



ARE WE JUDGED TWICE? NEW FRUITS, NEW SUITS AND AN INTRODUCTION TO MASECHET BEITZA

Dating back to *yetzias Mitzraim*, the Jewish people relied on *kiddush hachodesh al pi hare'iah* (establishing a new month based on testimony) to determine the beginning of each lunar month and the start of holidays observed in that month. Individuals would come before *beis din* to testify that a new moon appeared. If their testimonies were verified, Rosh Chodesh would be declared. This declaration established that the previous month extended for 29 days, and that the day of the testimony, the thirtieth day, would be the first of the new month. Occasionally, if the new moon was not visible or testimony could not be entered in time, this thirtieth day would remain the final day of the previous month, and day 31 served as day one of the following month.¹ In this instance, a holiday occurring in the new month began one day later than otherwise.

When the Jews settled Eretz Yisrael and the population decentralized, word of the new month had to be shared with distant communities through various means. Ultimately, messengers were employed to announce the dates of Rosh Chodesh and holidays.² However, messengers could not always arrive in time for an upcoming holiday. Therefore, certain distant populations observed two days of Yom Tov: the first day, in case Rosh Chodesh was declared on day 30, and the second day in case Rosh Chodesh was declared on day 31. As a result, remote communities would not inadvertently violate any prohibited activity such as performance of *melacha* on Yom Tov or consumption of chametz on Pesach.

This system remained in use through the days of Abayei and Rava,³ several hundred years into the Common Era, when our long-term calendar was fixed by Hillel.⁴ At that point, Rosh

Chodesh and holidays were no longer subject to doubt, and distant localities had no need to rely on messengers. Nonetheless, the sages foresaw that the challenges and persecutions of Diaspora could result in communities losing track of the Jewish calendar. Thus, they instructed the Jews outside of Eretz Yisrael,⁵ the predominant dependents on the messengers, to always observe two days of Yom Tov as a precaution.⁶ Indeed, history has shown that during certain times of persecution, some Jews had but the moon (or less) to rely upon to keep track of the calendar.⁷ Most parts of Eretz Yisrael observed only one day of Yom Tov, and so Chazal instructed Jews in these areas to continue that practice.

The obvious exception to the above is Rosh Hashana, which is observed universally for two days. Rosh Hashana coincides with Rosh

Chodesh Tishrei, and so as soon as Tishrei is declared, Rosh Hashana begins. When *kiddush hachodesh* was based on witnesses, even cities in Eretz Yisrael could not immediately know that Rosh Hashana began for some time until messengers arrived. Perhaps this explains why cities distant from the Sanhedrin observed two days of Rosh Hashana — but why is it that even in Yerushalayim, the seat of the beis din, Rosh Hashana is observed for two days even now? In Yerushalayim, there could never be a doubt as to the date of Rosh Hashana.

As discussed, witnesses would come to testify that they saw the new moon on the evening before, the evening of the thirtieth day. In the case of Tishrei, this meant that retroactively, Rosh Hashana had begun the night before. As a result, even in Yerushalayim, because of this possibility, no *melacha* would be done from the previous evening, in case it would be declared Rosh Hashana.

Kiddush hachodesh was also critical to assign the appropriate service performed in the Beis HaMikdash in the event that it was a holiday. At some point, if witnesses arrived late and the weekday service was performed, it could not be reversed. Therefore, a deadline was imposed at which point testimony was no longer accepted, automatically making the following day the first of Tishrei. Because most of the day had already been treated as a possible Yom Tov, it was completed as such. Essentially, the result was 48 hours of Rosh Hashana, even though the primary observance was technically only the final 24 hours. Because even at the Sanhedrin in Yerushalayim, Rosh Hashana could be observed as two days, and certainly elsewhere, it remains celebrated today in the same fashion.⁸

Why Are These Two Days Different Than All Other Two Days?

“Shehechyanu,” the bracha of “zman,” is recited on each Yom Tov to recognize the arrival of a unique holiness, or *kedushas hayom*. Interestingly, we recite this bracha on each Yom Tov Sheni, as well, although we have recognized the arrival of the same *kedushas hayom* on Yom Tov Rishon. Rishonim explain that Yom Tov Sheni is generally viewed as distinct from Yom Tov Rishon because it emerged from a doubt as to which one day, and only one day, was the holiday. One opinion in the Gemara actually holds that havdala be recited between these two days.⁹ In any event, they are seen as unique *kedushos hayom* and each warrants a new bracha.¹⁰

