

Secular Dates in Halachah, Part 1

Introduction

This past week we learned about counting months and years toward different events. Over these next two weeks, we will be^H discuss some of the history of the counting of months and years, in order to get more of an understanding as to what it is we are counting. We will also discuss the secular count of months and years, and whether it is permissible to use their count.

Hachodesh Harishon

In *Parshas Bo*, the **Torah** tells us (**Shemos 12:2**) that the month we left Mitzrayim (known today as *Nissan*) is to be for us the first month of the year. The Gemara brings this on *daf 7* and tells us that *Nissan* is thus considered the “Rosh Hashanah” of the months. The **Ramban** (**Shemos ad loc.; derashah for Rosh Hashanah**) explains that until *Yetzias Mitzrayim* we always counted *Nissan* as the seventh month of the year. This is because we hold that the world was created in *Tishrei*, and thus we counted the months of the year from *Tishrei*. The significance of this count wasn't merely to give an order to the months, but they were actually the names of the months! The names “*Nissan*,” “*Iyar*,” etc. did not yet exist (see further); instead, the name of *Tishrei* before *Yetzias Mitzrayim* was “*Hachodesh Harishon*,” *Cheshvan* was called “*Hachodesh Hasheini*,” etc. At *Yetzias Mitzrayim*, though, everything changed. Although years would still be counted from “*Tishrei*” since that is when the world was created, we were commanded to begin calling the seventh month (i.e., *Nissan*) “*Hachodesh Harishon*.” Similarly, what is known today as *Iyar* should be “*Hachodesh Hasheini*,” and what is known today as *Tishrei*, “*Hachodesh Hashevi'i*.” The **Ramban** explains that this mitzvah was given as a way to remember *Yetzias Mitzrayim*. By calling *Iyar* “*Hachodesh Hasheini*,” we commemorate *Yetzias Mitzrayim* by mentioning that it is the second month from *Yetzias Mitzrayim*.

New Names for the Months

The **Ramban** further points out that although in the Torah there are no names for months other than their numbers (as mentioned above), eventually we adopted the names “*Nissan*,” “*Iyar*,” etc. Where do these names come from? The **Yerushalmi** (**Rosh Hashanah 1:2**) tells us that we got the “new names” for the months from Bavel. The **Ramban** explains that when Klal Yisrael left *galus Bavel* during the rebuilding of the second *Bais Hamikdash*, the *pesukim* in **Yirmiyahu (16:14-15)** became fulfilled: “Days are coming, says Hashem, when it will no longer be said (when one takes a *shevuah*), ‘As Hashem lives, Who took Bnei Yisrael out from the land of Mitzrayim,’ but rather, ‘As Hashem lives, Who took Bnei Yisrael out from the land of the north and from all the lands where He had scattered them.’” Therefore, says the **Ramban**, instead of calling the months by their number from when we left Mitzrayim, we began calling months by their Persian names (used in Bavel) to remember that which Hashem took us out of *galus*. Now, “the

first month” became “*Nissan*,” and “the second month” became “*Iyar*,” etc. This is why we only find these names of months being expressed in the *sefarim* of the *nevi'ei Bavel*.

Hachodesh Hazeh Lachem

The **Sefer Ha'ikkarim** (**Maamar 3 ch. 16**) understood the **Ramban** to be saying that the mitzvah to count months from *Nissan* no longer exists. However, the **Maharal** (**Tiferes Yisrael, ch. 64 s.v. v'kach**) and **Rav Yaakov ben Chaviv** (**Hakosev in Ein Yaakov, Megillah 3a**) strongly oppose this *shitah* of the **Sefer Ha'ikkarim**. **Rav Chaviv** argues that the *chiyuv* to count *Nissan* as the first month never left, just that names to the months were added. See also **Abarbanel** (**Shemos 12:2**) who makes this point as well — that we still fulfill “*Hachodesh hazeh lachem*” by counting *Nissan* as the first month. A simple glance at the **Ramban's** *derashah* for Rosh Hashanah would seem to close the debate, as there he writes explicitly that these “new names” didn't replace the original ones. Rather, they were **added** to remember that Hashem took us out of *galus Bavel*. See also **Ritva** (**Rosh Hashanah 3a**).

