The Revealing Picture of Jewish Engagement with Tattooing

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"It is not the choice, but *how* the decision is made,
which determines if the responses to life's questions are Jewish."

~ Marshal Klaven ~

Thesis Digest

Today's tattoos are no longer confined to tattoo studios or to the artists who indelibly insert ink into the skins of patrons. No. The appeal of tattooing pervades many things, from the Learning Channel's successful show *Miami Ink* to Mattel's "Totally Stylin' Tattoo Barbie." In fact, the Pew Research Center concluded in 2007 that 36 percent of 18-25 year-olds and 40 percent of 26-40 year-olds have at least one tattoo. The appeal of the tattoo is not lost on the Jewish community, as many Jews are making the choice to permanently mark their skins as a means of self-expression. Yet, the provocative question: "to be or not to be tattooed," should arouse the modern Jew to expose more than just one's skin. It should provoke the modern Jew to reveal the historical picture of the Jewish engagement with the practice of tattooing. For tattooing is not simply a modern trend. It is a practice which has long confronted the Jewish community and its values.

However, up until this moment, the voices of Judaism which may guide the modern Jew in the confrontation between traditional values and this modern trend have been scattered throughout history. Out of both a need and a desire for a single source which can present the Jewish perspective on the practice, this thesis brings together the multiple voices on tattooing, from the religious and cultural attitudes of the ancient Israelites to the opinions and positions of classic and contemporary rabbis. No longer shall the *bubbemeises,* "you will not get buried in a Jewish cemetery," play watch-guard over our faith. Instead, as we navigate life in the modern world, our Jewish choices shall be based upon a firm platform of resolute knowledge, reinforced by the wisdom of previous generations who have linked us in the unbreakable chain of tradition, which is humbly presented in the research, *Full Exposure: The Revealing Picture of Jewish Engagement with Tattooing.*

Full Exposure:
The Revealing Picture of Jewish Engagement with Tattooing

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Full Exposure:

The Revealing Picture of Jewish Engagement with Tattooing[1]

Introduction:

Should a Jew tattoo? It is a question whose answer is obvious: yes a*nd* no. An emphatic 'no' may be heard by those Jews who instinctively turn to tradition to resolve all confrontations of modernity, being persuaded by an old wise-tale about a "ban on burial" or by a rabbi's plea that it is a prohibited practice of Judaism. On the other hand, an affirming 'yes' may be heard by those Jews who rely solely upon personal desires to respond to the dilemmas spawned by modernity, overcome by the impetus of "why not," especially when the act is found to be personally meaningful. At this time, more than any other time in history, more yes's as well as more no's can be heard as Jews from all walks of life and from all over the world are confronting and being confronted by the practice of tattooing. Acknowledging this unprecedented moment, Haifa University's on-line publication of *Anashim Yisrael* (The People of Israel), in an article called "The Tattoo Trend in Sabra Culture," stated: "In recent years, tattooing has proliferated, both in Israel and abroad. There are people who love tattoos and there are people who are disgusted by them. To each his own. But," the article's author, Professor Oz Almog warns, "if you are Jewish, and you are considering getting a tattoo – Stop!"[2]

1. This thesis could not have been possible without the blessing of education I received from the professors of the Hebrew Union College – Jewish Institute of Religion in Cincinnati, OH. Of special note are my two thesis referees Dr. Nili Fox and Dr. Mark Washofsky. Through their insightful mentorship, this thesis may stand as a reference to the issue of tattooing from a Jewish perspective for the entire Jewish community.

2. Professor Oz Almog. "The Tattoo Trend in Sabra Culture," Donna Bossin, trans. *Anashim Yisrael*. (Haifa: www.peopleil.org, 20 October 2008).

Stop to consider why this question, "should a Jew tattoo," is heard in greater frequency today than among the generations of yesterday. The reason is because a pivotal shift has occurred in the public's perception of tattoos. No longer are tattoos the sole proprietary earmarks of rough sailors, greasy bikers, or thuggish gang members.[3] Tattoos, instead, are the adornment of suburban moms, coming-of-age markers for college students, personal testimonials of professionals' wild days long past, and even life-long memorials to loved ones.[4] In fact, the Pew Research Center conducted a survey, published in 2007, that showed that 36 percent of 18-25 year-olds have at least one tattoo, while an even higher percentage, 40 percent, of 26-40 year-olds have at least one as well.[5] That means that two in every five Americans within this very vibrant and socially powerful age bracket have a tattoo. As the act of tattooing has become more pervasive within American society, tattoos have been used to promote everything from Goodyear's Dunlop tires and Nike shoes to General Mills Fruit-Roll-Ups snacks.[6] There is even a website called Leaseyourbody.com that will broker the prime real-estate of one's skin with an advertiser for the purposes of promoting a product through the use of a tattoo.

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3. It has been noted by social anthropologist, Margo DeMello, "Terms such as 'biker,' 'sailor,' or 'scratcher,' are used in tattoo magazines and articles on tattooing to refer to certain working-class tattoo practices that are said to be out-moded and are differentiated from newer practices defined as 'professional,' or 'fine art.' Margo DeMello. *Bodies of Inscription: A Cultural History of the Modern Tattoo Community*. (Durham & London: Duke University Press, 2000) pp.5-6

4. Thus, DeMello keenly observes, "the tattoo has been, in a sense, sanitized of its working class roots, in order to ensure that the tattoo is now fit for middle-class consumption." [DeMello, *Bodies of Inscription*, p.4]

5. Andrew Kohut, (director). "How Young People View Their Lives, Futures, and Politics: A Portrait of Generation Next." (Washington D.C.: The Pew Research Center, 9 January 2007).

6. Recently, Mattel has even understood the selling power of the tattoo as they began producing and marketing "Totally Stylin' Tattoo Barbie," who comes equipped with heart, star, and butterfly press-on tattoos to be affixed to Barbie wherever her owner wishes to place them. Vinnee Tong. "Got a Tattoo? It's No Longer Taboo." The *St. Louis Post Dispatch*, Business Section. (Associated Press: 29 November 2007). According to Tong, "Goodyear's Dunlop tire unit has offered a set of free tires to anyone who will get the company's flying-D logo tattooed on their body and 98 people have taken up the offer...General Mills has been selling Fruit-Roll-Ups with tattoo-shaped cutouts that let children make temporary tongue tattoos. Shoe maker Nike Inc. has employed celebrity tattoo artist Mister Cartoon to design six lines of limited-edition shoes."

Clearly, these silent markers of rebellion have shifted to the boisterous mainstream. And, along with the rest of western society, Jews too have experienced and been part of this shift.

Yet, the Jew stops not simply to ask the question of should I get a tattoo or not. Rather a Jew pauses because engrained in every choice is a moment to either affirm or deny one's Jewish identity, and by extension Judaism's place in the world. Denial can come in many forms. It is not simply turning a blind eye to tradition; it can also be blindly accepting tradition. Because, whether it is a rabbi or the average Jew, Judaism is more than a solitary voice. It is a tapestry of a multitude of voices with varying positions woven together to present an understanding of the world, God and the Jew's place in that dynamic.

Therefore, in order to affirm Judaism in our response to the question, "should a Jew tattoo," we must – prior to our decision – pause to investigate the historical voice of Judaism, preserved in the literary discussions of our people: the Bible, early and late rabbinic texts, as well as from the positions of modern Jewish thinkers. The ideal end of this exploration is not necessarily the adoption of acceptance of the historical voice of Judaism. Rather, understanding one's reasons for either accepting or deviating from it is. A similar procedure may be applicable to people of other faiths, who too struggle for individualism under the pressure of regulated normative practices, motivated by the cultural impulse of conformity. For example, some denominations of Christianity as well

as Islam maintain a similar tension between individuals with tattoos and the tattoo taboos within their respective religious prescriptions.[7]

The scope of this thesis, however, will be limited to the Jewish perspective on tattoos and the act of tattooing, beginning with the Israelite interaction with tattooing practices of the ancient Near East (ANE) and ending with the perspective of tattooing within contemporary Jewish society. In many ways, the Jewish engagement with tattoos and the practice of tattooing echoes other traditions that define our people: that is, when ANE cultures and practices influence a statement codified in the Biblical text, which then is transmitted and evolved through rabbinic literature to finally arrive in our contemporary time when and where modern Jews wrestle with its acceptance or rejection.[8] Therefore, the intention of this thesis is not to be a persuasive or a dissuasive piece regarding the decision whether one should or should not receive the body mark of a tattoo. Purely and most thoroughly, this thesis will provide the relevant information on the historical Jewish

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7. "Roman soldiers often had themselves tattooed until Constantine forbade it in C.E. 325 on the grounds that it disfigured what had been fashioned in God's image. Despite Christian disapproval, (Pope Hadrian also decreed against it in C.E. 787 C.E.), tattooing survived among the Saxons...[and] the anthropologist Durham (1928) reported on the prevalence of tattooing on the hands of Catholic women in some Balkan areas." [Armando R. Favazza. *Bodies Under Siege: Self-mutilation and Body Modification in Culture and Psychiatry*. (Baltimore: John Hopkins University Press, 1996) pp 151-152] "Shari'ah (Islamic law) warns against Muslah (disfiguring) of the body, as well as 'unnecessary intrusion, alteration and defacement of Allah Taa'la's creation.'" The Qur'an considers such alterations as inspired by (shaytaan) Satan, who "...will command them (his devotees) to change what Allah (Taa'la) has created..." (Qur'an: An-Nisa': 119). [Islamic Times: 16 May 2006. www.islamictimes.co.uk]

8. Another example of this occurs with an aspect of kashrut: the prohibition from eating the meat of pigs. According to a lecture by Archeologist David Ilan, remains uncovered in the area of ancient Philistine demonstrate that the Philistines ate a lot pork, evident in the large amount of pig bones found there. However, in the hill country of ancient Israel, only a minimal number of pig bones were found. The archeological evidence demonstrates that instead of swine, the most likely source of meat for the Israelite diet came from sheep and goats. According to Dr. Ilan, pigs – who have large litters and develop rather quickly – are suitable for a people who travel frequently from place to place by sea, such as the Philistines. On the other hand, sheep and goats – which have smaller litters and take years to develop – are better suited for a more sedentary people, like the ancient Israelites. As this cultural difference is preserved it the Biblical texts, it acquires cultic significance. This religious significance is then expounded upon and developed through the rabbinic codes of the classic rabbinic period. It is from the positions maintained in these traditional texts that Modern Jews debate, wrestle with their modern implications. To accept or not to accept, this is the question.

engagement with tattoos, in order to aid the contemporary Jew in mitigating the tension between secular norms and Jewish traditional values. This exploration is not only of value for every Jew, but ultimately it is the way that we as Jews behave Jewishly.

Anthropological Background - Manipulating the Human Form:

We are and have always been obsessed with the human body. Whether it has been through pursuits of religion as we aspire to understand God through the human form and condition or through pursuits of science as we attempt to understand the natural changes which occur to and within the human corpus, no other landscape, such as that of a far off continent or planet, has captured our imagination like the landscape of the human body.[9]

Yet, not all changes occur naturally. Through another pursuit, that of the arts, humans have been able to express their obsession of the human form through paintings, sculptures, dance, clothing, etc. Through such artistic mediums, the human form is displayed and at times even visually transformed. One of the oldest examples of this obsession to contort the human form is from the Cosquer Cave located at Cape Morgiou, near Marseilles on the Mediterranean Sea. Approximately 25000 years before the Common Era (B.C.E.), 55 human hands were placed upon its walls. Some were drawn in the negative as stencils and some in the positive as hands coated with pigment were applied to the rock. What makes these images provocative is the fact that some of the digits upon these hand markings are missing or are shortened. Do these missing digits bear witness to mutilations, sacrificial rituals, or results of circulatory ailments? Evidence from skeletal remains, of the same period, indicates that these missing body parts were

9. These religious pursuits are rooted to the Biblical verse, Genesis 1:27, which states, "God created man in His image, in the image of God He created him."

not a result of amputation.[10] Rather, "the most probable hypothesis is that the hands were drawn with bent fingers to represent a sign of greeting or a coded language."[11]

Throughout history, we have learned that to manipulate the human image is to elicit speculation about the intended purpose of such change. Whether correctly understood or not, these alterations convey information to the observer. Some, like the above, deposit the intended message upon some external medium: paper, stone, stage, etc. Still other methods of body modifications communicate the message upon the canvas of the human body.

Donning the body in fabrics is a standard method of temporarily altering the human form to convey meaning. This is evident even in the Bible as Moses was instructed to speak to the Israelite people and tell them:

> "Make for themselves fringes on the corners of their garments throughout the ages; let them attach a cord of blue to the fringe at each corner. That shall be your fringe; look at it and recall all the commandments of the LORD and observe them, so that you do not follow your heart and eyes in your lustful urge."[12]

It is clear from these verses that the fringe held meaning, which – when looked upon – could counter a heart's passion or an eye's "lustful urge." The same could be said of all clothing, which conceals the human form from one perspective, but reveals it to a whole

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10. "Although the fingers are incomplete, the thumb is always intact on these hands, which immediately eliminates the hypothesis of severe frostbite having resulted in the necrosis of the phalanxes." In addition, "none of the skeletons of the Upper Paleolithic era found to date had hands with incomplete phalanxes." [http://www.culture.gouv.fr/culture/archeosm/en/fr-cosqu5.htm]
11. "This was probably associated with hunting and various rituals, thus similar to the silent language once used by hunting peoples such as the Bushmen and the Australian Aborigines." [http://www.culture.gouv.fr/culture/archeosm/en/fr-cosqu5.htm]
12. Numbers 15:38-39. *JPS Hebrew-English Tanakh*. (Philadelphia: Jewish Publication Society, 2000).

array of different interpretations from another. According to Victor Turner, who has conducted numerous field studies on body markings, "Clothing, headgear, ornaments, and regalia are, of course, salient agencies for the situational communication of personal and social identity, religious and secular values, and social status."[13]

Even without fabric being contorted to fit the human form as clothing and costuming, cultures around the world have found ways to adorn the body with color to convey a broad range of information for both the community, as well as, for the marked individual. One such culture is the southeast Nubian community of the Sudan in Africa. In an interesting investigation, anthropologist James Faris points out, starting at the age of 12 until approximately 27, Nubian males will paint their bodies with individually inspired designs. Yet, community structures exist that apparently govern the colors which may be used by different age groups. According to Faris, these social conditions placed upon personal body modifications do not just accompany physiological change, but when the design is more elaborate and the color more varied to transform the human image it "signals changes in productive status and sport" for the individual within the community.[14] The Nubian society represents just one community from around the world where the canvas of the human body has proven to be an effective medium to project information regarding one's social status, sex, age, tribal and religious affiliation. Even more so, Terrance Turner observed, such temporary markings like body painting can also

13. Victor Turner. "Bodily Marks." *The Encyclopedia of Religion*, Mircea Eliade, ed. Volume 2. (New York: Macmillan Publishing Co., 1987).

14. James Faris. "Significance of Differences in the Male and Female Personal Art of the Southeast Nuba." *Marks of a Civilization*, edited by Arnold Rubin. (Los Angeles: Museum of Cultural History – University of California, 1988).

establish "a channel of communication *within* the individual, between the social and biological aspects of his personality."[15]

These messages for the society, as well as for the individual are not just written in temporary ink. Throughout history, humans have found ways to make the message more permanent by indelibly marking the human skin. Such irreversible markings include: piercing, scarification, cicatrisation, branding, circumcision, and tattooing. Not with a paintbrush, but by means of cutting and piercing tools, such as knives, needles, or razors, are these surgical and quasi-surgical operations made on the canvas of the human body.

Like the case with the Nubian males, these acts are imbued with greater personal and communal meaning. Yet, unlike the case with the Nubian males, these more invasive acts of marking typically reinforce a perceived irreversible change in status or mode within one's society or culture. A clear example of this type of mark comes from Jewish heritage, where males at the age of eight days old undergo a ritual circumcision. This irreversible mark was intended to convey the message of a child's permanent inclusion within the Jewish community and the unbreakable covenant God has with the Jewish people.[16] According to Jewish tradition, it is an act that sanctifies the covenant between God and the Jewish people ever since Abraham circumcised himself with his son Ishmael in the Book of Genesis.[17]

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15. Terence S Turner. "Cosmetics: The Language of Bodily Adornment." *Conformity and Conflict*, 3rd ed., editor James P. Spradley and David W. McCurdy. (Boston: 1977).

16. Once a male Jewish child is officially entered into the Jewish community by act of the circumcision, he is forever considered a Jew, (on condition that his mother was Jewish according to some segments of Jewish society).

17. Genesis 17:9-14, 24-26: "God further said to Abraham, 'As for you, you and your offspring to come throughout the ages shall keep My covenant. Such shall be the covenant between Me and you and your offspring to follow which you shall keep: every male among you shall be circumcised. You shall circumcise the flesh of your foreskin, and that shall be the sign of the covenant

The human form clearly has captured our imagination, whether within the realms of religion, science, or art. Exploring and even initiating change, these pursuits attempt to derive meaning from the transformations that occur to the human form. Natural or artificial, temporary or permanent, all marks left by such change have within them the potential to convey information. According to Dr. Nili Fox, "Tattooing, especially, is one of the ways that humans, world-wide since earliest antiquity, have dressed their bodies to convey a broad range of cultural information."[18]

Modifying the Human Form through Tattooing:

The portrait of the tattoo is, indeed, a work-in-progress – one that ultimately started many millennia ago. In the classic study on tattooing, Wilfrid Hambly suggests "tattooing by puncture was practiced before the commencement of dateable periods. The very ingenious invention of making implements, and introducing coloured matter," Hambly regards "as a deliberate attempt of some thoughtful individual seeking consciously to impart a more enduring symbol of vitality than the afforded by mere surface painting."[19]

Yet, somewhere in the move of history, critical pieces needed to fully expose the background of the tattoo have been lost. Nonetheless, from the pieces that remain viewers may get a glimpse at the complex nature of this ancient practice. One important part in

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between Me and you. And throughout the generations, every male among you shall be circumcised at the age of eight days... Thus shall My covenant be marked in your flesh as an everlasting pact. And if any male who is uncircumcised fails to circumcise the flesh of his foreskin, that person shall be cut off from his kin; he has broken My covenant.' ... Abraham was ninety-nine years old when he circumcised the flesh of his foreskin, and his son Ishmael was thirteen years old when he was circumcised in the flesh of his foreskin. Thus Abraham and his son Ishmael were circumcised on that very day."

18. Nili Fox. "Body Marking: Tattoos, Brands, and Piercing," in *Bodies on Parade: Studies on Dress and Identity in the Biblical World* (2008), forthcoming.

19. Wilfrid D. Hambly, *The History of Tattooing and Its Significance: With Some Account of Other Forms of Corporal Marking*. (London: H.F. & G. Witherby, 1925) p. 311

reconstructing the background of the "ingenious invention" of the tattoo is its marking implements, which were found and dated as early as 30,000 years before the Common Era.[20] Such archeological remains include sharpened bone needles associated with charcoal and red ochre. While this evidence is not conclusive, cultural anthropologists have long held the hypothesis that corporal markings, such as tattoos, originated with the use of these piercing or cutting implements and red ochre.[21]

The first to try their hand at reassembling the enormous and complex history of the tattoo were early European explorers. Stumbling upon the practice in their travels, explorers recorded their allure to the *tattau*.[22] Captain James Cook, who was chief among these early explorers, observed that within the indigenous population of the Polynesian Islands the *tattau* was created by "inlaying the Colour of Black under the skins, in such a manner as to be indelible."[23]

Similar observations were recorded by explorers from the fifteenth through the eighteenth centuries of the Common Era (C.E.), noting a prevalence of tattoos throughout the world.[24] In addition to the Polynesian people, the tattoo was also common among the

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20. John A. Rush. *Spiritual Tattoo: A Cultural History of Tattooing, Piercing, Scarification, Branding, and Implants.* (Berkeley, California: Frog Limited, 2005) p.3

21. The hypothesis is based on the idea that red marks were symbolic of revitalization since red is strongly associated with the fluid of life, blood. To support this claim it has been noted by anthropologists that various early humans used this color in their body markings: Cro-Magnon burials, prehistoric Red Paint People of Maine, etc. A full list can be found in Wilfrid Hambly's cornerstone work on the history of tattooing. In this notable work, Hambly suggests, "There is a strong case for regarding the use of red ochre as the first stage of the body marking process." [Hambly, *The History of Tattooing and Its Significance*, pp. 309-310, 320]

22. Tattau is the Tahitian word, meaning 'to mark.' From this word we derive our modern word, 'tattoo.' This word was first recorded in "western" literature by Captain James Cook in his journal from travels in the seventeenth century. [Turner, "Bodily Marks," p. 270]

23. W.J.L. Wharton, Captain Cook's Journal during his First Voyage Round the World in H.M. Bark "Endeavour": 1768-1771 (London: 1893) p. 93

24. Turner, "Bodily Marks." p. 270

Maori in New Zealand as well as the native people of New Guinea, Melanesia, Micronesia, the Malay Archepelago, and the Malay Peninsula. Tattooing was also reported to be practiced on the mainland of Asia among certain peoples in India, Burma, and Tibet,[25] as well as on the other side of the world in some tribes of North and South America. Intrigued with such an apparent universal practice, the father of evolution, Charles Darwin theorized that the apparent long history of tattooing among so many diverse people and places may attest to "the close similarity of the mind of man, to whatever race he may belong."[26]

These and other speculations about the tattoo were entertained by many in the developing world as explorers brought back stories and examples of the practice. Yet, it was not until 1991 when the imaginative faculties of the human mind were sent into overdrive. It was the discovery of Ötzi, a 5000 year-old tattooed man uncovered in the mountains between Austria and Italy, which presented anthropologists with the oldest irrefutable evidence to substantiate the claim of tattoo's ancient past. From the oldest tattooed skin on record, researchers have determined that in approximately 3200 B.C.E. Ötzi had 60 lines and crosses tattooed along his lower spine, right knee, and ankle joints.[27]

We should not be surprised that scattered pieces of tattoo's long legacy can be found so far back in the human record. After all, tattoos remain one of the most effective ways

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25. Ancient mummies found in China's Taklamakan Desert (ca. 1200 B.C.E.) preserve the evidence of incised marks in the skin. [Cate Lineberry, "Tattoos: The Ancient and Mysterious History." *Smithsonian.com*. (1 January 2007) www.smithsonianmag.com/history-archaeology/10023606]

26. Charles Darwin, *Descent of Man*, part 3 chapter 19. (1871). www.infidels.org/library/historical/charles_darwin/ This passage was taken from Darwin's journal, which he wrote in while aboard the HMS Beagle.

27. Sonia Zjawinski, "Tattoos: Forget the Hidden Butterfly. It's Time for Full Sleeves." *New York Magazine* (1 October 2007).

information can be transmitted.[28] Permanently incised into the skin, dark pigments fill more than the lower layers of the human epidermis. These pigments create symbols imbued with meaning, which then become permanent mobile forms of non-verbal communication.[29]

Yet, what do these symbols mean? What abstract values are these concrete markings signifying? Were these symbols, like the ones found on the mummy Ötzi, used for personal or communal purposes? Did they serve some aesthetic, prophylactic, cultural or even sacramental function? Remarkable relics, like these, excite the imagination, but leave the mind grasping to ascertain their exact meaning and purpose. As Captain James Cook poignantly wrote in the 1700's, "...tattooing is a curious subject for speculation."[30]

The ability to decipher these speculative symbols correctly is essentially the communicative process by which the tattooed individual shares with other members of the in-group.[31] The in-group can be labeled as either a 'tattoo culture' or as a 'tattoo community.' Understanding the subtle difference between these two labels will be valuable in the ensuing discussion of the thesis.

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28. In addition to the examples cited at the beginning of this chapter, the Pew Research Center study noted that among different forms of body modifications: tattooing, altering hair to untraditional colors, and body piercing, "tattoos are the most popular form of expression." [Andrew Kohut, "How Young People View Their Lives," 9 January 2007] This statement, however, may be misleading as the study made no indication for race variations. A conclusion in the historical research on tattooing, states, "tattooing has flourished most among relatively light-skinned peoples, while scarification and cicatrisation are mostly found among dark-skinned people, since raised scars and keloids are more easily seen as pattern elements than the darker pigments." [Turner, "Bodily Marks," p.270]

29. Like all symbols, tattoos are "a concrete indication of abstract values." [Raymond Firth. *Symbols: Private and Public*. (New York: Cornell University Press, 1973) p. 54]

30. Hambly, *The History of Tattooing*, p. 239.

31. Raymond Firth in his notable study on symbols, argues that the broad aim of such symbols "was not only to accept the concrete as representative of the abstract, but to use it as a key in two ways – to explain the concrete by reference to the abstract, the visible by the invisible; and to extract from the concrete its hidden meaning for an understanding of the abstract. [Firth, *Symbols*, p. 55]

A culture, defined broadly by Princeton University, is "a particular society at a particular time and place."[32] Or, more concisely, it is "the accumulated habits, attitudes, and beliefs of a group of people that define for them their general behavior and way of life."[33] Therefore, like all cultures, a tattooing culture can broadly be defined as a group of people who co-exist in a relatively close proximity of time and space. Yet what makes a culture a tattoo culture is specifically where and when the tattoo and the act of tattooing facilitate at least one critical component of a society's ability to function. These components may be and are not limited to: social affiliation, marital status, religious identity, sex, gender, or age.

The tattoo and the act of tattooing, within tattoo cultures, define not just an individual within the culture and the nature of his/her interaction with other members of the in-group. But, the specific design of the tattoo and/or the time and place of the act of tattooing may also define the in-group verses the out-group. A wonderful fictional illustration of this principle is contained in Dr. Seuss' book, *The Sneetches*.

> "Now, the Star-Belly Sneetches had bellies with stars. The Plain-Belly Sneetches had none upon thars. Those stars weren't so big. They were really so small, you might think such a thing wouldn't matter at all. But, because they had stars, all the Star-Belly Sneetches would brag, 'We're the best kind of Sneetch on the beaches.' With their snoots in the air, they would sniff and they'd snort, 'We'll have nothing to do with the Plain-

32. http://wordnetweb.princeton.edu/perl/webwn?s=culture

33. On the U.S. Department of State website there is an on-line dictionary. The cited definition is from this dictionary. http://usinfo.state.gov/products/pubs/geography/glossary.htm

Belly sort!' And whenever they met some, when they were out walking, they'd hike right on past them without even talking."[34]

Although all the Sneetches were of one species, the corporal mark of the star dictated social interactions between the in-group (those with stars) verses the out-group (those without stars). It is, therefore, imperative to fully grasp the dynamics of any tattoo culture to understand not just the tattoo, but the function and meaning the tattoo holds within its social context.

There is not much left of tattoo cultures in the developed Western world. The sub-cultures of merchant sailors, military members, gangs, and biker communities may be all that remains.[35] Such tattoo sub-cultures continue to use the tattoo to define social boundaries such as affiliation and cultural rites of initiation, passage, and hierarchy.

Taking the place of tattoo cultures within Western societies are tattoo communities. A tattoo community is merely a group of people, who may, but do not necessarily reside in the same time and place with each other and whose existence is not dependent upon one another. Nevertheless, these individuals are pulled together by the shared experience of the act of tattooing. Anthropologist, Margo DeMello, in her thorough work on the topic, expounds further on the defining characteristics of a tattoo community to "include those who actively embrace the notion of community and who pursue community oriented [tattoo] activities like attending tattoo shows."[36] Other activities of a modern tattoo community may include subscriptions to tattoo magazines, working in a tattoo parlor,

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34. Theodor Seuss Geisel. *The Sneetches and Other Stories*. (New York: Random House Pub., 1961) pp. 3-4

35. DeMello, Bodies of Inscription, p. 3 and Arthur Rubin. "Tattoo Renaissance." *Marks of a Civilization : Artistic Transformation of the Human Body*. (Los Angeles: Museum of Cultural History – University of California, 1988) p. 236

36. DeMello, *Bodies of Inscription*, p. 3

associating with other modified individuals, etc. It should be noted, however, that being tattooed does not necessarily mean that the marked individual is a member within the tattoo community. Membership is conditional upon one's involvement in activities such as the ones mentioned above.

In today's more complex societies, these social tattoo networks and tattoo gatherings may be all that is left of communal tattoo rites in the developed Western world. Most modern societies have witnessed the loss of a tattoo's social function, thus eliminating tattoo cultures, as the act of tattooing has slipped almost exclusively into the personal realm of meaning and significance. For example, some women, who engage in tattooing,

> "argue that modifying the body promotes symbolic rebellion, resistance, and self-transformation – that marking and transforming the body can symbolically 'reclaim' the body from its victimization and objectification in patriarchal culture."[37]

Noting such contemporary occurrences of the personal function of the modern tattoo, Dr. Nili Fox writes, "tattooing is a form of self-expression, often serving to differentiate individuals rather than classing them together."[38] Thus this new tattoo appeal has bled from these peripheral sub-cultures of modern society into the mainstream, saturating the centrality of daily life.

Middle and upper class suburbia, once considered sterile and impenetrable from the influence of body modifications, began to see the proliferation of the tattoo within their ranks. It was not that precautions were not in place. It has been noted that many states,

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37. Victoria Pitts. *In the Flesh: The Cultural Politics of Body Modification*. (New York: Palgrave MacMillan, 2003) p. 49.

38. Nili Fox. "Body Marking."

including Connecticut, Kansas, Massachusetts, Oklahoma, South Carolina, Vermont, and Virginia all banned the act of tattooing at some time between 1940 and 1960.[39] In Illinois, the legal age limit for getting a tattoo was raised from eighteen to twenty one in 1963.[40] Even as late as 1970, "Florida prohibited tattooing except under medical supervision."[41] Some United States cities also initiated their own ban: Detroit, Little Rock, Albuquerque, and New York City, just to name a few.[42] It is unclear to what degree the law enforcement officials executed these prohibitions. The late Dr. Arnold Rubin, who explored the evolution of modern tattoos, speculates that such enforcement tended to be sporadic and desultory in most cases, thereby pushing tattooing towards its early modus operandi in the U.S. as clandestine.

Just as some parts of the United States closed their doors to tattooing, other areas, such as the metropolises of northern and southern California, as well as, Hawaii and the Pacific Northwest welcomed them, becoming inundated with tattoo artists as early as 1950. According to Rubin's analysis, "this shift was probably a response to the population expansion and prosperity brought on by military and defense/industrial growth along the West Coast during and after World War II and the Korean War." Additionally, Rubin acknowledges that the "California lifestyle" was more conducive for tattooing than other areas of the United States.

Not to underestimate the strength of these societal and economic factors, but had it not been for two seminal tattooists amidst this influx, the tattoo may have never been brought

39. Rubin, "Tattoo Renaissance," pp. 233-262
40. *Ibid.*, p. 236
41. *Ibid.*, p. 236
42. *Ibid.*

out of the shadows and into the light of conventional society. Samuel M. Steward, better known as "Phil Sparrow" in the tattooing community, and Norman Keith Collins, a.k.a. "Sailor Jerry," are credited as launching the medium of the tattoo into previously uncharted orbits within the American lifestyle. Sparrow initiated an entirely original approach to tattooing and his clientele, while Sailor Jerry revolutionized the medium of the tattoo in color, as well as, in the character of the designs. It was Sailor Jerry, above all others, who "helped professionalize the image of the tattoo by advocating sterile procedures and improve hygiene."[43]

Through their innovations, the tattoo slowly began to filter into areas once bereft of such forms of body alterations. Starting on the coast, the contemporary tattoo parlor made its way inward to the Midwest, permeating first the urban cities then seeping outward to suburbia and eventual reaching the rural landscape. Anthropologists have coined this shift of the tattoo from the periphery to the mainstream of conventional society as the "Tattoo Renaissance."[44] It is a period of time that "celebrates tattoos as spiritual, poetic, and self-empowering."[45] Or in the words of Rubin, "The Tattoo Renaissance, then, is another reflection of the end of the idea of America as a melting pot," for a tattoo functions less communally and more individually as the marked person asserts his/her uniqueness under the pressure of society's attempt at homogeneity.[46]

The Pew Research center's results support the claim of tattoos growing modus operandi as a mark of personal adornment. According to the report, "Generation Nexters are not

43. *Ibid.*

44. *Ibid.*, pp. 233-262.

45. DeMello, Bodies of Inscription, p. 3

46. Rubin, "Tattoo Renaissance," p. 255

afraid to express themselves through their appearance. About half of them (54%) have either gotten a tattoo, dyed their hair an untraditional color, or had a body piercing in a place other than their ear lobe. Among those three, tattoos are the most popular form of [self] expression."[47]

For the Jew in America, self-expression is certainly a, if not, *the* major motive in connecting to Judaism and making "Jewish" choices in the 21st century. According to Hasia Diner, who conducted a thorough study on *The Jews of the United States, 1654-2000*:

> "The choices these – and indeed most – Jews made involved highly personal and idiosyncratic concerns. Jewish women, along with the men, mostly do not feel bound to operate within conventional and inherited institutions. They do not feel compelled to behave as their parents or grandparents did. In a postmodern age, with its intense focus on personal choice, they look for ways and places to function as Jews. The solutions they produce do not necessarily reflect the weight of tradition or the continuity of past practice. By the beginning of the twenty-first century, on some level all American Jews, not just the growing number of converts, had become Jews by choice."[48]

Although there is – as of yet – no concrete data as to the exact number, what is clear is that Jews, along the rest of American society, have and continue to assert individuality

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47. Andrew Kohut, (director). "How Young People View Their Lives, Futures, and Politics: A Portrait of Generation Next." (Washington D.C.: The Pew Research Center, 9 January 2007).

48. Hasia R. Diner. *The Jews of the United States, 1654-2000.* (Berkeley, Los Angeles, & London: University of California Press, 2004) p. 358

through the choice of marking the body with a tattoo. Yet, unlike some Americans, in this choice the Jew confronts a challenge. In essence, it is a challenge which has faced the Jewish people from earliest times. What can the individual Jew do when normative secular practices knock on the door of his/her traditional values? Does the Jew ignore the knock, pretending he/she is not at home in this society? Or, will the Jew stop and see this moment of choice as an opportunity to mitigate this confrontation of secular norms with the long-standing traditions of the Jewish people?

Chapter Outline of Thesis:

This thesis attempts to aid the contemporary Jew in mitigating the tension between secular norms and Jewish traditional values by revealing the picture of Jewish engagement with tattooing. Again, it is not the intention of the thesis to be a persuasive or dissuasive piece regarding one's decision. Rather, the thesis aspires to present, as thoroughly as possible, the history of Jewish engagement with tattooing: starting from the ANE and the Bible, through the classic and modern rabbinic periods, to Jews who tattoo in the 21st century. Through understanding how Jews have dealt with the issue of tattooing throughout history, the modern Jew will be better equipped to deal with this and similar choices which pin one's Jewish religious values up against the trends of secular society.