On the other hand, it could be known which day was Rosh Hashana, even when two days were observed. The deadline for testimony established a two-day continuum of Rosh Hashana — definitely, without any associated doubts.¹¹ This extended *kedushas hayom* (*mi'dirabanan*) begins at the conclusion of Elul. The term “*yoma arichta*” [long day] has been applied to Rosh Hashana to denote this fundamental difference. Some even suggest that Shehechyanu be omitted on the second day of Rosh Hashana because both days are a single unit.¹² The accepted position is to recite the bracha nonetheless; one reason is that even during the times of the Sanhedrin, the second day of Rosh Hashana was established as the first of Tishrei and the basis for all subsequent holidays.¹³

However, in deference to the opinion that Rosh Hashana’s status

as *yoma arichta* does not warrant a new Shehechyanu, our practice is to place a new fruit on the table during Kiddush that would obligate us to recite the bracha regardless. Alternatively, we may don a new suit or piece of jewelry that would normally warrant a Shehechyanu.¹⁴

One Long Day or Two?

Whether two days of Yom Tov are viewed as one or two *kedushos* carries several practical implications.¹⁵ The Gemara in *Meseches Beitza* teaches that an egg that was laid on Yom Tov following Shabbos may not be eaten, because the principle of *hachana D’Rabba* requires food items to be designated as edible foodstuff while still a weekday. In this case, the egg was not fully formed until Shabbos and so it remains prohibited when laid on Yom Tov.¹⁶ If the egg was laid on Yom Tov Sheni, it is permitted: If Yom Tov Sheni is the actual day of Yom Tov, the egg was fully formed on a weekday. Alternatively, Yom Tov Rishon was the actual day of Yom Tov and no new limitations of *hachana* apply. However, this logic cannot be applied to Rosh Hashana. The two days of Rosh Hashana are *yoma arichta*, and we may not bifurcate them. An egg laid on Rosh Hashana is treated as if laid during a 48-hour continuum of Yom Tov, and is prohibited under *hachana D’Rabba*.¹⁷

Another example: Rav Chisda is of the opinion that on a Torah level, one may cook on Friday that is Yom Tov for the purpose of Shabbos, because a Yom Tov leading into Shabbos forms a *kedusha achas* continuum (rabbinically, we require an *eruv tavshilin* in this case).¹⁸ On the other hand, because Yom Tov Rishon is distinct from Yom Tov Sheni, as if

they are independent holidays, we cannot prepare from one to the next. Even when no *melacha* is involved it is prohibited as *tircha shelo l'tzorech* (effort unnecessary for the day).¹⁹

Should we surmise that as a result, the *yoma arichta* status of Rosh Hashana allows us to prepare from one day to the next? This suggestion is rejected because most rishonim only accept the notion of *yoma arichta* when it produces a stringency.²⁰ Across Hilchos Shabbos and Yom Tov, Halacha views the starting point of the day as the critical juncture at which their respective laws set in.²¹ Therefore, Halachic factors that are in place when the day begins will continue as long as the *kedusha* persists.²² For example, although the prohibition of *refuah* (taking medication) applies to Yom Tov just as on Shabbat,²³ Chazal relaxed this restriction for Yom Tov Sheni. However, this leniency does not apply to Rosh Hashana; the second day is a continuation of the first, and so the prohibition that sets in when Rosh Hashana begins must extend until its conclusion, when the *kedushas hayom* ceases. We generally cannot introduce a change in the laws unless the two days are *shtei kedushot*.²⁴

Why reject a leniency due to *yoma arichta*? Even though Rosh Hashana would sometimes be observed as a single day, that did not necessarily happen. Very often, the witnesses would present early and only the first day would be treated as holy.²⁵ Furthermore, perhaps the unique status we have attributed to Rosh Hashana was only relevant at the time when *kiddush hachodesh al pi hareiah* was operative. Nowadays, it is certainly possible that Rosh Hashana could revert to a status of *shtei kedushos*, following the pattern of all

other Yomim Tovim.²⁶ In summary, it is questionable how far to extend the *yoma arichta* designation.

Two Days of Judgement

Our discussion has revolved around the need and nature of a two-day Rosh Hashana. But the unique quality of Rosh Hashana is Yom HaDin, a day of judgement. We can understand blowing shofar each day if both days must be observed, but our tefillos also fervently reflect a repeat of divine judgement.²⁷ How can this be? Our practice of wishing friends and family an inscription in the Book of Life is discontinued at midday of Rosh Hashana, when judgement is complete. Nevertheless, *Taz* writes that we resume on the second night of Rosh Hashana.²⁸ Can there be *two* days of judgment?

