

HALOCHOSCOPE TOPE

If one is in a place where no *Yad*, pointer, is available for the *Sefer Torah*, is it important to point while reading? May a ball-point pen be used on Shabbos as a pointer? What if the pen is so designated before Shabbos begins? Would such designation render it too holy to be used for mundane purposes in the future?

The issues:

(A) Pointing while reading the *Sefer Torah*

(B) *Muktze*, restrictions on moving objects forbidden to use on Shabbos

(C) Whether the use in our question is considered permissible

(A) *The Yad*

The *Yad* has become a standard *Tachshit*, ornament of the *Sefer Torah*. Halachically it serves three purposes. Its initial use was for a Shul that has more than one *Sefer Torah*. A *Sefer* that was rolled to the correct place for that day's reading had the *Yad* hung on it. It appears that some places the *Yad* hung inside the *Sefer*, pointing to the appropriate reading.

A person ascending the *Bimah* for an *Aliyah* must first be shown the beginning words of that *Aliya*, before reciting his *Brocha*. Either the *Gabbai* calling up the *Aliyos* or the *Korai*, reader, shows him where to begin. Since the *Gabbai* is not close enough to point with his finger, he uses the *Yad*. The *Korai* can use his finger, but it is forbidden to touch the parchment with bare skin. This is both a sign disrespect, and as a result of a Rabbinical decree. It was common for people to store *Sefarim* in the same place that food was stored. Vermin coming for food would destroy the *Sefarim*. To deter people from doing so, the Rabbis made an indirect decree. Some of the food would be holy, either *Terumah*, the tithe, or something similar. This may not be eaten when defiled. The Rabbis, decreed *Tumas Yadayim*, a low level of contamination only affecting the hands, on one who touches a *Sefer Kodesh* with his hands. Thus, people would not want to store food near a *Sefer Kodesh*. To remove *Tumas Yadayim* it is necessary to wash *Netilas Yadayim*. Therefore, one does not want to touch a *Sefer Torah* with his hands. Accordingly, even the *Korai* would prefer to use a *Yad* to show the *Oleh* where he is beginning the *Aliya*.

Third, it is forbidden to recite part of the reading by heart. Even a single letter may not be recited by heart. Actually, it is forbidden to recite any part of the Written Torah by heart. Therefore, a Korai must follow carefully as he reads each letter. The Oleh must also follow along. Though it has become customary to give Aliyos to those who can not read or have difficulty seeing, it is preferable for the Oleh to follow each word inside. To make this a little easier, the Korai often makes use of the Yad. As a result, the practice evolved to make a Yad out of bone (ivory) or silver, which in turn led to its becoming a *Tachshit* as well.

The Poskim discuss the sanctity of the Yad in reference to whether it may be placed in the *Aron Hakodesh* when it is not needed, for example, when it is not being used to distinguish between Sifrei Torah. The *Aron Hakodesh* has sanctity, and if the Yad does not have it, may it be placed in the *Aron Hakodesh*? Conversely, if it is considered holy, may the Yad be left hanging on a post anywhere in the Shul. The ruling followed nowadays is that a Yad that is hung on the Sefer Torah for decoration is holy, but one that is only used to point with is not.

Kedusha, sanctity of holy items is attained when they are used for the first time, or according to some, when they are verbally designated. If the item was previously used for other purposes, it is assumed that the item is not necessarily being dedicated to the use of *Kedusha*. One may verbalize a limitation clause in the sanctity of an item, if he wishes to leave the option of using it for a mundane purpose later. In any event, if a ball-point pen should be designated to point with, it would not attain the sanctity of a Yad that is hung on the Sefer Torah. If someone ties a string on to a silver pen and hangs it on the Sefer, it is assumed that he does not mean to designate it permanently for this use. It is, therefore, as though he made an inherent *Tnai*, provision, limiting the *Kedusha* he was attaching to it. (See Yuma 68b 70a Taanis 28a Gitin 60a-b, Poskim. Tur Shulchan Aruch Orach Chaim 139:3-4 141 (Bais Yosef) 144:1 154:6 (Magen Avraham 14) Yoreh Deah 282:15-16, commentaries. Tzedaka Umishpat 15:n53.)

(B) Muktzeh

The general term *Muktzeh* includes various categories on different levels. Literally translated, it means set aside. It refers to setting certain items out of one's mind for the duration of Shabbos. The restrictions on moving *Muktzeh* items are Rabbinic in origin, and were decreed in stages. Early decrees applied to dead bodies and the like, which had become unfit for any use on Shabbos. Later decrees were first made to bolster observance of the *Melacha* of carrying in public places. There-

fore, a prohibition was instituted restricting carrying almost anything not needed for Shabbos, or even if it was not for immediate use. Eventually, this stringency was relaxed, due to increased observance. However, other decrees were instituted. According to most Poskim, the newer decrees, which are observed today, are not to preserve observance of the *Melacha* of *Hotza'ah*.