Chapter one begins this intellectual assistance through a presentation of the background upon which the Biblical picture of corporal marks was made. Revealed in this chapter will be the surviving texts and archeological remains of tattooing within the neighboring cultures of ancient Israel: Mesopotamia, Egypt, and the Mediterranean. Through

examining the form and function of tattooing in these neighboring regions of the ancient world, the Biblical picture of corporal marks comes into greater focus. The reader of this chapter will learn the underlying motives for the corporal marks mentioned in the Books of Genesis, Isaiah, and Ezekiel, as well as the prohibition of Leviticus: "You shall not make gashes in your flesh for the dead, or incise writing [tattoos] on yourself: I am the LORD."

By way of the Levitical prohibition, Jews continued to be engaged in the topic of tattooing into the classic, medieval, and pre-modern rabbinic periods (ca. 200 C.E. – 1700 C.E.). Chapter two, therefore, will explore the exegesis of this Biblical prohibition in all the classic rabbinic texts from the *Mishnah* and the *Tosefta* to the *Shulchan Aruch.* Within these texts, the authorities of the classic rabbinic period addressed the issue of tattooing in terms of application, content, intention, and purpose. By discussing these critical factors throughout the centuries, the Biblical prohibition was refined into a finely articulated set of rules intended to assist Jews of these periods and it could be argued, future periods, to engage halachicly with the practice of tattooing.

Interestingly, it does not appear that tattooing ever posed a substantive threat to rabbinic sensitivities and communal Jewish values until the modern period. Faced with an ever increasing amount of Jews being tattooed, as well as innovations in the practice, it became apparent that the traditional language of the prohibition had to be revisited by modern rabbinic authorities, known as *poskim.* Chapter three will analyze the modern rabbinic positions on tattooing in the responsa of the three major movements of American Judaism: Orthodox, Conservative, and Reform. From these varied Jewish perspectives, multiple issues regarding the modern tattoo will be addressed, ranging from semi-

permanent cosmetic tattooing and laying *tefillin* on a tattoo of a devil to a tattooed areola on a reconstructed breast and the controversial issue of burial of a tattooed Jew. Some of these contemporary circumstances will be addressed through an expansion of the rules of law developed by the classic rabbinic authorities. At other times, the rules of law were deemed limited, leaving modern rabbinic authorities no choice but to rely upon traditional principles to ensure the prohibition was still applicable to modernity.

Nevertheless, the modern Jew continues to make the choice to be tattooed. Therefore, in the final chapter of the thesis, testimonials of tattooed Jews will be presented along with a picture of their tattoos. From their perspective, the thesis aspires to present a more authentic look at the practice of tattooing, revealing contemporary motives, messages, and challenges between Jewish traditional values and modern trends.

To date, there has been no extensive study of tattooing and Judaism that considers the influence of ancient Near Eastern cultures on the Biblical prohibition, nor has there been a comprehensive exploration of the Jewish literature from the ancient sages to contemporary scholarship related to this subject. Aside from brief articles presented in newspapers and magazines, such as Heeb, B'nai Brith, J-Vibe, Moment, and Babaganewz this work of scholarship will be the first of its kind to present an in-depth and thorough perspective on tattooing through the eyes of Judaism.[49]

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49. Oceana Callum. "Jewess Tattooess." *Heeb Magazine: The New Jew Review*, No. 5. (New York: Heeb Magazine, Inc., Winter 2004) p. 13; Marcie Somers. "The Illustrated Man: Miami Ink's Ami James." *Heeb Magazine: The Chosen Issue*, No. 14. (New York: Heeb Magazine, Inc., Fall 2007) p. 18; Debra Cohen and Richard Greenberg. "Uncovering the Un-Movement." *B'nai B'rith Magazine: The New Jew Making A Mark on American Judaism*. (Fall 2005); Jacquie Boaz. "Tattoos on Jews." *J-Vibe: The New Magazine for Jewish Teens*, Vol. 1, No. 3 (April/May 2005); Shaun Raviv, "Marked for Life: Jews and Tattoos." *Moment*. (June 2006); Mark H. Levine. "To Tattoo or Not to Tattoo." *Babaganewz*. Babaganewz.com: Adar One, 5768 (2007). Babaganewz is an educational classroom magazine, web site, book club and teachers' guide for Jewish middle school students in

More than focusing on the appearance of this cultural phenomenon within the Jewish community, the research of this thesis will address the practice of tattooing in the light of our traditions, considering not just the background from which this prohibition germinated, but as well the meaning and implications the act of tattooing has for contemporary Jewish life. This approach is of the utmost importance, for Jews have long addressed the complexities of contemporary life from the depth and breadth of tradition.

The function tradition, and for that matter *halachah*[50] (Jewish law), play in the life of contemporary Jews certainly varies among different movements within Judaism, as well as, among different Jewish individuals. Nevertheless, even if one were to decide not to follow these laws and traditions, the exploration into the history and *halachic* parameters on tattoos and tattooing, provided by this thesis, is certainly a Jewish process that we, as Jews, should initiate when confronted with the decision of whether or not to receive a tattoo mark. No longer will the *bubbemeises,*[51] "you will not get buried in a Jewish cemetery," play watch-guard over our faith and the decisions we make as we attempt to navigate our lives within the modern world. In its stead, shall stand a firm platform of

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congregational schools and Hebrew day schools, featuring news, stories, articles, activities, puzzles, games, contests and lesson plans.

50. A traditional Jew is not autonomous. To be a traditional Jew is to be part of a community. It is a membership defined and a relationship expressed through *halachah*, the invested authority of the community and the only place where statements about the traditions of the community, regarding both its communal identity (religious practices and social interactions), as well as the identity of its members (represented as prescribed normative practices) are contained. This dual function between establishing communal as well as individual practices raises a certain tension for the modern Jew between accepting community authority and maintaining individual autonomy. That is to say that a modern Jew may question how can such personal matters, as one's private body, become the privy of another. Yet, in the words of Dr. Mark Washofsky, even "the modern Jew, to the extent that s/he is serious about questions of "authenticity" in Jewish life and practice, also understands that "tradition" and "community" are indispensable concepts... [and] may not be able to assert 'it's nobody's business if I do...' without feeling some sort of conflict. Additionally, the modern Jew understands that engrained within halachah are certain cultural biases, brought in by both the environment of its composition as well as by the theology of its composers. Therefore, the modern Jew is suspicious of the assumed eternal role of halachic authority over contemporary norms of communal and certainly individual behavior.

51. Yiddish idiom for "a mother's/grandmother's tale." Also could be spelled: *bubbemeisch*.

resolute knowledge, reinforced by the wisdom of previous generations who have linked us in the unbreakable chain of knowledge and tradition, which is presented in the thesis, Full Exposure: The Revealing Picture of Jewish Engagement with Tattooing.

The Background of the Picture:

Tattooing in Mesopotamia, Egypt, the Mediterranean, and the Bible[1]

Introduction:

Modern Jews are not the only ones to confront the practice of tattooing. It is a cultural challenge which is illustrated even in the Bible. Some Biblical passages simply attest to the use of corporal marks: Genesis 4:15 and Ezekiel 9:4. Others explicitly promote their use such as Isaiah 44:5 and 49:16. While still another passage, Leviticus 19:28, prohibits them. All that is known about the Israelite attitude on tattooing comes from these texts. Herein lies the problem. These passages are really too few and too vague to accurately account for the Israelite attitude on tattooing alone.

However, with the evidence on tattooing from the neighboring regions of ancient Israel, we can develop and better comprehend the picture of ancient Israelite engagement with tattooing. Archeological remains and surviving texts testify that tattooing was prevalent in the regions that surrounded ancient Israel: Mesopotamia, Egypt, and the Mediterranean. While these surrounding cultures were in many ways distinct from ancient Israel, cultural boundaries were still permeable. Therefore, we can use what we know about tattooing in the ancient Near East and Mediterranean regions more broadly to help us understand the use of corporal marks, particularly the tattoo, in ancient Israel. As we consider this evidence, we will ask the following questions:

1. Special acknowledgement and gratitude is extended to my thesis advisor, Dr. Nili Fox. Along with her intellectual guidance, the organization of this chapter is largely influence by her similar interest and work on this subject, which will be published as part of a larger work in the near future.

(1) Was the corporal mark within these neighboring regions a means of personal or communal communication?

(2) What message(s) were intended to be conveyed in the cultures of these societies through the use of the corporal mark: cultic, therapeutic, proprietary, punitive, decorative, etc.?

(3) More importantly, how will these marks and their cultural values be reflected or refracted in the Biblical text?

With the background of tattooing in place, this chapter will then move on to consider the role tattooing had within the most ancient form of Judaism.

Mesopotamian Region:

Tattooing, as far as can be established, may have begun in Mesopotamia during the Ubaid period around 4500 B.C.E.[2] The evidence to support this claim comes from southern Iraq, where two clay female figurines were unearthed. On their frame are painted lines and dots as well as incised marks.[3] As no tattooed skins have been discovered to substantiate that the marks on these figurines are tattoos, the evidence is only suggestive.[4] However, similar marked figurines were discovered in Egypt which closely resemble the tattoo-

2. All dates in this section are according to Jack M. Sasson's chronology in *Civilizations of the Ancient Near East*, Vol. II. (London: Simon & Schuster and Prentice Hall International, 1995) p. 660.

3. See Dominique Colon, *Ancient Near Eastern Art* (Berkeley: University of California Press,1995) p. 46, fig. 25 or Nili Fox's chapter "Body Marking: Tattoos, Brands, and Piercing," in *Bodies on Parade: Studies on Dress and Identity in the Biblical World* (2008), forthcoming.

4. The most likely reason for this lack of evidence is due to the specific climatic conditions present in the Mesopotamian region, which are not conducive to preservation. The dry climate of Egypt, on the other hand, along with the detailed mummification process ensured the survival of important pieces of evidence from its culture: skin, papyri, etc. Additionally, at this period of time it was too early for text.

markings later found on the skins of mummies.[5] Some researchers, therefore, infer that these markings too are indicative of actual tattooing during this early period in the Mesopotamian region.

Figurines, both female and male, from the Old Babylonian (OB) period (ca. 2000-1595 B.C.E.) continue to allude to the presence of tattooing within Mesopotamian culture. These OB period figurines display incised marks, which could represent anything from clothing to ornaments to even some form of corporal marking.[6] However, unlike the previous period, there are texts which identify that a distinctive mark was indeed used during the OB period called an *abbuttu*.[7] The laws of Eshnunna, the Code of Hammurabi, a legal anecdote in the lexical series of *ana ittišu*, a treaty between Niqmepa (King of Alalakh) and Ir-IM (King of Tunip) all testify that the mark of the *abbuttu* was placed upon individuals of the lowest class of society only, that of slavery.[8]

Scholars debate, however, as to the nature of the slave mark of the *abbuttu*. Was it a clay marker, a shaved head with only a lock of hair remaining, a brand, or even a tattoo? One position suggests that the *abbuttu* was "a small tablet of clay or metal hung on a chain

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5. This evidence will be discussed later in the chapter.

6. Fox, Nili. "Body Markings: Tattoos, brands, and Piercing."

7. The exact act and form, as well as the function of the *abbuttu* will be defined as the chapter ensues. However, it is important to note the Sumerian parallel for *abbuttu* is GAR$_3$. [Hurowitz, Victor. "'His Master Shall Pierce His Ear with an Awl' (Exodus 21:6) – Marking Slaves in the Bible in Light of Akkadian Sources" in *Proceedings of the American Academy for Jewish Research 58*. Nahum Sarna, ed. (Jerusalem and New York: American Academy for Jewish Research, 1992) p. 55]

8. Hurowitz notes that other references may be located from the Chicago Assyrian Dictionary (CAD) AI. [*Ibid.*] Also, anthropologists have thoroughly acknowledged that Babylonian society was stratified, done so according to economic class, rather than creating a caste system based on race, ethnicity, or birth. Thus, "to be sold or to sell oneself into slavery because of poverty or indebtedness was a misfortune that could befall any man," writes Isaac Mendelsohn, who studied the legal texts of the OB period. In theory, one could be released from slavery if one's financial situation improved. "However, as long as he remained a slave," Mendelsohn continues, "he was legally regarded as a chattel, and as such he was marked." [Mendelsohn, Isaac. *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria, and Palestine from the Middle of the Third Millennium to the End of the First Millennium*. Oxford University Press: New York, 1949. p.42]

around the neck, wrist, or ankle of the slave."[9] In the pre-Hammurabi period, olive-shaped tags of clay containing the owner's name were affixed to the necks and horns of animals. It seems plausible, to supporters of this theory, that all chattel – whether human or animal – would be similarly marked. As a document from the period states, a rebellious child shall be put into the servants' quarters and "the *abbuttu* shall be affixed and placed upon his foot."[10] More recent scholars on the topic, though, have abandoned this assertion.[11]

Recent scholarship, nonetheless, concedes that the mark of the *abbuttu* was temporary. But rather than a tag, the *abbuttu* was possibly "a curl or lock of hair from a specific part of the scalp, the rest having been shaved."[12] The conclusion comes from numerous texts which closely associate the implementation and removal of the mark to "hair," "shaving," and/or "shearer."[13] For example, according to the oldest textual witness from the period,

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9. Mendelsohn, *Slavery*, p. 44. Mendelsohn is supported in part by Dandamaev, who writes, "It is possible that some slaves wore tags around their necks. One such tag with the name of a slave woman intended to identify her is mentioned in a guide book of the British Museum." [Muhammed Dandamaev. *Slavery in Babylonia: From Nabopolassar to Alexander the Great 626-331 BC* (DeKalb, IL: Northern Illinois University Press, 1984) p. 234.] Also, Dandamaev writes, "Sometimes, apparently, the marking was limited to attaching a wooden or metal tag with the appropriate symbol to the wrist of the slave (p.489). There is evidence of metal tags being used to mark slaves, but it does not arrive until the Roman period, when Emperor Constantine rules in 316 C.E. that slaves should no longer be tattooed on the faces. See the discussion of tattooing in the Mediterranean region found below.

10. Mendelsohn, *Slavery*, p. 45 To support his interpretation, Mendelsohn presents other documents from the period. See pp. 44-45.

11. Hurowitz, "His Master," pp.53-54, bluntly remarks, "I. Mendelsohn... mistakenly explained the *abbuttum* mentioned in Akkadian texts as an identity tag tied to the slave." Additionally, Dr. Nili Fox, in her in-going research on the topic notes, "Mendelsohn states that in some cases the *abbuttu* was actually a tag worn by the slave, but that theory seems to be incorrect."

12. Fox, Nili. "Body Markings." The definition can also be found in the Chicago Assyrian Dictionary (CAD A/1) pp. 48-49.

13. Laws 226 and 227 in the Code of Hammurabi "deal with the case of a 'shearer' who unlawfully cut off the slave mark." [Mendelsohn, *Slavery*, p. 43] Another example provided by Mendelsohn comes from the reign of Ammiditana (ca. 1620-1583 B.C.E.) of the First Babylonian Dynasty. According his translation of the document, a certain Warad-Bunene had been illegally sold to a foreign country. After serving there five years, he managed to flee and return o his native city of Babylon. When he returned, "the authorities, in accordance with the law of paragraph 280 of the Hammurabi Code, set him free. They said to him: 'you are cleansed [i.e. free], your slave mark (*abbuttum*) is herewith cut off."

the Sumerian Family Law:[14] "If a son to his father says, 'not my father are you,' he (the father) shall cut his [son's] hair, put an *abbuttu* upon him, and sell him for money."[15]

Even so, not all scholars are ready to rule out the possibility that – along with shaving, which is temporary – a permanent corporal mark on the forehead could have also been made. As Mohammed Dandamaev taught in his groundbreaking work on slavery in Babylonia, the *abbuttu* was often a brand, "placed on the shaven head by a barber who also functioned as the professional marker of slaves."[16] A literary text from Bogaskoi, Turkey illustrates his point. "When an individual will be imprisoned in slaves' prison, fetters should grip his feet, [and] the brand upon his face is surely an *abbuttu*."[17]

Whether as a brand, a lock of hair, or a tag, all theories are valid for no evidence exists which definitively states what form the *abbuttu* took. Therefore, instead of distilling from the remnant texts one type of corporal mark and then championing it above the others, I suggest that multiple forms of the slave mark – collectively known as *abbuttu* – in the OB period may have been implemented throughout Mesopotamia. This includes the as of yet to be mentioned possibility that the *abbuttu* was a tattoo. While the tattoo theory has yet

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14. The Sumerian Family Laws were originally written sometime between 2000-1700 B.C.E. Paul Haupt (1859-1926) is credited as the first to scientifically treat the bi-lingual Sumerian-Akkadian text. The name of these texts comes from the title of his published work in German, *Die Sumerischen Familiengesetze* (The Sumerian Family Laws).

15. Mendelsohn, *Slavery*, p. 43

16. Dandamaev. *Slavery in Babylonia*, p. 233. Later in the Greco-Roman period of antiquity Petronius, describing the implementation of the tattoo as a mark of punishment will write: "A barber will shave the heads and the eyebrows...and then he himself will mark your faces with an elaborate inscription." [C.P. Jones. "Stigma and Tattoo." *Written on the Body: The Tattoo in European and American History*. Caplan, J. ed. (Princeton, NJ: Princeton University Press, 2000) p.1] See the section on the Mediterranean region for further explanation.

17. Originally edited by E. Ebeling, "Ein Hymnus auf die Suprematie des Sonnengottes in Examplaren aus Assur und Bogaskoi," Orientalia N.S. 23 (1954) 209-216, a translation and transliteration of this hymn can be found in Hurowitz, "His Master," pp. 57-58. Further evidence of the corporal mark as the brand will be presented in the material from the Neo-Babylonian period below. Additionally, the forehead will become the locus for many corporal marks in the later Babylonian, Persian, and Greco-Roman cultures.

to be formally articulated, scholars pause from erasing it completely from the list of potential candidates at this time as it does emerge as the most prevalent form of corporal marking in the later Neo-Babylonian (NB) and Persian periods.

The *abbuttu* was categorically implemented upon slaves in order to visually separate the "have's" from the "have not's" and regulate the nature of their social and private relationships with OB society. In a society where slaves were permitted to walk around freely, some engaging in commerce, it has been acknowledged by Victor Hurowitz in his research on slave markings in Akkadian sources that the primary function of the *abbuttu* was "as a mark of servitude or ownership."[18] As a Babylonian text accounts the procedure of acquiring a slave: "He (the master) has shaven him (the slave), [and] he has marked him with an *abbuttu*."[19] Thus, it may be argued that initially *every* slave was subject to marking as it served as an outward sign to the public of the marked individual's status as a slave.

Over time, however, the use of the *abbuttu* became selective, reserved as a form of punishment for only those who were disobedient in some manner or were deemed to have the potential to be so. An interesting case example of this phenomenon relates to a situation of a female slave who had a baby on behalf of a barren wife and thereupon vied for her master's affection. Appropriately dubbed "the Sarah and Hagar law," Law 146 in Hammurabi's Code states:

> "If a man married a *naditu* woman and she gave her husband a maidservant and she (the maidservant) bore sons, and afterwards that

18. Hurowitz, "His Master," p. 63

19. Hurowitz, "His Master," p. 62

maidservant equated herself with her mistress – since she bore children, her mistress shall not sell her for silver [but] she shall mark her with an *abbuttu* and number her among the female slaves."[20]

Prior to her assertions, the female slave remained unmarked. Only with her pretentions for higher social standing was she punished with an *abbuttu*, a degrading sign of her status.

Reflecting on this and other cases, Reuven Yaron in his updated commentary on the laws of Eshnunna infers that it may not have been even a legal obligation to mark one's slave – even if a slave had transgressed in some way – as the *abbuttu* was an option offered to the slave's owner.[21] This option may explain why various modes of the *abbuttu* existed in the OB society. In a sense, they provided options (i.e. more responsive measures) of punishment to the owner of slaves when faced with particular situations. The type of *abbuttu* fitting for a slave inclined to run away, may not be fitting for one who vied for higher social standing. The type of *abbuttu* appropriate for a disobedient child, may not be similarly appropriate for a slave who is physically aggressive, and so on. Nevertheless, in the OB period, the *abbuttu* was clearly the mark-of-choice used by the free public to demarcate the particular status of slavery, punish a slave for disobedience, or warn others about a slave's disposition towards insubordination.

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20. Hurowitz, "His Master," p. 59 . Furthermore, a *naditu* was a specific class of women in Babylonian society, most likely a priestess to a particular deity. As part of this status, they could not have children. Interestingly, Sarah's name from the Biblical texts means "princess," (i.e. a dignified role, such as a priestess) and Hagar's name could be rendered as "the stranger" (i.e. the slave), providing more semblance between the two texts. It may be suggested that this was a common occurrence in the ancient Near East, and thus is testified to in both texts by happenstance. It could also be the case that either (a) one separate source text was utilized by both accounts, or (b) one account was borrowed from the other.

21. Hurowitz notes Yaron's conclusion on page 56. Cited work: R. Yaron. *The Laws of Eshnunna*, 2nd revised edition (Jerusalem: Magnes, Leiden: E.J. Brill) 162-165.

As the OB period was coming to an end, the use of the *abbuttu* was gradually declining. In fact, documents dealing with the adoption and sale of slaves from the subsequent Middle (ca. 1365-940 B.C.E.) to Late Assyrian (ca. 940-637 B.C.E.) periods rarely mention slave marks. The few documents that reference corporal marks do so not as brands, tattoos, tags, or locks of hair, as could have been the case with *abbuttu*. But, in the Assyrian period, it is clear that the act of corporal marking was curtailed to the disfigurement of the ear(s).[22]

Use of corporal slave mark emerged once again as the region entered the Neo-Babylonian period (ca. 612-539 B.C.E.) followed by the Persian period (ca. 539-331 B.C.E.). In this era of rebirth for Babylonian and later Persian culture, the *abbuttu* would be reborn along with a new mark called the *šindu*.[23] As attested to in a plethora texts, the *šindu* – coming from the verb *šamātu* meaning "to mark" or "to color" – would be the most prevalent

22. I chose the word "curtailed" specifically in order to acknowledge that the punishment of cutting off the ears for a disobedient slave is already mentioned previously in the Code of Hammurabi (CH 205 & 282). Therefore, while scholars interpret the extant materials to show that the corporal mark of the *abbuttu* declined, the mutilation of the ear appears to have continued. Mentioned twice in the Middle Assyrian Laws, 40 and 44, the ear of an insubordinate individual is to be mutilated as punishment. According to the summary of Law number 40 by Hurowitz, it "mandates cutting off the ear of a female slave who has veiled herself and has by doing so put on the garment befitting only free women, their daughters and their companions." [Hurowitz, "His Master," p. 64] Similar to the OB period, it appears the crime of pretentiousness by a subordinate in the Assyrian era was also severely dealt with, this time by the cutting off of the ears. Yet, the mutilation mandated by the Assyrian laws was not just confined to the cutting off the ears. It also permitted the piercing of them (*uznam pullušam*). From the Middle Assyrian Laws, Law 44, it states: "If an Assyrian man or an Assyrian woman dwell in a man's house as a pledge equivalent to their own value...his master may smite him with a rod, pull out his hair, break or pierce his ears." [Hurowitz, ,,His Master," p.65] One may surmise that since the pledge of a free person into servitude was accompanied by a list of physically aggressive acts that would ultimately cause pain and disfigurement, the voluntary submission of one's freedom was a highly stigmatized act in the Assyrian society. Furthermore, such a violent entrance onto this path may have functioned as a preventative message should one be motivated to solve economic misfortunes in this manner.

23. An example of a Neo-Babylonian document that mentions the *abbuttu* is CT [Cuneiform Texts from the Babylonian Tablets in the British Museum] 22 87:45-47 – "(On each), according to his own (slave) status, has been placed his *abbuttum*." Translated by Muhammad Dandamaev , *Slavery in Babylonia*, p. 234. For *šindu*, see Mendelsohn, *Slavery*, p. 47, in Hurowitz, "His Master," p. 61, and in Dandamaev, *Slavery in Babylonia*, . p. 231

form of corporal mark in the NB and Persian periods.[24] Yet, a majority of the sources do not clarify whether the *šindu* was a brand or a tattoo.

Helpful in understanding the form of the *šindu* are several documents from the Yale Oriental Series (YOS).[25] These documents indentify the marking implement of the *šindu* as a *šindu parzilli*, an "iron stamp."[26] Cautioning against jumping to the conclusion that this must mean the *šindu* was a brand, Dandamaev writes: "The same word usually designated all types of brands and/or marks used for slaves and livestock."[27] Similar to a brand, tattoos are created through a metal instrument stamped into the skin.

Whether as a brand or a tattoo, the *šindu* was a mark of slavery applied to the face, to the hands, or to the wrist as a very visual sign of one's status.[28] And, with each transfer of ownership a new name or symbol would be incised. From one of the Ur Excavation Texts, it states that a woman who had been a slave to two owners had "the right hand inscribed with the name of PN_1, and a second [mark] of a staff is inscribed with the name of PN_2."[29] This is just one of many instances when a staff or scepter (*ḫuṭártu*) is indicated as the mark of a slave.[30] According to Dandamaev, this mark was most prevalent during the Achaemenid period (ca. 539-331 B.C.E.). The reason for this particular symbol is not

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24. Fox translates as "to mark," [Fox, "Body Markings."], while Dandamaev translates it as "to color." [*Slavery in Babylonia*, p. 231]. Hurowitz connects it with the use of the Aramaic word *šnita*, which is used, as will be discussed later in this chapter, to note slave marks in the Aramaic Papyri of the 5th century before the Common Era. [Hurowitz, "His Master ," p. 61]
25. YOS 6 11:14, 150:20, YOS 7 128:16-17
26. Dandamaev, *Slavery in Babylonia*, p. 233. The author of Jeremiah was aware of this tool, as he uses it metaphorically to incise the heart of Judah with the guilt of their transgressions. As it is written in the Book of Jeremiah 17:1, "The guilt of Judah is inscribed with an עט ברזל (*et barzel* - stylus of iron), engraved with an adamant point on the tablet of their hearts."
27. *Ibid.*
28. "*panu*" – Hurowitz, "His Master," p. 61. For information regarding the hand and wrist see Mendelsohn, *Slavery*, p. 46. These locales will continue to be the case through the Persian period. From the Persians the Greeks and subsequently the Romans would also place tattoos on the forehead and hands. See Mediterranean section below for further details.
29. The exact text comes from UET 4 29:3-4, translated by Dandamaev, *Slavery in Babylonia*, p. 234
30. Mendelsohn, *Slavery*, p. 47

known.[31] What is known is that the *šindu* mark was typically a symbol.[32] For example, there are accounts which testify that an ax, hatchet, or spade representing the Babylonian deity Marduk, and a stylus representing the Babylonian deity Nabu were used to mark slaves.[33] Thus, like the ax or stylus, the staff was a symbol readily identifiable to the majority of the public indicating the mark individual's status as a slave.

While the *šindu* mark of slavery was often a name or symbol of a master, whether divine or mortal, it was rarely a complete message. Nevertheless, a message is implemented on an insubordinate slave in a legal anecdote from the lexical series of *ana ittišu*.[34] Depending upon one's understanding of the source, the slave may have actually been punished three times: once with an *abbuttu* and sold, a second time bound and sold, and the third marked with "this one is a runaway, capture him!" on his face by a master.[35] The documents states:

He has shaven him

He has marked him with an *abbuttu*.

He has sold him for silver.

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31. While we may be uniformed currently about the meaning of the scepter or staff, it is interesting to note that the *ḫuṭártu* mark continues to retain significance even into the subsequent Seleucid period, as it is mentioned in documents from that time (ca. 312-60 B.C.E.). For specific references, see Dandamaev, *Slavery in Babylonia*, p. 234, footnote 218.

32. Mendelsohn, *Slavery*, pp. 46-47

33. Marduk is the Babylonian name of a late-generation god from Mesopotamia and the patron deity over the city of Babylon. When Babylon permanently became the political center of the Euphrates valley in the time of Hammurabi, Marduk slowly began ascending to the head position within the Babylonian pantheon. Nabu is the Babylonian god of wisdom and writing, worshipped by Babylonians as the son of Marduk. Dandamaev notes that particular examples come from BE (Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts) 8 106:9. Dandamaev, *Slavery in Babylonia*, p. 488

34. Tablet II, Column 14, lines 3-14. Hurowitz, "His Master," p. 62

35. An interesting parallel to this tattoo comes from the ancient Roman commentator on the orator Aeschines, who wrote that runaway slaves were often inscribed a *stigma* [a tattoo] on the forehead with the words, "Stop me, I'm a runaway."[Scholiast to Aeschines, 2, 79 (Mervin R. Dilts, Scholia in Aeschinem (Stuttgart, Leipzig, 1992), p. 75, no 170a]

He has not [complied] with his master.

He has fled from his master's house.

After [he fled], he returned him,

(and) placed a fetter on his foot.

He made him a chain.

He made him pass by/over the *bukannu* (=he sold him)

"This one is a runway, capture him!" he incised on his face.[36]

In addition to confirming that a *šindu* could be applied to the face, most likely the forehead, "this passage [also] teaches us that a *šindu* not only identified a man as a slave, but certain kinds [of marks] could prevent his running away as well."[37] In other words, the *šindu* served both as a general mark of the status of slavery in the NB period, and specifically as a punishment for slaves who were disobedient, testifying to the public that the marked individual was precarious property. Fittingly Hurowitz writes, "we also learn [from the document above] that a slave is marked by a *šindu* when an *abbuttu* does not suffice to prevent his running away."[38] Like the OB period, different types of corporal marks co-existed in the latter culture, providing more responsive measures of punishment for different situations. From the case presented above, the *šindu* was likely considered more enduring and effective form of punishment than the potentially temporary corporal mark of the *abbuttu*.

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36. Hurowitz, "His Master,,, p. 62

37. *Ibid.* p. 63

38. *Ibid.* p. 63 It is also important to note that this view has a parallel in rabbinic literature, as *Tosefta Makkot* 4:15 prescribes, "It is permissible to mark a slave in order that he should not run away." While exact dating is difficult to ascertain from this statement, many scholars do concur that the *Tosefta*, a comparison piece to the *Mishnah*, was most likely compiled around 200 C.E.

Along with demarcating ownership of property as well as punishment, the *šindu* could also indicate a slave's unique role or occupation in Babylonian society. Outside the private sphere, the NB culture had a large market for temple slaves, known as *shirkûtu*. As a rule, temple slaves received the mark of a star, called *kakkabu* in Akkadian, to indicate their unique service.[39] In a tragic story about the *shirkûtu* of the goddess Ishtar, found in the YOS, a mother makes the heart-wrenching decision to give her children over to the care of the temple as slaves rather than allowing them to remain with her and potentially starve to death. As it is stated in the text:

> "Bânât-Innin, the daughter of Nergal-iddin, in the assembly...spoke as follows: 'Nabû-zêr-ukîn, my husband, has gone to his fate. Famine is established in the land and Shamash-êriba and Shamash-li'û, infant sons, I have marked with a star and given to the Bêlit of Erech (Lady of Erech = goddess Ishtar)."[40]

It is clear that this transfer of property was a public event and the act of marking the body with a *šindu* symbolized the complete transfer of ownership. What remains merely speculative is whether the act was additionally commenced within the context of a religious consecration. Similar to what Hannah undergoes through the dedication of her infant son Samuel, possibly this mother may have been bestowed with divine merit as a result of her decision.[41]

The *šindu* mark of a *kakkabu* which marked an individual as property of the temple and indicated their unique service to the deity was made specifically upon the hand.

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39. Muhammad Dandamaev identifies the name of the star mark as *kakkabtum*. p. 488

40. YOS, Vol. VI. Indicated as number 154, the piece was first translated by Dougherty in *Records from Erech, Time of Nabonidus* and then included in his work, Dougherty, *The Shirkûtu*, p. 33.

41. I Samuel 1:24-28

According to one document, a master marked the star upon the hand of a slave only to die before the transfer to the temple could be completed. As it is written:

> "Nubtâ, a female slave of Nâdina-aḫu...spoke as follows: 'Nâdina-aḫu, my master, he marked me with a star [and] dedicated me to the Bêlit of Erech. Fate removed Nâdina-aḫu, my master, and Shamash-zêr-ushabshi, the brother of Nâdina-aḫu, who took possession after Nâdina-aḫu ...and to Innina of Erech (a.k.a. Ishtar), did not give me... [The chief officers] of Eanna (the temple) saw the star which was upon her hand [and declared:] 'As long as Shamash-zêr-ushabshi lives, she shall revere (serve) him...After Shamash-zêr-ushabshi has gone to his fate, she shall belong to Bêlit of Erech as a [female *širku*].'"[42]

This text reaffirms the fact that the *šindu* was regarded within Mesopotamia during the NB period as a sign of dedicated service to a temple deity. Even more, we learn that the mark of fidelity to this service was made upon the hand specifically to ensure an additional measure of visibility. As it is stated in the text, "[The chief officers] of Eanna saw the star which was upon her hand [and declared:] '...she shall belong to Bêlit of Erech as a [female *širku*].'"

Occasionally, though, the *šindu* mark of the star on the hand was accompanied by an additional mark: the *arru*.[43] For example, in a document concerning the attempt of temple officials to hold a particular man for service as a *širku*, because his linage (a grandmother was a *širku*), a witness is called forth who testifies: "The star (*kakkabti*) and the *arra'atum* upon the hand of Ḫarshinana (his grandmother), a female slave of Nâdina-aḫu,

42. YOS 7 66:1-21. Dougherty, *The Shirkûtu*, p.35

43. *Arru* = singular, *arratu* = plural

my uncle...I did not see."[44] From similar surviving texts which mention *arru* and *šindu* together, scholars are able to distinguish that the *šindu* of the NB period was in fact a tattoo, while the *arru* was a brand.

According to Raymond Daugherty, who researched the accounts of the *shirkûtu* of Babylonian deities within the Yale Oriental Series, the *arru* is definitively a brand. Daugherty writes, "*Ar-ra-a-tum(ti)* may be explained as the feminine plural of a noun from *araru* – 'to burn.' If [this] is its etymology, it means 'burnings,' [that is to say] 'brandings.'"[45] Daugherty's position is supported, once again, by a YOS text which provides an account of the legal transfer of two daughters to two women. The document reads as followed:

> "[With reference to] Ḫanna', a consecrated one of the Bêlit of Erech, of the star mark (*kakkabti šeendi*)...the hand [mark] of Ina-Nana-ultara...and Ina-qat-Nana-saken, her daughters,...as to the writing (*šaṭari*) of the hand [mark] of her daughters, of one to Bu'iti and the other to Li'udu-Nanâ, the writing (*ša-aṭra*) saw."[46]

Because of its condition, this document is harder to read than some of others. Nevertheless, with the use of *šaṭari* and *ša-aṭra* in the text above, we learn that the form of the *šindu* mark of a star (*kakkabti šeendi*) was commenced by an act of incised writing, not branding. As Daugherty explains, "the mark upon a slave's or devotee's hand could

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44. Dougherty, *The Shirkûtu*, p. 37

45. *Ibid.* p. 82. Mendelsohn concurs, writing, "The star (*kakkabu*) was often accompanied by an additional marked referred to as *arratu* 'branding.'" [Mendelsohn, *Slavery*, p. 48] Dandamaev, on the other hand, states that it is a tattoo. He writes, "Sometimes a mark called *arru* (plural *arratu*) was tattooed on the wrist or hands of slaves belonging to the Eanna temple in addition to the [šindu of the] star." However, it does not appear from the source that will follow that he was correct. [Dandamaev, *Slavery in Babylonia*, p. 488]

46. Dougherty, *The Shirkûtu*, p. 43

be expressed by the verb *šaṭâru*, [from which the words *šaṭari* and *ša-aṭra* derive], meaning 'to write.'"[47] His claim is supported by the Hebrew cognate, .ש.ט.ר (*shatar*), which means "to cut," or "to [en]grave with a stylus."[48] With this evidence, it should be understood that the *šindu* is a mark implemented by writing and engraving with a metal instrument called a *šindu parzilli* that indelibly stamped the skin.[49] In other words, the *šindu* slave mark was a tattoo, while the other mark – *arru* – was a brand.