The Days of the Week

The **Ramban** adds that just as we were commanded to count months from *Yetzias Mitzrayim* as a way of remembering that momentous event, we are also commanded to count the days of the week leading up to Shabbos as a way of remembering Shabbos. Therefore, the days of the week are called “*Yom rishon*,” “*Yom sheini*,” etc. This, explains the **Ramban** (**Shemos 20:8**), is not just a “nice thing to do,” rather it is included in the *chiyuv* of “*Zachor es yom haShabbos*,” which requires that one remember Shabbos all week long. By referring to the days as they relate to Shabbos, we are remembering Shabbos constantly.

The truth is, the **Ramban** points out that this is not his idea, but is stated openly by the **Mechilta** (**Parshas Yisro – Hachodesh, parshah 7**) on *Shemos 20:8*. The **Mechilta** quotes **Rav Yitzchok** who says that the Torah is telling us not to count like non-Jews, but rather to count the days as they lead up to Shabbos. See also **Shaar Hakavanos (61b)** where the **Arizal** concurs with the **Ramban**. The **Arizal** says that counting the days of the week up to Shabbos is one of the 248 *mitzvos asef*, and one should therefore be careful every morning before reciting the *Shir Shel Yom* to say, “*Hayom yom rishon b'Shabbos...*” We find a similar idea in the *derashos* of the **Chasam Sofer** (**Parshas Bo, on “Hachodesh hazeh lachem”**) where he says that when writing a letter, one should mention the date by counting the day of the week from Shabbos (like we do by the *Shir Shel Yom*).

Defining the Mitzvah

The **Torah Temimah** (**Shemos 20:8 os 58**) and **Divrei Yoel** (**OC 15**) point out that the **Mechilta** does not mean that there is a mitzvah to specifically date events using the day of the week (and

to label it by its name in relationship to Shabbos). Rather, the *Mechilta* means that if one is anyways dating something using the day of the week, he should not use the secular date; rather, he should count from Shabbos. They prove this from the Gemara we learned this week (3a) which says that we don't find anywhere in the Torah that an event is dated by the day of the week on which it occurred. If there were, in fact, a mitzvah to date things according to the day of the week, then the Torah surely would have "practiced what it preached" and dated events with the day of the week as well [see *Yerushalmi Rosh Hashanah (1:3; 7b)* and *Maharatz Chiyos (3a)*]. The *Divrei Yoel* adds that if there were indeed a mitzvah to specifically record events by using the day of the week, we would have found events recorded in *Nach* (when they were already commanded with this mitzvah of "*Zachor es yom haShabbos*") which mentioned the day of the week on which they occurred, yet we do not. The *Torah Temimah* is unsure of the source of the *minhag* to date events by day of the week (e.g., in a *shtar*, *kesubah*, or *get*).

The Secular Names for the Days of the Week

While the Torah's "names" for the days of the week are sourced in *kedushah*, the same cannot be said of the secular names. The English names of the days come largely from Roman sources, and are based on the celestial beings ["Sunday" – sun, "Monday" – moon, etc.], which were the commonly worshipped deities at that time [see *Ramban (20:8)*]. It would thus seem quite strange that these English names for the days of the week are used by so many Jews (in *Chutz La'aretz*). Not only do these names have sources in *avodah zarah*, but the *Mechilta* seems to maintain quite clearly that we should not be using these names; rather, we should use Shabbos as the basis for the names of the days of the week. The *Pri Megadim*, in his introduction to his *Sefer Notrikan*, writes, "The days of the week do not have names except for the day of Shabbos. The rest of the days are termed based on Shabbos... The non-Jews have names for the days of the week such as 'Sunday' and 'Monday,' which should not be used by Jews."