Indeed, the Zohar²⁹ explains that the Divine Judgement is repeated because it is incomplete after day one. One explanation of this is as follows. The first day of judgement focuses entirely on the individual: reward and punishment befitting that person and his or her actions in the previous year. The second day, however, uses a wider-angle lens to see this person's judgement in the broader context of friends, dependents, and others in his or her environment. Unlike human judges, God's infinite wisdom includes endless calculations that determine how one person's destiny may impact negatively on someone who is undeserving. And so, even if the individual may not deserve it on his or her own, Heavenly mercy will be extended for the benefit of someone else. Perhaps a person did not merit a favorable *parnasa* for the year, but for the sake of that person's child, who is deserving, the funds will be granted.

Perhaps one is deserving of certain suffering, G-d forbid; this may be averted if it would cause undue pain for a relative.³⁰

Broadly, this aspect of Divine providence is intimately linked to reward and punishment. A fascinating example of this is found in the writings of the *Sfas Emes*.³¹ The Gemara³² explains the advice of Mishlei to mean, "If a man should have a worry, he should share it with another." This is commonly associated with the psychological benefits of unburdening oneself. However, Chidushei HaRim explains that we would assume that we would share our stress with a confidante, an empathetic friend. Naturally, the friend would feel the pain personally. Heaven, assessing the resulting undeserved suffering of the friend, mercifully removes the suffering from both people.³³

This is the "*yashrus*" and perfection of Divine judgement. It is this type of judgement that Hashem utilizes on the second day of Rosh Hashana. Rav Yisrael Salanter explains that this kindness of Hashem in *din* is the meaning of Moshe Rabbeinu's praise, "*Kel emunah v'ain avel, tzadik v'yashar Hu*" — A faithful G-d, never false, True and upright is He.³⁴ To say that Hashem exhibits no iniquity is hardly a compliment. Rather, it refers to the infinite calculations employed when He examines the broad-ranging impact of judgement so that not even the smallest aspects of *din* could be perceived as injustice.³⁵

This also highlights a new dimension of the interconnectedness of each member of klal Yisrael: *mi k'amcha Yisrael, goy echad b'aretz* — Who is like you, Israel? A unique (and unified) nation on earth³⁶ The *achdus* or unity that we strive to achieve in

relationships with others is not merely a goal; in this respect, it is already a reality that exists. The goal is to tap into that *achdus* by making our lives more meaningful in the lives of others. The more that our behavior benefits someone else — emotionally, financially or otherwise — the more that our judgement extends beyond day one and reaches day two of Rosh Hashana.

We often underestimate or underappreciate the potential positive impact of our actions. For example, we often measure our presence in shul on a personal barometer, accruing the merit of *tefilla b'tzibur*. Rav Soloveitchik noted that we must also recognize how much that presence can propel and improve the *tefillos* of other members of the *tzibbur*, just as each and every instrument, even the smallest, completes the symphony orchestra. The same can be said of our consistent attendance and study in a yeshiva or community beis medrash.³⁷ The Zohar's insight into the two days and two judgements of Rosh Hashana adds new dimensions to this interconnection and *achdus*.

Yes, there are two days of judgement. The more that we make a difference to others, the more Hashem sees our futures and our destinies inextricably linked to those of others. It matters *bein adam l'makom* when we matter *bein adam l'chaveiro*.

That this aspect of judgement is so critical as to be highlighted on Rosh Hashana, the day of man's creation, brings new depth to the mantra of Rav Chaim of Volozhin, "Man was not created for himself; only to provide for others with any powers that he can muster."³⁸