Although it is not certain in the earlier periods of Mesopotamia, it does become evident in the later Neo-Babylonian and Persian periods that multiple corporal marks were in use at the same time, including that tattoo in Mesopotamia. It will be important to remember when we examine the Biblical passages of corporal marks later in this chapter that tattoos in Mesopotamian cultures were primarily implemented upon the forehead or hand.[50] Also of importance is the function the tattoo held in the society as a demarcation of the status of slavery, as punishment for a slave who was insubordinate, as a warning to others that the marked individual was precarious property, as well as a cultic indicator that an individual was bound in service to a particular deity.[51]

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47. Dougherty, *The Shirkûtu*, p. 82

48. *Ibid.*, footnote 95. Although I could not validate this claim, there is a similar root ".ש.ר.ט," found in the Biblical scriptures of Leviticus 19:28, 21:5, Zechariah 12:3. In all these cases it means "to cut," "incise," or to ,,scratch."

49. While unlikely, due to a lack of evidence, it still may be a remote possibility that the *šindu* was made through the act of scarification. That is to say, similar to tattooing the 'brand' as understood by the Babylonians may have been commenced through an act of incising with a cutting instrument, yet without the insertion of some colored matter.

50. This is very significant as an account from the Book of Isaiah will encourage ancient Israelites to "write" on their hand the name of the Lord as an act of allegiance to and potentially possession of the God of Israel. Please refer to the last section of this chapter for a detailed analysis of Isaiah 44:5. Likewise, we will see in Ezekiel 9:4 that corporal marks of the Bible were also placed upon the forehead.

51. Similar to their allegiance of temple slaves in Mesopotamia, Isaiah prophesizes that Israelites will too mark their hand as "belong to the LORD." Also, God employs the corporal mark in Genesis 4:15, with the situation of Cain, as either a punishment or as a warning to others about his precarious nature.

Ancient Egypt:

Textual evidence of tattooing in ancient Egypt is not explicit. Unlike Mesopotamia, there are very few written records testifying to body marking, especially from the pre-Persian periods of ancient Egypt. Although textual support for explicit tattooing is lacking, Egypt offers irrefutable proof of its practice in the form of mummies, whose preserved bodies still testify to the inlaying of color beneath the skin as to ensure the mark's endurance in this and the next life. That it not to say the only benefit of the mummies is to speak definitively to the existence of the practice. They also serve to clarify and corroborate the other extant pieces of evidence of tattooing from the region, such as figurines and other artistic renderings, which would have been only suggestive of its use as marks of sensuality, fertility, faith, and status. The following section will examine the evidence of tattooing from Egypt, spanning an expansive period of time from the beginning of the Predynastic period (ca. 5500 B.C.E.) to the end of the Ptolemaic period (ca. 30 B.C.E.).[52]

The first piece of evidence from Egypt comes from the Predynastic period (ca. 5500-3000 B.C.E.). During this period of Egyptian history, there emerged a complex belief about the afterlife.[53] Consequently, the dead began to be buried in tombs with provisional items such as food and ceremonial objects for the journey to existence in the hereafter. Commonly found among these Predynastic tombs were figurines, male and female, in a

52. All dates in this section are according to Jack M. Sasson's chronology in *Civilizations of the Ancient Near East*, Vol. II. (London: Simon & Schuster and Prentice Hall International, 1995) p. 660.

53. This understanding comes from an interpretation of burial evidence: emergence of the coffin, first attempts to wrap the body, deposit of burial goods, etc. Even as burial practices evolved, no preserved skin will be presented from this period as embalming was not fully developed until Dynasty IV (ca. 2600 B.C.E.). [Bianchi, Robert S. "Tattoo in Ancient Egypt" in *Marks of Civilization*. A, Rubin, ed. (Los Angeles: Museum of Cultural History, University of California, 1988) p. 21]

variety of media.[54] Some of the female figurines were decorated with an assortment of designs: stripes, geometric shapes, and animals. From the marks on the figurines, Fox suggests that tattoo's earliest presence in Egypt is around 3800 B.C.E.[55] It is important to note that such decorations were found only on the female figures as the evidence from later periods of Egyptian history will demonstrate a strong correlation between the practice of tattooing and females.

From the Predynastic period through the collapse of the Old Kingdom, no convincing evidence of tattooing in Egypt can be put forward. The only exception is an instrument discovered by Matthew Flinders Petrie, which potentially served as an implement for tattooing. From a First Dynasty (ca. 3000-2890 B.C.E.) tomb at Abydos, a small sharpened flint rock was found attached to a wooden handle.[56] Petrie, remarking on the find, wrote: "The flint set in wood did not seem capable of bearing any strain (for use as a weapon), but [is] explained...as a tatuing instrument of the usual form. As tatuing was used in prehistoric times...there is nothing surprising in finding such a tool."[57]

But how prevalent was the use of such instruments in ancient Egypt? Substantial evidence of tattooing up until this point in Egyptian history is lacking. It may be inferred from this dearth of evidence that Egypt's evolution as a tattooing culture was a late development. In fact, research suggests that the practice was likely not native to Egypt but introduced into its culture by Nubians, whose society flourished slightly before,

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54. *Ibid.*

55. Fox, "Body Marking," and supported by L. Keimer, *Remarques sur le Tatouage dans l'Egypte Ancienne*. (Cairo: Imprimerie de l'Institut François d'Archeologie Orientale, 1948) fig. 3. While Fox postulate that these markings could have been tattoos, Bianchi notes other scholars who both concur and reject this hypothesis, proposing that such decorations were either clothing, body paint or a combination thereof. See list of scholars in Bianchi, "Tattoo in Ancient Egypt," p. 21

56. W.M. Flinders Petrie. *The Royal Tombs of the First Dynasty* (London: Egypt Exploration Fund, 1901) pl. 6:15

57. *Ibid.*, p. 24

during and after the time of Egypt's Middle Kingdom (MK), ca. 1980-1630 B.C.E.[58] This theory received its most significant support when excavations, conducted by C.M. Firth in 1910, uncovered fragments of a female Nubian mummy, dateable to 2000 B.C.E., with groupings of dots and dashes tattooed upon the skin.[59] More recent excavations at the Nubian site of Aksha only confirm this find as a number of mummies, both adolescent and adult women, were decorated with blue and black tattoos, precisely in the same configuration as those on the one found by Firth.[60] These tattoos mirror the ones later discovered on Egyptian mummies from the MK period, supporting the hypothesis that tattooing was introduced to Egypt by the Nubians.

In addition to similar designs, the tattoos that would take hold in Egypt from Nubia during the MK period were exclusively applied to women. In 1891, an archeologist working in the funeral chamber of Mentuhotep discovered the mummy of Amunet, a priestess of the Egyptian deity Hathor at Thebes from Dynasty XI (ca. 2081-1938 B.C.E.). Bearing the epithet, "King's Favorite," she had a series of dots and dashes – similar to those found on the Nubian mummies – tattooed indiscriminately on her arms, her legs (specifically on her thighs), and her lower abdomen.[61] Robert Bianchi, who studied tattooing in ancient Egypt, observed: "Her tattoos comprise a series of abstract patterns of individual dots and dashes randomly placed upon the body with apparent disregard for formal zoning."[62] An exception to his observation comes from the area of

58. Bianchi, "Tattoo in Ancient Egypt," p. 23. Nubia was the neighboring society to ancient Egypt and the particular Nubian group of interest is the "C-Group."

59. *Ibid.* Discovered in the Nubian village of Kubban.

60. *Ibid.*

61. Tom Jennings. "In Search of History: Art of Tattooing," Diana Friedberg, ed. (History Channel: A & E Television Networks, 1998)., Bianchi, "Tattoo in Ancient Egypt," pp. 21-23 (fig. 3), and Fox, "Body Marking."

62. Bianchi, "Tattoo in Ancient Egypt," p. 22

her lower abdomen, where there is an elliptical pattern of dots and dashes tattooed just below the naval.

Two other mummies, dated around the same period as Amunet and discovered at Deir el-Bahri, also display marks with remarkable semblance to the Nubian tattoos. Identified as dancers, these women had dots tattooed on their arms and chest incised into the shape of diamonds. In addition, one of the female dancers displays, just above the pubic region, another form of corporal mark. According to the sources, this mark does not appear to involve the inlaying of color, nor is it a medical incision "made by knife or cauterty, [as it] does not invade the muscle of the abdominal wall."[63] Evidently, the corporal mark in questions is a cicatrix, a result of scarification.

Figurines similar to the ones of the Predynastic period were also unearthed from the MK period. Their markings echo those found on the mummies identified above. An interesting group of these MK figurines have come to be known by scholars and Egyptologists as either "Brides of the Dead," or "Companions of the Dead."[64] Donned with a distinctive wig associated with the Egyptian deity Hathor, a naked female figurine from amongst this group has a series of dots marked on her frame.[65] Many of the dots form diamond shaped patterns. Yet, just over the pubic area, there is a horizontal line of black dots which bears a striking resemblance to the mark identified on the mummies from the MK.

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63. *Ibid.*

64. While Jennings, "In Search of History,"1998 and Bianchi, "Tattoo in Ancient Egypt," p. 22 designate the figurines as "Brides of the Dead," Fox chooses a more generic term: "Companions of the Dead." [Fox, "Body Marking."]

65. Bianchi, "Tattoo in Ancient Egypt," p. 23

Without the wealth of extant written accounts, scholars are unable to determine the exact function these tattoos held within Egyptian culture. One possibility is that the Egyptian tattoo promoted the basic human drive of reproduction/fertility. In fact, due to the locale of certain marks, such as those located on the thigh as well as the ones discovered near the pubic region, the marks on the MK mummies have been identified as sexual.[66] Recent scholars, however, qualify this interpretation with cultic overtones. Bianchi writes, "The eroticism which is undoubtedly associated with the Egyptian tattoo of the Middle Kingdom correlates, as far as the faience figurines are concerned, with a prevailing religious attitude that linked physical procreative drives with the loftier aspirations of a resurrection in the hereafter."[67] Another way of stating this is that Egyptians believed that resurrection would be fulfilled through sexual stimulation, initiated by these female companions. This theory is certainly supported by the archeological remains as tattoos were exclusively employed upon females, whose role was confined to areas of "entertainment" and cultic practice.[68] Moreover, the preponderance of the evidence connects both these roles to the Egyptian deity Hathor, who served in the Egyptian pantheon as the goddess of the love. Thus, the tattoo of the MK period in Egypt was clearly imbued with both sexual impulses as well as cultic beliefs about the afterlife.

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66. B. Bruyere. *Rapport sur les fouilles de Deir el-Medineh (1934-1935) III: Le villiage, les decharges publiques, la station de repos du col de la Vallee des Rois.* (Cairo: 1939) p. 109; Omlin, J.A. *Der Papyrus 55001 und seine satirisch-erotischen Zeichnungen und Inschriften* (Turin: 1973) p. 22; and Desroches-Noblecourt C. " 'Concubines du mort' et meres de famille au Moyen Empire" in *Bulletin de l'Institute Francais d'Archeologie Orientale du Caire.* (1953) p. 43 as noted in Bianchi, "Tattoo in Ancient Egypt," p. 23

67. Bianchi, "Tattoo in Ancient Egypt," p. 23

68. Fox remarks how some scholars further attempt to show the exclusivity of the tattoo, determining was slated for only women of lower class. Fox then refutes this assumption, stating, "...depictions of royal women always pictured them clothed. The fact that the tattooed mummies were discovered in association with royal and elite tombs, like the priestess Amunet who was buried within the temple precinct, would indicate rather that these women did not hold lowly roles." [Fox, "Bodily Markings."]

The geometric tattoos, used upon females, continue to be present in the New Kingdom (NK) period (ca. 1539-1075 B.C.E.). But, a shift has occurred as tattoos of the god Bes begin to be discovered in the evidence from the period. One piece of evidence related specifically to this change in the tattoo is on a faience bowl, decorated with a female musician who has the deity Bes in silhouette style on her thigh.[69] A second is located in a fresco from Deit el-Medineh that illustrates another musician, this time a lute player, with the Bes image also on her thigh.[70] Additionally, two other images of the deity Bes appear as incised decorations on the thighs of naked female figurines, made of bronze, which served as handles for mirrors.[71] Given the close relationship between tattooing in Egypt and the tattoo-culture of Nubia, it is not surprising that archeologists discovered a Nubian female mummy that has, in dot-dash fashion, an abstract image of Bes tattooed on her torso.[72] This evidence seems to corroborate the theory that Egyptian tattoos originated in Nubia; it also confirms that the images of Bes discovered in the artistic renderings from Egypt were in fact tattoos.

As Bes held multi-dimensional role in the Egyptian pantheon, the function of the Bes tattoo in the NK period similarly may have varied.[73] The strong sexual impulse associated with the MK tattoos continues in the NK period as Bes was connected to the muse of music and eroticism. As Bianchi puts it, "He (Bes) was the tutelary deity of revelry and

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69. *Ibid.*

70. Bianchi, "Tattoo in Ancient Egypt," p. 25, fig. 9

71. *Ibid.*

72. The mummy was discovered at Aksha and dated to the fourth century before the Common Era. [Bianchi, "Tattoo in Ancient Egypt," p.25]

73. There is insufficient evidence to conclusively state from where Bes originates. Some believe Bes to derive from a leonine god present as early as the Predynastic period of Egypt. (Bianchi, "Tattoo in Ancient Egypt," p. 24) Others contend that he was adopted by Egypt sometime during the Middle Kingdom from some other group on the African continent, potentially Nubia.

unbridled cavorting."[74] Accordingly, this may have been the motivation to tattoo Bes on the thighs of women, particularly if they were on the inside of the thigh, as this is close to the pubic region. Interestingly, the locale of the thigh may indicate another function of the NK tattoo: divine protection. As Bes was believed to be the deity of protection his image was affixed to things related to the household to insure the safety of its members.[75] Particularly, the tattoo was applied to the thighs of women of the house in order to appeal to Bes to protect them during the fragile stages of childbirth and imbue the mother-to-be with strength. Thus, from the extant sources, the NK tattoo was used primarily on women to infuse the mortal being with divine qualities of protection and/or sensuality.[76]

While the primary purpose of the tattoo in the NK period was a mark of protection and sensuality, one piece of evidence from the period depicts tattooing as a conscripted act for prisoners-of-war. A relief in Medinet Habu, a temple complex of Ramses III, illustrates the process of marking Sea People prisoners. According to Fox's eye-witness account of the relief, "Egyptian scribes with stylus type instruments write on the captives' shoulders. Importantly," Fox comments, "the instruments and process resemble more

74. Bianchi, "Tattoo in Ancient Egypt," p. 25

75. Furniture, mirrors, cosmetic containers, as well as knives have been found with the image of Bes upon them. www.ancientegyptonline.co.uk/bes

76. As will be demonstrated in the Ptolemaic period in Egypt, marking the name of the god or even the image of the god on the body may have been developed as a way to embody the individual with the powers of the deity within a particular religious context. Amazingly, in the *Mishnah*, Rabbi Shimon ben Yehudah says in the name of Rabbi Shimon: "He is not culpable [for transgressing the Biblical prohibition of tattooing found in Lev. 19:28] unless he writes there the Name of God." [Babylonian Talmud, *Makkot*, 21a] As will be discussed later in the thesis, it may be likely that this Egyptian function of the tattoo was later known by the rabbinic sages and used as one possible explanation for the Jewish prohibition on tattooing, as to not impersonate God or mirror these non-Israelite practices. Furthermore, although Egyptians primarily tattooed women, Libyans males were tattooed as indicated in a painting in the tomb of Seti I (ca. 1300 B.C.E.) which depicts the four races in the Egyptian world view: Egyptians, Asiatics, Nubians, and Libyans. Upon the male Libyans, there are marks that are unmistakably tattoos, one being the deity Neith. [Fox, "Body Marking."]

closely tattooing than branding."[77] As the process of marking slaves was common in Mesopotamia, it may be likely that a similar practice to a lesser extent was employed by Egyptians in the NK period when enslaving their conquered enemies.[78]

Although speculative for the NK period, tattooing of slaves indeed emerged in Egyptian culture with the establishment of the 27th Dynasty, the first in the Persian period of Egypt (ca. 525-404 B.C.E.). The most intriguing examples of the functional change of the tattoo were found in the earliest extra-Biblical records of Judeans *creating* bodily marks.[79] These body marks, however, vary from those discovered in the previous eras of Egyptian history. In fact, in both their form and function they resemble the tattoos of Mesopotamia, particularly the later cultures of Neo-Babylonia and Persia. Therefore, it is my belief that either (a) as Persian culture entered Egyptian life, so entered their form of tattoo, or (b) these Judeans having previously encountered Neo-Babylonian and Persian culture brought this form of tattoo with them.[80] Presented below are the accounts of this new tattoo in the Egyptian region, preserved in the written sources of the Judean communities in Egypt during the Persian period.

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77. Fox, "Body Marking."

78. The common practice of marking prisoners of war was not by incising and then inserting ink, but was made by branding the name of an Egyptian deity or the name of the Pharaoh upon the skin, as is testified to in the writings on the first pylon of the Medinet Habu Temple. Recounting the aftermath of the war with the Hittites, Ramses accounts, "I have branded the people of the Nine Bows and the whole land with thy name, they belong to the ka, forever, for thou art creator of them."[James H. Breasted. *Ancient Records of Egypt*, Vol. 3 (Urbana and Chicago: University of Illinois Press, 2001) p. 182, number 414. It is also understood that Ramses III branded captured Libyans with his own name. [Fox, "Body Marking."]

79. To date, these are the earliest "Jewish" Diaspora texts in existence.

80. An example of Persian culture influencing Egyptian life is exhibited in sculptures. Many depict Egyptians dressed in Persian clothing. A perfect example of this is a sculpture of an Egyptian Overseer of the Treasury, named Ptahhotep, who was sculpted wearing a Persian costume. The sculpture is dated to early in Dynasty 27. [Edward Bleiberg. *Jewish Life in Ancient Egypt: A Family Archive from the Nile Valley* (New York: Brooklyn Museum of Art, 2002) p. 12, fig. 3]

Late in the 5th century B.C.E. Judeans were actively involved in tattooing their slaves. This group of Judeans most likely arrived in Egypt just prior to the Babylonian destruction of Jerusalem in 586 B.C.E. They were not the intellectual and economic elite taken into Babylon, as attested in the Biblical account.[81] Rather, these Judeans were mostly common people and soldiers who, out of necessity to establish a new life, formed enclaves of mercenary groups to protect Egypt's borders.[82] One such group of Judeans settled in Elephantine Island, adjacent to the Nubian border.[83] From this community an Aramaic papyrus, dated 12 June 427 B.C.E., testifies to the act of marking slaves:[84]

> At that time, Meshullam son of Zakkur, a Jew of Elephantine the fortress and of the military unit of Iddinnabu, said to the lady Tamut, by name, upon whose hand is marked 'Belonging to Meshullam': I have thought of you in my lifetime. I have released you [effective] at my death, and I have released Yehoishema, by name, your daughter, whom you bore to me [as a matter of law]. My son or daughter, my brother or sister, near or far, partner-in-chattel or partner-in-land, shall not have power over you or Yehoishema, your daughter, whom you bore to me [as a matter of law. No

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81. II Kings 24:14-16 – "He exiled all of Jerusalem: all the commanders and all the warriors -- ten thousand exiles -- as well as all the craftsmen and smiths; only the poorest people in the land were left. He deported Jehoiachin to Babylon; and the king's wives and officers and the notables of the land were brought as exiles from Jerusalem to Babylon. All the able men, to the number of seven thousand -- all of them warriors, trained for battle -- and a thousand craftsmen and smiths were brought to Babylon as exiles by the king of Babylon.,,

82. Bleiberg, *Jewish Life*, p. 10

83. Cowley, through his reading of the many Aramaic papyri that will be presented, identifies this group particularly by the name 'Jews,' for they called themselves "יהודיא" (the Jews), and labeled their community, "חילא יהודיא" (the Jewish Force). [A. Cowley. *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon Press, 1923) p. xv.]

84. Aramaic was the language of commerce and diplomacy for the ANE before Greek . The earliest proof of the use of Aramaic comes from the seventh century B.C.E. on the edges of cuneiform tablets. But evidence exist of its continued use through approximately 300 B.C.E. in Egypt (when the Ptolemaic period begins), and farther East it continues much later. Egypt appears to have an abundance of this evidence, because of environmentally favorable conditions. [*Ibid.*]

one] shall have power over you to mark you and to sell you for payment of silver. If anyone should rise up against you and against Yehoishema, your daughter, whom you bore to me [as a matter of law], he shall give you a fine of silver, 50 karsh by the stone weight of the king. You are released from the shade to the sun, and also Yehoishema, your daughter. And another man shall have no power over you and Yehoishema, your daughter, but you are freed to God."[85]

As was the case in the Mesopotamian region, a conspicuous mark was used to indicate the status of slavery in the later periods in Egypt. Significantly, there is no mention of removal of the mark through this or subsequent documents dealing with the manumission of slaves. The absence of such a critical element of manumission may support the argument that the mark of slavery was indeed indelible, possibly a tattoo, as it was not and possibly could not be removed. Furthermore, if this assertion is correct, it would also strengthen the argument that tattoos were the mark-of-choice that masters used on their slaves in the later periods of Mesopotamia as well.

A confirmation to this assertion that the mark of slavery in the Persian period of Egypt history was a tattoo is found in another Aramaic papyrus from the region. Discovered in Aswan and dated to 411 B.C.E., the papyrus preserves an account of the assignment of slaves (a mother and her three sons, one of whom is too young to be separated from her) to two sons, Mahseiah and Yedoniah, after the death of their mother, Mibtachiah. The document reads as follows:

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85. Translation comes from Bleiberg, *Jewish Life*, p. 28

> Said Mahseiah bar Natan [to] Yedoniah bar Natan, in [the presence of] all Aramaeans of Syene, of the detachment of Warizath, as follows:[86] We have agreed together and have divided between us the slaves of Mibtachiah our mother, and note, this is the share which comes to you as our share. You, Yedoniah, [receive] Petosiri by name, whose mother is Tabo, a slave. A *yod* is שנית (*šnita*-marked) on his arm at the right of a שניתת (*šnitat*-marking) in the Aramaic language, [indicating] "Mibtachiah's." Note also, this is the share which comes to me as a share. I, Mahseiah, [receive] Belo by name, whose mother is Tabo, a slave. A *yod* is שנית (*šnita*-marked) on his arm at the right of a שניתת (*šnitat*-marking) in the Aramaic language, [indicating] "Mibtachiah's."[87]

As was the case with the previous papyrus, this example captures the act of Jews marking their slaves. And, through careful analysis, it also reveals that the form of the corporal mark – presented ambiguously in both papyri – was a tattoo. While this text is unbelievably well preserved, the meaning of the mark is not. This is principally on account of the rarity of the work שניתת (*šnitat*). According to A. Cowley, whose thorough study provided the translation, "The meaning 'marked' is required by the content, though the root (ש.נ.ת) is not found elsewhere."[88] However, a rather obscure word using the same

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86. "Other western Asiatics were settled in Syene under the general name Aramaean. But, 'Aramaean' might also include Jews, so that we sometimes find a man described in one place (correctly) as a Jew of Elephantine, and in another (more loosely) as an Aramaean of Syene when he had in some way become connected with that station." [Cowley, *Aramaic Papyri,* p. xv] A wonderful example of this in the Biblical texts comes from the Book of Deuteronomy 26:5. God instructs the Israelites to say, "My father was a fugitive Aramean. He went down to Egypt, with meager numbers and sojourned there; but there he became a great and very populous nation.,,

87. Cowley, *Aramaic Papyri,* p. 104, no. 28. I have made slight alterations such as the addition of the Hebrew and transliteration as to make the subsequent arguments dealing with the text clear to the reader.

88. *Ibid.* p.106

root does appear in Hebrew: שנתות (*šnatot*), a term for the measuring marks made on a vessel.[89] Thus, the meaning "marked" may be correctly posited by Cowley.

While Cowley's analysis identified the mark as corporal (and most likely permanent), he does not prove conclusively that it was a tattoo. That argument is made through a comparison of *šnita* with its Assyrian cognate *šindu*, sometimes written as *šintu*. As was explained in the aforementioned Mesopotamian section, *šindu* or *šintu,* was a tattooed mark of slavery, coming from the verb *šamātu* meaning "to mark" or "to color."[90] In fact, Hurowitz affirms this connection, writing: "This term, [*šintu*], appears as a loan word in Aramaic in the legal papyri from Elephantine in the form *šnita*."[91] Thus, under this large cross-cultural umbrella of Persian influence, the papyrus above is more precisely rendered:

> You, Yedoniah, [receive] Petosiri by name, whose mother is Tabo, a slave. A *yod* is tattooed on his arm at the right of a[nother] tattoo in the Aramaic language, [indicating] "Mibtachiah's." Note also, this is the share which comes to me as a share. I, Mahseiah, [receive] Belo by name, whose mother is Tabo, a slave. A *yod* is tattooed on his arm at the right of a[nother] tattoo in the Aramaic language, [indicating] "Mibtachiah's."

Clearly the tattoo functioned as a mark of slavery. But what then was the significance of tattooing a *yod*? Both Stenning and Guillaume understood the added mark of the *yod* to the existing name of Mibtachiah to mean "(belonging to) the *heir* of Mibtachiah," based

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89. *Ibid.* Cowley explains that the word 'שנתות' is utilized in this way because these measuring marks are typically understood as tooth-like marks, thus deriving from the Hebrew word for tooth (שן).

90. Fox translates as "to mark," [Fox, "Body Markings."], while Dandamaev translates it as "to color." [*Slavery in Babylonia*, p.231].

91. Hurowitz, "His Master," p.61

upon the theory that the *yod* was an abbreviation of the Hebrew word ירת (*yareit*), meaning "heir."[92] This, after all, coincides nicely with the previous papyrus of emancipation, which indicated that the mark of slavery was a sign of ownership: "Belonging to Meshullam." This position also fits with the presentation of tattooing in the Mesopotamian region, which acknowledged that additional marks would be implemented upon the hands of slaves with each transfer of ownership.[93] Thus, the additional mark of the *yod* could qualify the already existing notion that the tattoo on the hand functioned as a mark of ownership.

Although *Yisrael* and Yedoniah are easily discounted as alternative possibilities for the abbreviation of the *yod*, I postulate two other highly feasible options which indicate additional functions of the tattoo: marks of allegiance and rites of passage.[94] The first comes from a theory that the *yod* is an abbreviation for the Name of the Hebrew God. Albeit, the extant sources indicate the Divine name was not written as it is today, "יהוה," still it began with a *yod*, appearing as "יהו" and even earlier "יו."[95] As has already been pointed out, tattooing the name or symbol of a deity was a prevalent practice in both

92. Acknowledged in Cowley, *Aramaic Papyri*, pp. 105-106

93. As we recall, one document nicely illustrated that additional marks would be added with the transfer of a slave to a new owner: "The right hand is inscribed with the name of PN1, and a second [mark] of a staff is inscribed with the name of PN2." [The exact text comes from UET 4 29:3-4, translated by Dandamaev, *Slavery in Babylonia*, p. 234]

94. *Yisrael* is not in contention, for it is not found anywhere in the Elephantine Papyri. Also, the name Yedoniah is excluded as a viable option, for had the *yod* been an abbreviation for his name, it would not have been also placed on the slaves of his brother, Mahseiah.

95. Cowley argues that the level of religious observance by these Jewish colonialists stood on par with their ancestors. In his words, "The colonists were not much better than their fathers – nor perhaps much worse." They devoted themselves to a national deity יהו as is found in the Elephantine Papyri (no. 13, 22, 25, 30, & 32), but such texts also mention their familiarity with other deities. For a full discussion refer to Cowley, *Aramaic Papyri*, p. xviii

earlier Egyptian periods and in Mesopotamian culture.[96] It is likely that a similar practice was incorporated into the culture of this community of Jews as a way for an outsider to demonstrate his/her allegiance to the community's national deity. This very practice was pronounced by Second Isaiah to the Jews of the mid-6th century B.C.E.[97] In the Book of Isaiah it is written: "One shall say, 'I am the LORD's,' another shall use the name of 'Jacob,' and another shall *mark* his arm with 'belonging to the LORD,' adopting the name 'Israel.'"[98]

In addition to marking ownership and allegiance, another function of the tattoo is spawned from interpreting the tattooed *yod* as an abbreviation for יהודיא (*yehudai*), meaning "the Jews." Cowley, through his reading of the many Aramaic papyri identified this group of Judeans as Jews, for they called themselves by that name (יהודיא), and labeled their community חילא יהודיא (*chilei yehudai*), the "Jewish Force."[99] Thus, tattooing the *yod* was a message that the marked individual belongs to this particular Jewish community. The papyrus, in fact, described the announcement of the transfer of ownership in the presence of the entire community. Thus, the act as well as the form of

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96. As a reminder, Dandamaev notes that an ax, hatchet, or spade representing the Babylonian deity Marduk and a stylus representing the deity Nabu were recorded in the texts from BE (Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts) 8 106:9. Dandamaev, Slavery in Babylonia, p. 488

97. Second Isaiah is also referred to as Deutero-Isaiah. The term designates what it believed to be an anonymous author of chapters 40 onward in the Book of Isaiah. While the first part contained prophecies for the Jews of the 8th century B.C.E., scholars believe Second Isaiah is post-exilic containing addresses to the Jews of the mid-6th century B.C.E. [Mary Joan Winn Leith. "Into Exile: From the Assyrian Conquest of Israel to the Fall of Babylon." *The Oxford History of the Biblical World*, edited by Michael Coogan. (Oxford: Oxford University Press, 1998) p.282.] R. Norman Whybray – Professor of Hebrew and Old Testament Studies at University of Hull - is more specific, analyzing history and the texts, he calibrates Second Isaiah's prophecies between 550-539 B.C.E. [R.N. Whybray. *Second Isaiah*. (London: Continuum International Publishing Group, 2004) pp. 11-12

98. Isaiah 44:5

99. Cowley, A. *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon Press, 1923) p. xv. Interestingly, it is not until the Book of Esther, which takes place in Persia, that the Biblical text uses "איש יהודי" (Jew) to indicate the identity of an Israelite. As it is stated in the Biblical texts, "In the fortress of Shushan there lived a Jew (יהודי) named Mordechai." (Esther 2:5).

mark may have functioned as a rite of initiation and passage either into the ownership of a family and/or community.

Interestingly, the first papyrus demonstrates that even though the status of an individual may change (i.e. one is released from slavery), the indelible mark of this rite of passage into another's possession remained. Potentially, therefore, the mark of slavery served another function than purely a mark of status. Similar to the institution of slavery in Mesopotamia, in Egypt one became a slave to cover one's economic plight. As an Egyptian slave, one may retain control over property, have an additional profession, be entitled to compensation, and marry a master. Thus, the obvious omission in the text of the removal of the mark may imply its continual function, even if different from the original intention when the individual occupied the status of slavery. The tattoo, after manumission, may have continued to serve as a reminder of or warning against entering into a position of servitude.[100] While this function as well as its role as a mark of allegiance and rite of passage is only suggested by the evidence, the evidence makes it explicit that the primary function of the tattoo in the Persian period of Egypt was a demarcation for the status of slavery.

It is evident that the cultic use of the tattoo, present throughout most of Egyptian history, continued in the Ptolemaic period (ca. 305-30 B.C.E.). From this period we have two

100. This understanding is influenced by my Biblical interpretation. Throughout the Hebrew Bible, there are passages that permit items that were once used for unholy purposes to be retained in order that the community may see them, be reminded of them, and thus warned from making the same transgression again. For example, in Numbers 17:3 it is written, "Remove the fire pans of those who have sinned at the cost of their lives, and let them be made into hammered sheets as plating for the altar -- for once they have been used for offering to the LORD, they have become sacred -- and let them serve as a warning to the people of Israel." Another example comes from that same chapter. The Bible states, "The LORD said to Moses, 'Put Aaron's staff back before the Pact, to be kept as a lesson to rebels, so that their mutterings against Me may cease, lest they die,'" (Numbers 17:35). This interpretation also gains support from a slightly later period. In the Roman period, the tattoo was only part of a larger punishment as its permanence functioned after manumission from slavery or imprisonment.

textual remnants which testify to ritual tattoos, similar to those of the NK period. Both written accounts are variations of a single religious text of hymns. The longer of the two is called the Song of Iris and Nephthys, which was sung at the celebration of the Osirian mysteries.[101] The shorter of the two is called the Lamentations of Iris and Nephthys, read as part of a funerary service found appended to the Book of the Dead.[102]

Both textual remnants describe a ritual in which priestesses have the names of goddesses "inscribed on their arms."[103] As the Lamentations of Iris and Nephthys prescribed the procedure: when the hymn "is recited, the place is to be completely secluded, not seen and not heard by anyone except the chief lector-priest and the setem-priest. One shall bring two women with beautiful bodies. They shall be made to sit on the ground at the main portal of the Hall of Appearings. On their arms shall be written the names of Isis and Nephthys."[104] The passage concludes with the priests presenting a water and meal offering to the women, as if they were the deities inscribed on their arms.

Determining the precise form and thus explicating the exact function of these ritual tattoos remains problematic. As of yet, there is not supporting evidence, from any medium – artistic representations, extant written sources, preserved skins – that can testify that the images of either Isis or Nephthys were ever really employed upon human skin. If this *is* more than literary imagination, it may be argued that these tattoos were a distinguishing mark of temple servitude, as was common in the Mesopotamian region. However, as these tattoos were only implemented for and integral to this particular

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101. Fox, "Body Marking."

102. Miriam Lichtheim. *Ancient Egyptian Literature, vol. III* (Berkeley: University of California Press, 1980) pp. 116-121.

103. Fox translates the texts accordingly, understanding the Egyptian term '*mtn*' as "inscribed." [Fox, "Body Marking."]

