

# HALACHICALLY SPEAKING

Volume 10 Issue 1



{ TOPIC }

## Using Secular Dates



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► Each issue reviews a different area of contemporary *halacha* with an emphasis on practical applications of the principles discussed. Significant time is spent ensuring the inclusion of all relevant *shittos* on each topic, as well as the *psak* of *Harav Yisroel Belsky, Shlita* on current issues.

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# Using Secular Dates

The Jewish calendar plays an important role throughout the year. However, we make ample use of the secular calendar as well. Whenever we write a check or schedule an appointment with a non-Jew, we use the secular date. The issue of using secular dates has been addressed over the last couple hundred years. Is writing the date akin to saying it? We will also focus on the format of the writing, such as January 28th 2014 or 1/28/2014. Included in our discussion is whether one is allowed to write the secular date on a tombstone.

## Jewish Years

Throughout our history, we have used various criteria to count the years. At first, we counted from the exodus from *Mitzrayim*.<sup>1</sup> At other times, we counted based on the non-Jewish years in order to maintain a good relationship with the government,<sup>2</sup> and other times we counted from the creation.<sup>3</sup> The latter is the overwhelming practice that is practiced by Jews.

## D'oraisa or Not

The *Maharam Shick*<sup>4</sup> vehemently opposes mentioning the secular year and holds that it is included in the issue *d'oraisa* of mentioning a different god. However, it seems

1. Refer to Meseches Rosh Hashanah 2b.
2. Meseches Gittin 80a. See Tosfas Meseches Rosh Hashanah 2a "I'malachim," Gittin 80a "mipnei," Yevamos 91b "malchos."
3. Tosfas Meseches Gittin 80b "zu," see Shulchan Aruch E.H. 127, Choshen Mishpat 43.
4. Y.D. 171.



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that this is a lone opinion, since if this was actually an *issur* then it would be mentioned in the *Gemorah* or *Rishonim*.<sup>5</sup>

## Following in the Ways of the Non-Jews

The *Torah* states, “Do not follow in the ways of the non-Jews”<sup>6</sup> The *Rambam*<sup>7</sup> writes that one should be different than the non-Jews in his actions, his philosophy, and in his understanding. There is a major dispute among the *Rishonim* and *Achronim* as to the parameters of this *issur*.<sup>8</sup> A practice that the non-Jews perform for their *avodah zarah* is forbidden for a Jew, even if the *Torah* says that it is a Jewish custom.<sup>9</sup> The *Maharik*<sup>10</sup> writes that even those non-Jewish practices whose reasons and origins cannot be found are still forbidden to Jews, since it would appear that we are copying them. Furthermore, all immodest practices that the non-Jews are associated with are forbidden to a Jew. Most *poskim* agree with the guidelines of the *Maharik*.<sup>11</sup>

Some *poskim* wish to maintain that mentioning the secular dates is an *issur* of “following in the ways of the non-Jews.”<sup>12</sup> However, as mentioned above, if there is a reason why the non-Jews have a certain practice then there is no *issur* for Jews to follow them. Accordingly, since there is a reason why the non-Jews count the years the way they do, Jews would not be restricted from doing so.<sup>13</sup>

5. Kovetz Bais Aron V'Yisroel 67:page 82.

6. Parshas Kedoshim 2:23, see Rashi, Eben Ezra. Refer to Parshas Achrei Mos 18:3.

7. Hilchos Avodah Zarah 11:1.

8. Refer to Tosfas Avodah Zarah 12b “v’ey,” Rashi and Ramban Vayikra 19:9, Bach Y.D. 178, Bais Yosef 178, Pri Hasadeh 1:48, Minhag Yisroel Torah 6:pages 19-28 in depth.

