

HALOCHOSCOPE

This week's question:

Someone will be spending *Shabbos* in an unfamiliar city that has an *eruv*. May he carry his insurance identity card with him, in case of emergency?

The issues:

A) *Shtarei hedyotos*, mundane documents, on *Shabbos*

B) *Muktzeh*; the various types

C) *Muktzeh* of a passport or ID card

A) *Shtarei hedyotos*

“Mundane documents” may not be read on *Shabbos*. These are primarily business documents or other material that one reads in connection with his finances. In one view, this is part of a Prophetic, or quasi-Scriptural restriction on performing mundane week-day activities on *Shabbos*. This is based on the words *mimtzo cheftzecha*, [if you desist from ..] seeking your affairs. In another view, it is a separate precautionary decree to prevent possible *mechika*, erasing, which is forbidden Scripturally.

Igros shalom, casual, friendly correspondence, is the subject of debate. Some maintain that there is no prohibition against reading such letters, especially if they contain important information, such as that relevant to *pikuach nefesh*, life-threatening situations. Many others maintain that it is forbidden to read these letters. They are not *shtarei hedyotos* in the true sense. However, they were either included in the original decree, for consistency, or they are part of an extension of it.

Certain seemingly mundane matters may be attended to on *Shabbos*, such as arranging a *shiduch*. However, there is a debate on the permissibility of reading a letter relating to these matters. Thus, though *mimtzo cheftzecha* does not apply to these matters, including their financial issues, *shtarei hedyotos* (that might be a sub-category of it) does apply. Many poskim permit reading such letters, according to some, even if they arrive on *Shabbos*. A third view permits reading them silently while they are being held by a gentile, but forbids handling them or reading them aloud. This also reduces the concern about erasing. From here we see that letters that are forbidden, whichever opinion is followed, are also *muktzeh*. [See *Shabbos* 116b 149a 151a, poskim. Tur sh Ar OC 247 306:3 307:1 6 12-14, commentaries.]

B) *Muktzeh*

This term is short for *muktzeh midaato*, literally, cut off from one's mind. The Rabbinis instituted the rules of *muktzeh* over the generations, in stages. The earliest recorded forms of *muktzeh* are attributed to the times of King David. However, they might have been in place from the earliest times, and the issues of record were raised at this time.

The Torah discusses something being *muchan*, prepared for use on *Shabbos* from before *Shabbos*. *Aino muchan*, not prepared, lacks this quality, and can be forbidden to

use. In some cases, the reason the item is not *muchan* is because it did not yet exist. Anything that has no permissible positive use on *Shabbos* is, sometimes unconsciously, put out of one's mind for the duration of *Shabbos*. According to some, this touches on the Scriptural concept of *aino muchan*, as some sort of a Scriptural model for the Rabbinical institution. Sometimes one is consciously, or even actively, *maktzeh*, puts the item out of mind. He knows that he does not intend to use them on *Shabbos*. This is the general definition of *muktzeh midaato*. Specific categories have their own additional reasons.

The specific reasons ranged from protecting *kavod Shabbos*, honoring *Shabbos*, to *hotza'ah*, prevention of violation of the Scriptural *melacha* of carrying from domain to domain. One of the original institutions was made when it was clear that observance of the prohibition of *hotza'ah* had sunk to a low, due to apathy, carelessness or ignorance. To distance people from the mistake or the urge to carry in a public domain, the Rabbis forbade moving anything at all with no purpose in mind. This was a temporary decree to renew awareness of the *melacha*. It applied to anything not being used directly. Now, before moving anything, one had to think. This was later relaxed, once it has the desired effect. In its wake a hierarchy of types and levels of *muktzeh* were left to us.

