

בענין יו"ט שני שבגליות

(ביצה דף ד' ע"ב)

א. הקדמה

The concept of יום טוב שני שבגליות is discussed at length in בית מס' ביצה דף ד ע"ב. Originally, witnesses would come to דין to testify about the appearance of the new moon and the judges would pronounce the new month. Subsequently, a series of fires were lit on top of mountains to indicate to the whole country that it is now ראש חודש. However, after this process was interrupted by the כותים we had to adapt the process of informing everyone. Therefore, חז"ל decided to send out messengers to the whole country. The problem was that it was impossible for these messengers to reach the entire country on that day of proclamation. This left many cities in doubt as to when ראש חודש was. On an average month, void of major holidays, this did not have too much of an impact, but when it came to the months of תשרי and ניסן this was a big deal. Due to the rule of ספיקא דאורייתא לחומרא, these people were forced to keep 2 days of יו"ט on both פסח and סוכות. Nowadays, despite the fact that we have the set calendar of הלל, we have held onto

this מנהג of our forefathers and we continue to observe two days of יו"ט.

ב. שיטת רש"י בענין קדושה אחת ושתי קדושות

The relationship between these 2 days of יו"ט is quite intriguing. We find that there is a question amongst the תנאים ואמוראים as to whether these 2 days of יו"ט are deemed as having "קדושה אחת" or "שתי קדושות". What exactly do these terms mean? ¹רש"י explains that "קדושה אחת" means that the חכמים established that even in גלות we should keep the second day מספק and that these two days should be treated as one long day. From this we can imply that "שתי קדושות" means that it is more of an artificial relationship simply based on our continued observance of the מנהג established by our אבות and are therefore viewed as being two separate days. Rav Schachter נצי"ב² pointed out based on the really דף ו ע"א since, as we see from אדר and אלול majority of the time the months were never full months. This should have established a strong enough רוב to determine the day of ראש חודש and therefore the correct day for all of the holidays. He explained based on this why we don't find that we are מחמיר for two days of יו"ט. If it was a real ספק we'd have

¹ ביצה ד' ד ע"ב ד"ה לימא.

² הרחב דבר ויקרא ריש פרק כג

no choice but to be מחמיר everywhere. Therefore, the question boils down to whether this extra הקפדה was just a מקדש ע"פ מנהג ישראל or a תקנת חכמים when they were ראויה. We see that רש"י links קדושה אחת with being a תקנת חכמים which implies that the חכמים couldn't have made it ב' קדושות. However the question is - why not? Rav Schachter explains according to רש"י that קדושה א' is the result of both days being treated as קדוש. Therefore, since there is nothing that distinguishes them from one another they are seen as being one long day. Whereas, חול implies that one is for sure קדוש and one is חול and therefore they can't possibly be connected and are treated as two separate days. If the חכמים established a דין to keep both days it's logical to assume that they would have equated the קדושה of the 2 days. Rav Schachter used this to explain the who holds that רמב"ם³ even though שבת ויו"ט are קדושות ב' we for sure consider שבת ויו"ט as קדושה אחת. The מגיד משנה explains that the split is simple: since שבת ויו"ט have the same איסורים so they are therefore considered to be קדושה אחת. Whereas regarding שבת ויו"ט we know that there are differences between them, like the היתר או"נ on יו"ט, and therefore are treated as ב' קדושות.

³ הל' עירובין פ"ח ה"י.

ג. דינים שתלוי בקדושה אחת ושתי קדושות

The גמרא brings many הלכות that are dependent on whether we view the 2 days as קדושה אחת or שתי קדושות. The first is on דף ד ע"ב. The גמ' presents a debate between ר' אסי and ר' רבא regarding the status of an egg on the second day of יר"ט if it was laid the day before. רבא holds that if it was laid on the first day so then it's מותר on the 2nd day while ר' אסי argues that it would be אסור on the 2nd day. The גמרא suggests that the מח' depends on whether we view the 2 days as קדושה אחת or שתי קדושות. If they are קדושה אחת so then the איסור of the egg on the day that it is laid continues to be אסור into the 2nd day since they are considered to be one long day. However, if they are treated as שתי קדושות, since we are מסופק as to which day is the real יר"ט, we can מתיר the egg as follows: if the first day is יר"ט so then the second day is really חול and thereby the איסורים of the first day no longer apply and if the 2nd day is יר"ט so then the first day was really חול and there should be no issue with the egg in the first place.