The Divrei Yoel's Defense

Oddly, many of the *poskim* who discuss using secular dates seem to ignore the topic of using the secular names for the days of the week. However, we do find this *shailah* addressed by the *Divrei Yoel* (ibid.), who points out that even *gedolim* from the previous generations called the days of the week by their secular names and therefore it is permissible. He writes at length to defend our *minhag* to be *meikil* and offers a few rationales. One justification he suggests is as follows. Aside from "*Zachor es yom haShabbos*," we find another mitzvah of *zechirah* in the Torah as well: *zechiras maaseh Amalek*. Yet the *poskim* say that one can fulfill this *zechirah* by reading *Parshas Zachor* once a year [the *Maharam Shick (on Taryag Mitzvos, mitzvah 205 os 2)* explains, based on the *Gemara* in *Bava Metzia (28a)*, that one remembers things for a year]. If merely mentioning *maaseh Amalek* annually suffices to fulfill a mitzvah of "*zechirah*," we can certainly rely on the words "*Hayom yom...*" — which we recite every day — to fulfill "*Zachor es yom haShabbos*." As such, one may continue using the secular names of the days, provided he prefaces the *Shir Shel Yom* with

"*Hayom yom...*" which uses the Torah's terminology.

The History of the Counting of Years

The *Yerushalmi (1:1, 1b)* tells us that just like at *Yetzias Mitzrayim*, Klal Yisrael was commanded to switch their way of dating months, they also switched their way of dating years at that time. The *Yerushalmi* tells us that, although prior to *Yetzias Mitzrayim* we counted years from *Brias Ha'olam*, after *Yetzias Mitzrayim* we began counting years from *Yetzias Mitzrayim*. For example, instead of referring to the second year after *Yetzias Mitzrayim* as 2449 (from Creation), it was simply called "the second year." [See *Korban Ha'eidah (ad loc.)* who seems to say that this is something that Klal Yisrael decided to do on their own, out of *chavivus* for *Yetzias Mitzrayim*. See, however, *Har Ephraim (Garbuz, on Mechilta, Yisro – Hachodesh, parshah 1)* who entertains the possibility that there was a *chiyuv* to do so, similar to that of "*Hachodesh hazeh lachem*."]

The *Yerushalmi* says that the practice of counting years from *Yetzias Mitzrayim* continued after Klal Yisrael entered Eretz Yisrael. Once the *Bais Hamikdash* was built, we started counting years from the *Bais Hamikdash* [regarding the count of years from Jewish kings mentioned in the Gemara, see *Rashba (2a s.v. arba'ah)*]. Unfortunately, Klal Yisrael was not *zocheh* and eventually had to count years from the *Churban Habayis*. Klal Yisrael still didn't get the message to do *teshuvah* and they were no longer able to even use their own events to count years. Instead, they were forced to count years from the reign of non-Jewish kings in order to maintain a peaceful relationship with them (see *Rashi* and *Tosafos 2a*). This method of counting is often referred to as "*minyanshtaros*" [see *Rambam, Hilchos Gittin 1:27*] or "*minyanshtaros*" [see *Avodah Zarah 10a* and *Iggeres of Rav Sherira Gaon*].

This system of dating years using "*minyanshtaros*" continued until about 500 years ago [except in Yemenite communities where they continued to use *minyanshtaros* even until our times (see *Shu"t Even Sapir 1:29*)]. The *Maharam Chaviv (Get Pashut 127:30)* writes that the *Radvaz* abolished the use of *minyanshtaros* since many people were no longer fluent in it. Instead, he established that one should count from *Brias Ha'olam*, which people were fluent in [see *Tosafos (Gittin 80b s.v. zu)* and *Rambam (Gittin 1:27)* who already mention the *minhag* to count years from *Brias Ha'olam*].

The Secular Months and Years

The concept of using "important events" to count years continued by the non-Jews as well. Approximately 2023 years ago, they restarted their count of years. It is popularly believed that this count was established from the birth of Yeshu Hanotzri. The names of the months (January, February, etc.) come from a multitude of sources, many of which are Roman and Greek gods or goddesses. The *poskim* discuss whether one may use the secular names of months and their system of counting years. This will be^H be discussed next week.

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