9. Refer to Tosfas Avodah Zarah 11a “v’ehi,” Ran Sanhedrin 52b, see Bach Y.D. 178, Shulchan Aruch Hamikutzar 144:5.

10. Shoresch 88, Bais Yosef ibid.

11. Refer to Darchei Moshe I, Rama 178:1, Maharam Shick Y.D. 178.

12. Chemdas Tzvi 4:33.

13. Yabea Omer Y.D. 3:9.

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## Earlier *Poskim* Mention the Secular Date in Their Letters

Many *poskim* over the years wrote the secular date on their responsa, such as the *Chavos Yair*,<sup>14</sup> *Rama*,<sup>15</sup> and *Chasam Sofer*.<sup>16</sup> Others are not convinced that this proves that writing the secular date is permitted.<sup>17</sup>

## Those Who Are Against Using Secular Dates

The *Maharam Shik*<sup>18</sup> (and others)<sup>19</sup> maintains that it is forbidden to use the secular dates (his case was referring to a tombstone) since one is not allowed to mention other gods. Included in this is any action that can cause people to think about their *avodah zarah* even without mentioning it by name. In addition, other *gedolim* refrained from writing the secular date,<sup>20</sup> and maintained that one should refrain from such activity as well.<sup>21</sup>

The *Be'er Moshe*<sup>22</sup> wrote extensively against using the secular date and maintained that it is *ossur* to do so. He always wrote '80 or 980 on a check instead of 1980, and the bank never refused to honor his check.<sup>23</sup>

## Those Who Are Not Against Using Secular Dates

Many *poskim* are lenient in this regard, since there is no mention in *Shulchan Aruch* or its commentaries that

14. 184.

15. 51.

16. E.H. 1:43.

17. Chemdas Tzvi 4:33, Beer Moshe 2:18.

18. Y.D. 171.

19. Yayin Hatov 8, Pri Hasadeh 1:3, Sharei Tzedek Y.D. 199, Yalkut Yosef 7:page 92. Refer to Yafei Leleiv Y.D. 178:3.

20. Darchei Chaim V'sholom page 381:footnote 1.

21. Oz Nedberu 12:38.

22. 2:18-19. Refer to Yisroel V'hazemanim 2:pages 935-941 in footnote in depth.

23. Beer Moshe 2:18:page 39. Refer to V'ein Lamo Michshal 2:pages 98-100.

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the prohibition extends to thinking about *avodah zarah* without saying the name of the *avodah zarah*. Additionally it is unclear whether the non-Jews count their years from *yoshkas* birth or not.<sup>24</sup> Rather, this is a simple number that is accepted by everyone.<sup>25</sup> The opinion of *Harav Ovadia Yosef zt"l*<sup>26</sup> is that although one can be lenient, it is better to avoid it if possible. Others say that the entire concern of writing the secular date is if one writes the date and concludes, "Like the numbers of the *notzrim*." However, if one just writes the secular date without that addition, there is no concern.<sup>27</sup> Therefore, if one just uses the date because he is in business with non-Jews and has no intention to refer to *avodah zarah*, it is permitted.<sup>28</sup>

### The Opinion of Some Contemporary *Gedolim*

The opinion *Harav Chaim Kanievesky Shlita* is that one should refrain from using a secular date on a check.<sup>29</sup> This is especially easy in *Eretz Yisroel* where the secular date is not required. However, in *Chutz La'aretz* one can be lenient. *Harav Moshe Feinstein zt"l* was lenient, but *Harav Yaakov Kamenetsky zt"l* was stringent.<sup>30</sup> This is the opinion of the *Satmer Rav zt"l* as well.<sup>31</sup> *Harav D'biliski Shlita*<sup>32</sup> holds that when we do business with non-Jews such as buying a home,

24. Yabea Omer Y.D. 3:9. However, refer to Beer Moshe 2:18 who says this does not make a difference.

25. Ibid. Refer to V'yalkut Yosef 13:9:pages 35-35b.

26. Ibid.

27. Tzitz Eliezer 8:8.

28. Yayin Hatov 8, Sharei Halacha U'minrag Y.D. pages 48-49, Yabea Omer Y.D. 3:9, Tzitz Eliezer 8:8.

29. Refer to Orchos Rabbeinu 1:page 347.

30. Meor Yeshoshua 36. Refer Kinyan Torah 1:55:4.

31. Divrei Yoel O.C. 15:pages 89-90.

32. Opinion quoted in Kovetz Bais Aron V'Yisroel 68:page 110.

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filling out a contract, or various bank issues which all use the secular calendar, one may write the secular date.