104. Lichtheim, *Ancient Egyptian Literature*, p. 120

priestly ritual, it is likely that the tattoos were not designation marks of unique service to the temple. Rather, these tattoos seem to posses the power to evoke a deity's presence within the mortal temple of the human body. This interpretation is supported by Fox, who concluded, "The markings on the women – the names of the goddesses...allow the priestesses to impersonate the deities."[105]

As we come to the end of the Egyptian section of this research, we can see that the tattoo changed over the course of Egyptian history. What began as an import into the culture from the Nubians, as dots and dashes to relate one's sexual and reproductive desires as well as one's concern for an existence in the hereafter, ended with a tattoo which certainly was more complex both in form and function. As the thesis explores the Biblical presentation of corporal marks, it will not be the tattoos of the early periods of Egyptian culture which find a parallel in the culture of ancient Israel. Rather, the later tattoos of Egypt, those of the names and symbols of masters (both divine and mortal) placed upon the hand and other parts of the body to mark ownership, evoke protection, and identify allegiance to a group or deity, would really arouse the sensitivities of the ancient Israelites as they formulated their cultural values and attitudes on tattoos and the practice of tattooing.

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105. Fox, "Body Marking."

Mediterranean Region:

Evidence of tattooing in the Mediterranean region of the ancient Near East is very limited. There are, as of yet, no preserved skins to talk about and what we do know about the act of tattooing in this region either comes from a scant amount of textual witness or from even fewer remnant artistic presentations. Yet, a few such artistic presentations may posit the presence of tattooing in the Mediterranean culture rather early. A female figurine, discovered in southern Anatolia, has lines and dots marked on her shoulder and abdomen.[106] Also, another female figurine similarly marked with dots on her chest was discovered in Greece.[107] From the dating of both these figurines, Fox suspects that tattooing may have begun in this region as early as 5000 B.C.E.

However, as these are the only pieces of evidence to allude to the presence of tattooing so early in the region's history, it may be more accurate to state that the practice took root in the Mediterranean region sometime around the 6th or 5th century B.C.E. as an offshoot of Persian culture. Through the Persian (ca. 499-479 B.C.E.) and Peloponnesian (ca. 431-404 B.C.E.) Wars, inhabitants of the Mediterranean region became aware of Persian culture. Herodotus, a Greek historian, writing in the 5th century B.C.E. recounts the Persian King Xerxes' reaction to a storm's destruction of a recently built bridge at Hellespont:

> "Xerxes...order that three hundred lashes of the whip be inflicted on the water and a pair of shackles be thrown into it. I have even heard that in addition he sent tattooers [*stigess*] to tattoo [*stixontes*] the Hellespont. In

106. Fox, "Body Marking."

107. *Ibid.*

> any case, he ordered his agents to say as they did their whipping, 'O cruel water, your master imposes this penalty upon you for doing him wrong when he had done no wrong to you."[108]

While this literary piece is purely metaphorical, as Xerxes is depicted as an angry master inflicting punishment on his slave – the water, it correctly captures an echo of Persian culture by the Greek writer. The Persian tattoo, as exposed fully in the Mesopotamian and Egyptian sections of this chapter, was a mark of slavery – particularly a punitive measure – which a master would inflict upon a slave who was disobedient or exhibited the potential to be so. Within these cross-cultural contexts of the ancient world, the Greeks began to use the tattoo in their culture.

The earliest reference to the tattoo in the Mediterranean region comes from the extant writings of the 6th century B.C.E. poet Asius of Samos (an island just off the Asian coast, close to the border of the Persian Empire). His writings mention the word *stigmatias*.[109] The terms *stigmatias* or *stigmata* are derived from the Greek root *stigma*. According to the New Catholic Encyclopedia, *stigma* meant "a mark and in particular, a brand impressed by iron."[110] Convincingly, C.P. Jones argues in his critical works on tattooing in Greco-Roman antiquity that with a thorough analysis of the word *stigma* the particular claim of branding cannot be substantiated.[111] He insists, almost always a *stigma* in antiquity was a tattoo because a brand, which was used upon animals, was virtually never

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108. Herodotus, *Histories*, 7, 35 [C.P. Jones. "Stigma and Tattoo." *Written on the Body: The Tattoo in European and American History*. Caplan, J. ed. (Princeton, NJ: Princeton University Press, 2000) p. 7]

109. *Ibid.*

110. *Ibid.*, p. 2

111. C.P. Jones. "Stigma: Tattooing and Branding in Greaco-Roman Antiquity." *The Journal of Roman Studies*, Vol. 77 (1987) and C.P. Jones. "Stigma and Tattoo." *Written on the Body: The Tattoo in European and American History*. Caplan, J. ed. (Princeton, NJ: Princeton University Press, 2000)

termed "*stigma*." According to Jones, "The branding of humans was almost unknown to the Greeks and even among the more brutal Romans was comparatively rare, and was denoted by the word *stigma* only sporadically and at a comparatively later date."[112]

Jones further supports his argument that *stigma* was a tattoo and not a brand by presenting his own entomology for the word. He writes, "The Greek word *stizein*, which is directly formed from the root (*stig*), means 'to prick,' and is related to the English sting, stitch, to the German *stechen* ('prick'), *sticken* ('embroider')."[113] To solidify the claim that a *stigma* was a mark made by the act of pricking the skin and adding color, a 6th century C.E. encyclopedia of medicine written by a doctor names Aetius, states: "They call *stigmata* things inscribed on the face or some other part of the body, for example on the hands of soldiers, and they use the following ink. [The recipe follows.] Apply by pricking the places with needles, wiping away the blood, and rubbing in first juice of leek, and then the preparation."[114] Therefore, it becomes clear that in the ancient Mediterranean world the term *stigma* (singular) or *stigmata* (plural) referred almost exclusively to tattoos.[115]

Also attested to in Aetius' account, besides confirming that a *stigma* was a tattoo, was the locale of the Greco-Roman tattoo – affixed to the face or hands.[116] According to an

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112. *Ibid.*

113. *Ibid.* p. 4

114. Aet. 8 12. *Corpus Medicorum Greacorum* 8. 2, ed. A. Olivieri. (1950) pp. 417-418. Jones "*Stigma*," p. 142.

115. Interestingly, in the Vulgate, a fifth century C.E. Latin translation of the Bible, the word *stigma* appears. The first of its two occurrences is in the translation of Leviticus 19:28 and the second is from Paul's letter to the Galatians 6:17. [See Charles W. MacGuarrie. "Insular Celtic Tattooing: History, Myth, and Metaphor." *Written on the Body: The Tattoo in European and American History*. Caplan J., ed. (Princeton, NJ: Princeton University Press, 2000) p.35]

116. Importantly, markings on the hand and forehead are also attested to in both the Hebrew Bible, as well as, in the New Testament. In the Book of Ezekiel, it is written, "The LORD said to him, 'Pass through the city, through Jerusalem, and put a mark on the *foreheads* of the men who moan and groan because of all the abominations that are committed in it,'" (9:4). In the New

ancient commentator on the orator Aeschines, runaway slaves were often inscribed with a *stigma* on the forehead in the words, "Stop me, I'm a runaway."[117] This locale for the tattoo was also recorded in 360 C.E. by the bishop of Potiers, Hilary, who wrote an invective piece to Emperor Constantius II (Constantine's son). "The complaint is well known: on your order, the bishops whom no one dared condemn have been disposed, and now they have been tattooed on their catholic foreheads and are reappraised with the words, 'condemned to the mines.'"[118]

Apparently, from the sources presented above, the tattoo as re-envisioned by the Greeks and later inherited by the Romans was not solely a mark of slavery. Rather, the *stigma* could function as a mark of punishment, status as a prisoner-of-war, or sign of a soldier. In Petronius's novel, Satyricon, the *stigma*'s use as punishment is spelled out in detail.[119] In this story, two characters – Encolpius and Giton – attempt an escape from a hostile environment by actually masquerading as fugitives marked with *stigmata*. As it is translated by Jones: "A barber will shave the heads and the eyebrows of Encolpius and Giton, and then he himself will mark your faces with an elaborate inscription to give the impression that you have been punished with a *stigma*."[120]

Testament it states, "Also it causes all, both small and great, both rich and poor, both free and slave, to be marked on the *right hand* or on the *forehead*," (Revelations 13:16) and, "On her *forehead* was written a name of mystery – 'Babylon the great, mother of harlots and of earth's abominations,'" (Revelations 17:5).

117. Scholiast to Aeschines, 2, 79 (Mervin R. Dilts, *Scholia in Aeschinem* (Stuttgart, Leipzig, 1992), p. 75, no 170a. Noted in Jones, C.P. "Stigma and Tattoo," p. 9. It is also important to note that in rabbinic literature, at the end of the 2nd century C.E., Jews were exempt from culpability if they tattooed their slaves "so that he would not flee."[*Tosefta, Makkot* 4:15]

118. Mark Gustafson. "The Tattoo in the Later Roman Empire and Beyond." *Written on the Body: The Tattoo in European and American History*. Caplan, J. ed. (Princeton, NJ: Princeton University Press, 2000) p.18.

119. Petr. 103. 1-5, 105. 11-106. Text of K. Muller (1978) as noted in Jones.

120. The result of their ruse is only interesting as it relates back to the nature of the stigma as a tattoo and where it is placed upon the body. The ruse fails and Encolpius and Giton are brought before Tryphaena and Linchas. "Tryphaena burst into tears, because she thought real stigmata had been stamped upon our captive foreheads... Unable to restrain his rage, Linchas jumped forward

While the *stigma* was painful and certainly medically hazardous without the sterility of today's procedures, the physical ramifications were only part and parcel of the more comprehensive punishment which permanently defamed one's reputation and deprived one of social status. Mark Gustafson, whose research exposed the tattoo culture of the late Roman period, wrote: "those in power were well aware that the body can function as a permanently running advertisement of one's guilt and subjugation" when they constructed the legal system.[121] As the legal corpus of *Augustan lex Aelia Sentia* (ca. 4 C.E.) attests to, in such a system

> "slaves who have been chained by their masters on the grounds of punishment, or who have been tattooed [*quibusve stigmata inscripta sint*], or have been tortured under interrogation for wrongdoing...and afterwards have been manumitted either by their masters or another, became free men of the same status as foreigners who have surrendered."[122]

So far as the indelible mark of their status or crime remained, the freedom granted was limited as these native individuals were never again reinstated with full citizenship.

In addition to depriving one of social status, the punishment of the *stigma* could also permanently stain one's reputation. A poignant example is presented in a later Byzantine account from the 9th century C.E. as Emperor Theophilus punished two brothers, Theodore and Theophanes, with *stigmata* for icon worship. The historian Zonaras stated:

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and said, 'You stupid woman! As if these [stigmata] were wounds prepared with iron as to absorb letters. If only they had defiles themselves with this writing, we would have the best satisfactions. As it is, they have played a stage-trick on us, and fooled us with mere shadow-writings.'" [Jones, "Stigma," pp. 139-140]

121. Gustafson, "The Tattoo in the Later Roman Empire and Beyond," p.24

122. *Ibid.* p.22 – Another example: In 523 C.E., we have a prison account by Boethius, who recounts that two men were arrested for fraud and sentenced by the Ostrogothic King Theoderic for exile, stating, "If they do not leave the city of Ravenna by the prescribed date, they would be tattooed on their foreheads and driven out." The tattoo was only part of a punishment, which included exile. [Gustafson, "The Tattoo in the Later Roman Empire and Beyond," p. 20]

"First he had them severely beaten, then he had their faces tattooed and poured ink into the tattoos, and tattoos formed letters." Ironically, the brothers later transformed from sinners to saints. Nevertheless, they were never able to rid themselves of the stain of their act, as they were known reverently by the name *graptoi*, meaning "the Inscribed."[123]

Beyond punishment, the Greco-Roman tattoo was also implemented upon prisoners-of-war. Biographer Plautarch, who wrote of two Athenian military campaigns, captures this function of the *stigma* in his writings. In a battle between the Athenians and Samians in the year 440 B.C.E., Plutarch remarked how "the Athenians tattooed their Samian prisoners-of-war on the forehead (*estizon eis to metapon*) with a Samian ship called a *samaina*, while the Samians tattooed their Athenian ones with an owl, the emblem of Athens."[124] In addition to indicating their captive status, the *stigma* also identified their place of origin. Sadly, this particular custom does not continue. 30 years later, in 413 B.C.E., Plautarch writes after a failed Athenian expedition to Sicily that the Sicilians "sold their Athenian captives 'marking them with a horse (emblem of Sicily) on the forehead (*stizontes hippon eis to metapon*).'"[125]

Participants in the military apparatus had the possibility of being marked twice: potentially once by the opposing military force as prisoners upon their capture, and a second time through personal choice or conscription by their own military system. Roman authority for a time employed the tattoo as a conscripted sign of service for their military members. The tattoo appeared as dots representing the name and unit number of

123. Jones, "Stigma and Tattoo," p. 10

124. Plutarch, Life of Pericles, 26, 3. Also noted in Jones, "Stigma and Tattoo," p. 8

125. *Ibid.*

the recruit.[126] Extending the practice in 398 C.E. to arm-manufacturers, an imperial edict stated: "Tattoos [*stigmata*], this is a public mark, must be made on the arms of arm-manufacturers as they are on recruits, so that in this way at least they may be recognized if they go into hiding."[127] Essentially, military members during this period of time were regarded as indentured servants. And, since tattoos were marked on slaves in order to restrict their ability to blend into society, Romans found the *stigma* equally fitting for those who would try to avoid military service.

Among Roman soldiers the tattoo also developed into a rite of passage, which is to say that the warrior would be marked as a sign of bravery after war. The practice began as the Romans encountered the ancient Briton warriors, who were tattooed as signs of high status and bravery. From them, the Roman soldiers learned that the tattoos were not merely monotone marks of degradation, but could speak of strength and bravery.[128] Upon their return, some Roman soldiers turned to medical professionals as practitioners for the tattoo, as was alluded to in the stigmata section of Doctor Aelius' 6th century C.E. encyclopedia of medicine, quoted previously.

Yet, because Greeks and Romans first encountered the tattoo from so called "barbaric" cultures – such as those of the Persians and ancient Britons – tattooing was consequently viewed by the majority of the populace as a barbaric practice.[129] For this reason, the tattoo was a laggard into the Greco-Roman world. Even when the tattoo did enter the

126. Vegetius, On Military Matters, 2, 5, 2. Also noted in Jones, "Stigma and Tattoo," p. 12

127. Code of Theodosius 10, 22, 4. Also noted in Jones, "Stigma and Tattoo," p. 12

128. Cate Lineberry. "Tattoos: The Ancient and Mysterious History." *Smithsonian.com*. (1 January 2007) www.smithsonianmag.com/history-archaeology/10023606. According to Lineberry, "the Romans named one northern tribe [of Britons] 'Picti,' literally 'the painted people.'"

129. This perception must be understood as purely ethnocentric.

culture, the stigma as it was termed almost never assumed the function of personal adornment, but remained from its inception a degradation mark of slavery, criminality, status as a prisoner-of-war, or sign of conscripted military service. Saturated with such pejorative implications, giving strength to *stigma*'s contemporary meaning, it is no wonder that even today the tattoo struggles to rid itself of the negative stain from which it was made in Mesopotamia and set-in during Greco-Roman history in the Mediterranean.

Additionally, the tattoo had a slow start into the Greco-Roman world as a result of internal values which perceived the tattoo as counter-culture. Therefore, hesitancy to embrace that practice of tattooing was not simply a negative perception of outside cultural groups and the practices they maintained. Secular Greek and Roman societies distained the tattoo because they affirmed the sanctity of the human form, which above all else should be perfected.[130] Tattooing, thus, was perceived as adversarial towards those ends. This social attitude was only strengthened when Constantine (ca. 272-337 C.E.), who adopted Christianity, allowed Christian sensibilities to infiltrate Roman legislation.[131] Together, they combined to form a new position on tattooing that would reverberate throughout the ages. As the issue of being created in the image of God was first pronounced in relation to tattooing, the edict stated:

> "If someone has been condemned to a gladiator school or to the mines for the crimes he had been caught committing, let him not be marked on his face, since the penalty of his condemnation can be expressed on his hands

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130. Alan Govenear interview, "In Search of History: Art of Tattooing," Diana Friedberg, ed. (History Channel: A & E Television Networks, 1998. Govenar is the author of *Stoney Knows How: Life as a Tattoo Artist.* (Atglan, PA: Schiffer Publishing, 2003).

131. In the year 313 C.E. Constantine issued his Edict of Milan, which removed the punishments once in place for individuals professing Christianity and allowed for confiscated church property to be returned.

and on his calves, and so that his face, which has been fashioned in the likeness of the Divine beauty, will not be disgraced."[132]

Although not done away with completely, it appears from the archeological remains that metal tags and collars began to be used as viable alternatives to the very visible stigma of the tattoo on the forehead.[133]

There will, however, always be individuals within any society who will rebel against normative laws and trends to procure the tattoo for personal empowerment and expression. In fact, early Christians in the Roman Empire found a source of defiant strength in the act of tattooing. From Paul's writings, we read, "Henceforth, let no one give me trouble, since I carry the *stigmata* of the Lord Jesus on my body."[134] Christians from the Roman period onward found, in Paul's account, the impetus to similarly mark themselves with the *stigmata* of Jesus. These *stigmata* are believed to have been small tattooed-crosses on the inner wrists and upon the feet (i.e. the places of the nails in the act of crucifixion). Such marks are still made today by the Coptic Christians of Egypt and Ethiopia, who in the face social pressures against their faith found and continue to find a

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132. Gustafson , "Tattoo in the Later Roman Empire and Beyond," p.21. The edict is preserved in a collection of imperial legislation published in 438 C.E., called the Theodosian Code. It is one of the earliest written accounts presenting the concern the act of tattooing may have for the mold of the Divine image in which man was cast. This same theological reason will be introduced much later in the modern period, in the responsa of the Reform, Conservative and Orthodox Jewish movements in the United States, as a principle for Jewish religious aversion to voluntarily marking oneself with a tattoo.

133. On one such bronze slave tag, dated to the third to fourth century of the Common Era, it is written, "I am Asellus, slave of Prejectus attached to the ministry of markets, and I have escaped the walls of Rome. Capture me, for I am a fugitive slave, and return me to Barbers' Street near the Temple of Flora." [Paul Veyne. "The Roman Empire." *A History of Private Life: From Pagan Rome to Byzantium*. Veyne, P., ed. (Cambridge: The Belknap Press of Harvard University Press, 1987) p.59. These artifacts are very intriguing, especially in relation to the OB period. It is from that period in which Mendelsohn theorized that the slave mark of the *abbuttum* was in the fashion of a tag worn around a part of the body, such as the neck, similar to what is now presented from the Roman period of the Mediterranean region.

134. Galatians 6:17

strength in bearing upon their bodies the tattooed marks of Jesus. For like Paul, there is hope that such marks may imbue the bearer with the Divine favor of protection.[135]

Although the tattoo of the Mediterranean was predominantly pejorative, placed upon the forehead and hands of slaves, criminals, prisoners-of-war, and conscripted military servants, it nevertheless emerged for a few Roman soldiers and early Christians as a sign of strength and bravery in the face of hostility. As we now arrive at the ancient Israel section of this chapter, not only will the form and functions of these Greco-Roman tattoos help in shedding some light on the Biblical presentation of corporal marks, which were similarly implemented on the hands and foreheads. But, the ability to hold multiple perspectives on tattooing within one collective culture will be invaluable in formulating an explanation why in the collected works of the Bible there are passages which both attest and affirm the use of corporal marks while others prohibit them.

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135. Although this account is much later – and for that reason not included in the body of this chapter – it affirms the use of the tattoo among some Christian groups. In a very interesting 17th century account, a Christian pilgrim to Jerusalem wrote: "We passed the whole of Monday, the 29th of April, having our arms marked as all the pilgrims usually do: the operation is performed by Christians of Bethlehem belonging to the Latin rite. They have several wooden moulds, among which you choose those you like the best. Next they fill them with charcoal powder. Then they apply them to you in such a way as to leave the mark of what is engraved on them. After that they take your arm by their left hand, stretching the skin tight; in their right hand they have a little stick with two needles, and they dip it from time to time in ink mixed with ox-gall, and prick you with it along the lines made by the wooden mould; that is presumably harmful, and as a rule there ensues a slight fever which lasts a very short time, and the arm remains swollen to three times its normal size for two or three days. After they have pricked all along these lines, they wash the arm and check to see if there is some fault, whereupon they begin again, and sometimes they resume as many as three times. When they have finished, they bandage your arm up very tight, and a scab forms which falls off two or three days later, and the mark remains in blue and never fade." [Jones, "*Stigma*," p. 145]

Archeological remains are non-existent when it comes to providing evidence of corporal markings among ancient Israelites.[136] What does remain about tattooing from Israelite culture was preserved almost exclusively in the Biblical text. However, as was evident among other cultures of the ancient world, messages about corporal marks in any ancient text are often enigmatic. The Bible does not disappoint in this matter, as the Israelite corpus presents conflicting viewpoints about corporal marks: Leviticus 19:28 comes to condemn such marks, Isaiah 44:5, 49:16 affirm them, and Genesis 4:15 as well as Ezekiel 9:4 simply attest to their presence. The following section will illuminate these verses in light of the cultural contexts of tattooing as explored in Mesopotamia, Egypt, and the Mediterranean. Through comparing and contrasting the corporal marks of these regions with the picture of corporal marks contained in the Bible, the ancient Israelites' attitude on tattooing will be exposed.

Genesis 4:15 – The Mark of Cain: Protection or Punishment?

The first Biblical text which attests to the use of corporal marks actually depicts God employing it on one of his own, Cain. As it is written in the Book of Genesis, "the LORD put a mark (אות/*ot*) on Cain, least anyone who met him should kill him."[137] While this text may be part of Israel's primeval mythology, a universal story of the origins of

136. The corporal mark that is attested to in archeological evidence from this region and time is not of tattoos or of brandings, but of piercing. Supporting the Biblical passages which talk about the act, archeologists have found jewelry in excavations from the region. Still, however, no archeological evidence of tattooing can be put forth for the period in question. Surprisingly, though, there was found in Jordan two female figurines that bear marks that have been identified as tattoos from the ca. 7000 B.C.E. [Alan Simmons and Gary Rollefson. "The Early Neolithic Village of 'Ain Ghazal, Jordan" in *Preliminary Reports of ASOR-Sponsored Excavations 1981-1983*. Walter Rast, ed. (Winona Lake: Eisenbrauns, 1985) pp. 40-42, figs. 3 & 4].

137. Genesis 4:15

humankind, contained in Genesis 1-11, such stories can reflect real practices within that history. Thus, from the situation of Abel's murder by his brother Cain, a picture develops of a corporal mark in the Biblical world that was permanent, since he was to become a "ceaseless wanderer on earth," and used as a symbol for Divine protection and/or punishment.

While it functioned that way in the text, it may have very well functioned as a mark of protection in the culture similar to the ones in use among the ancient Egyptians. From the Egyptian region presented in this chapter, the research showed that silhouettes or symbols representing the deities of the Egyptian pantheon were incised on the skins of women to imbue the body with strength and protection during the vulnerable periods in their lives, such as pregnancy. Therefore, reflective of this practice, the mark of Cain may have likewise been a permanent corporal mark, such as a tattoo, either as the name of God or iconography of the deity – a mark readily identifiable to others.[138]

Yet, since symbols of all forms, including tattoos, are multi-vocal (speaking not only to the marked individual, but as well to different viewers in different ways), it may be likely, even if unintentional, that God's mark on Cain in addition to being a protective symbol was also understood as part of the punishment. From one's understanding of the Babylonian, Persian and later Greco-Roman cultures, it may be similar to a master punishing one of his slaves or servants with a tattoo for an act of disobedience.[139] As noted in the Mediterranean section, in 523 C.E., two men were arrested for fraud and

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138. Fox makes this claim in her forthcoming work, "Body Marking."

139. Not only would the punitive nature of the mark be more reflective of Babylonian and later Persian customs, but we also witnessed from the Greco-Roman period that the permanence of the tattoo had a lasting impact on the individual. Even when used as a temporary demarcation of punishment, one could never shake the "stigma" of the mark.

sentenced by the Ostrogothic King Theoderic to exile, stating, "If they do not leave the city of Ravenna by the prescribed date, they would be tattooed on their foreheads and driven out."[140] Although the tattoo, in all these matters directly affected the marked individual, it was not intended for his/her benefit alone. The tattoo also functioned as a visible warning about the unforeseen nature of the individual. Thus, it may be understood that God permanently marked his servant Cain as a result of the murder of his brother Abel in order to warn others. In this way, not only does the mark help fulfill God's protection of Cain, since individuals would heed the warning and keep their distance, but it also served to protect others. It is as if to say, "This one has been marked for protection, for he killed his brother. Be warned and keep your distance!"[141]

Isaiah 44:5 and 49:16 – A Covenantal Sign: Marking the Hands as "Belonging to..."

Both these verses are found in Second Isaiah. Modern critical scholarship has proposed that the chapters of Second Isaiah were written after the destruction of the First Temple, post-exilic, and added to the earlier compositions of chapters 1-39. Therefore, in this time of woe and desperation among the exiled in Babylon, the prophet's words come to comfort the people. His message in Isaiah 44 captures the power of the eternal covenant – *brit olam* – between God and the people of Israel. As it is written:

> Hear now, O Jacob, my servant – Israel whom I have chosen! Thus said the LORD, your Maker, your Creator who has helped you since birth: Fear not My servant Jacob, Jeshurun whom I have chosen. Even as I pour

140. Gustafson, "The Tattoo in the Later Roman Empire and Beyond," p. 20

141. Although Fox stops short at accepting this view, choosing to emphasis the mark of Cain as a mark of protection. other scholars such as Claus Westermann. *Genesis 1-11 A Commentary* (translated by John J. Scullion S.J.; Minneapolis: Augburg publishing House, 1984) pp. 308-314 support the connection of the mark with Cain's punishment. In truth, as presented above, the ancient Near East cultural background for tattooing provides support for both.

> water on thirsty soil and ran upon dry ground, so will I pour My spirit on your offspring, My blessing upon your posterity. And they shall sprout like grass, like willows by watercourses. One shall say, "I am the LORD's," another shall use the name of "Jacob," [and] another shall mark his hand as "belonging to the LORD," adopting the name "Israel."[142]

Countering the claim that these remarks were made with regards to proselytes, Fox contends that "the subject is the community in exile [not non-Israelites] whose members could assimilate, but instead are reaffirming their ethnic and religious identity as Israelites."[143] The reaffirmation comes in an act of allegiance. Where, in today's American society, we place our right hand over our heart and recite a pledge, at that moment in Israelite history, Second Isaiah informs us that the nation of Israel will likewise openly declare their allegiance. Not by placing a hand over a heart, but through an act of affirmation: stating they belong to the God of Israel, are called by the name of the nation's ancestral progenitor Jacob, or inscribing upon the hand the mark of "belonging to the LORD."[144]

These acts of allegiance must be understood as permanent, for such pledges, whether in ancient rites or modern practices, are never viewed as temporary. Thus, marking one's hand as "belonging to the LORD" was a lasting expression of solidarity and adherence by the "servant Jacob" to the God of Israel. Albeit, in this instance it was a self-selected practice, there are parallels of the act found within Neo-Babylonian and Persian culture.

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142. Isaiah 44:1-5

143. Fox, "Body Marking."

144. Fox notes that it may make more sense to read the verb "יִקָּרֵא" as a *niphal*, "יִקָּרֵא" thus rendering the section "will be called by the name Jacob."

As was presented in the Mesopotamian section above, slaves dedicated to service to a temple not only served in that role for life, but they were permanently marked with the symbol of the deity as a sign of their "selected" service. This was particularly the case for servants to the temple of the goddess Ishtar.

The strongest parallel to date of Second Isaiah's description of the servant Jacob being marked on his hand for his master God comes from contemporaneous evidence of Jews employing the tattoo to mark their slaves. During the Persian period of Egypt (ca. 525-404 B.C.E.), roughly the same time of Second Isaiah's writings, the Jews of Elephantine Island wrote accounts which maintained the custom of tattooing their slaves on the hand with the exact same formula as attested to in the Isaiah passage: "belong to..." followed by the master's name. For example, in one papyrus it stated: "A *yod* is tattooed on his arm at the right of a[nother] tattoo in the Aramaic language, [stating] "belonging to Mibtachiah."[145] One possibility is that the tattooed *yod* was an abbreviation of the name of God (יהוה), for even in the Diaspora He remained the national deity of the Jews. While the Isaiah account may be purely metaphoric, the metaphor is certainly contingent upon the real practice of tattooing amongst Jews within the neighboring cultures of ancient Israel. Evidently, in this period, it was a common and accepted practice for individuals to mark or to be marked as a visible sign of their allegiance to a master. Specifically, the practice of marking the hand as "belong to..." was procured by Second Isaiah and promoted amongst Israelites to illustrate their allegiances to God and the eternal covenant.

145. Cowley, *Aramaic Papyri,* p. 104, no. 28. I have made slight alterations to the account as a result of the analysis of the text in the Egyptian section of this chapter..

Fulfilling the tradition of the eternal covenant, which requires both parties to actively participate, Isaiah mirrors the act of allegiance demonstrated by the people with a symbolic gesture by God. According to Isaiah 49:16, God acknowledges His part in the covenant, stating "See, I have engraved you on the palms of My hands, your walls are ever before Me." The people of Israel have sworn their loyalty through a permanent mark on the hand, and in return God will forever keep them, literally, engraved on the palms of His hands. Even symbolically, these words would have consoled the heart and soul of the exiled community. For these real cultural practices provided a way for the people in these difficult times to talk about God as well as the unconditional and eternal relationship they have with Him, expressed in the act of tattooing.

Ezekiel 9:4 – Mark of the Righteous for Divine Protection

Another text that attests to the corporal mark comes from the Book of Ezekiel. Here, the prophet foretells of the destruction of Jerusalem, which will come at the hands of six divinely appointed executioners. Their job will be to rid the city of its abominations by killing all transgressors. In order to fulfill this mandate, one of these six will carry not a sword, but a writing instrument called a קסת (*keset*).[146] He is commanded by God:

> "Pass through the city, through Jerusalem, and put a תו/*tav* (mark) on the foreheads of the men who moan and groan because of all the abominations that are committed in it." To the others God said..."Follow him through the city and strike; show no pity or compassion. Kill of graybeard, youth

146. Ezekiel 9:2, 3, and 11

and maiden, women and children; but do not touch any person who bears the תו/*tav* (mark)."[147]

It is unclear how the ancient Israelites would have read or heard and understood the corporal mark mentioned in these verses. Was it an indelible mark or merely a temporary indicator on the human corpus? Fox notes that קסת (*keset*) is a loanword from the Egyptian, *qsty*, meaning "writing kit."[148] In the Egyptian writing kit there were two colors of ink: black and red.[149] It has already been pointed out in the introduction to this thesis that both of these colors were closely associated with the act of tattooing from the earliest periods of human history. Therefore, although not clearly attested in the text, it may be possible that the mark of Ezekiel was understood by the ancient Israelites as the permanent corporal mark of the tattoo.

Despite the ambiguity that surrounds the nature of the mark, what is clear from the text is its function. Like the "mark of Cain," the tav – written in paleo-Hebrew as an X – functioned as a Divine stamp of protection. In Ezekiel, however, it cannot be argued that this was also part of a punishment, for the corporal mark was placed solely upon the righteous as a way to visibly separate the faithful adherents from their fellow Israelites who had sinned. Interestingly, it has been suggested that the X mark held an additional meaning. Since the letter *tav* in ancient Israelite society was used to indicate ownership, it could be interpreted that these marked individuals literally "belonged to God."[150] After all, this understanding would be congruent to the aforementioned prophecies of Second

147. Ezekiel 9:4-6

148. Fox, "Body Marking."

149. *Ibid.* p. 27

150. Fox, "Body Marking."

Isaiah and still harmonious with the implications of the mark in the text. Not only does the mark of Ezekiel separate the "righteous" from the "wicked," but it also attests to the continued relationship the faithful had with God, forsaken by the others.

In addition, the locus of the mark indicated in Ezekiel's prophecy would have pierced the consciousness of the ancient Israelites. As was evident in the ancient Near East as well as the late periods of Greco-Roman antiquity, the forehead was the locale-of-choice for the corporal mark of the tattoo. In these other cultures, the tattoo on the forehead was used pejoratively, speaking to the onlooker of the marked individual's crimes or low status. In this case, most intriguingly, Ezekiel used the custom of marking the most visible place on the canvas of the human corpus not for punitive means. Rather, marking the forehead in ancient Israelite culture could connote a constructive value as the mark projected the lasting message of God's favor of protection to those who remained faithful.[151]

Leviticus 19:28 – The Prohibition

The prohibition comes in the context of the Holiness Code in *parashat K'dushim*, in which God lays out for Moses and the Israelites the general principle to be holy: "You shall be holy, for I the LORD your God am holy."[152] This verse then follows with the specific *mitzvot* (commandments) that the people should and should not do in order to fulfill the principle. Just prior to the prohibition on tattoos, the Israelites are warned against eating anything with blood in it, practicing divination or soothsaying, shaving the

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151. Keel, as reported by Fox (p. 27), "connects the mark in Ezekiel with depictions of small plaque-like pendants attached to the forehead of certain female figurines. Especially interesting is the female on an ivory from Arsian Tasch showing a women in the window... The woman wears a plaque marked with an X or *tav*." [Othmar Keel. "Zeichen der Verbundenheit, zur Vorgeschichte und Bedeutungen von Deuteronomium 6,8f. und Par." *Pierre Casetti*, et al., eds. *Melanges Dominique Barthelemy* (OBO 38, Fribourg: Vandenhoeck & Ruprecht, 1981) p.202, figs.16-17]

152. Leviticus 19:2

side growth of the head or beard, and making gashes in the flesh for the dead. Finally, we read in Leviticus 19:28:

וכתבת קעקע לא תתנו בכם אני יהוה

"You shall not incise marks [tattoos] on yourself: I am the LORD."

The legal term given to the mark is כתבת קעקע (*ketovet ka'aka*). Undoubtedly, the act of כתבת (*ketovet*) is writing, coming from the Hebrew root כ.ת.ב. We may be inclined from our modern perspectives to understand "writing" as an act of making marks with a pen or pencil on a piece of paper. In ancient Israel, however, such writing utensils were not common and more often than not writing was a process of incising, as on a stone or on some other hard material.[153] In the case presented above, the hard surface implied in the verse is the human body upon which the writing or incising would be made.[154]

The entomology of the term קעקע (*ka'aka*) is less obvious. As it occurs one time in the Hebrew Bible – thus being a *hapax legomenon* – it has been suggested that it was formed from duplicating the root ק.ו.ע, meaning "to deepen, to dig deep."[155] According to Ernest Klien this root also appears in Arabic as *qā'*, meaning "plain, lowland, bottom."[156] Without the availability of other texts, testifying to the same mark, it has left modern

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153. A similar instrument is used by the prophet Jeremiah to metaphorically speak about incising the hearts of sinners. As it is written in the Book of Jeremiah 17:1, "The guilt of Judah is inscribed with an עט ברזל (*et barzel* - stylus of iron), engraved with an adamant point on the tablet of their hearts." In the Old Babylonian period of Mesopotamia a similar instrument was used to tattoo slaves. The instrument was called a *šindu parzilli* (an iron stamp). Although recorded in a later period than that of ancient Israel, it was understood generally by the rabbis of the Talmud (redacted ca. 500 C.E.) that "כתב" was a term for writing that may include engraving. According to BT *Gittin* 20a, "A slave who goes out [to freedom] with writing (כתב) that was on a board or on a tablet [of clay, is to be regarded as legally] going out to freedom."