Three types of *Muktze* are pertinent to our situation. *Muktze* can apply to a utensil or to a material. Utensils have a specific use. Some are usually used for their normal use, but might sometimes be used for other purposes. A Utensil that is normally used for something forbidden to do on Shabbos is a *Kli Shemelachto Le'issur*. Since its normal use is forbidden on Shabbos, one has no intention to use it for the duration of Shabbos.

A material that has no permissible use on Shabbos, such as raw food, which must first be cooked, is *Muktze* for much the same reason. This is known as *Muktze Machmas Gufo*. A stone, pebble, plank of wood and the like are also *Muktze*. They are considered raw commodities unless designated as a *Kli*. For example, one may designate a particular stone for use as a doorstop, or a plank as a bench. The Talmud debates whether it would be necessary to use it before Shabbos for this purpose to render it a *Kli* that is not *Muktze*.

The third type is *Muktze Machmas Chisaron Kiss*, cast out of mind for use on Shabbos due to loss of money. For example, goods or materials that are designated for sale, such as cotton, would not be used for personal needs, such as to sit on. Thus, even materials that have permissible uses become *Muktze*. An expensive and delicate knife, made to slaughter an animal, would not be used to cut *Chalah*. Slaughtering is forbidden on Shabbos, but is permitted on Yomtov. The Poskim debate the issue of a circumcision knife.

The main differences between these types of *Muktze* is when they are permissible to move. A *Kli Shemelachto Le'issur* may be moved *Letzorech Gufo*, for a permissible use, and *Letzorech Mekomo*, to use the space where it stands. Thus, a hammer, usually used for building, may be used to break nuts. If it is on a table and its space is needed, it may be moved away. Once in one's hands, it may be taken to a safe place rather than dropped. *Muktze Machmas Gufo* may not be moved. *Muktze Machmas Chisaron Kiss* is forbidden to move for alternative purposes even if both its intended and the alternative uses would be permitted on Shabbos.

The Talmud says that *Muktze Machmas Chisaron Kiss* is forbidden because one is *Meyached Lo Makom*, allocates its place. The Poskim debate whether this means that one would be afraid to move it lest it be damaged, or that one would

never move it for any other purpose. One instance where this would make a difference, is a new wallet. Its uses are presumed to be forbidden, and one would not use it for other uses. However, it is not prone to be damaged. Thus, while one is not worried about it being damaged in transit, he would not actually use it for anything else. [See Shabbos 30b 122b-123a 154b etc., Poskim. Tur sh. Ar. O.C. 308:1 51 etc. 310:7 (Magen Avraham, Bais Mair), commentaries.]

(C) Our case

Ink is a commodity, and is Muktze Machmas Gufo. One may not write with it on Shabbos. A good pen could be Muktze Machmas Chisaron Kiss. A ball-point pen is sometimes used to poke holes or to point with. Unlike a piece of chalk, which could not be considered a Kli (it is indeed a piece of stone) the pen, though filled with ink, is a utensil. The presence of the ink could be compared to oil in a lamp. If the oil was Muktze when Shabbos began, because moving it would affect its burning, it makes the lamp into a *Basis Ledavar Ha'asur*, a container for something forbidden. It may not be moved for the duration of Shabbos. However, it would appear that the main designation of even a cheap pen is as a Kli. If the ink would deem it partly Muktze Machmas Gufo, designating it for use as a pointer might not help. The actual ink is not being designated for a permissible use. However, if the pen is to be considered no more than a container for ink, designating it as an independent Kli would help. We may not introduce a new decree due to address the fact that since the pen is used to point on a material that is usually written on, the person might use it to write.

In conclusion, it appears that a ball-point pen may be used if designated before Shabbos. If it was not designated for this use, it would still seem to be permitted as a Kli Shemelachto Le'issur, used Letzorech Gufo. An expensive pen may only be used if it would otherwise be used for alternative uses. According to one view, this applies even if there is no concern for damaging it in transit. The pen would not retain any sanctity after its use, even if it is a silver pen.

Additional note related to the subjects discussed in the past two issues: A woman has been advised to go swimming for health. May she bathe where men and women swim mixed? Is there any difference if she wears clothing to cover most of her body? We shall not devote a new issue to discuss this, but it involves the question of whether one may violate any subcategories of the cardinal sins, especially for health purposes.