## Writing vs. Saying

Those who forbid mentioning the name of the non-Jewish month would forbid writing it as well.<sup>33</sup> However, even according to those who are stringent one would be permitted to make photocopies of checks or papers which contain the secular date, since it is hard to avoid such a situation.<sup>34</sup>

## Jewish Months<sup>35</sup>

Until now we were discussing the issue of writing or mentioning the secular year. Now we will focus our attention on writing or mentioning the secular month.

The Jews were given the *mitzvah*<sup>36</sup> of counting the months as the very first *mitzvah*,<sup>37</sup> the first month being *Nissan*.<sup>38</sup> The *Ramban*<sup>39</sup> gives a remarkable explanation. At first, the Jews did not use names for months; rather they counted the number of months from *Nissan*. The reason for this was in order for us to remember that Hashem took us out of *Mitzrayim* in *Nissan*. However, when we left *Bavel*,

33. Refer to Maharam Shick Y.D. 171, Bais Yitzchok Y.D. 152.

34. Opinion of Beer Moshe quoted in Oz Nedberu ibid.

35. Regarding mentioning the days of the week that correspond to Shabbos see Shemos 20:8, Ramban, Mechilta Yisro ibid, Ritvah Meseches Rosh Hashanah 3b, Shulchan Aruch E.H. 126:3, Charedim 9:33, Chai Adom Shabbos 1:1, Kaf Hachaim 132:26, Aruch Hashulchan O.C. 242:1-2, Sharei Halacha U'minhag O.C. 88, Divrei Yoel O.C. 15 in depth, Kovetz Bais Aron V'Yisroel 71:pages 119-134 in great depth. Sunday in Yiddish is *Suntig* – which means Sun - day. Monday is *Muntik- Mun* is Moon and *tug* is day. Wednesday is *Mitvach* which means middle of the week (refer to Kovetz Bais Aron V'Yisroel 71:pages 133-134).

36. The *poskim* question why this is not brought in the Sefer Hamitzvahs (Refer to Minchas Chinchuh 311:5, Kovetz Bais Aron V'Yisroel 68:pages 101-104).

37. Shemos 2:12.

38. Rosh Hashanah 7b. Refer to Meiri, Ritvah.

39. Shemos 2:12.

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we started using the Babylonian names of the months to remember the time when Hashem took us out of *Bavel*.<sup>40</sup>

## Names of Months

As mentioned before, the *Ramban* says that the names of the months came from *Bavel*. Others say that they were given at *Har Sinai*.<sup>41</sup> Many of the names of the months are found in *Nevi'im* and *Kesuvim*.<sup>42</sup> *Shevet*<sup>43</sup> and *Kislev*<sup>44</sup> are mentioned in *Zecharya*. *Teves*,<sup>45</sup> *Nissan*,<sup>46</sup> *Adar*<sup>47</sup> and *Sivan*<sup>48</sup> are mentioned in *Megillas Esther*.

The months of November and December are mentioned in *halacha* in regard to saying *v'sein tal umatar*.<sup>49</sup>

In reality, the secular months are mostly not names of *avodah zarah* of any sort. May, June, July, and August are names of kings. Other months are simply numbers. For example, December is ten in Latin, November is nine, October is eight, and September is seven. February means purification and April is the time of growth. January and March are name of gods.<sup>50</sup>