154. See Aaron Demsky's article on "Writing" in the Encyclopedia Judaica for a complete analysis of writing in ancient Israel. [Aaron Demsky. "Writing." *Encyclopedia Judaica*, Vol. 16. (Jerusalem: Keter Publishing House Ltd.) pp. 654-665]

155. Ernest Klein. *A Comprehensive Etymological Dictionary of the Hebrew Language for Readers of English*. (New York: MacMillan Publishing Co., 1987)

156. *Ibid.*

commentators open to a wide range of interpretations from simply decorations to an incision.[157] Although the original definition of קעקע (*ka'aka*) may forever remain elusive, in conjunction with כתבת (*ketovet*) it may be fair to surmise that within the ancient Israelite contexts the mark in question was almost certainly a tattoo, created by incising the skin and adding colored matter as to leave an indelible mark.

The Levitical prohibition against tattooing appears to be a stark contrast to the citations of Genesis, Isaiah, and Ezekiel, which uncritically attested to the use of corporal marks. There are multiple ways one could make sense of this contradiction. The first way is to say that no contradiction exists, as כתבת קעקע (*ketovet ka'aka*) is somehow inherently different than the aforementioned Biblical examples of corporal marks and therefore not affected by the prohibition. After all, as כתבת קעקע (*ketovet ka'aka*) is a unique appearance in the text, it can be argued that the "אות/*ot* of Cain" in Genesis or the "תו/*tav*" in Ezekiel are not encompassed by the prohibition since they are not presented in the same terminology as the mark of the prohibition: כתבת קעקע (*ketovet ka'aka*).[158] If the prohibition was not aimed at the corporal marks attested to in Genesis, Isaiah, and Ezekiel, which used the mark of the ancient world for its positive functions as marks of protection or affirmation of Israelite identity, what then was Leviticus prohibiting?

Perhaps the prohibition against כתבת קעקע (*ketovet ka'aka*) in Leviticus 19:28 was directed solely at the pejorative functions of tattooing: punitive, submissive, and pagan rites evident in the cultures which neighbored ancient Israel. For example, from the Bible

157. Koehler Ludwig and Walter Baumgartner. *The Hebrew and Aramaic Lexicon of the Old Testament, Vol. III.* M.E.J. Richardson, ed. (New York: E.J. Brill, 1996) p. 1116 and J. Reider. "Etymology Studies in Biblical Hebrew." VT 2 (1952) p. 8.

158. Although it may be argued that the Leviticus prohibition would be applicable to the mark mentioned in Isaiah for it was implemented by an act of incising/writing = יכתב (whose root is כ.ת.ב). Also, out of all the Biblical texts to refer to a corporal mark it seems Isaiah provides the strongest connection to actual tattooing in the ANE.

it is known that ancient Israelites looked down upon the act of voluntarily submitting to slavery. A man who declared, "I do not wish to go free," would then be taken by his master "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 remain his slave for life."[159] A decision, which ensued with such an aggressive act leaving the individual with a corporal scar, could imply that the choice of voluntary subjugation to a mortal or "other" divine master, was highly stigmatized within Israelite culture.[160] Another form of corporal scar – the tattoo – may have been similarly prohibited for it too was associated with the practice of slavery to a mortal or "other" divinity from Israel's cultural neighbors. According to the Book of Isaiah, the only master the "servant Jacob" may choose is God.

Instead of ensuring that only the positive functions came in and aversive cultural practices stayed out, the prohibition of כתבת קעקע (*ketovet ka'aka*) may have also been implemented to keep Israelite identity intact and distinct from others. Modern critical scholarship of the Bible has proposed that most of the Book of Leviticus was written sometime during the Babylonian exile.[161] If this is the case, then no longer can we be satisfied with viewing the prohibition within the vacuum of Israelite society, seeing contradictions between the corporal marking of Leviticus and the other Biblical citations. Rather, from a purely ethnocentric and temporally contingent Israelite perspective within

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159. Exodus 21:5-6 and Deuteronomy 15:16-17

160. Contempt for the choice of voluntary submission was not confined to ancient Israel. From the Middle Assyrian Laws, Law 44, it states: "If an Assyrian man or an Assyrian woman dwell in a man's house as a pledge equivalent to their own value...his master may smite him with a rod, pull out his hair, break or pierce his ears." [Hurowitz, "His Master," p.65] One may surmise similarly that since the pledge of a free person into servitude was accompanied by a list of physically aggressive acts that would ultimately cause pain and disfigurement, the voluntary submission of one's freedom was a highly stigmatized act in the Assyrian society as well.

161. Baruch A. Levine. "Leviticus: Introduction." *The JPS Torah Commentary*. (Philadelphia, New York, Jerusalem: The Jewish Publication Society, 1989) pp. xxv-xxx

a non-Israelite society, the Leviticus verse may have been intended to safeguard Israelite identity against the alternative cultural forces that would have attempted to assimilate the Diaspora Jew. In other words, tattooing was regarded by the Jews of the Diaspora as a Babylonian or later Persian practice, no matter what function it served. Since Israel was prohibited "from following the practices of the [other nations]," the writers of Leviticus enacted the prohibition to ensure that Israelites remained visually and culturally distinct.[162] By way of Leviticus 19:28, the authorities of the text hoped to provide some assurance and insurance that Israelites identity would survive the exile so that it could return to the Land when the time came.

Finally, in order to comprehend the contradiction between Leviticus and the other presentations of corporal marks in the Bible, one may simply have to affirm that the contradiction exists and is correct. Yes, the Bible both affirms and prohibits tattooing. Aaron Demesky of Bar Ilan University conceded this position, writing in the Encyclopedia Judaica, "while this [prohibition] was a general rule, there seem to have been cases where devotees of YHWH did incise His name on their arms."[163] An assumption of co-existence is not out of the realm of possibilities. After all, there are many contradictions in the Bible.[164] Furthermore, as attested to in the other references to tattooing from the ancient world, many cultures maintained a similar contradiction between personal practices and prevalent social norms. The most poignant examples are

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162. Leviticus 18:3 and 20:23

163. Demsky, "Writing," p. 663

164. For example, is one generation punished for another generation's sins? According to Exodus 20:5, "I, the LORD, your God am an impassioned God, visiting the guilt of the parents upon the children, upon the third and upon the fourth generations." This sentiment is repeated in Exodus 34:6-7, and in Deuteronomy 5:9. However, the Bible also states the contrary in Deuteronomy 24:16: "Parents shall not be put to death for children, nor children be put to death for parents: a person shall be put to death only for his own crime." Ezekiel concurs, writing, "The person who sins, he alone shall die. A child shall not share the burden of a parent's guilt, nor shall a parent share the burden of a child's guilt," (18:20).

the Roman soldiers and early Christians, who despite communal mandates and accepted cultural values found strength and a form of self-expression in the adornment of the body with the corporal mark of the tattoo. Thus, it may have been the case that Israelite culture also maintained a tension between contradicting points of view. And, these different texts show these different points of view: Leviticus 19:28 condemned such marks, Isaiah 44:5, 49:16 affirmed them, while Genesis 4:15 and Ezekiel 9:4 simply attested to their presence.

Conclusion:

By taking the Bible out of the cultural vacuum of ancient Israel and placing it among the broader contexts of the ancient Near East, the attitudes on tattoos and the act of tattooing from the perspective of the most ancient form of Judaism was exposed. In light of the evidence from Mesopotamia, Egypt, and the Mediterranean we can say for certain that the ancient Israelites practiced, or minimally were aware of the practice of tattooing. Yet, what the analysis of this chapter demonstrated is that there was no consensus as how to deal with a corporal mark that spawned so many diverse messages and cultural values in the ancient world.

Some passages, such as those from the Book of Genesis and the Book of Ezekiel, merely attested to the use of corporal marks. Uncritically they drew a picture of tattooing in ancient Israel that used the corporal mark as a sign of Divine protection. The corporal mark, from the presentation of the texts, was a clear way to relate the message to keep one's distance from the marked individual as he/she is not to be harmed. In a way, the

mark affirmed an existence of a sacred relationship between the marked individual and God.

Furthermore, not only is Israelite tattooing attested in the Bible, its use is encouraged. As part of the sacred relationship of the eternal covenant, the Book of Isaiah promotes the use of the tattoo as a gesture by the Israelite community to demonstrate their commitment to God. It is a communal gesture which is reciprocated by God as He informs the Israelite people that He has symbolically "engraved" them on the palms of His hands. Similar to the rainbow, circumcision, and Shabbat, the tattoo in ancient Israel was a comforting sign of God's eternal promise pronounced in the covenant God made with the ancestors, assuring progeny and, for the children of Israel, a return to the land.

While the culture of ancient Israel procured the use of the tattoo for its positive functions as marks of Divine protection and allegiance, apparently it did not incorporate their pejorative implications as well. As we do not have in the Biblical account any sense that tattoos functioned as marks of genuine slavery, as indictors for prisoners-of-war, as punishment for crimes, one may surmise that these functions were aversive to the cultural attitudes of ancient Israel and consequently excluded. Thus, the Leviticus prohibition against corporal marks may have served this exact function. Not excluding all marks, Leviticus 19:28 forbade only those corporal marks which presented a message counter to the Israelite sensitivities included in the collected works of the Bible.

Ultimately, though, this is merely an explanation to harmonize the Levitical prohibition with the other passages of the Bible that attest to the use of corporal marks. Really, no such effort is necessary. As we saw from the evidence from other regions of the ancient

world, multiple positions may be maintained within one culture. In fact, throughout Jewish history the topic of tattooing and how it confronts our collective Jewish attitudes and values will spawn multiple positions without a consensus. These diverse cultural expressions and positions will be explored as the thesis continues to expose the Jewish engagement with the practice of tattooing into the classic, medieval, pre-modern and modern periods of Judaism.

Cropping the Picture:
The Classic Rabbinic Borders on Tattooing[1]

Introduction:

In the wake of the Roman conquest of Jerusalem in 70 C.E., ancient Israelite culture had to reinvent itself as Judaism. With the Temple in ruins and the priesthood in shambles, the Jewish people were in need of a new source of governance, a gravitational force that could continue to hold the people together. The classic rabbinic sages ensured some degree of cultural continuity be weaving the two strands of Torah, the Written Law (*Torah Shebichtav*) and the Oral Torah (*Torah Sheba'al Peh*), together to form *halachah* (Jewish law).[2] The ambitious task took centuries (ca. 70-1700 C.E.). Eventually, though, *halachah* provided the borders of Jewish existence, supplying this and future generations guidelines for how to engage in a multitude of real world issues.[3]

The Bible, however, provided no clear or definitive picture on the real-world issue of tattooing. As we recall from the previous chapter of the thesis, some Biblical passages suggested that the practice of tattooing was prevalent among ancient Israelites, affirming their use as marks of Divine punishment or protection as well as allegiance. Another passage of the Bible forbade their use, as Leviticus 19:28 stated explicitly: "You shall not make incised marks [tattoos] on yourself: I am the LORD." By way of the Levitical

1. The writing of this chapter could not have been possible without the mentorship of Dr. Mark Washofsky, Ph.D., the Solomon B. Freehof Professor of Jewish Law and Practice.
2. While we today determine these rabbis, as well as their writing, to be authoritative, it is uncertain to what degree, particularly at the start of the period, the "rabbinic group" spoke for all of Judaism. For example, Strack and Stemberger write, "The sources for a description of the rabbinic period are so biased that the historical picture gained from them remains largely insecure - thus e.g. the notion of a normative Judaism derives from these sources." [H. L. Strack and G. Stemberger. *Introduction to the Talmud and Midrash.* (Edinburgh, Scotland: T & T Clark, 1991) p. 6]
3. This material is summarized from Strack, *Introduction to the Talmud* , pp. 2-8

prohibition contained within the Written Law, the sages of Judaism would continue to engage the topic of tattooing into the classical, medieval, and pre-modern periods. Through a process of exegesis, these sages of Judaism elucidated the ambiguous Biblical presentation of tattooing, building, refining, and reflecting the circumstances of the practice within the developing literature of the later rabbinic periods.

What kept the rabbis engaged in this topic over these many centuries were *machlochot*, rabbinic disputes, regarding four very practical aspects of tattooing and their bearing on the issue of culpability.[4] Particularly, the sages debated which part of the practice of tattooing caused the violation of the Biblical prohibition against *ketovet ka'aka*. Was it the *presence* of the mark; the *content* of the mark; the deliberate act in making the mark, i.e. the *intent* to create a tattoo; or the *purpose* the mark was intended to fulfill, whether medicinal, proprietary, or idolatrous.

Through the *Mishnah* and the *Tosefta*, these four aspects already emerge. This chapter, therefore, intends to follow the rabbinic sages' development of presence, content, intent, and purpose of the tattoo mark as they relate to culpability. Because each sage builds upon the knowledge and explications of the sages who came before, each literary piece – from the *Mishnah* to the *Shulchan Aruch* – is presented individually and chronologically. Had this chapter attempted to present the material of this expansive period as one unified presentation, it would have been a gross-simplification of the developing and diverse positions of the classic rabbinic authorities. Thus, they are presented both individually

4. "Culpability," according to Princeton University's on-line dictionary means "a state of guilt." [wordnet.princeton.edu] Although, it is worth noting that there are "degrees of responsibility." [www.accureport.com/resources] This is an important point, because it will be argued by some authorities that any mark is worthy of culpability. Others, however, contest that content, intention and/or purpose need to be considered when determining punishment - a higher degree of culpability.

and chronologically in order that the reader may develop the picture of the Jewish engagement with tattooing as the rabbinic authorities of this period did – one stage and one sage at a time.

Furthermore, each section includes the original Hebrew text for quick reference and even refutation of my analysis, should the reader be so inclined. Similar to the method of the classic rabbinic sages, we grow in understanding and as a people not through blind compliance, but through a healthy and intellectual debate over the material. Let us grow together in knowledge as this chapter reveals the classic rabbinic borders on the practice of tattooing.

Mishnah:

The first major work of *halachah* in the classic rabbinic period was the *Mishnah*. The basis of its legal content was extracted from the Torah as well as the oral traditions championed by the Pharisees of the Second Temple period.[5] Although certain teachings contained within this wok can be dated earlier, it is believed that the *Mishnah* was finally redacted around the year 200 C.E. by Yehudah haNasi (Judah the Prince).[6] Since the *Mishnah* is the foundation for all subsequent codes of religious and legal norms for the Jewish community, we begin with its discussion of tattooing in tractate *Makkot* 3:6.

5. It should be noted, that although the Torah is one basis upon which the *Mishnah* is written, its composition style does not necessarily make connections or references to specific Scripture verses. This is what separates this brand of literature as unique from rabbinic *midrashim*. [Menachem Elon. *Jewish Law: History, Sources, Principles*, Vol III. (Philadelphia: Jewish Publications Society, 1994) p.1049]

6. "In particular, Mishnah designates the entire religious law formulated until c. 200... The Mishnah *par excellence* is the collection attributed to R. Yehudah ha-Nasi." [Strack, *Introduction to the Talmud*, pp. 2-8]

הכתוב כתובת קעקע, כתב ולא קעקע, קעקע ולא כתב, אינו חיב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם. רבי שמעון בן יהודה משום רבי שמעון אומר, אינו חיב עד שיכתוב שם השם, שנאמר (ויקרא יט) וכתובת קעקע לא תתנו בכם אני ה׳:

If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it into the skin], or incised [into the skin] but did not write, he is not culpable until he writes and incises [into the skin whether] with [black] ink, blue dye, or anything that leaves a mark.

Rabbi Shimon ben Yehudah, in the name of Rabbi Shimon, says: "One is not culpable unless he writes [and incises] there the Name [of God]. For it is written: 'You shall not incise writing on yourselves: I am the LORD,' (Lev 19:28)." [Rendering the Biblical verse: "You shall not incise writing on yourselves *of* 'I am the Lord."]

The *Mishnah* begins the process of defining the Jewish parameters of tattooing by reiterating the Biblical prohibition: one is culpable for writing a *ketovet ka'aka*. In other words, according to the anonymous authoritative voice of the *Mishnah*, just the *presence* of the mark is enough to have violated the prohibition.[7] Yet the same problem, present at the end of the previous chapter of the thesis, persists in interpreting the *Mishnah*. What exactly is a "*ketovet ka'aka*?"

Ketovet ka'aka was considered by the earliest rabbinic sages as a corporal sign of some form, identified as such by the word רושם, meaning a "trace" or "mark."[8] According to

7. The anonymous authoritative voice of the *Mishnah* is also referred to as the *tanna kamma* or the *stam mishnah*. Because there is no name attributed, many rabbinic scholars assume the voice to be that of the redactor's, Yehudah haNasi. However, there is another opinion that ascribes the anonymous teachings to Rabbi Meir, upon who's earlier *Mishnah* Rabbi Yehudah supposedly relied. According to tradition, Rabbi Meir's *Mishnah* was based upon the teachings of his teacher Rabbi Akiva. "Yet even Akiva was not the *Mishnah*'s first redactor, but resorted to a 'first Mishnah' whose roots go back to biblical times." [Strack, *Introduction to the Talmud*, pp. 124-125]

8. Marcus, Jastrow. *A Dictionary of the Targum, The Talmud Babli and Yerushalmi, and the Midrashic Literature*. (Jerusalem: Hotzeit Chorev) p. 1464

the text, the mark could be made "with black ink, blue dye, or anything that leaves a mark." The specific materials mentioned may reflect the colors used at that time to ensure that a mark appeared on the skin. It is not apparent, however, how long the mark would need to last in order to be considered a tattoo. Neither in the *Mishnah* nor in many of the later texts of this period is there a discussion as to the details of this stipulation.[9] Nevertheless, it is understood that to make the mark of *ketovet ka'aka*, and thus be culpable for creating a tattoo and violating the prohibition, one must commit two acts: "כתב" (*katav*) and "קעקע" (*k'aka*). While the root "כתב" indisputably meant "to write," how did the rabbis understand "קעקע" to mean "incise?"

It is not just a mark, but we know from the Greek translation of the Bible that *ketovet ka'aka* was an incised mark. By the time Yehudah haNasi redacted the *Mishnah*, the term *ka'aka* was widely understood by both the insular rabbinic community and the community at large to mean "incised writing," or more specifically, "tattoo." The assumed prevalence of this understanding cannot be attributed to a common Semitic cognate.[10] Rather, the basis for my interpretation comes from the earliest translation of the Hebrew Bible, known as the Septuagint. In the third century B.C.E., the Torah was translated into Greek. In the Greek translation, "קעקע" is rendered "στίκτός" (*stiktos*),

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9. It will remain ambiguous throughout the classic rabbinic period how long the mark must last. RaSHI writing in the 11 century, states in his commentary to BT *Makkot* 21a, it must "appear every day." And, in his commentary on BT *Gittin* 20b he becomes more direct, stating: "It cannot ever be erased." On the other hand, the *Nimukei Yosef*, who writes in the 14th century, simply states it must be "marked there for a זמן גדול- long time." Multiple positions are maintained without a definitive ruling, because the issue of permanence shrinks in importance in comparison to the other contenders for culpability: the mark, the content, the intent, or the purpose. It will only emerge as a critical factor in the discussion of tattooing in the modern period by the rabbinic sages of Orthodox and Conservative Judaism.

10. As was already pointed out in chapter one, there are no known occurrences of anything similar to קעקע from the remnant texts of the ancient Near East.

which meant "pricked" or "tattooed."[11] The word *stiktos* also shares the same verb stem with the Greek word στίγμα (*stigma*). As was brought to light in chapter two, *stigma* was a permanent mark on the skin, almost exclusively in the form of a tattoo, within both Greek and Roman societies. Therefore, while the Semitic origins may be unknown, the term *ka'aka* was widely understood as a tattoo before, during, and after the final redaction of the *Mishnah*.

Another opinion regarding culpability correlates the violation of the prohibition of *ketovet ka'aka* with *content* rather than simply the *presence* of the mark. According to Rabbi Shimon, culpability does not come into effect "unless he writes [and incises] there the Name [of God]." One could interpret Rabbi Shimon's statement as a further restriction to the definition of the tattoo. In other words, according to Rabbi Shimon, a *ketovet ka'aka* is not merely "incised writing," but *only* the incised writing of the Name of God. The more likely implication of Rabbi Shimon's statement, however, is that one is prohibited from writing and incising any mark, as presented in the position of the *tanna kamma*. But, one is not culpable until one tattoos the specific content of the Name of God.

Why reserve culpability only for tattooing God's Name? As was brought to light in the previous chapter, cultures of the ancient Near East often employed the tattoo within the cultic sphere, permanently marking the name or symbol of a deity onto a mortal being in order to symbolically inoculate the individual with a deity's presence or power. The

11. Henry George Liddell and Robert Scott. *A Greek-English Lexicon*. (Oxford: Clarendon Press, 1996) p. 1645. They also list the appearance of "στίκτης," a "tattooer" and note that this term also appears in the writings of Herodotus, Histories 5.65. Liddell and Scott are supported in their definition by T. Muraoka. *A Greek-English Lexicon of the Septuagint*. (Louvian, Paris and Dudlet, MA: Peeters, 2002) p. 924, who writes that στίκτός are "tattoe marks."

tattoo was also used to convey the message that a particular individual was a slave to a sovereign, either divine or mortal. It is uncertain, however, if these ancient Near East practices were still common in the time of Rabbi Shimon and, even if they were, whether Rabbi Shimon was aware of them. Nevertheless, Rabbi Shimon sees tattooing God's Name as too close to such polytheistic practices. Potentially motivated by a desire to ensure Jews remain culturally, religiously, and visually distinct, Rabbi Shimon may have offered this explanation as the rational reason for the prohibition. It is certainly a concern that is illuminated in later writings, including the *Mishnah*'s contemporary, the *Tosefta*.

Tosefta:

The *Tosefta*, a supplement to the *Mishnah*, continues to be concerned with when the prohibition against tattooing applies. According to rabbinic tradition, the *Tosefta* was edited around the same time Yehudah haNasi redacted the *Mishnah* (ca. 200 C.E.).[12] Like the *Mishnah*, the *Tosefta* is a compilation of oral traditions. At times, it mirrors its Mishnaic counterpart both in structure and content, and at other times, it includes additional or contradictory teachings. The material on tattooing, found in *Tosefta Makkot* 4:15, is strikingly different than what was presented in the *Mishnah*. Unlike the *Mishnah*, the *Tosefta* is largely silent with regards to the particular process of implementation of the prohibited *ketovet ka'aka*. Of greater concern for the editors of this work was the circumstance of culpability.

12. Although the word "*Tosefta*" means "addition," modern scholarship is uncertain whether the *Tosefta* came after the *Mishnah* or before it. According to Elon, "The redaction of the *Tosefta* should probably be dated to the generation immediately following R. Judah Ha-Nasi." [Elon, *Jewish Law*, p. 1081]. I purposefully made my words vague regarding the exact order in order to allow for multiple interpretations. For a thorough introduction to the various theories regarding the *Tosefta*'s dating, authorship, and relationship to the *Mishnah* refer to Strack, *Introduction to the Talmud*, pp. 169-177.

הכותב כתובת קעקע בבשרו של חבירו - שניהם חייבים. במה דברים אמורים? בזמן שהיו שניהם מזידין. אבל אם היו שניהם שוגגין שניהם פטורין. אחד שוגג ואחד מזיד שוגג פטור מזיד חייב. ואינו חייב עד שיכתוב ויקעקע בדיו ובכחול לעבודה זרה. קלפו באוזמול פטור. הרושם על עבדו שלא יברח פטור.

One who writes a *ketovet ka'aka* on the flesh of his fellow – the two of them are culpable. On what circumstances is this said? When the two of them do so deliberately. But, if the two of them were doing so inadvertently, then the two of them are exempt [from culpability]. [However, if] one does so inadvertently, and the other deliberately, [then] the one who did so inadvertently is exempt [from culpability, while] the one who did so deliberately is culpable. He is not culpable until he writes and incises with [black] ink or blue dye for the purposes of idolatry. [If he only] scraped him with a cutting tool, he is exempt. He who marks his slave so that he will not flee is exempt [from culpability].

Great detail is given in the *Tosefta*, making it explicit, that culpability is contingent upon one's *intent* to make a mark on the skin. Similar to the *Mishnah*, the *Tosefta* reminds the reader that in order to be culpable one must make this mark through two distinct acts: writing/כתב and incising/קעקע. Therefore, "if he only scraped him with a cutting tool, he is exempt." Not simply because he did not write, although this is an issue in the case. But, the scrape of a cutting tool exempts an individual under the prohibition because it is not clear the individual intended to make a tattoo.

In addition to determining that one's act of writing and incising with "black ink or blue dye" was deliberate to be culpable, it must also be confirmed that the tattoo was made for a specific *purpose*: idolatry. The stipulation of idolatry does not appear as a subordinate clause. Rather, as it is written in conjunction with the two rudimentary acts of tattooing, one may surmise that purpose is integral to the basic definition of *ketovet ka'aka*. In other

words, one cannot be held liable under the prohibition – even if he incises and writes – unless the tattoo is made specifically for idolatry.

This restricted definition of *ketovet ka'aka*, which makes culpability conditional to *intent* and *purpose* (rather than *presence* or *content* of the mark, as was the case in this *Mishnah*), means that some tattoos may be exempt from culpability under the prohibition. One exception made in the early rabbinic work of the *Tosefta* was allowing Jews to tattoo slaves. According to the *Tosefta*, "He who marks his slave so that he will not flee is exempt [from culpability]." The exception is made because of the provision in the definition "so that he will not flee." It clearly acknowledges that the purpose of tattooing a slave was not idolatry and thus not punishable under the stipulations of the prohibition discussed above.

Babylonian Talmud, Makkot 21a:

Now that the four criteria of culpability have emerged: purpose, content, intent, and purpose, which one ultimately had enough judicial weight to constitute a violation of *ketovet ka'aka*? The next major corpus of *halachah*, the Babylonian Talmud (BT), sets out to address this exact question. Although there are numerous teachings in the Babylonian Talmud that correspond – sometimes even verbatim – to the *Tosefta*, the Babylonian Talmud is primarily a commentary on the *Mishnah*.[13] The BT comments on 36½ of its 63 tractates. Those Mishnaic tractates which are not included in this

13. According to the position of J.N. Epstein, a primitive form of today's *Tosefta* is the source for the *baraitot* (extraneous rabbinic teachings not contained in the *Mishnah*) found in the Babylonian Talmud. Albeck, on the other hand, asserts that the frequent deviation of *Tosefta* parallels in the Babylonian Talmud, along with its failure to quote the *Tosefta* in crucial passages is proof that the redactors of the Talmud did not yet know the *Tosefta*. [Strack, *Introduction to the Talmud*, pp. 155-156] In any case, "in a very approximate manner, BT can be called the Babylonian commentary on the *Mishnah*." [Strack, *Introduction to the Talmud*, p. 191]

Babylonian commentary were left out because these laws "had no practical relevance" for the Jews of Babylonia at the end of the fourth century C.E.[14] Although the Talmud will not make a decisive pronouncement, it will spur on the discussion of what makes one culpable to this practical and relevant act in the tractate of *Makkot* 21a.[15]

> **מתני׳** הכתוב כתובת קעקע, כתב ולא קעקע, קעקע ולא כתב, אינו חיב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם. רבי שמעון בן יהודה משום רבי שמעון אומר, אינו חיב עד שיכתוב שם השם, שנאמר (ויקרא יט) וכתובת קעקע לא תתנו בכם אני ה׳: **גמ׳** אמר ליה רב אחא בריה דרבא לרב אשי עד דיכתוב אני ה׳ ממש אמר ליה לא כדתני בר קפרא אינו חייב עד שיכתוב שם עבודת כוכבים שנאמר וכתובת קעקע לא תתנו בכם אני ה׳ אני ה׳ ולא אחר: אמר רב מלכיא אמר רב אדא בר אהבה אסור לו לאדם שיתן אפר מקלה על גבי מכתו מפני שנראית ככתובת קעקע אמר רב נחמן בריה דרב איקה שפוד שפחות וגומות רב מלכיא שמעתתא רב מלכיו וסימניך מתניתא מלכתא מאי בינייהו איכא בינייהו שפחות רב ביבי בר אביי קפיד אפי׳ אריבדא דכוסילתא רב אשי אמר כל מקום שיש שם מכה מכתו מוכיח עליו:
>
> **Mishnah**: If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it into the skin], or incised [into the skin] but did not write, he is not culpable until he writes and incises [into the skin whether] with [black] ink, blue dye, or anything that leaves a mark.
>
> Rabbi Shimon ben Yehudah, in the name of Rabbi Shimon, says: "One is not culpable unless he writes [and incises] there the Name [of God]. For it is written: 'You shall not incise writing on yourselves: I am the LORD,' (Lev 19:28)."

14. For example, "the agricultural laws were largely tied to the land of Israel; the purity laws generally were no longer practical because there was no temple cult." [Strack, *Introduction to the Talmud*, p. 191] Yet, the rabbinic authorities found tattooing practical enough for their time and place to discuss and codify it within the Babylonian Talmud.

15. There are two components of the Babylonian Talmud. The first is the *Mishnah*, presented above. The second is the *Gemara* (meaning, "to complete" and "to learn"). The *Gemara* consist of dialectic discussions on the Mishnaic content, in order to further extrapolate the legal and normative ramifications relevant for the Jewish community of this later period. [Strack, *Introduction to the Talmud*, pp. 209-215]

[Rendering the Biblical verse: "You shall not incise writing on yourselves *of* 'I am the Lord."]

Gemara: Rav Acha the son of Rava asked Rav Ashi: "[Does Rabbi Shimon ben Yehudah in the name of Rabbi Shimon] really [mean that one is not culpable] unless he will write the specific words: 'I am the LORD'?" [Rav Ashi] said to him: "No. As Bar Kappara taught in a *baraita*: 'One is not culpable until he writes the name of idolatry [i.e. a pagan deity].' As it is said [in Scripture]: 'And you shall not incise marks on yourself: I am the LORD,' (Lev. 19:28). [The implication for these final words is] I am the LORD and no other."

Rav Malkiya said in the name of Rav Adda bar Ahavah: "A person is forbidden to put ashes on his wound, because his [healed] wound [will] appear like a tattoo. [The ashes will leave a mark in the skin after the wound is healed.]"[16]

Rav Nachman the son of Rav Ika: '[The rulings about] the spit, maidservants, and pores [were stated] by Rav Malkiyo. The [rulings about] locks of hair, ashes, and the cheese [were stated by] Rav Malkiya.' Rav Pappa, [however attributes these rulings somewhat differently], saying: '[The rulings concerning] a *mishnah* or a *baraita* [were stated by] Rav Malkiya. The statement of the Amoraim [were stated by] Rav Malkiyo. Your mnemonic device [to remember which rulings were made by whom] is a *Tannaic statement is a queen*. What is the difference between them? The difference between them is [in attributing the ruling about] the maidservants.

Rav Bibi bar Abaye was careful [not to place ashes] even on the puncture made by a lancet. Rav Ashi [disagrees], saying: "Wherever there is a wound, the wound shows his [intention of healing]."[17]

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16. The subsequent paragraph is a tangential discussion which has no real barring on the discussion of tattoos. The discussion circles around the confusion between two rabbis with similar names: Malkiya and Malkiyo. In the work that would emerge as one of the greatest in the post-Talmudic halachic period, the *Sefer haHalachot* by Rabbi Isaac ben Jacob haKohen Alfasi, the statement regarding the ashes on the wound is attributed to Rav Malkiyo. The conclusion that it was Rav Malkiyo is also supported in the halachic work of Rabbenu Asher.

17. This insertion into the translation is required to make sense of Rav Ashi's position. Not only does the content suggest this reading, but we also understand Rav Ashi's position from the *Tosefta*. According to the *Tosefta*, a scrape made by a cutting tool

Analyzing the discussion of the *Mishnah*, with some allusion to the *Tosefta*, the rabbinic authorities of the Babylonian Talmud initiate a debate as to whether the *purpose* or the *presence* of the mark violates the prohibition of *ketovet ka'aka*. According to Rav Ashi, it is not the tattoo of the Name of God that makes one culpable. It is the name of another deity *other* than God that predicates culpability. It could be argued that these positions are merely debating *content*. It is as if to say that one is punished only when the tattoo is either the Name of God (according to Rabbi Shimon) or the name of a pagan deity (according to Rav Ashi).

However, Rav Ashi's position speaks to something other than content. From his use of the *baraita* of Bar Kappara comes a midrashic explanation to the precedent set in the *Tosefta* that hung culpability on *purpose*.[18] As the *baraita* states, "I am the LORD and no other." Unmistakably, this is a paraphrase of the monotheistic pronouncement and, more importantly, the Divine edict against idolatry from the Ten Commandments. As it is stated there: "I the LORD am your God who brought you out of the land of Egypt, the house of bondage. You shall have no other gods beside Me."[19] Therefore, Rav Ashi's position posits culpability neither on the presence of the mark nor on the content by itself. Rather, what makes one liable is the purpose for which the mark was intended to fulfill – idolatry.

The position which links culpability to purpose is thereupon disputed. On the one side the *Gemara* presents a case from Rav Malkiya in the name of Rav Adda bar Ahavah.

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exempts one from punishment because there was no intent to make a tattoo. Therefore, a healed wound also shows that the intent was not to make a tattoo. This insertion will be justified further on in this section.

18. *Tosefta*, *Makkot* 4:15 states, "He is not culpable until he writes and incises with [black] ink or blue dye for the purposes of idolatry."

19. Exodus 20:2-3 and Deuteronomy 5:6-7

According to his opinion, "a person is forbidden to put ashes on his wound," because the result of this course of action will leave a mark on the skin. The implication of this position is twofold. Perhaps, this is a concern for *marit ayin* (not to give the appearance of wrongdoing), as if to say, even though the purpose was not idolatrous, it could be mistaken as such. Or, perhaps, the mark itself is taboo no matter for what purposes it was made. In either case, Rav Adda bar Ahavah's position would support the unconditional statement of the *tanna kamma* from the *Mishnah*, which gave no consideration regarding the content, intent, or purpose of the mark. The *stam mishnah* generally prohibited the presence of any mark that was the result of an incision and insertion of marking material.

