema mi-Pano's observation that the Torah was given outside of EY and on the 51st day of the *omer* (on YTSG) and specifically on the day that Moshe Rabbeinu added, is a compelling reference to the Oral Law in general, and YTSG in particular. Similarly, the Beit ha-Levi's explanation of *Matan Torateinu*, that the Torah was given as a gift on the sixth day of Sivan and was accepted on the seventh day of Sivan, the second day of Shavuot, a day that Moshe Rabbeinu added on his own, and that it refers to the Oral Law, is profound. The Har Sinai/ Matan Torah/ Shavuot connection to YTSG resonates as an amazing Oral Law intimation. Mystical/Kabbalistic reasons include that two days are needed to absorb the holiday holiness outside Eretz Yisrael as elucidated by Ramak, Tzemaḥ Tzedek, and the Ben Yehoyada. *Meshekeh Hokhma's* reason is that there will be a need to sanctify the new month by sight during a future time period when there is a Beit Din that has the halakhic ability to do so and those residing outside EY will need to observe two days. The notion that YTSG is a reminder of the religious prominence of EY is a theme that can be extracted from some of the rabbinic YTSG literature. It is also important to highlight the teleological and practical benefits of *Yom Tov Sheini* in the modern world. YTSG offers a connection to Hashem, to family, to community—without the prevailing distractions. Two days can be dedicated to Torah learning, prayer, family, and friends with no technological interferences. 