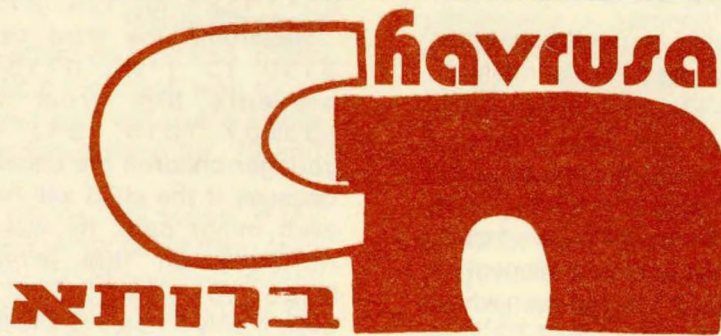


„עשה לך רב, וקנה לך חבר“ אבות א:



May, 1978

a program resource journal published by the Rabbinic Alumni of Rabbi Isaac Elchanan Theological Seminary

נס"ד

החדש הזה לכם ראש חדשים

## Bain Bavra L'Gavra

Nisan is a good time to be reborn. After a hiatus of several years, Chavrusa is back to serve you, albeit in a new guise. The change in format is but an outer symbol of a different approach. Chavrusa has been graced with several gifted editors, each of whom brought their own individual styles to this august journal. We pray that as their approaches were beneficial, so will ours be constructive. With G-d's help, we hope that our chaverim will find us both enjoyable and informative.

Our goal is to help stimulate your thinking and expand your purview. Our pages will be divided between material devoted to your professional growth as a "ruv" and your needs as a person. Sermonic suggestions, administrative techniques, and useful illustrative material are just some of the items we plan to feature in addition to the regular columns which appear in this issue. We have a number of ideas we would like to develop and numerous contributors whom we will be approaching. Rather than wait until these objectives had jelled and we could display the full panorama of our vision of what Chavrusa will become, we have rushed into print with this issue because the dictum מצוה הבאה לידך אל תחמי-צנה is particularly appropriate at this season. Please feel free to give voice to your reactions to our premiere presentation so we can be guided by your preferences when we plot future issues.

One chaver we will have is the DCS Digest which will appear in its own section. This עכך סוכ will keep you abreast of Y.U. doings of particular interest to Rabbinic Alumni. We welcome them aboard and look forward to a long and successful collaboration.

חג כשר ושמח

"Menachem Zion" is the name of a two volume homiletical work by Rabbi Menachem Sacks which was recommended to me by Rabbi Milton Polin of Brooklyn. Speaking of the Hagaddah, Rabbi Sachs asks why do we praise G-d in relation to the four sons (Baruch Hamakom) when one of them is wicked. His answer (Vol. 2 p. 80) is that all of them are G-d's children and he quotes Rabbi Meir (Kedushin 36) that even those who do not behave as sons are still sons to the Almighty.

In line with this thought, I would like to add a possible answer to a different problem. How can the Haggadah offer such a radically different answer to the wicked son from the one given in the Torah. The text states (Exodus 12, 26) that the answer should be a simple explanation of the reason for the Pascal offering, the reply we give to the simple son. The Malbim says the answer in the Haggadah is in addition to the Tortah's response.

I would like to suggest that the rabbis understood our natural inclination to strike back when someone attacks our beliefs and to "put them down" with a scathing remark. It offers such a response for use as a last resort, but tells us that first we must try the Torah's way and reply without rancor. If we treat him as a simple son who is seeking information, perhaps we can neutralize his vindictiveness and, through our love and respect for him, as one who bears the "Zelem Elokim," we can win him back. The other answer is always available as a last resort but as many of us have learned, a cutting remark only serves to sever a relationship and to make any reconciliation more difficult.

The volume has a handy but not exhaustive index. "Menachem Zion" is available from the author at 1711 Michigan Avenue, Miami Beach, Florida 33139.

(continued on page 6)

CHAVRUSA

is published by the Rabbinic Alumni of Rabbi Isaac Elchanan Theological Seminary, in cooperation with the Division of Communal Services of Yeshiva University, 500 West 185th Street, New York, N. Y. 10033



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Emergency Situations on Shabbus

Rabbi Hershel Schachter

A common question in שבת הלכות is in which emergency situations are איסורים דרבנן to be allowed?