Endnotes

1. *Rosh Hashana* 25b.
2. *Rosh Hashana* 18a.
3. *Mishneh Torah, Kiddush HaChodesh* 5:3.
4. See Ramban in *Sefer HaZechut, Pereq HaSholaiach* and *Sefer HaChinuch* 4.
5. See Ritva *Rosh Hashana* 18a. See also *Mishneh Torah, Kiddush HaChodesh* 5:12.
6. *Beitza* 4b.
7. See: Rosen, Alan. *The Holocaust's Jewish Calendars: Keeping Time Sacred, Making Time Holy*. Indiana University Press, 2019. See also *Matnas Chaim, Shabbos/Rosh Chodesh*, pg. 212.
8. *Beitza* 4b-5a and Rashi; see also *Mishneh Torah, Kiddush HaChodesh* 5:8.
9. See Rashba *Beitza* 4b that we do not fundamentally reject this position. We do not follow it simply because it could cause a laxity in attitude toward Yom Tov Sheni. See also Meiri *ibid.* and *Tzlach*.
10. Another consideration is the desire to reinforce the gravity of Yom Tov Sheni; we repeat all blessings whenever relevant so that the second day is observed as seriously as the first, even though it emerges from a doubt (see *Shabos* 23a and *Sha'ar HaTziun* 473:3).
11. See Ran and Ritva, *Beitza* 4b.
12. Tosfos (*Sukka* 44b) even suggest that for this reason, there is no question as to how we may recite a bracha on blowing the shofar on the second day of Rosh Hashana (unlike brachos on Yom Tov Sheni of other holidays that require explanation). See also Ran (*ibid.* 22a, *Dapei HaRif*).
13. See *Beis Yosef* O.C. 601.
14. This also relates to the suggestion of achronim to have the one blowing the Shofar wear a new suit on the second day when Shehechyanu is repeated, as well (*Magen Avraham* 600:3, *Mishna Berura* 600:7). It should be noted, however, that contemporary poskim question the general practice of reciting Shehechyanu on fruits nowadays when such items are more readily available throughout the year. Rav Soloveitchik also questioned if it is appropriate nowadays to recite the bracha on a new suit (see forthcoming *Batei Yosef, Yomim Noraim*).
15. See *Aruch HaShulchan* 600:3. See also *Shut Hisorrees L'Teshuva* 2:120 regarding Yom Tov Sheni and *panim chadashos* for sheva berachos.
16. *Beitza* 2a-3a; *Mishna Berura* 322:1; *Shaar Hatziun* 503:3. The Mishna teaches that an egg laid on a Yom Tov that does not follow Shabbat is also prohibited to avoid permitting the current case; *Mishna Berura* 513:1.
17. *Beitza* 4a-4b; *Mishna Berura* 513:13,14.
18. *Pesachim* 46a, Rashi *ibid.*
19. *Mishna Berura* 503:1; 667:5.
20. See Ra'avad *Hilchos Eruvin* 8:8; *Magen Avraham* 503:1. See also *Biur HaGra* and *Biur Halacha* (*ibid.*) and *Keren Orah, Eruvin* 39a, discussing if the Rambam disagrees and allows for leniencies as well, or only in unique contexts (see footnote at conclusion of this section).
21. Rather than understand the "chalos" [onset] of *kedushat hayom* as perpetually renewed at every moment of Shabbat or Yom Tov, the halachot are determined by their application at the beginning (see *Kovetz Shiurim, Beitza* 18).
22. See, for example, regarding *muktza*: *Mishna Berura* 667:2. Regarding *eruv*, see *Shulchan Aruch* 516:2. See also *Eretz HaTzvi* chaps. 7, 9.
23. *Beitza* 22a; *Shulchan Aruch* O.C. 496:2.
24. See, however, *Magen Avraham* 516:1 for possible exceptions.
25. See *Biur HaGra* O.C. 503.
26. Rashba *Beitza* 5b s.v. *Kasav*. See also *Rosh, Rosh Hashana* 4:14 quoting *Shut Rashi, Tosfos Rid Eruvin* 39a, *Meiri Beitza* 4a, *Shulchan Aruch HaRav, O.C.* 503:3, *Mishna Berura* 501:34, *Shut Avnei Nezer* O.C. 451:1-11 and *Igros HaGrid HaLevi, Hilchos Eruvin*.
27. See *Shulchan Aruch* O.C. 591:8. See also *Mateh Ephraim* 583:2 regarding eating of the *simanim* on the second night of Rosh Hashana, as well.
28. See *Mishna Berura* 582:25.
29. *Pinchas*, pg. 231.
30. *Kuntres Eitzos L'Zakos B'Yom HaDin* (Rav Chanoch Karelenshtein), pp. 45-46 [cf. *Michtav M'Eliyahu* 2:74, where Rav Dessler explains that in the times of *kiddush hachodesh al pi hare'iah*, Providence would orchestrate the timing of the arrival of witnesses depending on whether the entire Jewish people were more in need of one or two judgements on Rosh Hashana].
31. *Likutei Yehuda, Mishlei* 12:25.
32. Second interpretation, *Yoma* 75a.
33. See also *Agra D'Pirka* 114.
34. *Devarim* 32:4.
35. *Lev Eliyahu, Ma'arachos HaTeshuva* (5), vol. 3 pg. 296.
36. See Shmuel II, 7:23.
37. *Divrei Harav*, pg. 149
38. Cited by his son, Rav Yitzchok of Volozhin in the introduction to *Nefesh HaChaim*.