The lowest applicable level is *kli shemelachto leisur*, a utensil intended for a normal use that is forbidden on *Shabbos*. The same utensil can be used for permissible purposes. For example, a hammer is usually used for building, a *melacha*. It is also used to crack nuts, as a food preparation utensil. [This is the classic example. Perhaps a more commonplace example would be using a pair of scissors to cut small bunches of grapes off a large cluster.] Consciously or subconsciously, the owner of the utensil knows that he might need it for the permissible purpose, and he does not put it out of mind for this use. The item is definitely *muktzeh*. It may not be moved for no positive purpose, such as to put it into a tool-box. It may not even be moved for its own protection, such as from an open area or from harmful sunlight or rain. It may be moved for its permissible use. It may also be moved to free the space it stands on for other uses.

Muktzeh machmas gufo includes a number of sub-categories. *Machmas gufo* means that it is inherently *muktzeh midaato*. This includes anything that is not a utensil and has no permissible use. Examples include commodities, expendable matter, raw material that has not yet been fashioned into a utensil or broken pieces of a utensil. Other examples are things that could serve as a *kli*, but have not yet been designated as such. Raw food, money, ink, earth, and stones are all part of this group. Animals are usually considered *muktzeh machmas gufo*. Corpses and carcasses are *muktzeh machmas gufo*. Some examples are useless in their present form. They require, at the very least, a step of preparation. In some cases, this step is mental. The Talmud debates whether a mental designation requires some sort of action to prove one's mentality. For example, a block of wood could be designated as a doorstep. Does one need to use it this way, or do something else that shows that it is no longer a raw material? Other items are usable, but will require violating *Shabbos*. A *melacha* is done preparing them for use, or while they are used. This being the case, one does not have them in mind for any use on *Shabbos*. Therefore they are totally *muktzeh*, and may not be moved for any permissible use or for their space.

A third major category is *muktzeh machmas chisaron kis*, literally, due to loss of money. This includes things put out of mind for use on *Shabbos*, due to their value. This

could include expendable goods or utensils that have a permissible use. However, the owner would never use them for this purpose. He has set them aside, due to their value. Before *Shabbos*, he did not anticipate using them for permissible uses. For example, a storekeeper would not use clothing from his inventory for personal use. One would not use a specialized knife to cut his *Shabbos* fish. The Talmud uses the term, *meyached lo makom*, the owner set aside a special place to keep these items. [See *Shabbos* 42b-47b 122b-126b 128a-b 141a 142b-143a, Poskim. Tur Sh Ar 308-311, commentaries.]

C) Passports and ID cards

The poskim discuss the status of a passport. In the first place, it is a mundane document. There is no need for it on *Shabbos*. The information in it is not of a commercial nature, but it is still related to non-*Shabbos* activity, in general. It seems to fit the expanded guidelines of *shtarei hedyotos*. Therefore, one may not read from it on *Shabbos*. Since it is forbidden to read the passport, it has no use on *Shabbos*. Therefore, it is *muktzeh*. It does not seem to have the status of a *kli* at all. Perhaps a hard card might qualify as a *kli*, if it is read by being inserted into a machine. Accordingly, it cannot have the status of *kli shemelachto leisur*, allowing it to be used for permissible uses. In addition, the holder treasures the passport. It is usually a costly item, far in excess of its actual value. It is extremely important, and some people keep it in a safe. He would never use it for other uses. It thus has the status of *mutzeh machmas chisaron kis*.

Two situations are discussed. In times of war it might be considered dangerous to be out and about without carrying a passport. If there is no *eruv*, one would need to attach it to his clothing. The question is whether it may be considered secondary to the clothing. The second issue arises when an official comes to the house to see the papers. There is an issue of *muktzeh*. If possible, one should avoid moving the papers. He should show the official where they are and let him pick them up and read them. Apparently, designating them ahead of time for this possible use does not help. It seems that this is due to *muktzeh machmas chisaron kis*. A slaughterer's knife or the scalpel used for circumcision are other examples of *muktzeh machmas chisaron kis*, yet may be used for their original purpose. They are not *muktzeh* for this, because one indeed has this in mind before *Shabbos*. After use, they attain questionable status. A passport should have this dispensation to allow its use when the need arises. This seems to be the reason that the *muktzeh* aspect is not raised in the case of the wartime carrying. In peacetime it is assumed that one does not anticipate its usage, and probably wishes not to have to use it at all.