We find that שתי קדושות presents other קולות as well. On ד' כ"ב we learn from אמימר that it's מותר to use a medication to take care of an eye pain on the 2nd day of יר"ט⁴. The basis for this היתר is from the fact that we hold that the egg that was laid on the first day of יר"ט is מותר on the second day of יר"ט. The ראשונים discuss different reasons why this is true, but the consensus of many of them is

⁴ כמבואר בראשונים שם

that it's because the 2nd day of יו"ט is more lenient than the first day. The question is what does this manifestation of שתי קדושות have to do with the היתר of the egg on דף ד? Based on the יסוד of the נצי"ב quoted by הרה"ג הרב אהרן קוטלר⁵ it all makes sense (essentially embellishing on this יסוד). He explains that up until דף כ"ב we could have understood that the status of being קדושה אחת and שתי קדושות merely determines whether we can apply the מ"נ of one day being קדוש and one day being חול in order to be מיקל. However, from אמימר we learn that these הגדרות actually teach us about the relationship between the two days which inevitably will lead to some קולות. Accordingly, קדושה אחת means that the two days are treated as one day with 48 hours and therefore there is no reason to treat the 2nd day any differently than the first. Whereas שתי קדושות means that these are two separate days that have no bearing on one another. Once this is the understanding of קדושה אחת and שתי קדושות we can link up all of the various קולות that they present us with.

ד. שיטת הרמב"ם בקדושה א' וב' קדושות

The רבא and אמימר holds להלכה like רמב"ם which implies that he holds that the 2 days of יו"ט are treated as

⁵ שו"ת משנת ר' אהרן ס' יא

שתי קדושות. The problem is that there is another case in which *that depends on אחת קדושה אחת* vs. *שתי קדושות* and yet the *רמב"ם* holds like the *צד* of *קדושה אחת* in that case. In the context of *עירובי תבשילין* on *דף י"ז*, the *גמרא* quotes *רבא* who teaches us that if one forgot to make an *עירוב תבשילין* on *ערב יו"ט* he can still make one on the 1st day of *יו"ט* for the 2nd day of *יו"ט* as long as he makes a certain stipulation. *רש"י* explains that the stipulation is as follows: if today is *יו"ט* so then tomorrow is not *יו"ט* and therefore there's no need for an *עירוב תבשילין* anyways; and if today is not *יו"ט* and tomorrow is *יו"ט* so then there's no problem with setting up an *עירוב תבשילין* today for tomorrow. We can even suggest that *רבא* is *לשיטתו*, being that he holds both days of *יו"ט* should be treated as *שתי קדושות* we can therefore use this *קולא*. If the *רמב"ם* held *שתי קדושות* on *דף ד* and *דף כ"ב* one would have expected him to hold like *רבא* here by the *דין* of *עירוב תבשילין*, yet we find that he does not.

The *רמב"ם*⁶ thinks that this rule of *רבא* was only true before we had the set calendar, when we had a real *ספק* as to when *יו"ט* was. This is because during that period of time there was a real *ספק* regarding the days of *יו"ט* which led to certain *קולות* based on the fact that we knew that only one of the two days were really *קודש*. However, nowadays with the set calendar it would be *אסור* since we don't have that *ספק* and we know which day(s) are *קודש*.

⁶ הל' יו"ט ו:י"ד, ט"ו

The רמב"ם⁷ argues that even though what the גאונים are saying is true, nonetheless, we don't find that the *מחלק* within this rule between before and after the set calendar. Also, nowadays the 2nd day is for sure *חול* so we actually have more reason to be *מיקל*. The רמב"ם asks that this ruling of the רמב"ם is not just unprecedented, but it is also a contradiction to his ruling about the egg that was laid on the first day of *יו"ט* since one of the days are *חול*, and in that case he is not *מחלק* between before and after the establishment of a set calendar. The רמב"ם⁸ already asks this question on the רמב"ם. In other words, we find that the רמב"ם typically holds that we view the 2 days of *יו"ט* as *שתי קדושות*, so if this *דין* of רבא is also dependent on *שתי קדושות* why would the רמב"ם suddenly not agree with it?

