

TATTOOING AND BODY PIERCING

Rabbi Alan B. Lucas

This paper was adopted by the CJLS on March 11, 1997, by a vote of seventeen in favor and four abstaining (17-0-4). Voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Elliot N. Dorff, Samuel Frint, Baruch Frydman-Kohl, Myron S. Celler, Nechama D. Goldberg, Susan Grossman, Judah Kogen, Alan B. Lucas, Aaron L. Mackler, Paul Plotkin, Mayer Rabinowitz, James S. Rosen, Joel Roth, Elie Kaplan Spitz, and Gordon Tucker. Abstaining: Rabbis Jerome M. Epstein, Lionel E. Moses, Avram Israel Reisner, and Gerald Zelizer.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

Is body piercing (nose, navel, etc.) and tattooing permitted? Does it preclude taking part in synagogue rituals or being buried in a Jewish cemetery?

תשובה

This question deals with two separate issues: body piercing and tattooing. It also deals with three different implications of these two issues: (1) the question of permissibility; (2) participation in synagogue rituals; and (3), burial in a Jewish cemetery.

Tattooing

The prohibition of tattooing is found in the Torah:

ושרט לנפש לא תתנו בבשרכם וכתבת קעקע לא תתנו בכם אני ה'.

You shall not make gashes in your flesh for the dead, nor incise any marks on yourselves: I am the Lord.¹

It is the second part of this verse from which we derive the general prohibition against tattooing.

From the outset there is disagreement about what precisely makes tattooing a prohibited act. The anonymous author of a mishnah states that it is the lasting and permanent nature of tattooing which makes it a culpable act:

¹ Lev. 19:28.

הכותב כתבת קעקע... אינו חייב עד שיכתב קעקע בדיו ובכחול ובכל דבר שהוא רשום.

If a man wrote [on his skin] pricked-in writing [he is culpable]. . . but only if he writes it and pricks it in with ink or eye-paint or anything that leaves a lasting mark.²

But Rabbi Simeon b. Judah disagrees and says that it is the inclusion of God's name which makes it a culpable act:

ר' שמעון בן יהודה משום ר' שמעון אומר אינו חייב עד שיכתוב שם השם שנאמר: וכתבת קעקע לא תתנו בכם אני ה'.

Rabbi Simeon b. Judah says in the name of Rabbi Simeon: He is not culpable unless he writes there the name [of a god], for it is written, "*Or incise any marks on yourselves: I am the Lord.*"³

The Gemara goes on to debate whether it is the inclusion of God's name or a pagan deity that makes it a culpable act.

The Rambam clearly sees the origin of this prohibition as an act of idolatry. He includes it in his section concerning idolatry and then explicitly states:

וזה היה מנהג העכו"ם שרושמין עצמן לעבודת כוכבים.

This was a custom among the pagans who marked themselves for idolatry.⁴

But, the Rambam concludes that regardless of intent, the act of tattooing is prohibited.⁵

Aaron Demsky of Bar Ilan University in an article in the *Encyclopaedia Judaica*⁶ goes even further to suggest that non-idolatrous tattooing may have been permitted in Biblical times. He cites the following Biblical references:

זה יאמר לה' אני וזה יקרא בשם יעקב וזה יכתב ידו לה' ובשם ישראל יכנה.

One shall say, "I am the Lord's," another shall use the name of "Jacob," another shall mark his arm "of the Lord's" and adopt the name of "Israel."⁷

הן על כפים חקתיך.

See, I have engraved you on the palms of My hands.⁸

ביד כל אדם יחתום לדעת כל אנשי מעשהו.

Is a sign on every man's hand that all men may know His doings.⁹

While these verses may be purely metaphoric, Demsky suggests they could be taken liter-

² M. Makkot 3:6.

³ Ibid. Emphasis added.

⁴ Maimonides, M.T. Hilkhot Avodat Kokhavim 12:11.

⁵ Ibid.

⁶ *Encyclopaedia Judaica*, (Jerusalem: Keter Publishing, 1972), vol. 16, p. 663ff., s.v. "Writing".

⁷ Isa. 44:5.

⁸ Isa. 49:16.

⁹ Job 37:7.

ally as instances of tattooing that was acceptable in Biblical times. He goes on to add that A. Cowley showed that in Elephantine, slaves of Jews were marked with the name of their owners as was the general practice.¹⁰

Regardless of the exact limits of this prohibition, over time, the Rabbis clearly extended the prohibition to include all tattooing.¹¹

In our day, the prohibition against all forms of tattooing regardless of their intent, should be maintained. In addition to the fact that Judaism has a long history of distaste for tattoos, tattooing becomes even more distasteful when confronted with a contemporary secular society that is constantly challenging the Jewish concept that we are created **בצלם אלוקים**, “In the Image of God,” and that our bodies are to be viewed as a precious gift on loan from God, to be entrusted into our care and not our personal property to do with as we choose. Voluntary tattooing even if not done for idolatrous purposes expresses a negation of this fundamental Jewish perspective.