After a tangential discussion, Rav Ashi returns to support the claim that purpose, more than content or presence of the mark, is paramount when determining culpability. From this case in point, a healed wound that bares the permanent stain of its remedy is not forbidden. Why? Because, although the mark is a result of an incision and the placement of colored matter in that incision, the wound (i.e. the incision) does not appear to have been made deliberately. This is similar to the case mentioned in the *Tosefta* of a scrape made by a cutting tool. Furthermore, since the incision was not deliberate, an intended purpose – other than healing – cannot be deduced from the resulting mark. The proof in this case, according to Rav Ashi, is nothing other than the healed wound itself. It testifies, as Rav Ashi's final words imply, a purpose of healing rather than idolatry.[20]

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20. "Wherever there is a wound, the wound shows his [intention of healing]." The Tosafists, who will write their commentaries on the BT from the twelfth to the thirteenth centuries, state that the position of Rav Ashi will become the *halachah*. As it is written, "Rav Ashi says: 'His wound testifies to it.' Thus it (i.e. his position) is the *halachah*." By concurring with Rav Ashi, the Tosafists - at least in this commentary - believe that one is only culpable when the purpose of the tattoo is idolatrous. In *Gittin*, however, the Tosafists present a position that can be read in one of two ways. Either they still hold to this opinion in *Makkot*, or they have developed a contradictory opinion, prohibiting all marks.

As is often the case in the Babylonian Talmud, both positions are articulated without a definitive ruling. It, nevertheless, can be argued that content appears the least potent factor when determining culpability. What remains as candidates for adjudicating punishment in the middle of the first millennium of the Common Era are the presence, intent, and purpose of the mark. Without a decisive halachic pronouncement in the Talmud, however, a clear understanding of what makes one culpable is left for future rabbinic authorities to decide as the debate on tattooing continues through the centuries.

Babylonian Talmud, Gittin 19b-20b:

That debate only gets more complex as the Babylonian Talmud preserves a discussion on tattooing in tractate *Gittin*, pages 19b-20b. The tractate postulates an alternative application for the tattoo, other than idolatry, healing, or marking a slave "so that he will not flee." In *Gittin*, tattooing a *get* on the hand of the slave is also considered.[21]

> לרמי בר חמא נמי לא קשיא בכתובת קעקע השתא דאתית להכי מתניתין (לרבא) נמי לא תיקשי בכתובת קעקע.[22]
>
> Regarding the [position of] Rami Bar Chama, there is no difficulty that a tattoo [on the hand of a slave can function as a legitimate *get*]. Now that you have arrived at this point, there is also no difficulty with the stipulation (of Rava - that a *get* cannot be altered), [since] a tattoo [is indelible].

The *Mishnah*, from which this surprising quandary in the *Gemara* germinates, comes from tractate *Gittin* 2:3. According to its translation, "We may write a *get* with anything: with ink, with paint, with red pigment, with gum, with ferrous sulfate, or with anything

21. A *get* is a ritual bill of divorce within Jewish tradition.

22. BT *Gittin* 20b

that is lasting...We may write a *get* upon anything: on the detached leaf of an olive tree, on the horn of a cow, or on the hand of a slave. And, he must give her the slave."

Subsequently, within the *Gemara*, the rabbinic authorities begin to define the limits and limitations of the *Mishnah*, particularly when it comes to the difficulties raised with writing a *get* "on the hand of a slave." The first difficulty presented regards the transfer of the *get*. As was stated in the *Mishnah*, "He must give her the slave," meaning the husband must physically transfer the bill of divorce to his wife. However, if the *get* was written on the hand of a slave, who is to say the slave did not walk over to be in the possession of the wife by his/her own accord? To resolve this problem, the *Gemara* informs us that there must be "witnesses to the delivery."[23]

Yet, the rabbis wonder, what if there were no witnesses? It would remain uncertain whether (1) the woman legally obtained the *get* and, (2) more importantly, whether or not the document was forged (i.e. written by the wife and not the husband). To resolve the second difficulty, Rami bar Chama suggested that the "writing" mentioned in *Mishnah Gittin* 2:3 is really a tattoo. Not only will the tattoo preserve the unique handwriting of the husband, but according to the *Gemara* section presented above, it also fulfills Rava position that the *get* cannot be altered. A tattoo's indelible nature certainly qualifies.

Readers of the *Gemara* may consider the discussion absurd. How could a tattoo be a legitimate *get*, when tattoos – at least in some yet to be defined way – are prohibited? Initially, it can be argued, this discussion was simply an attempt to rationalize the *Mishnah*'s outlandish stipulation that all writing, even the writing on the hand of a slave,

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23. *Ibid*

can function as a *get*. Certainly, the absence of a commentary on the topic by such notable authorities as RaSHI would substantiate an argument of the discussion's hypothetical nature, a mere exercise of mental aerobics.[24]

Regardless, the Tosafists (students of RaSHI) respond seriously to the notion that a tattoo may function legitimately within Jewish culture.[25] In their commentary on the BT *Gittin* passage, they write:

> ומיהו איסורא דרבנן איכא הכא דאפי' אפר מקלה אסור ליתן על גבי מכתו מפני שנראה ככתובת קעקע ואפי' הויא הכא איסורא דאורייתא מ"מ (מכל מקום) הוי גט כדאמרי' לעיל כתבו על איסורי הנאה כשר אע"ג דאסור לכתוב דהא מיתהני באיסורי הנאה.
>
> [Tattoos] are forbidden, according to the rabbis. There are [some rabbis, who say] even the ashes placed upon an open wound are forbidden for the [healed] wound will appear like a tattoo. Even if the [tattoo] were a Biblical prohibition, it [i.e. the tattooed *get*] would still be a [legitimate] *get*. As it is stated above,[26] the writing [of a *get*] on items forbidden to derive benefit are still valid. Although it is forbidden to write [a tattoo], one may benefit from such a prohibited item.

Some may interpret the Tosafists' position as categorically forbidding all tattoos, whether or not this was the intention of the Biblical prohibition. However, this interpretation would be premature and inconclusive as the Tosafists' articulate a seemingly contrary

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24. The only comment RaSHI makes on tattooing in tractate *Gittin* of the BT is that the tattoo "cannot ever be erased." RaSHI, however, comments more in-depth on the previous Talmudic passage of *Makkot* 21a. He wrote, "the essence of the transgression is because of the name of [a pagan deity for] idol worship. However, it is forbidden to write [on the flesh] any writing at all, even according to Rabbi Shimon. Rather for him (Rabbi Shimon) it is that culpability (i.e. punishment) does not apply [for all writing, just the tattoo of the name.]" Seemingly, RaSHI would like to cast the halachic net out wide to wrangling in all tattoos, but understands that the previous rabbinic positions leans toward the lenient, aligning culpability to idolatry.

25. The Tosafists were a collection of halachic authorities from primarily Germany and France as well as, to a limited degree, England, Italy, and the Slavic countries. The work of the Tosafists spanned over two hundred years. Therefore, only the first of this group were the direct students of RaSHI. The remainder become the students of the students of RaSHI. [Elon, *Jewish Law*, pp.1118-1119.]

26. The statement comes from the *Gemara* discussion on the *Mishnah* in BT *Gittin* 20a.

position in BT *Makkot* 21a, which aligns culpability to purpose. According to that commentary, "Rav Ashi says: 'His wound testifies to it [i.e. his intention was not to make a tattoo, but to heal a wound]. Thus, it is the *halachah*." Therefore, a more likely interpretation of the Tosafists' position is to say that "even if" all tattoos were forbidden by the Bible – not actually believing it – the tattooed *get* on the hand of a slave would still function legitimately.[27]

The Tosafists are not alone. Their position is substantiated throughout the classic rabbinic period. From the *Tosefta* to the Babylonian Talmud to one of the greatest authorities of the period, Joseph Caro, tattooing of slaves was regarded as an exemption to culpability under the prohibition of *ketovet ka'aka*.[28] The fact that the Tosafists and other authorities discuss the exemption at length, leads one to believe that tattooing for the purpose of marking slaves either as property or for more inventive purposes as a *get* was a genuine practice within, at least known by, the Jewish community of the classic rabbinic period.

27. This interpretation reads "even if it were" as an unreal hypothetical "'as if it were." As a result, what could be viewed on the surface as two contradictory statements from one source, the Tosafists, is harmonized. From *Makkot* 21a, the Tosafists aligned culpability to purpose, permitting ashes to be placed upon a wound. Here, in *Gittin*, it could be argued that the Tosafists believed all tattoos regardless of purpose are forbidden, prohibiting the placing of ashes upon a wound. Seeing that this contradiction could lead to potential difficulties, Joseph Caro will question in the *Beit Yosef*: How could putting ashes on wound be forbidden by the rabbis, when here even a tattoo of a *get* is not invalidated? Caro concludes, "even if it were" was an acknowledgement by the Tosafists that "it was not [really prohibited], for the tattooed get is not invalidated [either]." Similarly, Caro will argue, neither should ashes on a wound nor potentially a tattoo not made for idolatry be forbidden either. In this way, Joseph Caro prevents possible points of contention to his conclusion: "He who marks his slave so that he will not flee is exempt [from punishment]." Obviously, the tradition of the *Tosefta* was either in mind or in hand when composing this work. [*Sefer HaTurim, YD, Hilchot Ketovet Ka'aka* 180, s.v. ומותר in *Beit Yosef*, and *Shulchan Aruch, Hilchot Ketovet Ka'aka v'Krichah* 180:4]

28. See Caro's position at the end of footnote 27.

As the discussion on tattooing continued to include more exemptions, the *tanna kamma*'s position in the *Mishnah* correlating culpability with the presence of *any* mark was seemingly losing its virility among the classic rabbinic authorities. Emerging as the more likely criterion for culpability remained either *intent* or *purpose*. Which factor violated the prohibition of *ketovet ka'aka* in the eyes of the classic rabbinic authorities was addressed in the two great halachic works of Rabbi Moshe Ben Maimon (RaMBaM/Maimonides, 1135-1204 C.E.): *Sefer haMitzvot* and *Mishneh Torah*.[29]

Both in his style of writing, initiating a new brand of halachic literature later known as codes, and in content, being the first to discuss the prohibition's punishment as well as to whom it applies, Maimonides separates himself from his predecessors. Parts of Maimonides writing, however, continued to be plagued with the same ambiguity found in previous halachic works, leaving the reader confused as to which way one should advance along the journey of interpretation to determine culpability under the prohibition.

29. RaMBaM is one of the greatest sages of the medieval period. Not only was he an avid scholar of Jewish law, but also of Jewish philosophy. In addition, he also practiced medicine. RaMBaM was born in the Spanish city of Cordoba shortly before the fanatical Muslims, named Almohads, came to power. To avoid persecution by this Muslim sect, which offered both Jews and Christians the choice of conversion to Islam or death, Maimonides fled with his family, first to Morocco, then to the land of Israel, and finally to Egypt. Despite the volatile environment in which Maimonides grew up in, he began to produce some of the greatest law codes of all time: the *Sefer HaMitzvot* and the *Mishneh Torah*. [Barry W. Holtz. *Back to the Sources: Reading the Classic Jewish Texts*. (New York: Summit Books, 1984) pp. 273-274] This new brand of Jewish legal codes was motivated by the large amount of halachic material, which made it difficult to navigate and understand, as well as, the social and historical milieu [Elon, *Jewish Law*, pp.1184-1186].

The journey begins with Maimonides' enumeration of the fabled 613 commandments of the Bible, in *Sefer haMitzvot*.[30]

> והמצוה האחת וארבעים - האזהרה שהוזהרנו מלרשום גופנו במיני הכחול, והסקרה וזולתם כדרך שעושים עובדי עבודה זרה כפי שהדבר מפורסם אצל הקבטים עד היום. והאזהרה על כן הוא אמרו יתעלה, "וכתבת קעקע לא תתנו בכם." והעובר על לאו זה חייב מלקות. וכבר נתבארו דיני מצוה זו בסוף מסכת מכות.
>
> Commandment 41 - By this prohibition we are forbidden to mark our bodies with all types of blue or red dye, or with any other color, as is the way of idolaters in acts of idolatry, for such a thing is common among the Copts to this day.[31] The prohibition is contained in God's words (may He be exalted), "You shall not incise writing on yourselves..." The punishment for contravention of this prohibition is flogging. The provisions of this commandment were already explained at the end of tractate *Makkot*.

In the first of his two great works, Maimonides leaves little room for interpretive maneuvering. Tattooing was undeniably associated with idolaters and the practice of idolatry. Yet, was the Jew, according to RaMBaM's position, prohibited from making any mark simply because tattooing was practiced by those outside the Jewish community? Such an interpretation would read "כדרך" as "because," rendering the verse above as Jews "are forbidden to mark [the] body...*because* idolaters [do such] in acts of

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30. *Sefer HaMitzvot* (Book of the Commandments), originally written in Arabic, lays out what Maimonides considered to be the 248 positive commandments and the 365 negative commandments in connection with the Bible, each with a brief description. This was to be a precursor, a preparatory exercise, to his larger work the *Mishneh Torah* [Elon, *Jewish Law*, pp.1186-1187].

31. It is interesting that RaMBaM mentions in the halachic codes the use of "red." As was stated in the introduction to the previous chapter, anthropologist have long held the belief that both red and back, not blue, where the earliest colors to be used in the primitive practice of tattooing. The recognition of red in the use of tattooing appears to have been first recorded in rabbinic literature by RaSHI. As he defines a *ketovet ka'aka* in his commentary on *Makkot* 21a, "The writing begins on the flesh with pigment or with red paint and afterwards he incises the flesh with a needle or knife, inserting the color between the skin and the flesh so that it appears every day, a written tattoo." Also, as was mentioned in the previous chapter, Copts are a sect of Christianity, who reside in Egypt. Included among their customs is the tattoo, usually a cross, on the underside of their wrist. It is likely, since RaMBaM was residing in Egypt, that he was aware of this tattooing custom among the Coptic Christians.

idolatry?" Or, was it RaMBaM's position to say Jews "are forbidden to mark [the] body...*in the way* [i.e. in the exact manner] that idolaters [do] in their acts of idolatry?" By this latter interpretation, tattooing for alternative purposes other than idolatry may be entertained by the Jewish community.[32] No matter which way one diverges on the interpretive path, central in the discourse on the prohibition, according to Maimonides, is the concern over the idolatrous *purpose* of the mark.[33]

Unlike the typical penalty for idolatry, i.e. death, the punishment for tattooing is flogging. There is no direct clarification in the text why flogging is attributed as the punishment. For greater understanding, RaMBaM directs the reader to explore the end of tractate *Makkot* in the *Mishnah*.[34] There one finds a citation from the Book of Deuteronomy: "If you fail to observe faithfully all the terms of this teaching that are written in this book...the LORD will inflict extraordinary מכות on you and מכות on your offspring..."[35] מכות in ancient Israelite contexts are "plagues."[36] However, by the time the classic rabbinic period roles around, מכות are no longer plagues, but "lashes" that are inflicted

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32. As was already presented, alternative uses of the tattoo were already entertained by the rabbinic sages of the *Tosefta*, the authorities of the BT, as well as, eluded to in the commentaries of the Tosafists.

33. More detailed than other halachic works, we learn from Maimonides that the tattoo served as a mark of attachment or servitude to a particular deity. In the *Mishneh Torah*, Maimonides writes, "*Ketovet ka'aka*...this was a custom of the idol-worshipers, who used to mark themselves for idolatry; that is to say that the tattooed was a slave sold to the idol and marked for its service." As was discussed in the previous chapter, this often transpired in ancient Egypt as well as in other regions of the ancient Near East. Therefore, either the practice has continued, as referenced in *Sefer HaMitzvot*, or RaMBaM is recording a vestige of collective memory from an earlier period of Egyptian history.

34. *Makkot* 3:14

35. Deuteronomy 28:58-59

36. F. Brown, S. Driver, and C. Briggs. "מכה." The Brown-Driver-Briggs Hebrew and English Lexicon. (Peabody, Massachusetts: Hendrickson Publishers, Inc., 2003). pp. 646-647.

upon the guilty.[37] While not stated by Maimonides, rabbinic tradition has long understood that the number of lashes administered should not exceed 39.[38]

Maimonides preparatory work on the 613 mitzvot in *Sefer haMitzvot*, which presented for the first time an explicit punishment for contravention of the prohibition - flogging, was followed by a more extensive and precise accounting, known as the *Mishneh Torah*, which discussed upon whom the punishment was to be applied.[39] RaMBaM's conclusions can be found in the first book of the *Mishneh Torah, Sefer haMeidah*, under the heading of *Hilchot Avodat Kochavim* (Laws against Idol Worship) 12:11. In it he writes:

> "כתובת-קעקע" האמורה בתורה, הוא: שישרט על-בשרו וימלא מקום השריטה כוחל, או דיו, או שאר צבעונים הרושמים - וזה היה מנהג עובדי-כוכבים שרושמים עצמם לעבודת-כוכבים, כלומר: שהוא עבד מכור לה ומרשם לעבודתה. ומעת שירשם באחד מדברים הרושמים אחר שישרוט באיזה מקום מן-הגוף, בין איש בין אישה - לוקה. כתב ולא רשם בצבע, או שרשם בצבע ולא כתב בשריטה - פטור, עד שיכתוב ויקעקע, שנאמר: וכתובת קעקע (ויקרא יט, כח). במה דברים אמורים? בכותב, אבל זה שכתבו בבשרו וקעקעו בו - אינו חייב, אלא אם-כן סיע כדי שיעשה מעשה, אבל אם לא עשה כלום - אינו לוקה.
>
> "*Ketovet ka'aka*," as mentioned in the Torah (Lev. 19:28), consists in lacerating the flesh and filling the place of the laceration with blue dye, with [black] ink, or with whatever color leaves a mark. This was a custom of idol-worshipers, who

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37. Marcus Jastrow. *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*. (Hotzeit Chorev: Jerusalem) p. 781

38. This ruling comes from the Mishnaic sages' understanding of Deuteronomy 25: 2-3: "The guilty one is to be flogged, the magistrate shall have him lie down and be given lashes in his presence, by count, as his guilt warrants. He may be given up to forty lashes, but not more, lest being flogged further, to excess, your brother be degraded before your eyes." The rabbis, fearing to even reach 40, limited the number of lashes to "40 less one," as written in *Makkot* 3:10-11.

39. The *Mishneh Torah* ("The Recapitulation of the Law") is also called *yad hachazakah* ("The Strong Hand"), as the numerical value of the Hebrew word "*yad*" is 14. This correlates with the 14 books that comprise the full body of this legal work. Each of these fourteen books are divided into smaller sections called *Hilchot*, "Laws of..." then followed by the general topic of law that will be discussed. The entire *Mishneh Torah* contains 83 *Hilchot*, which are in turn sub-divided into chapters. The chapters are further divided into paragraphs. Each paragraph is considered one law, or *halachah*. [Elon, *Jewish Law*, pp. 1195-1203].

> used to mark themselves for idolatry; that is to say that the tattooed was a slave sold to the idol and marked for its service. As soon as one writes with any material that leaves a mark, after [having previously made] an incision in any part of the body, whether it be a man or a woman, that person incurs the punishment of flogging. If he wrote on the flesh [by incision], without marking with printing matter, or marked with printing matter without writing [by incision] he is exempt [from culpability]. He is only culpable if he writes and incises, as it is said: "nor incise writing...," (Lev. 19:28). On whom are these things stated? [This rule applies] to the tattooer, but the person whose flesh is incised and written [i.e. tattooed] upon is not culpable unless he assisted by some act. But, if he did nothing, he is not punished with flogging.

In RaMBaM's extended formulation of the mitzvot he questions: "On whom are these things stated?" In other words, upon whom does the prohibition apply and upon whom can the punishment of flogging be administered? As more of the received tradition is not only acknowledged, but consequently confirmed, Maimonides injects the prohibition with gender neutrality. According to the text: "whether it be a man or woman that person incurs the punishment of flogging." This legal condition was already stipulated as a general rule in the *Mishnah*. In tractate *Kiddushin* 1:7, it states: "The observances of all negative ordinances, whether they depend on the time of year or not, is incumbent upon both men and women." It is likely that that Maimonides included it in the description of the prohibition as quick reference for his readers.

Beyond gender equality, Maimonides stipulated that culpability and punishment also applies to the person who intended to make a tattoo. As RaMBaM writes, "On whom are these things stated? To the tattooer (i.e. the active participant), but the person whose flesh is incised and written upon (i.e. the passive participant) is not culpable unless he assisted by some act." Maimonides ruling elucidates his previous position in the *Sefer haMitzvot*

and makes the position of the *Tosefta* authoritative.[40] It is not necessarily the presence of the mark that is ingrained with culpability. Transgression of the prohibition, more precisely, is determined when one commits a deliberate act of tattooing or intentionally complies in its application.[41] This position, which links culpability to intent, will remain the minority opinion of culpability among the rabbinic sages.

Even so, Maimonides continued to struggle with whether *purpose* of the mark should join *intent* as a stipulation of the prohibition of *ketovet ka'aka*. The struggle is inherent in the *Mishneh Torah*'s ambiguous statement, "*Ketovet ka'aka*...was a custom of idol worshippers, who used to make themselves for idolatry." Does this line imply that only those marks whose purposes mirror the practice of idolaters are a violation of the prohibition? This interpretation would coincide nicely with the heading of this section, which specifically addressed practice: "Laws against Idol *Worship*." Or, is this statement affirming the contrary, prohibiting all forms of tattooing because those outside the Jewish community engage in such an activity for the illicit purpose of idolatry? If the latter is so, Jews should not intentionally engage in a similar behavior, regardless of purpose. This latter interpretation may have a little more grounding in Maimonides' work. For one, unlike the *Tosefta*, the stipulation of purpose is not articulated in direct connection to the basic definition of *ketovet ka'aka*. In the *Mishneh Torah*, RaMBaM simply wrote: "as

40. While Maimonides has his critics, even in his day, many sages throughout history regard the work of Maimonides very highly, according him a prestigious place among the codifiers. Therefore, with this level of authority, Maimonides' use of previous works has the result of solidifying the position in the legal discourse. The material of the *Tosefta* being affirmed by Maimonides is the section regarding intent and culpability. As it was stated in the *Tosefta*: "When the two of them do so deliberately. But, if the two of them were doing so inadvertently, then the two of them are exempt [from culpability]. [However, if] one does so inadvertently, and the other deliberately, [then] the one who did so inadvertently is exempt [from culpability, while] the one who did so deliberately is culpable."

41. As the issue of tattooing continues to evolve through the rabbinic texts, nowhere is it mentioned what constitutes an assisting act of *ketovet ka'aka*. That discussion is not picked up until the modern period among the rabbinic authorities of the Orthodox movement. Please see the next chapter for a detailed discussion on the issue.

soon as one writes with any material that leaves a mark, after [having previously made] an incision...that person incurs the punishment of flogging." Second, there is no mention of exempted purposes of tattooing: whether medicinal or proprietary. While the evidence weighs heavily on the side of intent rather than purpose, at this stage in the development of the definition of *ketovet ka'aka* the majority opinion regarding culpability is still unclear.[42]

Sefer haChinuch:

Maneuvering this critical crossroad of juris prudence is the anonymous author of *Sefer haChinuch* ("The Book of Education").[43] Based upon Maimonides system of enumerating the commandments, *Sefer haChinuch* presents much of the earlier halachic material on the prohibition of *ketovet ka'aka*. Where, however, this 13th century author makes progress in the halachic discourse on culpability, where other authorities had not, is in his willingness to provide both legal as well as philosophical underpinnings to the definition of *ketovet ka'aka*. Instead of simply being a stenographer, recording legal precedent for posterity, the author of *Sefer haChinuch* directs Jewish adherents past the

42. Joseph Caro saw the inherent difficulty Maimonides' silence and ambiguity could raise on this issue, for it allows for either interpretation. Therefore he concluded in *Beit Yosef* that not all marks made intentionally are forbidden. According to Caro, "RaMBaM does not mention this judgment [permitting ashes on a wound for healing] at the end of *Hilchot Avodat Zera*. It means that he holds [to the opinion] that the *halachah* [of ashes on a wound] is permitted, for there is[no need] to explain. [Meaning, that it was so widely accepted there was no need to mention it.] If, [however,] the *halachah* forbade [the placing of ashes on a wound, RaMBaM] would not have made this [argument] from silence." [Sefer HaTurim, Yoreh De'ah 180, s.v. ומותר in *BeitYosef*]

43. Even though the work has achieved some distinction among the halachic codes, the author has not, as he remains anonymous. At the end of the preface to the work, he describes himself as "a Jew of the house of Levi of Barcelona." This has led some to argue that the anonymous author is the renown Talmudic scholar and one of the early authorities, R. Aaron haLevi of Barcelona (1235-1290). In fact, in the first printed edition of the work, Venice 1523, the title page bears the epithet "written by R. Aaron." The second addition further connects a R. Aaron as the author. In Mitzvah 95, after stating "the Levites my brothers," the author cites a passage from the Bible that mentions "Aaron." Recent scholarship has suggested that although it is likely that a R. Aaron from Barcelona wrote *Sefer haChinuch*, it is not the R. Aaron haLevi. [Charles Wengrov, trans. *Sefer HaHinnuch: The Book of [Mitzvah] Education.* Vol. 1 (Jerusalem/New York: Feldheim Publishers, 1978) pp. vii-viii]

ambiguity of RaMBaM, connecting culpability to *intent* as well as to *purpose*. As it is written in Mitzvah 253:

שלא לכתוב בבשרינו כתובת קעקע, שנאמר וכתובת קעקע לא תתנו והענין הוא כמו שעושין היום[44](בבשרכם) [בכם] (ויקרא יט, כח). הישמעאלים שכותבים בבשרם כתב מחוקה ותקוע שאינו נמחק לעולם, ואין החיוב אלא בכתב חקוק ורשום בדיו או בכחול או בשאר צבעונין הרושמין. וכן אמרו במכות, קעקע ולא כתב, כלומר שלא רשמו בצבע, כתב ולא קעקע ,כלומר שרשם בשרו בצבע אבל לא עשה שריטה בבשרו, אינו חייב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם.

משרשי המצוה מה שכתבנו בהקפת הראש ובהשחתת זקן סמוך, להרחקת כל ענייני עבודה זדה מגופינו ומבין עינינו. וגם זה מן השורש הזה בעצמו שהיה מנהג הגויים שרושמים עצמם לעבודה זרה שלהם, כלומר שהוא עבד נמכר לה ומורשם לעבודתה.

מדיני המצוה מה שאמרו ז״ל שכל מקום שבגוף בין מגולה בין מכוסה בבגדים בכלל איסור זה. ויתר פרטיה בסוף מסכת מכות.

ונוהגת בכל מקום ובכל זמן בזכרים ונקבות. ועובר על זה וכתב אפילו אות אחת בכל מקום שבגופו כעניין זה שאמרנו שהיה חקוק ורשום באחד ממיני הצבעין הרושמין לוקה, ואם ושמו בו אחרים אינו לוקה אלא אם כן סייע, מן הכלל הידוע לאו שאין בו מעשה אין לוקין עליו.

We should not write in our flesh a *ketovet ka'aka* (incised writing), as it is stated, "Nor shall you incise marks on yourselves," (Lev. 19:28), for this matter is like the Ishmaelites do today.[45] The Ishmaelites inscribe in their flesh a permanent, adhered writing that can never be erased. One is only culpable for engraved writing marked with [black] ink, or with blue dye or with whatever other color leaves a mark. Thus it was taught in *Makkot*: "If one incised [the skin], but did

44. "בכם" and "בבשרכו" possibly represent variant texts. In some renditions the Biblical verse of Leviticus 19:28 reads, "...nor shall you incise marks on yourself (בכם)." Others render the same verse, "...nor shall you incise marks on your flesh (בבשרכם)."

45. "Ishmaelites," is often code in rabbinic literature for the ethnic group of Arabs or Bedouins. See Jastrow, *A Dictionary of the Targum*, p. 600

not write - as if to say he did not mark it with color - or, if he wrote, but did not incise [the skin] - as if to say he marked his skin with color, but did not make an incision in his flesh - he is not culpable [for punishment under the prohibition], until he writes and incises with [black] ink or blue dye or with anything that makes a mark.

At the root of the commandment lies the purpose we wrote in the nearby section about rounding off the head and shaving the beard with a razor:[46] to remove all matters of idolatry from our bodies and from [the mind] between our eyes.[47] This too is for that reason, as it was a custom of the *goyim*[48] that they would [thus] mark themselves for their idol-worship - as if to say that he was a slave dedicated to it, and marked for its service.[49]

Among the laws of the commandment, there is what the sages of blessed memory said: "That every area of the body, whether generally exposed or covered by clothing, is included under the prohibition." The rest of its details are toward the end of the tractate *Makkot*.

It is in effect everywhere, at all times, for both man and woman. If a person violates it and inscribes even one letter anywhere on his body in the manner we have stated - engraved and written with one of the kinds of color matter that leaves a mark - he should be given lashes. If others so marked him, he is not to be whipped, unless he assisted - this by the known rule: a negative precept (i.e. "thou shall not"), involving no deed [in its violation], one is not given lashes.[50]

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46. The nearby section being referred to is Mitzvah numbers 251 and 252.

47. I have added the words "the mind" into the translation, because the anonymous author began this section by directing the reader to the nearby section (see previous footnote) for the root of the precept. There it is written that the permanent mark "is a constant reminder of the transgression." Therefore, while one may have chosen to translate *Sefer haChinuch* more literally here, my addition is fitting to the author's intent. Clearly, this section was intended to provide both the physical as well as the cognitive underpinnings of the prohibition. By adding "the mind" I have made this clearer to the reader of the translation who does not have the nearby sections readily available.

48. I am choosing not to translate this word in the section above, in order to allow the reader to intuit the tone of its meaning for him/herself. Throughout history the implications of the word have changed from neutral to pejorative. I tend to read it here as simply "other nations," while Charles Wengrov translates it as "heathens." [Charles Wengrov, trans. *Sefer HaHinnuch: The Book of [Mitzvah] Education*. Vol. 1 (Jerusalem/New York: Feldheim Publishers, 1978) pp. vii-viii]

49. *Mishneh Torah*, Laws Against Idol Worship 12:11

50. BT *Sanhedrin* 63b

Summarizing much of the explications made by previous codifiers, the anonymous author begins by informing the reader of the basis of the commandment. In line with the received tradition, *Sefer haChinuch* points to Leviticus 19:28 as its Biblical source and the Babylonian Talmud, *Makkot* 21a, for much of its rabbinic understanding. In brief, a *ketovet ka'aka* in its most basic sense is a mark made by both writing with an indelible material and incising that material into the skin as to be indelible. Even as it recapitulates the definition, *Sefer haChinuch* appends the classic rabbinic discussion on tattooing with four additional points concerning placement, content, enforcement, and purpose.

Regarding placement, Maimonides had concluded that on "any part of the body" a tattoo is forbidden. It therefore begs the question: Why does *Sefer haChinuch* add "whether generally exposed or covered by clothing?" One possibility is that certain individuals may have attempted to circumvent the law or elude punishment by hiding their transgression under clothing. After all, depending on social contexts, tattoos are not always so ostentatious. For example, the small cross tattooed on the inside of the wrist by the Copts, as noted by Maimonides, was intended to be inconspicuous. Thus, "every area of the body, whether generally exposed or covered by clothing," closes the potential loophole in the legality of where the mark may or may not be placed.

The second major consideration presented in *Sefer haChinuch* regards the content of the tattoo. Up to this point, content had been relegated as a minor concern for the rabbinic sages. Initially, the *tanna kamma*'s statement in the *Mishnah* regarded a *ketovet ka'aka* as any mark. Then, according to Rabbi Shimon, it was considered to be the Name of God. Later, in the *Gemara* section of the Babylonian Talmud, it was understood to be the name

of a deity other than God. However, here in *Sefer haChinuch*, it states that one violates the prohibition if he or she marks "even one letter."

One may read "even one letter" figuratively. As if to say, "even the slightest mark" is prohibited, a claim which supports the *tanna kamma*'s position. On the other hand, it may be read very literally. One transgresses the *halachah* only if a letter is tattooed on the skin, thus excusing any tattoo that is graphic in nature. To surmise the exact intent of the writer is difficult, to say the least. In fact, the intended message of "even one letter" may reside in the middle of these two extreme modes of interpretation. A "letter" implies meaning. Thus, it may be the case that any tattoo, whether pictorial or scriptural in nature, is prohibited because both connote meaning. This would explain Rav Ashi's position from the BT, who insisted that ashes placed upon a wound are not sufficient grounds for culpability. Why? According to *Sefer haChinuch* it is because such marks do not elucidate meaning, especially regarding the message of idolatry.

Still, the possibility exists, "even one letter" speaks not to the content of the tattoo, but to the nature of the act. In the prohibition of writing on Shabbat, one is not culpable for punishment until one writes with two letters.[51] Since one is culpable for "even one letter" in the prohibition against tattooing, one may erroneously think that tattoos are more halachicly offensive that desecrating the laws of Shabbat.[52] This is not the case. To write in the rabbinic period was simply a matter of applying ink to paper or paper-like material. One could quickly pick up a utensil for the purpose of writing, only to recall the

51. *Mishnah, Shabbat* 7:2

52. Believing that tattooing is worse than profaning the Shabbat is expressed in the responsa of Orthodox and Conservative Judaism in the modern period. It arises as an issue in the modern times however, not as a mistaken conclusion from this halachic dispute over the writing on Shabbat, but because of the indelible nature of tattoos. Since transgressing *ketovet ka'aka* leaves a permanent reminder of the transgression and profaning Shabbat does not, it is felt that tattooing is halachicly worse.

prohibition of writing on Shabbat after the first mark but before the second one is made. Thus, "two letters" represents a type of halachic insurance, a safeguard to protect as many people as possible from culpability in an inadvertent act of writing on Shabbat.

Tattooing, however, involves more than just a quick dip of ink. It also involves the act of incising. The rabbis do not give tattooing the same consideration as writing on Shabbat because either the more complex nature of the act assumes the individual will have ample time to consider the ramifications of the prohibition, or each act – incising and writing – is considered in itself an act of writing. Thus, in one act and individual makes two marks, incising and writing, reaching the mandated maximum of marks and consigning him/her to punishment.[53]

The third consideration in the development of the *halachah* on tattooing in *Sefer haChinuch* pertains to the time and place in which the law is enforced. In case one may believe that this law is only relevant to one living in the Land of Israel or at a time when the Temple in Jerusalem is standing, the author of *Sefer haChinuch* stamps an eternal seal on the *halachah*. He writes, "It is in effect everywhere and at all times."

Even with *Sefer haChinuch*'s illumination of previous halachic works, an answer to the enduring question of culpability does not come until the anonymous author fully utilizes his creative license. Supporting the prohibition with its conceptual and philosophical underpinnings, the author states explicitly that the purpose of the Biblical injunction was to warn Jews "to remove all matters of idolatry from our bodies and from [the mind] between our eyes." The previously established association between tattooing and idolatry

53. This assertion is supported by RaSHI, who commented in the BT *Makkot* 21a, "It is forbidden to write any writing at all on the flesh. In this manner it is thus a restrictive decree of writing."

is not limited to a physical act. *Sefer haChinuch* further correlates the affect of an idolatrous mark on the body with an indelible mark left upon the mind.

