

Using Secular Dates

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- I. **Introduction.** The calendar plays a significant role in governing the life of the Jewish people. Large sections of *Masechet Rosh Hashana*, as well as many other parts of *shas* deal with the exact rules and regulations governing the establishment of the Jewish calendar. However, as Jews in exile, who conduct business and other daily affairs within a secular culture, we often find ourselves referring to, and relying on, the secular calendar. Sole reliance on the Jewish calendar would lead to confusion, as we would not be able to communicate important dates to others effectively. Throughout the past few centuries leading poskim have debated the permissibility of using the secular calendar to identify important dates. We will survey the various opinions on this matter by examining each of the pertinent *halachic* issues. After analyzing all of the issues, we will arrive at an informed *halachic* conclusion.
- II. **Historical Background.** In order to understand the issues at hand, we must first gain familiarity with the historical significance of the Gregorian calendar, and discuss which event determined the starting point of the calendar. It is generally assumed that the dating system currently in use dates back to the birth of Jesus.

The Talmud (Sotah 47a [without mentioning Jesus by name], and Sanhedrin 107b [in *chesronot hashas*]) records an incident that occurred after King Yanai killed the rabbis in Israel. Rabbi Yehoshua ben Perachya and Jesus fled to Alexandria, Egypt. When the situation in Israel had improved, Shimon ben Shetach (Yanai's brother in law) sent a message for them to return to Yerushalayim. On their way back they stayed at an inn. Upon receiving gracious treatment from their hostess, Rabbi Yehoshua ben Perachya expressed appreciation for all of the woman's kindness. Jesus, however, pointed out that the eyes of the hostess were half closed. Rabbi Yehoshua ben Perachya then became angry at Jesus for focusing on the vanity of a woman's beauty, and placed Jesus in *cherem*. After attempting unsuccessfully on numerous occasions to receive forgiveness from his Rebbe, Jesus attempted one last time. On this final occasion Rabbi Yehoshua ben Perachya was ready to terminate the *cherem*, but he was in middle of reciting *keriat shema* and therefore was unable to respond verbally. Instead, he waved with his hand to indicate to Jesus that he would be with him in a moment. Jesus misunderstood the hand motion as a rejection of his apology, and never attempted to receive forgiveness again. This *gemara* clearly indicates that Jesus lived during the time of Rabbi Yehoshua ben Prachya.

If we are to accept the *gemara*'s account at face value, we encounter a major historical problem. According to Talmudic tradition (Avot chapter 1 and Chagiga 16a) Hillel was a student of a student of a student of Rabbi Yehoshua ben Perachya, and Hillel served as Nasi one hundred years before the destruction of the second Beit Hamikdash, which occurred in the secular year 69 CE. Clearly, according to the Talmudic account, Jesus dies many years before the beginning of the secular calendar, in a period at most a century

following the events of the story of Chanukah (approximately 235 years before the destruction of the second Beit Hamikdash.). The Rabbinic authorities have taken two basic approaches to deal with the discrepancy between the Talmudic and secular historical accounts of when Jesus lived and died.

- A. The conspiracy theory. Ra'avad (*Sefer Hakabalah* page 53) notes the contradiction between the historical and Talmudic account, and strongly stands by the accuracy of the Talmudic tradition. Abarbanel (*Sefer Ma'yanei Hayeshua*) suggests that the Christians have falsified the true dates in order to make it appear as if the destruction of the *Beit Hamikdash* occurred soon after Jesus' death, thereby implying that the destruction of the Beit Hamikdash was punishment for killing Jesus.
- B. The "second Jesus" theory. *Seder Hadorot* suggests that there were two people named Jesus who were both killed. The Talmudic account mentioned above refers to a different Jesus than the one who has been deified by so many people. Rabbi Yakov Emden (commentary to Avodah Zara 17a) also believes that there must have been a second Jesus. In fact, there are a number of sources that point to the possibility of a second Jesus:

- 1. Tosafot Sanhedrin 37b. Tosafot point out that even though the Sanhedrin had stopped judging cases involving capital punishment forty years before the destruction of the beit hamikdash, when it was absolutely necessary "like that [well known] incident". Presumably, Tosafot are referring to the execution of Jesus. The underlying assumption of Tosafot is that Jesus was killed within the last forty years prior to the destruction of the beit hamikdash. Tosafot do not raise the issue of the strong Talmudic evidence that Jesus was killed many years earlier, presumably because they assume that there were two men named Jesus, both of whom were killed. (See, however, comment of Rav Yakov Emden there who has a novel reading of Tosafot to address the discrepancy in the dates.)
- 2. *Gemara Sanhedrin* 43a. The *gemara* (in *chesronot hashas*) very clearly states that the Jewish *Sanhedrin* killed Jesus. If this *gemara* refers to the same Jesus, it is most curious that all historical accounts of the death of Jesus claim that the Romans in fact killed him. If the non-Jews changed the date of his death in historical accounts to incriminate the Jews, why would they claim that the Romans killed him, and not the Jews? It would therefore seem that there must have been another Jesus, many years before his more famous namesake, who was killed by the Jews.