If you have an act which is only forbidden by combining two (or more) איסורים דרבנן it is allowed במקום מצוה, צער גדול, or הפסד. This קולא applies not only with respect to asking a גוי to do איסור דרבנן, but even when the "double-רבנן" himself will do the "double-רבנן". Any דרבנן is only כלאחר יד, so this would mean that any מלאכה דרבנן done שבות דשבות would constitute a שבות and would be allowed במקום צורך גדול. The area of שבת on איסורים דרבנן, must be divided into two categories: מלאכות דרבנן and גזרות. If one does a regular מלאכה in a fashion of גופה לגופה, אין צריכה לגופה, this would probably constitute a מלאכה דרבנן. One who climbs on a tree, handles מוקצה, or asks a גוי to do a מלאכה for him would only violate a גזרה. It would appear, that only doing a מלאכה דרבנן in a fashion of שינוי would reduce it to the status of a שבות דשבות. If however, one does a גזרה, even על ידי שינוי, this should not lower it to the status of שבות דשבות because the special דין of איסורי מלאכה only applies to כלאחר יד.

Similarly, it should be kept in mind, that although having a גוי do any מלאכה reduces it to the level of דרבנן (and therefore any דרבנן done is again שבות דשבות); this is not necessarily true of גזרות. For example, if one has a גוי play music on שבת for a ברכות, it is generally accepted that this is not allowed<sup>4</sup> because in a גזרה of this sort, not only the act of playing the music was forbidden, but even having the music played for oneself is also included. The same is true regarding application of medicine. (גזרת רפואה). By having someone else apply medicine to my body, I too violate the רפואה איסור. Although מלאכות can only be violated בקום ועשה, some גזרות can be violated even תעשה ואל תעשה. This depends on the nature of each specific גזרה. Regarding the גזרה, returning cooked food back onto the "Blech," there is a debate among the אחרונים as to whether this גזרה was formulated only כשב ואל תעשה or even applies בקום ועשה.

The aforementioned principles apply to general emergencies, such as צער or במקום מצוה etc. In the case of sickness, there are additional קולות. The הלכה distinguishes between four categories of illness: (1) חולה שיש בו סכנת כל הגוף (2) סכנת אבר (3) חולה שאין בו סכנה (4) בריא שיש לו מיחוש בעלמא.

In the first case, even מלאכות דאורייתא are allowed. In the second, according to the שלחן, מלאכות דרבנן are allowed<sup>8</sup>. The

raises the possibility of accepting the minority opinion of the מאירו to allow even מלאכות דאורייתא for סכנת אבר as well.

Regarding the third category, the definition of חולה שאין בו סכנה is one whose sickness prevents him from functioning normally (חולה כל גופו מוטל למשכב). All needs of younger children are classified under this heading<sup>10</sup> because if the child will have to go hungry, or have even minor pain, he will not be able to function normally on this level of activity. For the דרבנן מחולה שאין בו סכנה are allowed, even if only מלאכות. The גמרא does however permit משמיע קול and אמירה לנכרי. (For example, to play soft music so that the sick person can fall asleep). The קולות adds another two: medications may be taken (which do not involve any מלאכה) and מוקצה may be handled. The אחרונים convey the impression that all גזרות are allowed.<sup>11</sup>

Although all מלאכות דאורייתא are on the same level of חומר האיסור, and all מלאכות דרבנן are likewise on the same level of חומר הריסור, not all גזרות are on the same level<sup>12</sup>. When violating a חולה שאין בו סכנה for a גזרה we must always try to choose the least חמור of the various possibilities (הקל הקל תחילה)<sup>13</sup>.

Regarding a מלאכה דאורייתא done על ידי שינוי, there is a debate among the פוסקים. Some feel that this is only גזרה and is therefore allowed for חולה שאב"ס<sup>14</sup>. R. Akiva Eiger<sup>15</sup> has two important קולות concerning our topic: carrying in a כרמלית is not even a גזרה, but is only a מלאכה דרבנן, and although we only allow שבות דשבות in situations of emergency (etc. הפסד גדול, במקום מצוה) a double גזרה is always allowed.