In considering the cognitive ramifications of the prohibition, it is clear that the author of *Sefer haChinuch* grasped the complex nature of corporal marks, which are multi-vocal. As with all corporal marks, tattoos speak not only to the community in a multitude of ways, but they also speak to the bearer of the mark. Obviously, forbidding a permanent mark on the skin wipes away any residual sign of submission to the illicit act of idol worship to the community. But, with no residual sign left on the body, the individual is also free from the idolatrous message, able to move on from the path of profanity to a path of holiness with greater ease. As the words of Mitzvah 251 state, "The admonition was given explicitly about this matter that people do to their physical selves as it is a constant reminder of the transgression." Forbidding a tattoo prevents a reverberating echo of the physical act from forever being heard in the transgressor's mind.

Through the philosophical underpinnings, presented for this first time in the halachic discourse, the author of *Sefer haChinuch* directs us towards a more limited definition of *ketovet ka'aka*. It is not the presence of the mark, nor even the content of the mark, that constitutes a violation of the prohibition. Rather, the culprit of culpability lies in the intentional act of incising and writing commenced for the specific *purpose* of idolatry.

Asheri:

While *Sefer haChinuch* provided a more comprehensive look at the Jewish guidelines for engaging in the practice of tattooing, not all arguments in the discussion were resolved. The question from the *Gemara* of BT *Makkot* 21a remained: Is placing ashes upon a

wound in order to heal it prohibited, exempted, or permitted? As a result of the author's work in *Sefer haChinuch*, which linked culpability of the prohibition to a mark made intentionally for idolatrous purposes, this dispute is finally adjudicated in the subsequent authoritative work of the *Asheri*.[54]

> הכתוב כתובת קעקע, כתב ולא קעקע, קעקע ולא כתב, אינו חיב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם. רבי שמעון בן יהודה משום רבי שמעון אומר, אינו חיב עד שיכתוב שם השם, שנאמר (ויקרא יט) וכתובת קעקע לא תתנו בבשרכם[55] אני ה': אמר ליה רב אחא בריה דרבא לרב אשי (אימא) עד דיכתוב אני ה' ממש אמר ליה לא כדתני בר קפרא אין חייב עד שיכתוב שם עבודת כוכבים שנאמר וכתובת קעקע לא תתנו בבשרכם אני ה' ולא אחר: אמר רב מלכיו[56] אמר רב אדא בר אהבה אסור לו לאדם שיתן אפר מקלה על גבי מכתו מפני שנראה ככתובת קעקע רב ביבי בר אביי קפיד אפילו אריבדא דכוסילתא רב אשי אמר כל מקום שיש שם מכם מכתו מוכחת עליו והלכהא כרב אשי דבתראה הוא:
>
> If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it in the skin], or incised [the skin] but did not write, he is not culpable until he writes and incises [into the skin, whether] with [black] ink or blue dye or anything that leaves a mark. [But,] Rabbi Shimon ben Yehudah [disagrees] saying in the name of Rabbi Shimon: One is not culpable unless he writes [and incises] there the Name [of God], for it was written: "You shall not incise writing on your flesh:[57] I am the LORD," (Lev. 19:28).

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54. Written by Asher ben Yechiel, (a.k.a. Rabbenu Asher or ROSH, 1259-1328 C.E), the *Asheri* presents an edited version of the Talmudic discussion: cutting the superfluous, presenting the essential and even concisely stating halachic decisions. The *Asheri* resembles *Sefer haHalachot*, the work of Isaac ben Jacob haCohen Alfasi (the "Rif"). But, it differs in quoting later authorities like: Maimonides, the Tosafists and the "Rif" himself. Rabbenu Asher's work superseded Alfasi's within a short time and has been printed with almost every edition of the Talmud since its publication. As stated, one reason for this prosperity is that the ROSH did not shy away from concluding *halachot*. For this reason, I am not presenting *Sefer haHalachot*, for it adds nothing to the discussion on tattooing. [Elon, *Jewish Law*, pp. 1251-1253]

55. See footnote 44

56. Not only does Rabbenu Asher decide halachic matters, he also clarifies the confusion that erupted in the *Gemara* passage of *Makkot* 21a. The statement about the ashes on the wound was not said by Malkiya, rather it was stated by Malkiyo. Asher received this understanding of the tradition from the Rif, who had already written it in his *Sefer haHalichot*.

57. See footnote 44

> Rav Acha the son of Rava asked Rav Ashi: "[Does Rabbi Shimon ben Yehudah in the name of Rabbi Shimon] really [mean that one is not culpable] unless he will write the specific words: 'I am the LORD'?" [Rav Ashi] said to him: "No. As Bar Kappara taught in a *baraita*: One is not culpable until he writes the name of idolatry [i.e. a pagan deity]. As it is said [in Scripture]: 'And you shall not incise marks on your flesh: I am the LORD,' (Lev. 19:28). [The implication for these final words is] I am the LORD and no other."
>
> Rav Malkiyo said in the name of Rav Adda bar Ahavah: "A person is forbidden to put ashes on his wound [to heal it], because it appears like a tattoo.[58] [The ashes will leave a mark in the skin after the wound is healed.] Rav Bibi bar Abaye was careful [not to place ashes] even on the puncture made by a lancet. Rav Ashi [disagrees] saying: "Wherever there is a wound, the wound shows his [intention of healing]." ***The law is according to Rav Ashi as he taught it.***

While most of the Asheri is just a scribal copy of the Talmudic discussion, neither in the Talmud nor in any other previous code of *halachah* is a conclusion presented in the dispute between the opinions of Rav Ashi (who permitted placing ashes on a wound) and Rav Malkiyo (who prohibited placing ashes on a wound). It is only here in the *Asheri* that a conclusion is finally reached: "The law is according to Rav Ashi as he taught it."[59]

With Rabbenu Asher's one sentence, a dispute that spanned roughly 400 years through various halachic works was finally addressed. Undoubtedly influenced by the efforts of these previous rabbinic authorities, particularly *Sefer haChinuch*, the ROSH ruled that the onus of the prohibition resided in a deliberate act *and* purpose, not just in the presence of

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58. See footnote 56

59. The Tosafists, writing in the twelfth and thirteenth centuries, had concluded this (see BT *Makkot* 21a, s.v. רב) slightly before Rabbenu Asher, who writes in the late thirteenth and early fourteenth centuries. Therefore, the ROSH is not necessarily determining the *halachah*. He is rather bringing the halachic tradition preserved in the Ashkenazi source into the Sephardic halachic material. [In a discussion with Dr. Mark Washofsky on 4 November 2008.]

the mark.[60] Tattooing, as understood by the ROSH, was intimately involved in idolatry and the corporal sign that remains speaks of the forbidden practice. As the wound does not present a message of idolatry, Rav Ashi's position was ruled the correct teaching: placing ashes on a wound for the purpose of healing is not אסור (prohibited). Yet is such a mark permitted or exempted from the conditions of culpability? The ambiguity that lingers emanates from the ill-defined ruling: "the *halachah* is according to Rav Ashi." Void of key legal terms, such as מותר (permitted), or פטור (exempt), variant interpretations were bound to arise.

Sefer haTurim:

To elucidate the residual ambiguity and reconcile the potential variant interpretations that may abound, Asher ben Yechiel's son, Jacob ben Asher (Ba'al haTurim, 1270-1343 C.E.) wrote *Sefer haTurim*, ensuring a measure of uniformity for the Jewish community.[61] In his attempt to provide an all inclusive yet manageable system of law, Jacob ben Asher did not follow the structure of the Talmud, nor did he adopt an arbitrary pattern of organization. Instead, *Sefer haTurim* is organized according to subject matter. The prohibition on tattooing is thus entangled with the halachic concerns over "cutting" and "shaving" as all three come under the inclusive category of "Laws against Idolatrous

60. According to the *Nimukei Yosef*, the 14th century C.E. commentary on Alfasi's *Sefer haHalachot*, the reason the *halachah* is according to Rav Ashi is because, "he is the last authority mentioned [in the Talmudic discussion]," fulfilling the rabbinic principle of *hilcheta ke-vatra-ei* (i.e., the law is in accordance with the views of the later authorities). This may have very well been the basis for Rabbenu Asher's conclusion. I am simply arguing that it is just as likely that Rabbenu Asher derived his opinion from the precedents set in the previous sources, rather than simply falling back on this rabbinic legal principle.

61. As Jacob ben Asher acknowledged, "Legal analysis has deteriorated, opinions have proliferated, and conflicts of authority abound. There is no longer any clear and undisputed law, so that many wonder about to seek the work of the LORD but cannot find it. Therefore, my ideas and thoughts stirred me to consider the statements...and understand the books and their words of their authors...and I determined to compose a work on the subject of religious law and all other matter needed at this time." [Elon, *Jewish Law*, p. 1280 – citation is a translation of Ba'al haTurim's introduction to Yoreh De'ah.]

Practices." Presented below is an excerpt from this category, pertaining to the material on tattooing only.[62] It is found in *Yoreh De'ah, Hilchot Ketovet Ka'aka* 180.

> כתובת קעקע מחוקי העובדי כוכבים הוא. והוא שכתוב על בשרו בשריטה וממלא מקום השריטה כחול או דיו או שאר צבועונים הרושמין ובכל מקום שעשה כן על בשרו חייב בכל מה שיכתוב אפי' אינו כותב שם כו"ם. ואם עושה כן על בשר חבירו אותו שנעשה לו פטור אא"כ סייע בדבר. ומותר ליתן אפר כירה ע"ג מכתו ואין בו משום כתובת קעקע.

> *Ketovet ka'aka* is a topic from the laws [against] the rituals of the idolaters. He who writes upon his flesh with a laceration and fills the place of the laceration with blue dye, or [black] ink, or whatever color leaves a mark is culpable for every place that he makes such [a mark] upon his flesh, no matter what he writes, even if it is not the name of idolatry. If he makes such a mark on the flesh of his fellow, the same fellow that had the mark made upon him is exempt [from culpability] unless he assisted in [making] the thing. It is permitted to place hot ashes upon a wound, for it is not [included among] the laws [against] the rituals of idolaters, as is *ketovet ka'aka*.

Jacob ben Asher concisely articulated the rabbinic borders on the Jewish engagement with tattooing. First, maintaining the continuity of the received tradition, ben Asher considered tattooing an act of idolatry as he included the prohibition within the "Laws against Idolatrous Practices." Yet, he wrote, for each place one marks the mark of a *ketovet ka'aka*, "no matter what is written, whether it is the name of idolatry or not, he is culpable." Jacob ben Asher's statement is surprising. On the surface, it seems to extend the parameters of the prohibition to encompass all marks irrespective of purpose. This position would be contrary to the received tradition which – as demonstrated in the

62. For the entire section and a translation please see the addendum to the thesis. Included there is a full text and translation of all the major rabbinic texts mentioned in this chapter.

previous sections and acknowledged by ben Asher – ascribed culpability to purpose.[63] It is therefore more plausible, in view of the wider halachic perspective, that the Ba'al haTurim's words are not intended to revert back to the *tanna kamma*'s statement in the *Mishanh*, which generally prohibited any mark. Instead, ben Asher's statement may have been intended as a warning to other rabbinic authorities not to take Rav Ashi's position from BT Makkot 21a literally, aligning culpability to content. As we recall, Rav Ashi stated, "One is not culpable until he writes the name of idolatry."[64] To which, ben Asher responds, "whether it is the name of idolatry or not," culpability is determined by a mark made for the purpose of idolatry.[65]

Upon this point, Jacob ben Asher is able to clarify another ambiguous teaching of Rav Ashi. Recognizing that his father's conclusion regarding placing ashes on a wound was too vague to properly guide the Jewish community, Jacob ben Asher states explicitly, "It

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63. The only explicit exception to this general statement is in RaSHI's commentary on BT *Makkot* 21a. He wrote, "The essence of the transgression is because of the name of [a pagan deity for] idol worship. However, it is forbidden to write [on the flesh] any writing at all, even according to Rabbi Shimon. Rather for him (Rabbi Shimon) it is that culpability (i.e. punishment) does not apply [for all writing, just the tattoo of the name.]" Although the majority of the authorities will disagree, RaSHI's position is maintained as a minority opinion. Similarly, it may be argued that Jacob ben Asher is either disagreeing with the majority of the received tradition and/or siding with RaSHI and the minority opinion. However, this does not appear to be the motive of Jacob ben Asher when writing *Sefer haTurim*. As ben Asher wrote, "I decided to write a book of laws after the fashion of *Piskei ha-Rosh*, by my father, of blessed memory, which are based on the foundation laid by the great Rabbi Isaac Alfasi...so that the reader may quickly find and act in accordance with what is to be found there, not deviating from it to the right or the left," [Introduction to Tur Choshet Mishpat]. He further states, "I do not intend to include protracted proofs, but to set down the law as it has been authoritatively declared; when there are differing opinions, I will set them forth and then state my father's conclusion," [Introduction to Tur Yoreh De'ah]. According to Menachem Elon, "This is not just an expression of filial piety, but an expression of the principle of *hilkheta ka'vatra'ei*." Meaning that Jacob ben Asher was not intent on creating new law, but desired to write a collection of laws in accordance with the established majority view of the previous authorities. [Elon, *Jewish Law*, p.1284]

64. BT *Gittin* 20b

65. His position certainly gives weight to *Sefer haChinuch*'s teaching: "even one letter." It was argued that "even one letter" implied that punishment would not occur until the mark articulated meaning, particularly of idolatry, whether pictorial or scriptural.

is *permitted* to place hot ashes upon a wound."[66] What is laid out by ben Asher's statement is not an exemption. It is an outright allowance. Not of a *ketovet ka'aka*, lest one erroneously think so. Rather, what is permitted is a different corporal mark, which is similar to a *ketovet ka'aka*, but made by different means. Sure, an indelible material (i.e. ash) is placed into a laceration (i.e. a wound). But, unlike a *ketovet ka'aka*, the laceration was not intentionally made and unlike a *ketovet ka'aka* the material was not inserted for the purposes of idolatry. Therefore, the corporal mark of healing does not fit the definition of a tattoo as defined by a majority of the sages in Jewish tradition. For this reason Jacob ben Asher wrote, such a mark "is not [included among] the laws [against] the rituals of idolaters, as is *ketovet ka'aka*."

Yet, this outright permittance begs the question: Are all corporal marks not intended for idolatry permitted? Or, was this merely an exception to the general rule, exclusively for the purposes of healing?[67] Without a fuller discussion on this matter presented by Ba'al haTurim, it is hard to say. Later on in the section of "Laws against Idolatrous Practices," Jacob ben Asher writes:

> "He who lacerates his flesh is not culpable unless he will make such [a mark] on account of his dead or for the sake of idolatry... The laceration made on account of another sorrow that came to him was exempt [from culpability]."

66. Directly, Jacob ben Asher is clarifying the writing of his father. Yet, it was demonstrated in this chapter that other rabbinic authorities were also vague or completely silent in this matter, including the eminent codifier RaMBaM.

67. Surely, health considerations have always received due attention in the rabbinic discourse. Leviticus 18:5 states, "You shall keep My laws and My rules. By doing them a person may live: I am the LORD." Rabbinic tradition has understood this mandate as "we shall live by them, [implying] we should not die on their account." [BT, *Yoma* 85b and BT, *Sanhedrin* 74a] Thus, life takes precedent over the fulfillment of the commandments.

Although this particular statement is not referring specifically to the act of *ketovet ka'aka*, it can be used in a limited way to surmise that one is culpable only when one's purpose is clearly perceptible to the legal rabbinic authorities as idolatrous. It can further be postulated from the writing in *Sefer haTurim* that if one's purpose in making a mark was not idolatrous (i.e. it was "made on account of another sorrow that came to him"), then one is at the very least exempt from punishment. Such an exemption involving a *ketovet ka'aka* will be present by Joseph Caro momentarily. Yet, up to and including *Sefer haTurim* no definitive exemptions regarding alternative uses of the tattoo have been offered.[68]

Shulchan Aruch:

To bring Jacob ben Asher's teachings to light, Joseph Caro (1488-1575 C.E.) wrote a large commentary on *Sefer haTurim* called the *Beit Yosef* ("The House of Joseph"). He later condensed the commentary into an organized table of laws, which he poignantly termed the *Shulchan Aruch* ("The Set Table"). The laws regarding tattooing, which will include the first authoritative exemptions of culpability, are found in *Yoreh De'ah* 180. In total, the category includes 12 clauses, but only the first four pertain to the discussion on tattooing.[69] Joseph Caro wrote:

68. Although the *Tosefta* influenced later rabbinic authorities, by itself it is not considered authoritative. Therefore, even though it mentioned the first exemption, tattooing a slave so that he will not flee, it does not become an authoritative ruling until Joseph Caro states it in the *Beit Yosef*. Additionally, tractate *Gittin* presented a case of tattooing a *get* upon the hand of the slave. But, since *Gittin* focused on the validity of a *get* and not the prohibition of the tattoo, it is difficult to elucidate what, if any, would be the repercussions regarding the act of tattooing a *get*.

69. Similar to *Sefer haTurim*, the *Shulchan Aruch* includes within the same category of *ketovet ka'aka* laws pertaining to "lacerating" and "shaving." For a translation of the entire section, please refer to the appendix of the thesis, where one may find a copy of all the rabbinic material referenced in this chapter.

א. כתובת קעקע, היינו ששורט על בשרו וממלא מקום השריטה בחול או דיו או שאר צבעונים הרושמים.[70]

ב. אם עושה כן על בשר חבירו, אותו שנעשה לו פטור, אא"כ סייע בדבר.

ג. מותר ליתן אפר מקלה על מכתו.

ד. הרושם על עבדו שלא יברח, פטור. (ונראה דלכתחלה מיהא אסור) (ד"ע)

1. *Ketovet ka'aka* [means] that one lacerates his flesh and fills the place of the laceration with blue dye or [black] ink or whatever color leaves a mark.
2. If he makes such [a mark] on the flesh of his fellow, the same [fellow] that had the mark made upon him is exempt [from culpability] unless he assisted in [making] the thing.
3. It is permitted to place ashes upon a wound to heal it.
4. He who marks his slave, so that he will not flee, is exempt [from culpability]. (In principle, it is forbidden.)[71] (These are his [Moshe Isserles'] own words).[72]

Joseph Caro confirms the basic definition of *ketovet ka'aka* codified in the centuries of work created by previous rabbinic authorities from the *Mishnah* to *Sefer haTurim*. Summarized by Caro, the prohibition of *ketovet ka'aka* forbade the act of incising and writing (i.e. filling the place of an incision with colored material) as to leave a mark. Yet, Caro affirms in clause two, one is not punished for the *presence* of the mark or for that matter the *content* of the mark. No. Culpability was contingent upon, according to Caro's

70. In the commentary by the GeRA on the *Shulchan Aruch*, he writes, "It [i.e. בחול] should say כחול."

71. "In principle it is forbidden," was an addition by Moshe Isserles (d.1572). It meant that the action is not prohibited explicitly by the Torah, nevertheless, it ought not be committed. "Greatly impressed with Caro's work, Isserles nevertheless saw it would fail among Ashkenazi Jews of Eastern Europe unless it included and granted legitimacy to their own distinctive customs." He therefore wrote the Mapah, "Table Cloth," for Caro's "Set Table," including the Ashkenazi customs with the Sephardic ones articulated by Caro. [Barry Holtz. *Back to the Sources: Reading the Classic Jewish Texts*. (New York: Summit Books, 1984) p. 162]

72. This appears to be a later addition, implying that Isserles is the author of the previous addition of "in principle it is forbidden."

interpretation of the previous sources, *intent*: deliberately making the mark or willfully conspiring in its application.

Even so, punishment can be executed only when it is determined that one's intentional act was motivated for an idolatrous *purpose*. How is this known when it is not stated explicitly by Caro? First, this understanding is implied in Caro's confirmation of Jacob ben Asher's ruling: "It is permitted to place ashes upon a wound to heal it." As interpreted by the leading commentary on the *Shulchan Aruch*, the *Siftei Cohen*, Caro agreed with ben Asher because "he is not making [a mark] for the purpose of idolatry, rather for the [purpose of] healing a wound."[73] Therefore, the allowance of clause three is clearly reliant upon purpose. Furthermore, it is evident that Caro hangs culpability on purpose because he cracked the door of Jewish tradition a little wider to allow the first authoritative exemption to enter the halachic discourse. Solidifying the *Tosefta* position, Caro writes, "He who marks his slave so that he will not flee is exempt."[74] Although it had largely been ignored by previous rabbinic authorities, Caro recognized that the act of corporal marking a slave was germane to the discussion of tattoos from the time of the *Tosefta* onward.

Yet, restrained by the chain of tradition, Caro could not outright permit such a mark, as Jacob ben Asher did for the mark of healing. The reason is twofold. First, the slave mark is made with two intentional acts – incising and writing – transgressing the basic

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73. The *Siftei Cohen*, otherwise known as "*Shach*," was written by Shabbetai b. Meir ha-Cohen (1621-1662). [Elon, *Jewish Law*, pp. 1425-1426]

74. The *Tosefta* states, "He who makes a mark on his slave, so that he will not run away, is exempt," [*Makkot* 4:15]. In addition, BT *Gittin* 19b-20b discussed tattooing a *get* on the hand of a slave.

definition of *ketovet ka'aka* presented in clause one.[75] Second, a close association between slavery and idolatry had already been established by rabbinic authority.[76] Caro, therefore, walked a very thin line between permission and prohibition as he exempted the individual who makes the corporal mark on slaves from punishment. His successful balancing act was achieved through the stipulation, "so that he will not flee." These words clearly indicate the purpose of the slave mark. It was not made for idolatry. Rather, it was used for either proprietary or punitive reasons.[77] A similar approach, which gave due consideration to purpose, would emerge as the majority opinion in rabbinic authority as the sages adjudicated culpability under the prohibition of *ketovet ka'aka.*

However, "in principle it is forbidden," preserves a faint echo of the minority opinion which did not give consideration to the issue of purpose. Those sages which held to the minority opinion desired to prohibit the presence of all marks as long as they were made through the intentional act of writing and incising. Considering this minority opinion, *Pitchai Teshuvah* comments, "Here it [i.e. the statement - 'in principle it is forbidden'] deals with [a slave, who is] circumcised and ritually cleansed [i.e. he has entered the Jewish community]. But a slave, acquired by an Israelite, who is not circumcised and cleansed [i.e. he has not entered the Jewish community] is permitted to be tattooed, as it is permitted to lacerate the flesh among the Canaanites."[78] In this interpretation, the minority opinion was applicable only for slaves who had "converted," i.e. had been circumcised and ritually cleansed, into the Israelite society. The minority opinion,

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75. Unlike the mark of healing which was made unintentionally both in the act of incision and writing, the slave mark is made through two intentional acts - writing and incising.

76. See Maimonides' *Mishneh Torah*, Laws of Against Idol Worship 12:11

77. As presented in the previous chapter to this thesis, very similar tattoos were used on slaves to designate ownership or to provide a measure of insurance for precarious property.

78. This is a later commentary, written by Abraham Tzvi Hirsch Eisenstadt (1813-1868). [Elon, *Jewish Law*, p. 1441]

however, did not necessarily apply to those that maintained their original ethnic identity, as it appears that tattooing was not considered aversive to their cultural practices.

Conclusion:

With each subsequent generation, from the *Mishnah* and *Tosefta* in 200 C.E. to the *Shulchan Aruch* in the 16th century, the ambiguous picture of corporal marks presented in the Biblical text was brought into greater and greater focus. The tool that helped refine the picture of the Jewish engagement with tattooing during the classic rabbinic period was the *halachah*, according to which, the Biblical prohibition of *ketovet ka'aka* forbade an act of incising and writing as to leave a mark on any place of the body, whether generally exposed or not.

Furthermore, the classic rabbinic authorities determined that one cannot be punished simply for bearing the corporal mark of a tattoo. Rather, culpability is contingent upon a deliberate act of making a mark or conspiring in its application. While this position will remain the minority opinion, which forbade all marks made deliberately, most rabbinic authorities agreed that the deliberate act must result in a mark that has meaning, whether graphic or scriptural in nature. The reason it must have meaning is because the mark is a critical piece of evidence in the case of culpability. By the majority opinion, the mark must speak unequivocally to the act of idolatry in order to be punished.

If there is any degree of ambiguity in this matter, the legal grounds have been established to either (1) permit a mark when the act is not considered deliberate, therefore a purpose cannot be presumed, as was the case with ashes on a wound. Or, (2) one may be exempt from punishment when the purpose of the mark was not idolatrous, even though the act

was deliberate, as was the case of tattooing a slave. It is uncertain whether this latter exemption opens the door for other tattoos that are similarly made intentionally, but not for the purposes of idolatry to be exempt as well.

The details of the prohibition, as presented throughout the various codes of this chapter, were of great interest to the rabbinic authorities of the classic rabbinic period. Hoping that by cropping down the large-scale rabbinic discourse into a finely focused set of rules, rather than principle, the Jewish community would be able to successfully engage in the real-world issue of tattooing. These rules were not just intended to help the Jewish community of the classic rabbinic period. They were intended to be an eternal guide to all Jews. As it was stated, the prohibition "is in effect everywhere, at all times."[79] Nevertheless, as it will be explored in the following chapter, these finely articulated rules of law may have limits, as modern *poskim* revert to principle, in part, to address tattoos and the act of tattooing amongst Jews in the modern era.

79. *Sefer HaChinuch, Mitzvah* 253.

Framing the Picture:

Setting the Prohibition on Tattooing into the Modern Period[1]

Introduction:

Judaism frames the classic rabbinic prohibition with its modern implications by applying the traditional language to contemporary circumstances. Although approaches to the traditional material vary, the contemporary applicability of the prohibition is upheld by all three major movements of American Judaism: Orthodox, Conservative, and Reform. Therefore, more important than understanding the conclusion of each movement, this chapter will analyze the processes of the modern rabbinic authorities as they address the challenges modern tattooing poses to the traditional prohibition.

According to the classic rabbinic authorities, who refined the Biblical prohibition into a finely articulated set of rules, the traditional prohibition forbade the intentional act of incising and writing for the sole purpose of idolatry. If any uncertainty was associated with either intent or purpose, culpability could not be determined. In a case where one's intent was ambiguous (i.e. it could not be definitively proven an indelible mark was made deliberately), the act as well as the resulting mark was outright permitted (as was the case with ashes upon a wound). However, if there was a case where the act of tattooing could be proven deliberate, but the purpose could not be definitively ascertained as idolatrous, then one was exempt from punishment (as was the case with tattooing a slave).

There are no responsa from the pre-modern rabbinic period on this topic that would substantiate whether the cases presented in the traditional discourse were authentic or hypothetical. One could argue the responsa don't exist, because although inquires were

1. I am appreciative of the rabbis of all movements who have come before me, to whom I am indebted to for their work on the issue of tattooing. I draw upon their responsa for the work of this chapter.

made neither the original question nor the answer survive.[2] It may also be likely the stipulations on the prohibition, as laid out by the classic rabbinic authorities, were clearly understood. With no conflict, there was no need for further inquiries.[3] Alternatively, it may also be the case that there are no responsa, because tattooing in the classic and pre-modern rabbinic periods was indeed only a hypothetical scenario.[4]

The same, however, cannot be said of today's Jewish community. Jews in the modern era, from all walks of life, are not only contemplating being tattooed, they are tattooed and even excel as tattoo artists.[5] As it was presented in the introduction to the thesis, the image of the tattoo has shifted. No longer are tattoos earmarks of idolatry or of an idolater, as was understood by the classic rabbinic authorities.[6] Rather, the tattoo with which the modern Jew engages is most often perceived as a decal on the vehicle of the

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2. Responsa (singular form – responsum) is a rabbinic term denoting exchanges of correspondence between a halachic authority and a Jewish community or communities. There is some allusion to this form of halachic discourse in the Talmud: BT, Yevamot 105a and BT Sanhedrin 29a. It was not until the Geonic Period, however, in which this brand of halachic writing took on its most important role. "In the middle of the Geonic period it played a decisive part in the process of disseminating the Oral Law and establishing the Babylonian Talmud as the sole authority in the life of the Jewish people, who were becoming ever more widely dispersed as a result of the Islamic conquests." [Shlomo Tal. "Responsa." *Encyclopedia Judaica*. Vol. 14. (Jerusalem: Keter Publishing House Jerusalem Ltd., 1972) p.83-95] Responsa on tattooing from the pre-modern rabbinic period may not have survived for a number of reasons: climate conditions, historical conflicts, or even as matter of priority as one topic may have seem more vital to preserve than another.

3. This theory does not make an assumption of the community's understanding of the prohibition of *ketovet ka'aka* one way or the other, whether they understood that all tattoos were forbidden or accepted. It simply asserts that an absence of responsa on this issue could be indicative that the Jewish community, by any way they interpreted the prohibition, raised no issued regarding its clauses.

4. This assumption requires additional research that will not be presented in this thesis. However, it has been shown that Jews were tattooing their slaves in the fifth century B.C.E. (see chapter 2). It is possible that a cessation in the practice did occur in the Jewish community at some period thereafter. But, is it reasonable to presume that all Jews, in all lands, stopped the practice simply because an insular group of rabbinic sages (which gradual grew more authoritative) said it should not be done in some cases?

5. Ami James is an Israeli born Jew and co-owner of South Beach's famous ink parlor, Miami Ink. James also stars in The Learning Channel's (TLC) hit reality T.V. show by the same name. In fall of 2007 it was recognized as one of TLC's hit shows, with two successful spin off series LA Ink and London Ink. [Marcie Somers. *Heeb Magazine: The Chosen Issue*. No. 14 (New York: Heeb Media, Fall 2007) p.18] This phenomenon is not limited to America. Throughout Israel, tattoo parlors have sprung up including in the heart of the Jewish world, Jerusalem. For example, on Hillel Street in Jerusalem, one can find a thriving tattoo parlor called Bizzart Tattoo & Body Piercing Studio.

6. "At the root of the precept lies the purpose...to remove all matters of idolatry from our bodies." *Sefer haChinuch*, Mitzvah 253

human body, placed there for purposes of self-expression and adornment.[7] Detached from its traditional context, this modern tattoo presents a challenge to the basic rabbinic understanding of tattooing as defined by the classic rabbinic authorities and the eternal seal set on its prohibition: "it is in effect everywhere, at all times."[8]

Attempting to validate the eternal seal set on the prohibition, modern rabbinic authorities or committees of rabbinic authorities known as *poskim,* mitigate the dilemmas spawned by modernity from the standpoint of *halachah.*[9] Rather than assembling new codes of Jewish law, these modern rabbinic authorities present interpretations of the classic rabbinic definition on tattooing through the literary vehicle of responsa, also known as שאלות ותשובות (questions and responses). More important than the interpretations of these traditional sources are the implications the interpretations have on contemporary circumstances involving Jews and tattoos.

This chapter will present responsa on the topic of tattooing from the three major contemporary Jewish movements in America: Orthodox, Conservative, and Reform.[10] It could be argued that there is no need to delineate the presentation of responsa by movement, because a rabbi is a rabbi is a rabbi. While that is certainly a fair assessment, each movement does not teach or guide its rabbis to approach the Biblical and classic

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7. The Pew Research center's results support the claim of tattoos growing modus operandi as a mark of personal adornment. According to the report, "Generation Nexters are not afraid to express themselves through their appearance. About half of them (54%) have either gotten a tattoo, dyed their hair an untraditional color, or had a body piercing in a place other than their ear lobe. Among those three, tattoos are the most popular form of [self] expression." As all Americans, in can be surmised that the dominant mode of the tattoo on Jews is likewise a statement of self-expression. [Kohut, Andrew (director). "How Young People View Their Lives, Futures, and Politics: A Portrait of Generation Next." (Washington D.C.: The Pew Research Center, 9 January 2007).] Also, many of the respondents in the following chapter mark themselves with a tattoo of a Jewish symbol as a way to connote Jewish pride.

8. Sefer haChinuch, Mitzvah 253

9. *Posek* (*poskim* in the plural), is a legal scholar of rabbinic texts who attempts to help Jewish individuals and/or communities to respond to contemporary situations that may or may not have halachic significance.

10. Since this chapter bases the examination of how the movements of American Judaism treat the classic rabbinic prohibition on responsa, the Reconstructionist Movement is not mentioned as it produces no responsa.

rabbinic texts in the same way. This does not mean that all rabbis within one movement will necessarily agree. In fact, many times they do not. Yet, it is presumed that *poskim* within one movement will roughly share the same assumptions and presumptions regarding the Biblical and rabbinic texts than will rabbis from different movements. For this reason it is not only convenient but pragmatic for the presentation of the modern responsa in this chapter to be presented according to movement.

While the approach to the traditional material distinguishes the various movements of American Judaism from one another, their conclusions do not. All movements eventually arrive at the same point: the classic rabbinic prohibition applies to modern tattooing. Therefore, in order to continue to reveal the picture of Jewish engagement with tattooing, this chapter will focus on process, analyzing *how* the three movements of modern Judaism in America deal with the specific challenges modern tattooing poses to the classic rabbinic prohibition.

(1) Do the *poskim* acknowledge a difference between the tattoo of the Bible and classic rabbinic period with the tattoo of today's western society?

(2) If so, to what extent do the *poskim* utilize the rules of law as developed by the classic rabbinic authorities and to what extent do they use the principles of law found in the wider halachic discourse to ensure that the prohibition applies to modern tattooing.[11]

Through an analysis of the traditional language as it is found in the responsa from the various movements, this chapter offers a revealing look into the Orthodox, Conservative,

11. "Such is the way of Torah. After it lists certain prohibitions, it includes them all in a general precept." [RaMBaN's Commentary on Leviticus 19:2, "You shall be holy."] The purpose of this legal and literary device was to allow a general warning to cover a great many minute matters. In the words of RaMBaN (a.k.a. Nachmanides / RaMBaN, ca. 1194-1270), "Although there are rules of rabbinic origin, Scripture's main intention [of providing principles] was to [generally] warn us of such matters." [RaMBaN's Commentary on Leviticus 19:2, "You shall be holy."]

and Reform Jewish engagement with tattooing, as they set the prohibition into the frame of the modern period.

Orthodox Movement:

Even in the self-segregating and encapsulated world of orthodoxy, there is some acknowledgement that outside cultural contexts have changed. Burial of a tattooed individual, the ritual of laying *tefillin* (phylacteries) by a tattooed individual, and permanent as well as semi-permanent cosmetics are all addressed in the responsa of the Orthodox Movement.[12] Speaking to the practice of tattooed makeup, Orthodox *posek* Rabbi Chaim Jachter writes, "These procedures are very tempting for observant women (especially those who are blessed with the task of caring for young children) as it saves time and avoids the problem of applying makeup on Shabbat."[13] Yet, Rabbi Jachter notes, "even if one were to argue that cosmetic surgery is permitted for reasons of convenience, applying permanent makeup might be prohibited because of the prohibition of *ketovet ka'aka*."[14]

For some Orthodox *poskim*, the prohibition of *ketovet ka'aka* in the Torah is enough to ensure that individuals will not engage in tattooing. Addressing Orthodox youth, Rabbi Jack Abramowitz writes, "The fact that the Torah forbids tattooing should be enough of a

12. Among all the modern Jewish movements presented in this chapter, the Orthodox movement had written to date the most responsa on the topic of tattooing. The following section takes only snippets of the responsa and organizes them according to process and issue rather than conclusions.