III. **The argument against the use of secular dates.** The Maharam Schick (Responsa Yoreh Deah 171) was asked about the permissibility of writing the secular date on a tombstone. In his response, Rabbi Schick strongly objects to the use of secular dates, following in the tradition of his illustrious Rebbe, the

Chatam Sofer, who also forbade using secular dates. While both of these torah giants arrived at the same conclusion, their arguments were very different.

- A. The objection of Maharam Schick. The passuk in Parshat Mishpatim (Shemot 23:13) states that we may not mention the names of other gods. Chazal (Sanhedrin 63b) understand this prohibition to include one who tells his friend to meet him near a particular avodah zara. Rav Schick, in turn, extends this prohibition to any action that would cause people to think about the avodah zara, even without mentioning it by name. After all, he argues, the Sefer Hachinuch explains the reason for this prohibition is to avoid paying any attention to avodah zara whatsoever. It therefore follows that anything that reminds a person of an avodah zara is included in this prohibition. Since the secular date is counted from the birth of Jesus, it would be biblically prohibited to use the date.
- B. The objection of Chatam Sofer. The Chatam Sofer (Derashot Chatam Sofer volume II page 315) argues that by counting our years back to the creation of the world we are reminding ourselves of the Creator, and of our Divine right to Eretz Yisroel. When one uses the secular date, on the other hand, they are implying that “they want no portion of the God of Israel” and they have “become disgusted with the Torah of God”. Furthermore, in his commentary to Chumash (Parshat Bo), the Chatam Sofer writes that the torah commands us to consider Nissan the first month to remind ourselves of the exodus from Mitzrayim, and “not God forbid like the counting of the nations of the world”.

IV. The argument to allow using secular dates. Obviously, those who permit the use of secular dates must address both the argument of the Maharam Schick and the argument of the Chatam Sofer.

- A. The response to the Maharam Schick. Many of the leading poskim of our generation (Rav Ovadia Yosef Responsa Yabia Omer Yoreh Deah III 9:3; Tzit Eliezer VIII 8:1 and IX #14; Rav Yehoshua Freund cited by Responsa Az Nidberu XII #39) point out that one can take issue with the stringency of the Maharam Schick for many reasons:
 - 1. While the gemara clearly prohibits explicit mention of an avodah zara even for non idolatrous purposes, it is quite a stretch to extend this prohibition to anything that may remind somebody of the avodah zara. We do not find this stringency in the Shulchan Aruch or any of the earlier authorities.
 - 2. As we have illustrated above, there remains a very strong possibility that the secular dates do not correspond at all to the birth of Jesus. Rather, as Sefer Otzer Yisroel (page 291) points out, the dating starts with the Roman empire. If the dating has nothing to do with the birth of Jesus there would be no problem of reminding ourselves of avodah zara when mentioning the secular date. Some object to this leniency on the grounds that as long as people *think* the date relates to *avodah zara*, they will be reminded of the *avodah zara* and one will violate a torah prohibition by bringing the *avodah zara* to people’s attention

(Rabbi Nosson Gestetner, author of Responsa Lehorot Natan cited in Tzitz Eliezer XIII 14:3). Rabbi Eliezer Waldenberg (Tzitz Eliezer ibid.) addresses this objection in two ways:

- a. It would seem that if the date really has no relevance to the *avodah zara*, and people only mistakenly equate the two, there would be no prohibition of mentioning the date. We cannot control what goes through the minds of others when we speak carefully and avoid mention of *avodah zara*.
 - b. We may argue further that most people are not reminded of *avodah zara* at all when told the date. Even the small percentage of people who are reminded of the *avodah zara*, probably know that there is no exact connection between the secular date and the *avodah zara*.
3. Even if one were to argue that the dating does in fact correspond to the birth of Jesus, the *Sefer Yereim* (75) writes that the prohibition to mention names of idols is limited to those names that ascribe godliness to the idols. However, a name that merely serves to identify the object without any connotation of deifying the object would not be included in this prohibition. It therefore follows that even if one is reminded of Jesus when mentioning the secular date, so long as he does not recall any godly characteristics of Jesus, he has not violated the prohibition of mentioning the names of other gods.
 4. Rabbi Eliezer Waldenberg (Responsa Tzitz Eliezer XIII #14) suggests that we may distinguish between using secular dates in the context of business and using them in the context of a tombstone. In a cemetery we must be more diligent in assuring that our behavior reflects that which unites the Jewish people and focuses on the spiritual side of our existence. It is only there, perhaps, that the Maharam Schick was opposed to using secular dates. In business, however, where there is room for the mundane, we may use secular dates. Even so, Rabbi Waldenberg suggests that when dealing with internal matters (letters between Jews) we should be careful to use the Jewish date. Furthermore, he suggests, even when writing documents that require the secular date one should try to include the Jewish date as well.
- B. The response to the Chatam Sofer. Rav Ovadia Yosef suggests that the Chatam Sofer's objection to using secular dates is limited to those who have attempted to assimilate into non-Jewish culture, and use the secular date as another form of being like the nations of the world. However, if somebody uses the secular date for purely practical purposes, such as business dealings where others would not recognize the Jewish date, even the Chatam Sofer would rule leniently. To prove this assertion, Rav Yosef points out that even the Chatam Sofer himself concluded a letter that was addressed to political leaders with the date November 8 1821. For this reason, Rav Yosef concludes that when necessary (i.e. writing checks,