40. Refer to Ritvah Meseches Rosh Hashanah 3a. See Binyan Shlomo O.C. 22 in depth.

41. Bnei Yisoschor Nissan 1:6. Refer to Meseches Rosh Hashanah 7a.

42. Refer to Meseches Rosh Hashanah 7a, Shulchan Aruch Y.D. 126, Gra. See Aruch Hashulchan E.H. 127:44.

43. Zecharya 7:1.

44. Zecharya 1:7. See Nechemya 1:1.

45. Megillas Esther 2:16

46. Ibid 3:7. See Nechemya 2:2.

47. Megillas Esther 3:13.

48. Ibid 8:9.

49. Bais Yosef O.C. 117, Kitzur Shulchan Aruch 19:5,

50. Refer to Kovetz Bais Aron V'Yisroel 68:pages 109-110.

## Using Secular Months

Based on the above, there are those who maintain that Jews may not count using the secular months since we are supposed to count with Jewish months. Using secular months would be in violation of this *mitzvah*.<sup>51</sup> Others say the entire *mitzvah* only applies when the *mitzvah* of *kiddush hachodesh* was performed, and not at any different time.<sup>52</sup> Accordingly, there should be no issue with writing or using the secular month.<sup>53</sup> When required for business purposes, one may write or mention the name of the secular month as the first month (i.e. on a check etc).<sup>54</sup>

## Another Heter

An additional *heter* to write the non-Jewish month is because the non-Jews use a solar calendar, while we use a lunar calendar. Therefore, when writing the secular month one is not counting the Jewish months with a different name, so there is no issue. The issue of counting *Nissan* as the first month only applies when we count according to the moon, not according to the sun.<sup>55</sup>

## Conclusion

Although we did mention *heterim* as to why some use the secular dates, one should still realize that we should be separate from the non-Jews and not use the secular date when it is not necessary (i.e. celebrating a birthday or anniversary, etc).<sup>56</sup>

51. Lechem Hapanim on Kitzur Shulchan Aruch 62:1, Ginzei Yosef 106, Beer Moshe 2:18:5.

52. Refer to Binyan Shlomo O.C. 22.

53. Tzitz Eliezer 8:8. See Tzitz Eliezer 20:13:4.

54. Ginzei Yosef 106, Avnei Yushpe 1:153:3. Refer to Yabea Omer Y.D. 3:9.

55. Teshuvos V'hanagos 1:830.

56. Avnei Yushpe 1:153:3.

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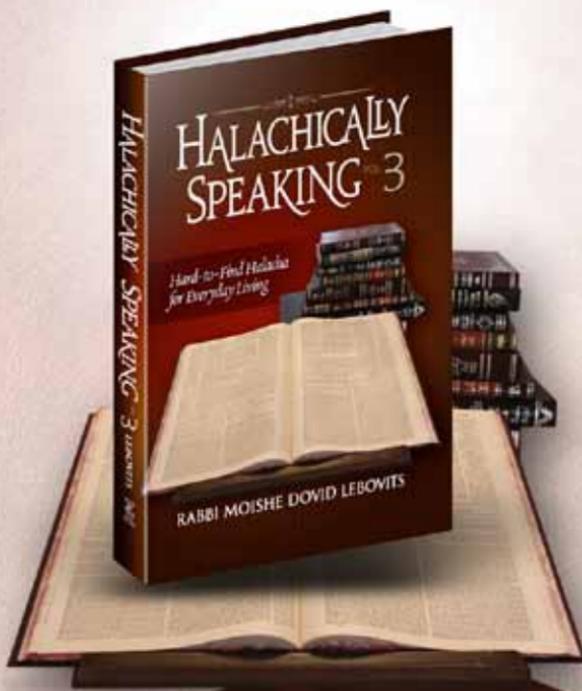
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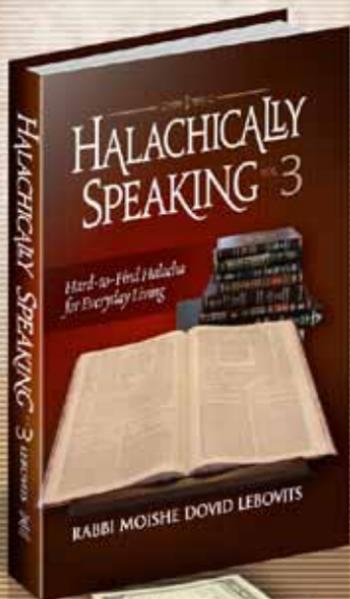
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