ID cards are also discussed somewhat. They should have the same status as passports. However, they are not as precious or as expensive. In addition, they are used all the time. If one uses his ID card all the time, it is not *muktzeh* for him. Nonetheless, it is suggested that if possible it should be carried in an unusual manner, such as in one's sock.

Insurance cards have some of the advantages of the ID cards, in that they do not cost money, nor are they treated as precious items. Nonetheless, they are obvious *shtarei hedyotos*. They not only prove membership, but are used to bill the patient and to allow him access to the services. This is basically a purchase of the medical services, regardless of when the payment is made. It would constitute a type of contractual agreement. In terms of *Shabbos*, it amounts to *mekach umemkar* or *kinyan*, forbidden commercial activity. In fact the carrier of the card is only doing so in anticipation of exactly such a situa-

tion. He is worried that he will find himself needing treatment in a strange place, possibly when he, *chas veshalom*, is unable to identify himself personally. In addition, to properly serve this purpose, he would need to carry it on his person in a way that it would easily be found. This precludes putting it in his sock or hat-band.

To save a person in danger, whether critically imminent or in direct long term life-threatening danger, one must violate *Shabbos*. For one who is mildly ill, one may not violate anything. For those in-between, there are levels of restriction that might be relaxed. In our case, there is no imminent danger, nor is there any predicted. The person has some common health issues, that in the long term can lead to life-threatening situations. Generally, a *safeik*, doubt, about *pikuach nefesh* is treated as though it were definite. However, there must be an incident present that raises this doubt.

For a *choleh sheain bo sakana*, non-life-threateningly ill person, Rabbinical restrictions are relaxed. For example, a gentile may do *melacha*, such as to carry for him, but whether a Jew may carry abnormally is debated. In practice, if it cannot be performed by a gentile, a Jew may do it. The same ruling basically applies to any Rabbinical restrictions. However, some maintain that there is a difference between the types of Rabbinical restriction. Unusual manner of *melacha* is connected to a Scriptural prohibition carrying the most serious penalty. *Muktzeh* is not on this level, and according to this view, may be moved for him. If one is not in a *choleh* situation at present, nor is it predicted, the mere possibility does not permit carrying *muktzeh* directly. If the risk of becoming a *choleh* is present, one may move *muktzeh* indirectly, but not with one's hands. For example, one may hold a child who has *muktzeh* in his hands, because putting the child down will cause him pain and suffering. In our case, the person is not ill, nor is there a risk present. There is always a chance that anybody might become ill. This does not count as risk.

An insurance card provides no help to a potential patient. It will only help in processing a claim. As such, it is pure *shtarei hedyotos*, albeit concerning matters that are permitted on *Shabbos*, similar to *shiduchim*. If needed, it will literally be used for transactions that can be completed after *Shabbos*. Therefore, the item is *muktzeh*. [See *Shabbos* 141b, Poskim. Tur Sh Ar OC 301:23 309:1 328:esp. 17, commentaries. Maharash Engel II:23 VII:20. Minchas Shabbos 90:22a. Shmiras Shabbos Kehilchasa 28:6.]

In conclusion, the insurance card is clearly *muktzeh* and may not be carried.

On the Parsha And Hashem will erase his name from under the heavens. And Hashem will separate him for evil from all of the tribes of Israel ... [29:19-20] After Hashem has erased his name, why would He need to separate him from the tribes of Israel. [See *Or Hachaim*] Erasing his name means that his influence will not endure, nor will there be anything of significance in his memory. However, his identity will still exist, in that people will know which tribe and family he came from. Thus, his tribe and Israel will be ashamed of having him as a member. Hashem will erase his “identity card” so that he will be separated from his tribe and from all of Israel. Nobody will know who he was.

Sponsored by Gila Dlinn in memory of her mother, Chaya Sarah bas Chanan Yitzchak a”h,
whose *yahrzeit* is on the 24th of Elul.

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