The מאירי<sup>16</sup> is uncertain as to the ruling on חולה שאין בו סכנה for מלאכה שאין צריכה לגופה - when it should be allowed and when not. He suggests three possibilities: 1. This is only allowed when there is no other permissible method of alleviating the situation. 2. It is only allowed if it definitely will help in curing the sickness. 3. It is only allowed if the מלאכה (שאצל"ג) is performed at the source of the sickness for the purpose of curing it. The פוסקים are in doubt which criteria of the מאירי should be accepted להלכה. The מאירי seems to assume that מלאכה שאצל"ג is basically מותר for a חולה שאין בו סכנה and his three possibilities of limitation seem to apply to all היתרים in case of חולי.

There is a possibility that according to some פוסקים a distinction should be made between an אב מלאכה and a תולדה<sup>17</sup>. A מלאכה שאצל"ג of an אב is a מלאכה דרבנן which would not be allowed for a מלאכה שאצל"ג while חולה שאין בו סכנה of a תולדה is only a גזרה, and would be allowed for the חולה.

(Footnotes continued on page 3)

## THE TAX SCENE

### Changes for 1978 Returns

Martin Ginsberg

Many new tax rulings will affect your returns in this and future years. In this article I will deal with those relating to your 1978 income and will use a future column to report on those regulations for '79 and beyond.

One of the newest items on the "tax scene" is the energy conservation tax credit. A tax payer may claim a credit of 15% on the first \$2,000 of qualified energy conserving expenses incurred with respect to his principal residence. Examples of such expenses are insulation, storm or thermal windows or doors, caulking or weatherstripping, fuel-reducing furnace replacement burners and the like. The original use of these items must begin with the tax payer and the items must have an expected minimum life of three years.

Another source for this credit is the purchase of solar or wind energy equipment. The credit in this case is 30% of the first \$2,000 and 20% of the next \$8,000. The expected life of these items must be at least five years.

In either case, expenses incurred after April 19, 1977 and before 1986 are eligible. All expenses from April 20, 1977 through December 31, 1978 should be computed on form 5695 on the 1978 tax return. The credit is claimed on page 2, line 45, form 1040.

Rabbis whose salaries have no pension plan provisions can set up an Individual Retirement Account (I.R.A.) to establish coverage. (Hachnasa and other self-employment income should be covered through a Keogh plan.) Beginning in 1978, an I.R.A. account may be established and contributions to it may be made through the due date (including extensions) of the participant's return. A one-time catch up deduction for inadequate contributions in previous years is also permitted. It appears that this provision is only applicable when some contributions had already been made.

Additional provisions of the IRA deduction are the removal of a 10% penalty for premature distributions and the elimination of a 6% excise tax if an excess contribution is withdrawn on or before the due date (including extensions) of the participant's tax return.

One final note regarding pension plans. A tax free rollover (switch) for any part of a lump sum distribution from a qualified retirement plan to another qualified plan is now permitted. If, for instance, a rabbi is leaving a congregation and will be employed in a position with a different pension plan, he can transfer his shares to the new post. For the first time, the law now does not require that the entire sum be rolled over. However, any portion of the distribution which is not rolled over will be taxed as ordinary income.

When an employee is furnished meals and lodging for the employer's convenience, the value of such meals and lodging has always been excluded from gross income. Now, this exclusion is extended to include meals and lodging furnished to the employee's

spouse and dependents and to meals and lodging provided on the employer's behalf.

After July 26, 1978, a taxpayer relocating and purchasing a personal residence more than once within 18 months, because of an employment related purpose, may qualify for more than one tax free rollover of the gain on the sales. To benefit from the multiple rollover rule, the taxpayer must have sold the residence in connection with commencement of employment or self employment at a new principal place of work and must meet the geographic and length of employment requirements for deduction of moving expenses. This means the taxpayer's new principle place of work and his former residence must be 35 miles greater than the distance from his former primary place of work to his former residence. In addition, the employee, must be a full time employee in the new area for at least 39 weeks of the 12 month period immediately following his arrival.

Taxpayers 55 years of age or older, are entitled to a once in a lifetime election to exclude up to \$100,000 of the gain on the sale of a personal residence after July 26, 1978. To qualify, the seller must have owned the residence and used it as his principal place of residence in three of the last five years. Taxpayers 65 and over may use the last five out of eight years.

