

# Torah Talk: Is Yom Tov Sheni Really Just a Minhag?

**Let's be honest:** Something doesn't add up.

The **Rambam**, in his *Mishneh Torah*, appears to say two different things about **Yom Tov Sheni shel Galuyot**—the Second Day of Yom Tov observed in the Diaspora.

In **Hilchot Kiddush HaChodesh 5:5**, he writes:

“Really, everyone should only observe one day now, even outside of Israel... but the Sages made a *takana* (rabbinic decree) to preserve the *minhag* of our ancestors.”

But in **Hilchot Yom Tov 6:14**, he says:

“Today, we no longer observe two days out of doubt—only as a *minhag bilvad* (custom alone).”

Wait—what?

How can something be both a “custom alone” and also a “rabbinic decree”? Those two terms carry very different halachic weight. A *minhag*—even a strong one—is always more flexible than a *takana* (a formal rabbinic law). And more importantly: there's no such thing as a new rabbinic decree after the Talmud was closed. So when exactly did this *minhag* magically become a *takana*?

## This Is Not Just Semantics

This isn't a theoretical issue. It affects how we live and make halachic decisions today.

If Yom Tov Sheni is only a *minhag*, it opens the door to:

- More leniency in cases of illness, financial loss, or great need.

- Different treatment for travelers moving between Israel and the Diaspora.
- Honest re-evaluation of the custom's application in modern circumstances.

But if it's a binding rabbinic law, there's no room for discussion. It must be kept like any other prohibition—even under difficult circumstances.

So we have to get this right.

## **The Bizarre Mistake Some Have Made**

In recent years, some rabbis and writers have tried to claim:

“Yom Tov Sheni started as a minhag but evolved into a rabbinic law.”

That's not just a stretch. It's bizarre.

How can a *minhag* transform into a *halachic obligation*—without a Sanhedrin, without a Gemara, without any formal decree? The Rambam lived centuries after the Talmud was closed. If he thought it was a binding rabbinic law, he would have said so clearly.

Instead, he emphasized:

“It is only a minhag bilvad.”

These modern interpretations are not just mistaken—they are deeply misleading. They turn a non-binding practice into a law, and then expect every Jew to treat it as if it came from the Sanhedrin. That's not halachic integrity—it's confusion.

## **So What's the Answer? How Can the Rambam Say Both?**

Here's the key:

When the Rambam calls it a “takana,” he does *not* mean a formal halachic decree.

He is not classifying it as binding rabbinic law.  
Rather, he is describing the *attitude* of Chazal, who strongly encouraged preserving the ancestral *minhag*—but without turning it into a legal obligation.

This is crucial.

The phrase “takkanat chachamim” in that context means:

*The Sages warned us not to abandon the custom of our ancestors.*

Not that they issued a new law. Not that they legislated a new obligation.  
Certainly not centuries after the Talmud was closed.

So the contradiction dissolves:

- When he’s speaking about halachic obligation, the Rambam says clearly: “*minhag bilvad.*”
- When he uses the word takana, it’s in the sense of *guidance* or *preservation*, not legislation.

And we must take the Rambam’s clarity seriously—especially when he goes out of his way to say it’s a *minhag alone* in *Hilchot Yom Tov*.

## **So What Do We Learn From This?**

We learn that not everything practiced by Jews with passion is legally binding.  
Some things are customs—precious and meaningful—but still customs.

And when halacha tells us something is a minhag, it means:

- We respect it.
- We observe it.
- But we also know its limits.

So next time someone insists, “You must keep two full days because it’s a rabbinic obligation,” you can reply:

“Actually, the Rambam says it’s *minhag bilvad*. And if he doesn’t call it binding law, neither should we pretend it is.”