

# Yom Tov Sheini

Rabbi Binyamin Silver

The sixth *perek* of *hilchos Talmud Torah* primarily focuses on the importance of respecting and honoring Torah scholars. The end of the *perek* is devoted to a somewhat startling list of transgressions, the result of which is excommunication.

Particularly, citing the statement of Rabbi Yehoshua ben Levi<sup>1</sup>, Rambam lists twenty four transgressions that are worthy of *niduy* or excommunication. While the severity of the laws of excommunication are beyond the scope of this article, suffice it to say, that is a highly public and unpleasant process that strips the excommunicated party of his communal standing and effectively severs him from Jewish communal life. Accordingly, as anticipated, many of the listed transgressions are violations of public trust and revolve around issues that pertain to the structure and key values of Jewish life. For example, harboring a public nuisance or dangerous animal, refusing to appear for a summons by *beis din*, or causing a public desecration of G-d's name all make an appearance on the list. These transgressions are generally consistent with a central theme of disrupting or publicly challenging Jewish communal life and its values.

It is surprising, therefore, that “*hamichallel yom tov shaini shel galious af al pi shehu minhag*”, One who knowingly desecrates the second day of *yom tov* (outside of Israel) even though it is only a custom, makes the list of transgressions worthy of excommunication. While it is always important to follow Jewish custom, it doesn't intuitively stand out as a particularly egregious violation. Should one really be excommunicated for violating a custom?? The punishment seems disproportionate to the crime.

This question is particularly compelling considering that the second day of *yom tov* is due to a technical matter concerning the inability of the messengers to notify the Diaspora of the correct day of the new month. Accordingly, *yom tov sheini* evolved as a practical matter, is it really worthy of excommunication? How can we make sense of this?

The explanation lies in appreciating the depth of a rabbinic enactment and recognizing that beyond the surface level of a rabbinic enactment, a metaphysical spiritual dimension lays buried. For example, in respect to *Rosh Hashana*, the *Zohar*<sup>2</sup> explains that each day of *Rosh Hashana* addresses a different type of judgement and that both days are critical. Thus although the second day of *Rosh Hashana* evolved through technical timing issues with the witness' testimony regarding the new moon, there is a metaphysical dimension underlying the rabbinic enactment that speaks to a spiritual reality that stands on its own.

In light of this reality, we can appreciate a general observation regarding the *yomim tovim*. Several commentaries note that Jewish holidays are not days of commemoration or remembrance, rather they are days of re-experience. The days of

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<sup>1</sup> Brachos 19a

<sup>2</sup> Pinchas, 231

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*yom tov* are endowed with unique spiritual qualities that can be accessed exclusively during these designated times. Thus, the days of *Pesach* are embedded with a spiritual dimension that enables us to re-experience the birth of our nation. The days of *Shavous* are embedded with a spiritual dimension that allows us to re-experience *establishing* a unique relationship with G-d, and the days of *Succos* are embedded with a unique spiritual dimension that enables us to *re-celebrate* our unique relationship with G-d.

More vitally though, these unique times, *moadim*, enable the Jewish people to continue to thrive and retain their unbreakable relationship with G-d. It is virtually unquestionable, that the continued existence of the Jewish people is miraculous. We are a tiny people with more historical enemies focused on our destruction that one cares to contemplate; yet, we continue to thrive throughout history, while the great nations that attempted our destruction are relegated to museums and history books. It is our special connection with G-d that grants us our immortality. This special relationship is re-experienced annually on days of *yom tov*, each *yom tov* contributes unique elements to the birth, establishment, and celebration of this relationship.

Accordingly, the commentaries explain, that the spiritual truth underlying the rabbinic enactment of *yom tov sheini* is that in the diaspora it is more difficult to tap into spirituality and re-experience our relationship with G-d. Thus in the diaspora, an additional day of this unique spiritual dimension is necessary to retain the powerful bond between G-d and the Jewish people. In a sense, the second day of *yom tov* is our annual reconnection to G-d, particularly as it is manifest in the diaspora.

It is for this reason that desecration of *yom tov sheini* is treated so severely and results in excommunication. Although technically only a custom, *yom tov sheini* embodies our everlasting and unbreakable bond with G-d.

Accordingly, *yom tov sheini* is indeed a matter that pertains to a central value of Jewish life and excommunication is an appropriate and befitting response to its desecration.