contracts etc.), especially outside of Israel (where nobody is aware of the Jewish date), it is permissible to use the secular date. When practical (i.e. letters to friends, personal notes etc.), however, one should attempt to use the Jewish date. Furthermore, it would seem that one who uses both dates next to each other is clearly indicating that the Jewish date is meaningful to him, and that he is only using the secular date for practical reasons.

C. In addition to the various rabbinic responses to the stringent stance of the Maharam Schick and the Chatam Sofer, many poskim have pointed out other reasons to permit the use of secular dates:

1. Rabbi Yehoshua Freund (cited in Responsa Az Nidberu ibid.) points out that it is very curious that there is no mention of any prohibition on this matter in the Shulchan Aruch or any of its classical commentaries. Considering that the dating system has been in effect for two millennia it would seem that somebody should have mentioned this problem before the 18th century. Furthermore, Rav Ovadia Yosef points out that there is significant rabbinical precedent for the use of secular dates. Such torah luminaries as the Shach (Sefer Kiryat Ne'emanah page 78), Maharam Padawa (responsa 36), Rav Shlomo Eiger (Iggerot Soferim page 66), and even the Chatam Sofer himself have dated letters with the secular dates.
2. Rabbi Freund points out further that a stringent ruling in this area would preclude Jews from engaging in almost all business activity. Simple tasks such as writing checks could become a major problem. Considering that the overwhelming majority of God fearing Jews do not refrain from such activities, it is highly unlikely that it would be prohibited. It is important to point out that even those who are stringent suggest that a check may be dated by writing the last two numbers of the secular year (i.e. '04 instead of 2004). Rav Moshe Stern (Responsa Be'er Moshe VIII #18) happily reports that he has dated many checks in this fashion and has yet to have the bank return a single one of them.

V. **Numbering the months.** In addition to the issue of counting the years according to the secular calendar, there is an additional debate regarding using secular months to identify a day. Amongst those who share a lenient view regarding the years, there is debate as to the best way to identify the secular months in checks and other such documents.

A. Rav Ovadia Yosef (Responsa Yabia Omer ibid.) points out that both the Ramban (commentary to Parshat Bo) and the Chatam Sofer stress the importance of counting our months according to the Jewish calendar. This means to say that when the Torah tells us that Nissan is the first of the months, it is implying that we may not consider any other month to be "the first". Therefore, suggests Rav Yosef, when dating a check one should not refer to the secular month by number, but by name. There is no prohibition to use the names January, February, March, etc.; but there is a prohibition to refer to them as the first three months of the year.

- B. Rabbi Waldenberg suggests that the exact opposite is true. He writes that he has heard that the names of the months are after gentile gods. If this is the case, one may not mention the names of the months, but should instead refer to the month by number. Although the Tur (Orach Chaim 117) and R' Akiva Eiger (Responsa 118) both record the names of secular months, they clearly were unaware of the idolatrous origins of these names. We, who are aware of the significance of these names, should avoid using them under any circumstances.
 - C. Compromise approach. According to the Encarta Encyclopedia, the months of January, March, May, and June are named for various Roman gods. The months of February and April are named for other religiously significant events, but not directly for gods. The months of July and August are named for the Roman leaders Julius Caesar and Augustus respectively. Finally, the months of September through December are rooted in the Latin words for the numbers seven through ten (before Julius and Augustus named months for themselves, there were only ten months in the year and these months corresponded to these numbers). If this is the case, it may be advisable to use numbers to refer to those months that are named for avodah zara (in order to avoid the biblical prohibition of mentioning the names of avodah zara), and to write out the name of those months that are not named for avodah zara (in deference to the opinion of the Ramban that we should not count non Jewish months by numbers).
- VI. Conclusion.** We have surveyed the opinions of the leading poskim of the past three hundred years regarding the use of secular dates. While the arguments to be lenient are compelling and may be relied upon, the passion with which those who are stringent express themselves suggests that one should promote the use the Jewish calendar when possible.