Rav Chaim Soloveitchik zt"l⁹ comes to defend the רמב"ם and explains that there are really two perspectives regarding the relationship of the two days of *יו"ט*. Concerning the effect of one day on the next we are forced to view both of them in doubt whether they are *קודש* or *חול*. However, regarding the status of each day individually we view each of them as being *קדוש*. The

⁷ שם

⁸ ד' ט ע"ב בדפי הרי"ף

⁹ על הרמב"ם, הלכות יו"ט פרק ו' הלכה א'

reason for the split is as follows. When חז"ל established that we should keep two days of יו"ט they weren't instituting a new rule that we had to keep two days of יו"ט, rather, as a result of a ספק we had no choice but to keep two days and we continued to keep this מנהג despite the fact that we became knowledgeable in the exact time of יו"ט. The set calendar, however, did change one aspect of our observance of the two days of יו"ט. Regarding a law that is assessed on an individual day basis, then, and only then, do we view each day as being קדוש. For example, both the status of the תחום on a particular day of יו"ט and the ability to make an עירוב חבשילין on יו"ט are judged by the nature of that day alone and not in conjunction with the following day. Therefore, specifically by those דינים did the רמב"ם feel that there was a difference between pre and post establishment of the set calendar. Whereas, by all of the other דינים, such as the egg and pain medication on the 2nd day, the רמב"ם treats the days as a ספק just like the pre-calendar era.

This insight of Rav Chaim helps us to really understand the root of the relationship of between these two days of יו"ט according to the רמב"ם. In order to complete this idea, though, we'll need to understand one more point. The ¹⁰רמב"ם refers to the establishment of keeping two days of יו"ט as both a מנהג as well as being מדברי סופרים. How is it

¹⁰ הל' יו"ט א:כא

possible to be both? The ¹¹רמב"ם elaborates a bit further and explains that the תקנת חז"ל was that we should continue to observe the מנהג of our אבות by observing 2 days of יו"ט. The Brisker Rav¹² connects these two רמב"ם's together and explains that really according to the רמב"ם the second day of יו"ט is simply a מנהג, but חז"ל came along and made a תקנה that we should keep that מנהג. If we combine this Brisker Rav with the חידוש of Rav Chaim I think the following understanding emerges. One could look at institution of keeping the two days of יו"ט in one of two ways: either that חז"ל established that really both days are טו ניסן מדאורייתא or that the first day of יו"ט is טו ניסן מדאורייתא and the second day is a דרבנן replica of that 1st day. Perhaps, we could suggest, according to Rav Chaim and the Brisker Rav, the רמב"ם understands like the second approach and therefore the 2nd day can exist as both a מנהג and a תקנה. When one looks at the days individually he will see one דאורייתא day and one דרבנן day. However, when he looks at them together and how they affect one another so then he'll see them as being equally בספק as a result of the original מנהג.

I believe that this may help us to understand a troubling משנה regarding the רמב"ם's מגיד משנה. The מגיד משנה

¹¹ הל' קדה"ח ה:ה

¹² עמ"ס ערכין ד' י'

understanding of אוכל נפש is that any מלאכה that primarily does not involve working with food, such as writing, building and weaving, will not be permitted on יו"ט even in a situation that they are being used to deal with food. The only מלאכות that are permitted to be done with food are those that typically deal with food. Based on this explanation we will be stuck in understanding the מגיד's explanation of the רמב"ם's leniency by taking the medication for the eye pain on יו"ט שני (i.e. the דין of דין אמימר cited above). The רמב"ם understands the leniency of אמימר to take the medication for a pain in the eye is even true if one is not sick and merely has pain. The מגיד משנה שם picks up on this and explains that the רמב"ם understands that the היתר is based on "הנאת הגוף". The concept of הנאת הגוף is typically understood by the ראשונים to be an extension of the leniency of אוכל נפש¹³. The problem is that the רמב"ם הל' שבת כג:יב holds that the medication of העין, לכוּחַל את העין, is an issue of the מלאכה of כתיבה. So then according to how the מ"מ explained the רמב"ם by או"נ, how could he explain that there is a היתר of העין based on או"נ, that's against his rule! However, based on our explanation of the רמב"ם based on Rav Chaim and the Brisker Rav it all makes sense. Since the רמב"ם understands that the second day of יו"ט is made by the רבנן to resemble to 1st day of יו"ט the רבנן can set up the rules of the day as they see fit. One such example is that they expanded the rules of או"נ. Whereas on the דאורייתא day the היתר of או"נ only allows for מלאכות that

¹³ רש"י ביצה ד' כא ע"ב ד"ה הנאת כל גופו

typically involve dealing with food, the דרבנן day allows for any מלאכה to be done as long as it is right now being used for the purpose of אוכל נפש. The 2nd day, according to the רמב"ם, is not just a day of קולות, rather, it's a דרבנן day of יו"ט patterned after the דאורייתא day.