For capital gains transactions occurring after October 31, 1978, the deductible portion of net long term capital gains has increased from 50% to 60%.

These changes are the most widely applicable ones. In the course of an article it is, of course, impossible to delineate all the applications of these rulings or to cover other regulations which may affect your returns. These matters should be discussed with a qualified accountant rather than someone who has taken a cram course so he can fill out tax forms. Ideally he should be one who is familiar with a rabbi's tax form and income set-up. If anyone has a question which they feel applies to their colleagues as well, I would appreciate receiving their queries via the Chavrusa office and I will incorporate them in future columns. If the question is a personal one, please write me directly at 4 Jeffrey Lane, Monsey.

#### (Footnotes continued from page 2)

2. משנה ברורה סוף סי' גמס ככה"ל, רש"ש לשבח (גכז), חוב"א אור"ח (קג, יס).
3. משנ"ב שכח ס"ק נד.
4. עי' מג"א עלה סק"ד, ומשנ"ב שמה סק"י.
5. אגלי סל למלאכת סוחר, לח-כ"ף.
6. עי' תשובות רעק"א סי' קסג, ורש"י לסנהדרין (סו.).
7. משנ"ב רוב ס"ה, בה"ל ר"ה להחם הקדירה.
8. שכ"ח סי"ז.
9. סוף חלק א', עמ. עט.
10. רמ"א שם.
11. פרמ"ג למג"א שכ"ח סק"ו, ולמג"א שלי"ח סק"א.
12. עי' אגלי סל, מלאכת סוחר, סק"ס. ועפ"י תשו' רעק"א מיושבת עושיותו.
13. עי' תפארת ישראל, כלכלת השנת, בהיתר סלסול מוצצה לחולה. והוא עפ"י הדין ביטא (פג.).
14. אג"ס מלאכת סוחר סי"ח, וש"ע הרב סי' שכח.
15. כסו"ח סי' כח.
16. למס' שכח (דף כס).
17. עי' הר צבי, מלאכת גוזז, אות א.

# DIVISION OF COMMUNAL SERVICES

Rabbi Isaac Elchanan Theological Seminary • An affiliate of Yeshiva University

# DCS DIGEST

May, 1978

212 960-5263

Victor B. Geller, *Dean*

Rabbi Robert S. Hirt, *Associate Dean*



We are pleased to include the *DCS DIGEST* in this issue of *CHAVRUSA*.

The items being brought to your attention should be of specific interest to the rabbi serving in the community.

## RABBINIC SERVICES

The successful Rabbinic Seminars conducted in Cleveland in December at the Taylor Road Synagogue, and in Baltimore in March at the Beth Jacob Congregation, provided excellent models for other regions of the country. Our chaverim on the West Coast will be participating in a Rabbinic Seminar at the Beth Jacob Congregation in Beverly Hills on May 8-9. The New England Rabbinic Seminar will be held at Congregation Rodphe Shalom in Holyoke, Mass. on May 21-22.

Each program includes shiurim given by our Roshei Yeshiva, a community leadership forum for rabbis and lay leaders, round robin sessions involving preaching and teaching with a sharing of sources and creative approaches. Individual consultations with rabbis, with special concern for placement, counseling, and programming, have been particularly well received. With the changing roles and goals in the American rabbinate in mind, we are making every effort to reach out so that during this year we will have provided the opportunity for an exchange of views on individual as well as group levels.

All programs are conducted in cooperation with the Rabbinic Alumni of RIETS and the Rabbinical Council of America. Rabbis Herschel Schacter and Abraham Avrech are working together on the development and planning of these events.

### Recent Placements

Rabbi Allan Greenspan  
Part time replacement  
East Meadow Jewish Center, Queens

Rabbi David Hollander  
Brighton Hebrew Alliance  
Brooklyn, New York

Rabbi Samuel Sandhaus  
Assistant Executive Director  
Jewish Home of Eastern PA, Scranton

Rabbi David Zlatin  
Tpheris Israel Chevra Kadisha Cong.  
Chesterfield, Mo.

## EDUCATIONAL SERVICES

### Events

For pulpit rabbis, principals, and teachers — *Regional Conference*, Sunday, April 1st — "The Afternoon Jewish High School," Buffalo, N.Y., sponsored by the American Association for Jewish Education, the National Commission on Torah Education, Yeshiva University, the Union of American Hebrew Congregations, and the United Synagogue of America.