As tattoos become more popular in contemporary society, there is a need to reinforce the prohibition against tattooing in our communities and counterbalance it with education regarding the traditional concept that we are created **בצלם אלוקים**, “In the Image of God.” But, however distasteful we may find the practice there is no basis for restricting burial to a Jew who violates this prohibition or even limiting their participation in synagogue ritual. The fact that someone may have violated the laws of kashrut at some point in their life or violated the laws of Shabbat would not merit such sanctions, the prohibition against tattooing is certainly no worse. It is only because of the permanent nature of the tattoo that the transgression is still visible.

New laser technology has raised the possibility of removing what was once irremovable. To date, this procedure is painful, long, and very expensive. However, it will probably not be long before the process is refined to the point where it will not be painful, overly involved or very expensive. At such time it might be appropriate for the Law Committee to consider whether removal of tattoos should become a requirement of **תשובה**, conversion or burial.

The prohibition of tattooing throughout the halakhic literature deals only with personal, voluntary tattooing. With respect to the reprehensible practice of the Nazis who marked the arms of Jews with tattooed numbers and letters during the Shoah, the Shulhan Arukh makes it clear that those who bear these tattoos are blameless:

אם עושה כן על בשר חבריו אותו שנעשה לו פטור.

If it [the tattoo] was done in the flesh of another, the one to whom it was done is blameless.¹²

Tattoos which are used in cancer treatment or any similar medical procedure, to permanently mark the body for necessary life saving treatment are also not included in the prohibition against tattooing.¹³

The prohibition against tattoos applies only to permanent marks to the skin. Therefore hand stamps or other popular children’s decorations which mimic tattoos and paint the skin in a nonpermanent manner cannot be included under the prohibition of tattooing. However, **לשם הינוך**, for the purpose of education it might be appropriate for parents to

¹⁰ A. Cowley, *Aramaic Papyri of the Fifth Century B.C.* (1923) 28:2-6.

¹¹ Tosafot on B. Gittin 20b, s.v. **בכתובת קצקע**.

¹² S.A. Yoreh De’ah 180:2.

¹³ *Ibid.*, 180:3. The *Siftei Kohen* clearly states that since the purpose is for medical purposes it is permitted.

make the distinction clear to their children. These also present an excellent opportunity to introduce young children to the concept that we are created **בצלם אלוקים**, “In God’s Image,” and the implications of that concept.

Body Piercing

The issue of body piercing is also presenting no small challenge to many a contemporary parent. For what has long been an issue of only “ear piercing” and limited to women, has now been extended to men and to almost every imaginable part of the body capable of being pierced.¹⁴

While many of us may not understand why anyone would want to pierce some of the parts of the body, the question before us asks if such acts render one unfit for ritual inclusion or burial.

Ear-piercing is mentioned in the Bible in several contexts. The most familiar is with reference to a Hebrew slave who was to be freed in the seventh year of servitude and in declaring his love for his master he might refuse to go free:

והגישו אדניו אל האלוקים והגישו אל הדלת או אל המזוזה ורצע אדניו
את אזנו במרצע ועבדו לעלם.

His master shall take him before God. He shall be brought to the door or the doorpost, and his master shall pierce his ear with an awl; and he shall then remain his slave for life.¹⁵

There is some disagreement in the Gemara as to how permanent this piercing of the slave’s ear was supposed to be.¹⁶ But our piercing is clearly of a non-permanent nature and its intent is purely decorative. This type of piercing was also known in the Bible:

ואשאל אתה ואמר בת מי את.... ואשם הנזם על אפה והצמידים על ידיה.

I inquired of her, “Whose daughter are you?” . . . And I put the ring on her nose and the bands on her arm.¹⁷

ויאמר אליהם אהרן פרקו נזמי הזהב אשר באזני נשיכם.

Aaron said to them, “Take of the gold rings that are on the ears of your wives. . . .”¹⁸

ואעדך עדי.... ואתן נזם על אפך ועגילים על אזניך.

I decked you out in finery. . . I put a ring in your nose, and ear-rings in your ears.¹⁹

This is also well documented in Rabbinic times:

¹⁴ And some you didn’t even think were capable of being pierced. In an article downloaded from the Internet, instructions were readily available on how to pierce the nostril, septum, eyebrow, Nieburh or Erle (the tissue between the eyes), the lip, cheek, tongue, navel, nipples, handweb, outer labia, inner labia, clitoral hood, clitoral triangle, clitoris, princess albertina, frenum, prince albert, ampallang, apadravya, dydoe, foreskin, and scrotum.

¹⁵ Exod. 21:6.

¹⁶ B. Kiddushin 21b.

¹⁷ Gen. 24:47.

¹⁸ Exod. 32:2.