For rabbis, educators, and teachers — *Summer Seminar in Israel*, July 10 — August 8, sponsored by the Metropolitan Commission on Torah Education and the Torah Education Department — WZO. Based in Jerusalem. Moderate, all-inclusive fee; partial subvention available.

For further information on these two programs, contact Rabbi Mordecai Schnaidman at DCS (960-5266).

### Recent Elections

Rabbi Steven Silverman, Assistant Principal  
Moriah School  
Englewood, New Jersey

Alan Shapiro, Principal — New day school for students of Russian background, jointly sponsored by the Jewish Education Association and the Federation of Metropolitan New Jersey, South Orange, N.J.

Haya Maori (wife of Yeshoyahu Maori, Bernard Revel Graduate School), Teacher, Hebrew Academy of Westchester, Yonkers, N.Y.

*Talmud Torah Curriculum* — The new 1979 Talmud Torah Curriculum, issued by our National Commission on Torah Education, is now available. The pre-publication price of \$5.95 is still being maintained for our chaverim. This includes postage and handling.

The Curriculum includes different approaches for teaching Humash, a graded tfilla curriculum, approaches to teaching mitzvot maasiot, patterns of informal education, techniques for teacher-training,

and extensive annotated textbook lists. Each congregation should have several copies of this volume so that teachers and lay leaders will be familiar with updated developments in Talmud Torah education.

## **YOUTH SERVICES**

Events sponsored by the Department of Youth Services attract teens and collegiates within a range of 100 miles of a particular event. Applications are available through the department or the host congregation. Don Kates, M.S.W., will be pleased to furnish you with any information that is required.

## **Forthcoming Events**

### **April 25**

National Association of Traditional Jewish Communal Workers

— Dialogue with Rabbi Joseph Soloveitchik

### **April 27-29**

Torah Tour — Yeshiva University High School Mechina Class

— Orthodox Congregation of Fairlawn, N.J.

### **May 4-6**

Yolanda Benson Honor Society Shabbaton

— Bayside Jewish Center, Bayside, N.Y.

### **May 11-13**

Leadership Shabbaton for Outreach Programs

— Camp Ellah Fohs, Danbury, Ct.

### **May 18-20**

Torah Tour — Young Israel of New Hyde Park

— New Hyde Park, N.Y.

### **June 8-10**

Yolanda Benson Honor Society Membership Shabbaton

— Young Israel of Passaic-Clifton, Passaic, N.J.

## **Torah Leadership Seminars**

### **Aug. 23-29**

Eastern

— Camp Morasha, Lake Como, PA.

### **Aug. 22-27**

Canadian

### **Aug. 22-27**

Central-East

**Seminar Programs Overseas** — known as "Counterpoint"

This summer, teams of Yeshiva representatives, including faculty and students, will be conducting Counterpoint Programs in Melbourne and Sydney, Australia, and South Africa.

A seminar event, "Realidad," is being planned for Mexico in early summer.

## **SYNAGOGUE SERVICES**

### **Community Torah Project of Bergen County, New Jersey**

Meetings between the DCS staff members and the rabbinic and lay leaders of Bergen County during the last several months has resulted in the development of a community-wide Torah Council. Eleven congregations and three yeshivot have been meeting together to discuss the means by which joint activity and planning can be utilized to further the development of the community. There is major concern for the effective delivery of services, maximizing human resources and creating a climate that reinforces the efforts of schools and congregations.

The community project provides a fascinating opportunity for the orthodox community to focus on the real issues that are crucial to planning for the future.

### **New Communities**

DCS is engaged in a major effort to explore the possibility for development of new congregations throughout the country. At present, there are 35 viable opportunities for building congregations in areas that are fertile for growth. In the New York Metropolitan area there are eleven such fledgling communities. In addition, there is one in Arizona, two in California, four in Canada, five in South Florida, two in Maryland, seven in New Jersey, one in Pennsylvania, two in Texas, and one in North Carolina.

The number of declining pulpits is of serious concern to us. This means that if we fail to replace them during the next several years, our losses will be painfully real and it may be too late to do anything about it. Our chaverim are urged to bring leads to DCS so that we may follow up on the local scene. Our future rabbinate depends upon our assertiveness and creative endeavors in this vital area.