¹⁹ Ezek. 16:11. See also Exod. 35:22, Num. 31:50, Judg. 8:24, and Isa. 3:21.

הכנות יוצאות בחוטין ואפילו בקיסמין שבאזניהן.

Small girls may go out [on Shabbat] with threads or even chips in their ears.²⁰

It also appears that there may be references to male ear piercing in the Talmud as well. In a discussion regarding the wearing of jewelry on Shabbat, the Gemara states:

לא יצא החייט במחטו התחובה לו בכגו ולא נגר בקיסם שבאזנו.

A tailor must not go out with a needle stuck in his garment, nor a carpenter with a chip in his ear.²¹

Rashi refers to a custom in his day for men to wear earrings that were signs of their respective trades.²² While Rashi seems to understand this chip as being tucked behind the ear, Jacob Lauterbach understands it as an example of piercing.²³ The same expression, **בקיסם**, **שבאזנו**, is found in the above cited mishnah of Shabbat and clearly refers to piercing.²⁴ It was also an established custom in European countries well into the Middle Ages for tradesmen to wear pierced earrings of the symbol of their trade.

The surgical process of piercing both the ear and the nose seems to be well documented in the Bible and the Talmud. While there are many today who would find the Biblical custom of nose piercing unacceptable, there are apparently many young people today who find it attractive. And while some are uncomfortable with men having their ears pierced, even this has a precedent in traditional literature. The only issue that seems to direct this matter is the fashions of the day. It is hard to argue from a halakhic perspective that there is a substantive difference between the nonpermanent piercing of the ear for fashion purposes and the non-permanent piercing of the eyebrow, navel or even nipple. The lack of aesthetic appeal to many of us is hardly a halakhic consideration.

There are some legitimate concerns which could and should be raised. There is a concern that an inappropriate procedure or lack of proper hygiene involved in the piercing of a clitoris, nipple, or scrotum, for example, could lead to an infection with significant consequences. Piercing should only be done by those medically qualified to address these concerns.

In addition there is the issue of **בצלם אלוקים**, “In God’s Image,” and **צניעות**, modesty. With respect to the traditional Jewish value of **צניעות**, one has to wonder if “private” parts of the body are being pierced for fashion purposes, if the intent is to keep that private part private. While there may be no prohibition against such body piercings, they must be placed in the larger context of **צניעות**, which remains an important Jewish value.

And, while ear piercing seems to be a fairly benign practice, there comes some point at which multiple piercings of the body, however fashionable, begin to challenge our concept of **בצלם אלוקים**, that we are created in God’s image. It seems to me that Jews sufficiently educated and sensitive to the concepts of **צניעות**, modesty, and **בצלם אלוקים**, being created in God’s image, will limit themselves appropriately regarding body piercing. I am

²⁰ M. Shabbat 6:6.

²¹ B. Shabbat 11b.

²² Rashi on B. Shabbat 11b, s.v. **בקיסם שבאזנו**. Rashi explains that it was the custom of tradesmen to wear signs of their trade in the form of earrings so that when they walked in the marketplace people would know their particular trade and could hire them.

²³ Responsa on Pierced Ears, Sept. 1983, *CCAR Yearbook*.

²⁴ M. Shabbat 6:6. And in a discussion of what causes a permanent blemish, the Talmud, in Bekhorot 37a, gives piercing of the ear as an example.

reminded of a דבר תורה Rabbi David Weiss Halivni once gave at the Seminary regarding the permissibility of animal hunting for pleasure by Jews. He quoted a תשובה by Rabbi Ezekiel ben Judah Landau.²⁵ After taking some time to explain why it was indeed permitted by the Torah he concluded by saying, “Yes, it is permitted, but what kind of a Jew would want to hunt for pleasure?” While not nearly as serious an issue as hunting, one can only wonder what questions about body piercing and tattooing tell us about our contemporary community.

Ultimately this seems to be a matter of fashion which will pass with time. But until then, we should strengthen the sense of צניעות, modesty, which should guide our fashion choices and underscore our belief that we are created בצלם אלוקים, “In God’s Image” in an attempt to balance contemporary pressures. But I see no basis for any sanctions against those who engage in such fashions, certainly not of the magnitude of refusing burial in a Jewish cemetery or refraining from including them in any synagogue practices.

Conclusion

Tattooing is an explicit prohibition from the Torah. However, those who violate this prohibition may be buried in a Jewish cemetery and participate fully in all synagogue ritual. While no sanctions are imposed, the practice should continue to be discouraged as a violation of the Torah. Body piercing is not prohibited, although legitimate concerns regarding צניעות, modesty, and other traditional Jewish values should be taken into consideration and guide one’s choices. At all times a Jew should remember that we are created בצלם אלוקים, “In God’s Image.” We are called upon to incorporate this understanding in all our decisions.

²⁵ *Noda B’yehudah* to *Yoreh De’ah* 10, s.v. המתחיל ואומנם מאד.