### **New Communities Conference at Yeshiva University**

On Sunday, May 6, a conference will be conducted, especially for the newly developing congregations. Our representatives from the DCS staff, rabbis who have served in new community congregations, and experts in synagogue administration and programming, will conduct workshops for lay leaders. The all-day conference will begin at 10:00 a.m. Ample opportunity will be provided for individual consultations as well as public sessions. Contact Rabbi John Krug for further information.

If you are planning to retire to Southern Florida or Arizona within the next year, please be in touch with our office as there may be opportunities of interest to you.

## CANTORIAL SERVICES

Convention — June 25-28 — Pineview Hotel, Fallsburg, N.Y. Subject: "The Cantor in the Role of Musical Creator and Educator"

The Journal of Jewish Music and Liturgy, Vol. III, is now available. Articles are written by Dr. Gershon Appel, Cantor Gershon Ephros, and a section of Cantor Aaron Friedmann's Volume, Part I, published for the first time. The journal also has a music section. It is published by the Cantorial Council of America and is available at the DCS office. Price: \$4.00.

## DCS STAFF

Victor B. Geller

*Dean*

Rabbi Robert S. Hirt

*Associate Dean*

Don Kates, M.S.W.

*Assistant Director, Youth Services*

Rabbi John A. Krug

*Assistant to the Director, Synagogue Services*

Rabbi Herschel Schacter

*Director, Rabbinic Services*

Rabbi Mordecai Schnaidman

*Associate Director, NACOTE*

Rabbi Aaron Scholar

*Assistant Director, Stone-Sapirstein Center for Jewish Studies*

Dr. Abraham Stern

*Director, Youth Services*

Cantor Macy Nulman

*Director, Cantorial Placement*

Cantor Bernard Beer

*Assistant Director, Cantorial Placement*

(continued from page 1)

A recent New York Times article (Tuesday February 27 C1) discussed the ethical problem of whether we must go to any expense in order to achieve a zero risk of a fatality or is it enough to settle for a reasonable risk. It quoted England's Baron Nathaniel Rothschild who "proposed that government policy makers might adopt scales of acceptable risks." The article continues that he went on to say "since people continue to risk death in cars, the acceptable level of death risk for any beneficial activity might be defined as roughly one chance in 7,500 per year — the chance of being killed in an auto accident in Britain. If the risk of being killed

by doing something generally beneficial were greater than one in 2,500, the risk could be considered too great, but if the risk were less, the venture could be considered suitable for undertaking."

As an example of this approach, the article states that the United States abandoned efforts to keep Skylab from falling back to earth because the costs were so prohibitive and NASA asserted that there was a smaller chance of being hurt or killed by its fragments than three is of being hit by a meteorite. The Skylab debris will be strewn over a path 4,000 miles long and 100 miles wide and the question is do we spend the vast sums involved to be certain that no one will be hurt or do we rely on the percentages. It is especially pertinent to us in light of the reply by our sages as to why G-d created only one man to inhabit the world.

\* \* \*

An A.P. report on March 4 quoted Mani Said Al-Otaiba, oil minister of ABU DHABI and current president of OPEC, as saying "Countries that expect us to maintain our supplies of petroleum should help us to arrive at a rightful solution to the Palestine situation." This blackmail threat did not get much press coverage. The media played up Arafat's remarks, although Al-Otaiba is in a better position to carry out his threats.

\* \* \*

A recent phenomenon has been the proliferation of the "singles" population. With so many individuals lacking close family ties, some rabbis have directed their communal sedarim to attract this growing segment of the Jewish community. We are looking forward to evaluating their results.

\* \* \*

Rabbi Jeffrey Bienenfeld, of the St. Louis area, is utilizing modern technology to reach out to his congregants. He offers a type of correspondence course by cassette. Material for an adult education course is recorded and tapes are made available for interested Baale Batim. We hope to have a follow-up report in the new future. If you want additional details now, drop him a line.

\* \* \*

If this is to be a true exchange of ideas, we will need your feedback. Please send us your program suggestions, book recommendations, stories, sermonic ideas, and even your constructive criticism. Remember, you have a friend at Chavrusa.

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## RABBINIC ALUMNI

**Rabbi Isaac Elchanan Theological Seminary**

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