13. Chaim Jachter. "Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 1." *Halacha File*, Vol. 14, No. 19. (www.koltorah.org: 22-29 January 2005)

14. *Ibid.* In case it is not clear, Rabbi Jachter is arguing hypothetically. It is as if he is saying that a certain concern, like convenience, may give one reason to permit semi-permanent tattooing. Although his stance on the issue is currently ambiguous, as these are the first remarks of his *t'shuvah* (reply), by the end of the responsum his position is more definitive. Potentially, tattoos for the sake of *kevod habriyot* (which will be discussed later) will be permitted. However, in most cases, Rabbi Jachter will conclude tattooing is "inconsistent with technical Halachah as well as fundamental Torah values," (part 3).

reason not to do it."[15] Orthodox adults are receiving the same message. Responding to a question on burial, an Aish rabbi writes, "Whether or not someone with a tattoo can be buried in a Jewish graveyard is not even a question in your case. Since Jewish law prohibits tattooing in the first place, surely your husband will not get one."[16] Although the Orthodox world is confronted with questions regarding the modern application of tattoos, these responses deny any cultural change has occurred from the Bible until today.

For other Orthodox *poskim*, it is not enough to say what was good for the ancient Israelite is good for the modern Jew. Rabbi Jachter writes, "Similar to countless other contemporary halachic issues, this modern innovation compels *poskim* to rigorously define the parameters of *kitovet ka'aka*, even more so than was done in previous generations."[17] In other words, Rabbi Jachter advocates a process by which the Orthodox Movement addresses contemporary issues through a continued development of the traditional discourse on the prohibition. In most instances, this can and will be accomplished through direct engagement in the rules of law developed in the classic rabbinic definition of *ketovet ka'aka*. At other times, however, the Orthodox *posek* will rely upon rabbinic principles, not germane to the particular topic of tattooing but still relevant to the greater halachic discourse. Through these two methods, Orthodox *poskim* ensure that the classic prohibition on tattooing still applies to the nuances generated by modernity.

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15. Jack Abramowitz. "Tattoos." *Protecting Your Life: Eating Disorders, Drugs, Cutting, Suicide, and Other Body Issues*. (New York: NCSY Press).
16. "Body Paint." Aish Responsum: 27 January 2000. www.aish.com/rabbi
17. Jachter, "Permanent – Part 1."

The first method of the Orthodox *posek* is to engage directly in the classic rabbinic discussion of *ketovet ka'aka* in order to encompass modern innovations of tattooing within the prohibition. This is not done through any dramatic act of intellectual force. Rather, by identifying subtle discrepancies between the positions of the classic rabbinic authorities or the unusual silence in their writings, Orthodox *poskim* of the modern period find ample room to extend the rules of law to address a wide range of contemporary issues related to indelibility, application, and intent.

Indelibility (i.e. how long the tattoo mark will last) is considered among modern *poskim* a serious issue for the Orthodox world. In a way the indelibility of the mark represents for the Orthodox Jew a constant obstacle on the path of a religious life, for in its very presence it is a physical reminder of the previous path of transgression.[18] In one responsa, a *ba'al t'shuvah* from California asks:[19]

> "Is it permissible for me to put *tefillin* on my left bicep over a tattoo of the devil riding a motorcycle? Perhaps it would be better to put the *tefillin* on my right arm instead?"[20]

To which the Orthodox *posek*, Rabbi David Samson, answers, "A similar question was asked of the Minchat Yitzchak, 'Could a person place *tefillin* over a tattoo of a naked woman on his left bicep?'"[21] Utilizing the precedent, Rabbi Samson advises the

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18. This concern was similarly raised by the author of *Sefer haChinuch* back in the 13th century when he wrote, "The admonition was given explicitly about this matter that people do to their physical selves as it is a constant reminder of the transgression." [Mitzvah 251].

19. A *ba'al t'shuvah* is a traditional term designed for an individual who had maintained a life without adhering to the traditional understanding of the *halachah* and then began to do so.

20. Samson, "Tattoos."

21. Samson, "Tattoos." Minchat Yitzchak is also known as Rabbi Yitzchak Yaakov Weiss. The particular *t'shuvah* being referenced is *Minchat Yitzchak*, vol. 3, no. 11. According to Dr. Washofsky's reading of Rabbi Weiss' *t'shuvah*, "he's more concerned with the fact that the image is of a naked women...[and] the requirement that the תפילין של יד be placed on one's 'weaker' arm,"

individual to "cover up as much of the tattoo as he can with his shirtsleeve and not look in its direction when he recites the blessing over the *tefillin*."[22] Although indelible, by covering it up or looking the other way it is hoped that at least symbolically one may overcome this obstacle and remain on the path of holiness.[23]

To more thoroughly address the contemporary challenge indelibility poses to one's religious path, Orthodox *poskim* must manipulate the positions of the classic rabbinic authorities found in the traditional texts to answer the question: How long must a tattoo last in order to be culpable? Answering this question is not as simple as it appears, for the classic rabbinic texts do not present a unified picture on indelibility. For example, RaSHI wrote that "a tattoo cannot ever (לעולם) be erased."[24] However, another classic rabbinic authority, the *Nimukie Yosef*, defined the tattoo not as permanent but simply a mark that must last "a long time."[25] From the incongruity, modern *poskim* of the Orthodox Movement gently extend the classic rabbinic definition of *ketovet ka'aka* to address the concern of indelibility. Rabbi Natan Gestetner suggests, "When RaSHI writes לעולם, RaSHI does not mean 'forever' literally...RaSHI means 'for a long period of time.'"[26] As such, Rabbi Gestetner arbitrarily rules, "three years is considered 'a long time' and thus

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rather than - Dr. Washofsky goes on to say - "relat[ing] to the prohibition in his analysis of the question." Nevertheless, that does not seem to prevent Rabbi Samson from procuring Weiss' answer to fit a similar case, this time as it does relate to the prohibition on tattooing. [Dr. Washofsky's notes on this topic are contained in a personal e-mail correspondence to the author of this thesis, received 1 January 2009.]

22. Samson, "Tattoos."

23. Unlike the religious tone of the argument presented above, Rabbi Jack Abramowitz attempts to make the issue of permanence applicable to youth from a purely practical standpoint. He teaches, "Styles change. Just look at your parents' pictures from high school or college. Would you want their old clothing or hair styles permanently bonded to you? Similarly, why indelibly etch a picture on yourself? It might not seem like such a good idea a year or five years from now." [Abramowitz, "Tattoos."]

24. RaSHI's Commentary on BT Gittin 20b, s.v. כתובת קעקע

25. *Nimukei Yosef* commentary on BT Makkot 21a, s.v. עד שיכתוב ויקעקע

26. Rabbi Natan Gestetner is a modern *posek* from B'nai B'rak in Israel. The information cited by Rabbi Jachter comes from Gestetner's *Teshuvot Lihorot Natan*, 10:64. [Jachter,"Permanent – Part 1."]

even semi-permanent...tattooing that last for three years might be Biblically prohibited."[27] Rabbi Shraga Shneebalg,[28] however, disagrees with Rabbi Gestetner's harmonization. Relying upon RaSHI's literal understanding of לעולם as "forever," he interprets the Biblical prohibition against only permanent tattooed marks, thus "considering semi-permanent tattooing [merely] a rabbinic prohibition."[29] Designating indelibility as a rabbinic stipulation, rather than Biblical, provides some legal flexibility for Orthodox *poskim* when assessing culpability in modernity.

Orthodox *poskim* are forced to address another facet of culpability from the classic rabbinic texts with the advancement of scientific knowledge in the areas of technology and biology; this time as culpability relates to this issue of application. Unlike the classic rabbinic discourse, which understood the implementation of *ketovet ka'aka* as two distinct acts – incising and writing – the technological innovation of the tattoo machine allows tattoo artists to incise and insert ink in one simultaneous act. Rabbi Gestetner "understands that this is what occurs with cosmetic tattooing."[30] How then, according to the Orthodox *posek*, can the traditional discourse speak to the contemporary practice? According to RaSHI, "Tattooing begins with writing on the flesh...and afterwards he

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27. *Ibid.*

28. Rabbi Shraga Shneebalg is a modern *posek* from the Orthodox movement in London. The work cited here and elsewhere in this section come from his, *Teshuvot Shraga HaMeir* 8:44-45.

29. The grounds to make such a claim are pontificated from the classic rabbinic debate over the ashes placed upon a wound. According to Rabbi Shneebalg, the resulting mark would "undoubtedly be classified as temporary... The fact that the *Gemara* [a rabbinic text] even raises the possibility of regarding such a mark as *ketovet ka'aka* proves that one violates at least a rabbinic prohibition even if the mark does not last forever."[*Ibid.*] Rabbi David Samson, another Orthodox posek, concurs, writing: "The Torah allows for medication to be put on a wound even though it dyes the skin for a period of time... While it is not specified why the wound makes the dyeing of the skin okay, the temporary nature of the process is the major consideration of the rabbis deciding the law." [David Samson. "Tattoos are not for Jews." Elul 5762. www.yeshiva.org.il]

30. Chaim Jachter. "Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 2." *Halacha File*, Vol. 14, No. 20. (www.koltorah.org: 5 February 2005).

incises the flesh with a needle or knife."[31] RaMBaM, describing the opposite order, writes: "Tattooing, as mentioned in the Torah, consist in cutting the flesh, then filling the cut with blue pigment, ink, or with whatever color leaves a mark."[32] Because both interpretations of the order of application are articulated without refutation, Rabbi Gestetner rules one could "violate the Biblical prohibition even if the writing and cutting occur simultaneously."[33]

Scientific advancements generated another challenge to the application stipulation within the classic rabbinic definition of *ketovet ka'aka* for the Orthodox *posek*, this time in the area of biology rather than technology. "Anatomically speaking," writes Rabbi Samson, "there are five different upper cellular layers of the skin in the body. The top four change every twenty to twenty-five days."[34] Thus, the depth of the incision at the time of application affects the indelibility of the tattoo. Could one, therefore, halachicly make a tattoo if only a temporary mark, lasting no more than a month, would be made? To prevent this interpretation, a statement from the *Shulchan Aruch* is brought to bear on the issue of application: "*Ketovet ka'aka* [means] that one שורט his flesh."[35] According to Rabbi Jachter, "שורט" can be translated as "scratching the flesh."[36] Thus, rules Rabbi Jachter, "One violates the prohibition even if the dye is inserted only immediately below

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31. Known as a literalist, RaSHI could base his interpretation on the order of the word '*ketovet ka'aka*,' since writing (*ketovet*) is preceded by incising (*ka'aka*). [RaSHI's commentary on BT Makkot 21a, s.v. כתובת קעקע] Also, this seems to be the order implicit in the *Mishnah*, which stated, "one is not culpable until one writes [then] incises." [*Mishnah*, Makkot 3:6]
32. RaMBaM, *Mishneh Torah, Hilchot Avodat Kochavim* 12:11. RaMBaM interpretation is supported in the *Nimukei Yosef* – "one tears the skin and then places ink in the same laceration, and it is marked there for a long time" – and in the Shulchan Aruch – "one lacerates his flesh and fills the place of the laceration with blue dye, [black] ink, or with whatever color which leaves a mark." [YD 180:1]
33. Jachter, "Permanent – Part 2."
34. Samson. "Tattoos."
35. YD 180:1
36. It is difficult to justify Rabbi Jachter's interpretation for שורט. Most often it is translated as "lacerating," making it unclear whether it is lacerating 1 or 10 layers.

the skin level."[37] The implication of this interpretation would clearly rule out even the most temporary of tattoos.

When made intentionally, there is no issue raised regarding the indisputable culpability of the tattoo artist in either the two acts of application, no matter in what order they were executed, or the depth of the incision. The remaining issue for the modern Orthodox *posek* is how to determine the intent, and thereby the culpability, of the one who was tattooed. Remember, according to the classic rabbinic discourse, culpability cannot be determined unless intent is conclusively ascertained. The uncertain culpable status of the tattooed individual is expressed in a question from a Holocaust survivor. He asks:

> "I have a tattoo on my left arm from the German Auschwitz camp, and I will be buried with this... I think?"[38]

Even the unimaginable horror of the Holocaust and the unprecedented level of hurt it perpetrated on the Jewish community can, according to the Orthodox Movement, be addressed and mitigated through the traditional discourse. According to RaMBaM, "[Culpability applies] to the tattooer, but the person whose flesh is tattooed upon is not culpable unless he assisted by some act."[39] Yet, nowhere in the classic rabbinic discourse is there a discussion about what the assisting act must be.

From silence, the modern Orthodox *posek* must formulate a definition of the assisting act of tattooing in order to establish intent and address the modern implications posed by the Holocaust. According to Rabbi Shneebalg for an act to constitute as an assisting act of tattooing, the tattooed individual must intentionally assist, literally, in either of the two

37. Jachter, "Permanent – Part 1."

38. "Holocaust Tattoos." Aish Responsum: 27 January 2000. www.aish.com/rabbi

39. *RaMBaM, Mishneh Torah, Hilchot Avodat Kochavim* 12:11

acts of tattooing: incising and/or writing of the indelible mark. As Rabbi Shneebalg writes, "one who has a cosmetic tattoo inscribed on his face does not assist in that process."[40] By Rabbi Shneebalg's interpretation, submission or consent is not enough to constitute an intentional act of assistance and thus the tattooed individual is not culpable. Rabbi Jachter, on the other hand, disagrees. He writes, "one who submits himself to cosmetic tattooing might violate [the prohibition, even if it is] only a rabbinic prohibition."[41] Hence, Rabbi Jachter distinguishes between the Biblical prohibition of tattooing (only the act of writing/*ketovet* and incising/*ka'aka*) and what he believes to be a rabbinic prohibition (intentionally assisting in tattooing by any means, even if it is not the by writing and/or incising). The tattoos of Holocaust survivors, by either position, are not Biblical or rabbinic transgressions as these Jews neither consented to nor assisted in the writing or incising of the coercive act of Nazi persecution.

In fact, these Holocaust tattoos – even amongst the Orthodox – are recognized as positive Jewish symbols. As an Aish rabbi, responding to the survivor's question, writes: "your tattoo is a symbol of bravery and courage to remain Jewish, despite the evils you have had to endure."[42] This position may echo the rabbinic principle already annunciated in the discussion during the classic rabbinic period. According to the Tosafists, "items forbidden to derive benefit are still valid."[43] However, as this is the only time an Orthodox *posek* treats tattoos in such a triumphant tone, this position may apply only to cases when tattooing was made under coercion or duress. Similar tattoos, done through

40. Shneebalg, *Teshuvot Shraga HaMeir,* 8:44-45, cited in Chaim Jachter. "Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 3." Halacha File, Vol. 14, No. 21. (www.koltorah.org: 5 February 2005)

41. Chaim Jachter. "Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 3." Halacha File, Vol. 14, No. 21. (www.koltorah.org: 5 February 2005).

42. *Ibid.*

43. Tosafists Commentary to BT Gittin 20b, s.v.בכתובת קעקע

personal choice for reasons of adornment or self-expression, even if motivated by a sense of Jewish pride would likely not be addressed in a similar tone.

Whether it is with the issue of intent or the other factors that determine culpability, at some point the question is raised: "Is it true that if I have a tattoo I cannot be buried in an orthodox cemetery?"[44] The assumption inherent in this and all similar questions is that culpability (i.e. the violation of the prohibition) goes hand in hand with a punishment. After all, Maimonides was the first, and as far as we know, the only classic rabbinic authority to validate this assumption, writing: "The punishment for contravention of this prohibition is whipping."[45] As whipping is no longer a punishment, Chabad posek Chani Benjaminson assures that neither is a ban on burial.[46] As he reassures his readers, "One who has a tattoo can still be buried in a Jewish cemetery."[47]

That does not mean the gates of the cemetery are open for all tattooed individuals whether marked coercively or deliberately. As Benjaminson cautions, "every Jewish burial society has the right to enact its own criteria for who may and may not be buried in their plot...[and] certain burial societies – not the majority of them or even close – will

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44. Chani Benjaminson. "Can a person with a tattoo be buried in a Jewish Cemetery?" (www.chabad.org). Chani Benjaminson is the co-director of Chabad of the South Coast and a member of the editorial staff of Chabad.org. His responsa on tattooing addressed the question: "Is it true that if I have a tattoo I cannot be buried in an orthodox cemetery? I'm not referring to Holocaust markings."

45. *Sefer HaMitzvot*, Mitzvah 41

46. Whipping or sometimes referred to in rabbinic literature as strips or flogging were implemented in the Jewish community prior to the fall of the Temple in 70 C.E. In fact, stripes are the only corporal punishment named in the Torah and the number imposed could not exceed 40 (Deut. 35:2-4). It is unclear how long they continued to be administered after the destruction of the Temple, as only a court of three ordained judges may impose the penalty of stripes. Without the centralized cult of the Temple, these judges ceased to be. And, although the courts of the Jewish colonies of Babylonia and elsewhere in the Diaspora exercised much authority, they could not sentence a man to strips according to the Torah. ["Stripes." www.jewishencyclopedia.com]

47. Chani Benjaminson. "Can a person with a tattoo be buried in a Jewish Cemetery?" (www.chabad.org).

not bury among their own a person who willingly tattooed him/herself."[48] This practice of selectively permitting or not permitting individuals for burial has contributed to the common misconception that there is a ban on burial for tattooed individuals within Jewish law. Additionally, the misconception has gained credibility among individuals of all Jewish movements because of its relative degree of effectiveness. Whether cognizant of the fabrication or not, whether motivated religiously or not, religious leaders and parents alike have continued to perpetuate this misconception because of its efficacy in preventing tattooing among the next generation.[49]

Beyond engaging directly with the classic rabbinic definition of *ketovet ka'aka*, the second method of the Orthodox *posek* to help guide the next generation in the matter of tattooing introduces rabbinic principles to the conversation. Many of these principles were not connected to the original discussion of *ketovet ka'aka* in the classic rabbinic period. Ultimately, though, they retain value in ensuring that despite the nuances modern tattoos pose to the classic rabbinic definition of *ketovet ka'aka*, the prohibition against tattooing still applies in our contemporary contexts.

Surprisingly, some rabbinic principles may actually nullify the prohibition. According to Rabbi Jachter, "there are exceptional circumstances where *halachah* tolerates the

48. *Ibid.*

49. Another reason is articulated in one of the two Reform responsa. According to Rabbi Solomon Freehof, "What concerns me, however, is the source for this strange idea. I imagine that it has a following source: The verse in Scripture, Leviticus 19:28, speaks to two separate prohibitions, one, the heathen practice of cutting slits in one's skin (self mutilation) as a mark of mourning for the dead, and in the same verse there is the prohibition for tattooing...Thus there became associated in some people's mind tattooing and the dead. This association of ideas may have led to the notion that one who commits this one sin of tattooing may not be buried in the Jewish cemetery." [Solomon B. Freehof. *Today's Reform Responsa*. (HUC Press: Cincinnati, 1990) p. 121] While Rabbi Freehof has sound reasoning, I do not believe the average individual who perpetuates the misconception has the Biblical verse of Leviticus in mind. It could be the case, however, that the original association was created by a significant (while misguided) religious authority. Thus, through dissemination to his followers and their followers and so forth the incorrect association was maintained without understanding of its Scriptural origin.

violation of rabbinic prohibitions."[50] One such exception is for the sake of *kevod habriyot*, "preserving human dignity."[51] This exception has been noted by Rabbi Ezra Basri, who used the principle of *kevod habriyot* to allow surgeons to tattoo eyebrows on the forehead of a woman who had no eyebrows.[52] *Kevod habriyot* is also utilized by Rabbi Shneebalg to permit the injection of pigment that matches the skin tone of the individual underneath a scar for the procedure of scar removal.[53] "Improved self-image," according to Dr. Daniel Eisenberg, an Orthodox medical doctor and scholar, "is a tangible benefit that, in certain circumstances, may outweigh the prohibition."[54]

Another principle which may counter the prohibition is the *Gemara*'s dictum of "once people engage in a behavior, we are permitted to engage in the behavior."[55] This dictum was instituted to prevent Jews from serving as the proverbial guinea pigs for new procedures. For example, in the early twentieth century a responsum of Avnei Neizer prohibited a surgery to correct disfigurement.[56] Whereas, by the middle of the twentieth

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50. Jachter, "Permanent – Part 3."

51. The principle of *kevod habriyot*, commonly rendered as "human dignity" or "the dignity rendered to God's creations" stems from the Book of I Samuel 2:30. It is written there, "For I (i.e. God) honor those who honor Me." According to Pirkei Avot 4:1, one honors God "by honoring others." Furthermore, in the BT Berachot 19b, a Cohen is permitted to violate the purity of his status and approach a coffin or a graveyard if greeting a king, for "great is the honor due to mankind; it supersedes a prohibition of the Law," [Kaufmann Kohler, "Honor." *Encyclopedia Judaica*. (Jerusalem: Keter Publishing House Jerusalem Ltd., 1972). There are many other places in the halachic discussion where the principle of *kevod habriyot* arises: BT Shabbat 81b, 94b; Eruvin 41b, Megillah 3b, and Beitzah 36b just to name a few.

52. *Ibid.* Rabbi Ezra Basri is a prominent Sephardic dayan, who presides over Jerusalem's *beit dein* in the State of Israel and authored *Teshuvot Shaarei Ezra* and *Dinei Mammonot*. Citation comes from Techumin 10:282-287.

53. Rabbi Shraga Shneebalg, *Teshuvot Shraga HaMeir* 8:44-45.

54. Daniel Eisenberg, M.D. "Do we own our bodies, or are they only on loan?" (www.aish.com, 13 January 2008)

55. BT, Yevamot 72a

56. Chaim Jachter. "Cosmetic Surgery: A Review of Four Classic Teshuvot – Part 1." Halacha File, Vol. 14, No. 17. (www.koltorah.org: 08 January 2005). His responsum on this topic is quoted in Rabbi Jachter's work as Avnei Neizer, Y.D. 321. Rabbi Avrohom Bornsztain (1838-1910), was known as the Avnei Neizer, the name of his collected responsa. He was a rabbi of the Chasidim and an early 20th century *posek*. Avnei Neizer was asked whether or not it was permissible to allow a child to undergo surgery to straighten a crooked leg. Because of the danger involved, Avnei Neizer ruled that it was not permitted.

century the procedure had been perfected and proven so safe that a responsum of Chelkat Yaakov by Rabbi Yaakov Breisch permitted it.[57] Therefore, Rabbi Jachter concludes, "Only after a behavior has proven to be safe over a considerable period of time and it becomes commonly accepted behavior, may we engage in such a behavior."[58] Modern tattooing may fit this requirement as it has been perfected, proven safe, and widely implemented over the last 40 plus years. Although, Rabbi Jachter emphasizes, "only a Rav of considerable stature is authorized to rule regarding [these] matters."[59]

As Orthodox rabbis of considerable stature realized the possibility that rabbinic principles may counter the rules of law regarding the prohibition, they nevertheless relied heavily upon the rules of law to reinforce the prohibition against such possibilities. Yet, potentially as a bit of halachic insurance, one overarching rabbinic principle is still used to fill the gaps of interpretation and encompass modern nuances where the rules of law may have left off. This recurring principle, used over and over again throughout various Orthodox responsa, is *b'tzelem elohim*, "created in the image of God."[60] Within the

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57. Yaakov Breisch. *Teshuvot Chelkat Yaakov*, 3:11. Rabbi Breisch is a contemporary *posek* considered by the Orthodox world among the first tier of late twentieth century *poskim*. Rabbi Breisch lived in Switzerland and died in 1970. The responsum in question asked Rabbi Breisch whether it was permissible or not for a young woman to undergo plastic surgery in order to straighten and reduce the size of her nose if it would facilitate her ability to find a suitable marriage partner. Although the *Shulchan Aruch* forbids one from placing oneself in danger (Y.D. 116), Rabbi Breisch cites BT, *Yevamot* 72a, which permits an individual to engage in activities that involve some danger as long as people commonly engage in the practice. In other words, once a society has deemed that a certain activity has an acceptable level of risk, such as traveling in a car or plane, then the Jew in that society is permitted to engage in that behavior. According to Rabbi Breisch's reply, cosmetic surgery would apply as long as there was "a great need for it;" a great need considered to be physical or psychological.

58. Jachter, "Permanent – Part 3."

59. *Ibid*

60. Genesis 1: 27 – "God created man in His image, in the image of God (*b'tzelem elohim*) He created him." Also see commentary of Rabbi David ibn Zimra to *Yad*, Sanhedrin 18:6 – a person's life is not his/her property; it belongs to God.

context of tattooing, the principle is often articulated as "our bodies are on loan from God. It is our obligation to return them in good condition."[61]

Seemingly the concept of *b'tzelem elohim* speaks to both youth and adult alike. Addressing Orthodox youth, Rabbi Abramowitz writes, "You wouldn't paint a borrowed car or stud a borrowed jacket. Similarly, we don't have the right to tattoo or cut a body that we are expected to return."[62] To adults, Dr. Eisenberg states, "Man is given custodial rights to his body, and has no more right to harm or destroy his body than the superintendent has to ransack the building he is hired to maintain."[63] This general principle, which is absent in the classic rabbinic discussion, has a wide appeal in the Orthodox world because it ensures that the prohibition can continue to guide Jews even in the contemporary contexts in which they now reside.

Conservative Movement:

The Conservative Movement was confronted with the act of tattooing as tattoos moved from the periphery of the American society to enter the walls of its synagogues. Along with body piercing it was asked, "Is...tattooing permitted? Does it (i.e. the act of tattooing) preclude taking part in the synagogue rituals or being buried in a Jewish cemetery?"[64] Addressing this contemporary confrontation, the Conservative *posek*, Rabbi Alan Lucas leads the Conservative Movement's Committee on Jewish Law and

61. Abramowitz, "Tattoos."

62. Abramowitz, "Tattoos." *B'tzelem elohim* attains the meaning mentioned above because a *posek* is able to redefine a Biblical or rabbinic statement in light of a particular issue. In this case, the issue is tattooing. It is as if to say that the modern-day tattoo is not technically the *ketovet ka'aka* as understood in its Biblical contexts nor its classic rabbinic contexts. Nevertheless, it still violates another aspect of Jewish law, this time the principle of law of *b'tzelem elohim*.

63. Eisenberg, "Do we own our bodies."

64. Alan B. Lucas. "Tattooing and Body Piercing." Responsa 1991-2000: The Committee on Jewish Law and Standards of the Conservative Movement. (Rabbinical Assembly: New York, 2002) p. 115

Standards (i.e. the Committee) to reinforce the prohibition through two educational approaches.[65] Similar to the Orthodox Movement, the Conservative Movement begins with a direct engagement with the classic rabbinic discussion and then includes rabbinic principles not germane to the original prohibition. Yet, unlike the Orthodox *poskim*, who relied heavily upon the rules of law, the Conservative *posek* provides a balanced presentation of these two approaches in one large responsum, ensuring the traditional prohibition continues to speak to all Conservative Jews, regardless of their level of observance. "In our day," professes the Committee, "the prohibition against all forms of tattooing...should be maintained."[66]

To support the position that the classic prohibition of *ketovet ka'aka* still applies to modern tattoos, Rabbi Lucas initiates the Conservative Movement's modern discussion on tattooing through a condensed presentation of the classic rabbinic texts. Starting with the Levitical prohibition of 19:28 and ending with Joseph Caro's *Shulchan Aruch*, the responsum derives contemporary ramifications from the classic rabbinic positions held regarding the nature of *ketovet ka'aka*. Particularly, the Committee will address the issues of coercive tattoos, medical tattoos, and the indelible nature of tattoos.

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65. According to Conservative Judaism, "Since each age requires new interpretations and applications of the received norms, Halakhah is an ongoing process." Giving voice to these new interpretations of *halachah* for Conservative Judaism is The Committee on Jewish Law and Standards. While "authority for religious practice in each congregation resides in its rabbi... in making decisions, rabbis may consult The Committee on Jewish Law and Standards, consisting of representatives of the Rabbinical Assembly, the Jewish Theological Seminary of America, and the United Synagogue of America. The Committee on Jewish Law and Standards issues rulings shaping the practice of the Conservative community. Parameters set by that Committee... govern all of the rabbis of the Rabbinical Assembly, but within those bounds there are variations of practice recognized as both legitimate and, in many cases, contributory to the richness of Jewish life." [*Emet Ve-Emunah: Statement of Principles of Conservative Judaism*. (New York: The Jewish Theological Seminary of America, 1988) pp. 21-25]

66. Lucas, "Tattooing and Body Piercing," p.117

Within the shadow of the Holocaust that still lingers over much of Judaism, the Conservative Movement addressed the challenge the coercive tattoos of that era pose to the classic rabbinic prohibition against tattoos. According to Joseph Caro in the *Shulchan Aruch*, "If he makes such [a mark] on the flesh of his fellow, the same [fellow] that had the mark made upon him is exempt [from culpability] unless he [i.e. the fellow] assisted in [making] the thing."[67] Holocaust survivors, accordingly, would be exempt from punishment by the classic rabbinic position. But, the Committee goes one step farther in its interpretation in order to respond to survivors' concerns that their tattoos place them in a precarious place within the Jewish community. Not only are Holocaust survivors exempt from punishment for being marked, but Rabbi Lucas believes "the *Shulchan Aruch* makes it clear that those who bear these tattoos are blameless."[68]

A similar conclusion will be reached with the contemporary challenge medical tattoos pose to the classic rabbinic definition of *ketovet ka'aka*. The Conservative Movement recognized that tattoos are now "used in cancer treatments...which permanently mark the body for life saving treatment."[69] To mitigate the challenge of this modern medical innovation, the Committee could have relied upon the rabbinic principle of חי בהם (*chai bahem*); meaning one is permitted to transgress *halachah* if it is a matter of life and death.[70] But, surprisingly, the Committee does not turn to this rabbinic principle. Instead, it recalls once again a teaching from the *Shulchan Aruch*. According to Joseph Caro, "It

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67. *Shulchan Aruch*, Yoreh De'ah 180:2

68. Lucas, "Tattooing and Body Piercing," p.117

69. *Ibid.*

70. Leviticus 18:5 states, "You shall keep my laws and My rules. By doing them a person may live by them (חי בהם): I am the Lord." Rabbinic tradition has understood this mandate as "we shall live by them, [implying] we should not die on their account." [BT, Yoma 85b and BT, Sanhedrin 74a].

is permitted to place ashes upon a wound to heal it."[71] Furthermore, Rabbi Lucas notes, "the *Siftei Kohen*," commenting on this verse from the *Shulchan Aruch*, "states that since the purpose is for medical purposes, it is permitted."[72] Using the classic rabbinic definition rather than employing the rabbinic principle allows for a wider implementation of medical tattoos. Not only is tattooing permitted to save a life, but a tattoo for "any medical procedure...is not included in the prohibition against tattooing."[73]

How about "hand stamps and other popular children's decorations which mimic tattoos and paint the skin in a nonpermanent manner... [are they] included under the prohibition of tattooing?"[74] As was expressed in the section of Orthodox responsa, indelibility was not a major concern for the classic rabbinic authorities, as multiple positions were articulated without a definitive ruling: RaSHI wrote that a *ketovet ka'aka* was a "permanent mark," while the *Nimukie Yosef* wrote that a *ketovet ka'aka* must simply "last a long time."[75] The Committee highlights this ambiguity, writing: "It is [both] the lasting and permanent nature of tattooing which makes it a culpable act."[76] This indeterminate statement may have the wide appeal necessary for a movement that encompasses various degrees of religious observance in its fold, but to adequately guide the Movement a more decisive stance was needed. As such, Rabbi Lucas states later on in the responsum, "The prohibition against tattoos applies only to permanent marks on the skin."[77] This position is based on a slightly skewed interpretation of the prohibition from the *Mishnah.*

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71. *Shulchan Aruch*, Yoreh De'ah 180:3
72. Lucas, "Tattooing and Body Piercing," p.117
73. *Ibid.*
74. *Ibid.*
75. RaSHI's Commentary on BT Gittin 20b, s.v. כתובת קעקע. *Nimukei Yosef* commentary on BT Makkot 21a, s.v. עד שיכתוב ויקעקע
76. Lucas, "Tattooing and Body Piercing," p.115
77. *Ibid.*, p. 117

According to the *Mishnah*, "One who writes a *ketovet ka'aka*...is not culpable until he will write and incise with ink, blue dye, or anything that leaves a mark."[78] By Rabbi Lucas' interpretation, the *Mishnah* reads: an individual is culpable "only if he writes and pricks it in...to leave a lasting mark."[79] Adding "only if" and "lasting" changes the very nature of the conditional statement of the *Mishnah*. No longer is the *act* of writing and incising emphasized as the culpable factor. Rather, culpability hinges upon the *mark* itself that is lasting. Therefore, according to Rabbi Lucas' position, hand stamps and other decorations that merely mimic tattoos, do not violate the prohibition's stipulation, as they are not indelible. Yet, the issue of indelibility would have far more reaching concerns for the Conservative Movement than childhood decorations.

Indelibility comes into play when individual Jews begin to weigh which mitzvot are more important. Among adherents of all the progressive movements of modern Judaism, personal autonomy has come to dominate the choices made along one's religious path. No longer is adherence of the mitzvot solely contingent upon God's request. Rather, Jewish decisions are being based upon a scale of personal predilections, as one weighs the importance of one mitzvah over another. Thus, many consider it less offensive to profane the Sabbath or break the laws of kashrut than to violate the prohibition against tattooing, because violating *ketovet ka'aka* leaves an indelible and visual sign of the transgression. Nonetheless, writes Rabbi Lucas, "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 [of limiting synagogue participation or restricting burial]; the

78. *Mishnah*, Makkot 3:6

79. Lucas, "Tattooing and Body Piercing," p.115

prohibition against tattooing is certainly no worse."[80] Rabbi Lucas' statement cautions one from exaggerating the implications of indelibility. While important, the indelible nature of the tattoo does not make tattooing more important than any other commandment.

Even though it is desired, Jewish law has not been treated uniformly at any time in history. As we recall, the Biblical prohibition stated: "You shall not incise marks [tattoos] on yourself: I am the Lord."[81] Yet, suggests Rabbi Lucas, even the ancient Israelites did not uniformly maintain God's commandments as "tattooing may have been permitted in Biblical times."[82] Rabbi Lucas draws upon the verses expounded upon at the end of chapter one, emphasizing Isaiah's statement: "One shall say, 'I am the LORD's,' another shall use the name Jacob, and another shall mark his arm 'of the LORD's' and adopt the name Israel."[83] Acknowledging that even in the Biblical period homogeneity was not maintained regarding one's approach to and application of God's law does not temper the Committee on Jewish Law and Standards from categorically prohibiting all corporal marks. For, it is felt that "tattooing...is distasteful when confronted with a contemporary secular society that is constantly challenging the Jewish concept."[84] Envisioned by Rabbi Lucas is a war between Jewish religion and secular society on the battlefield of the human body. The indelible mark of the tattoo, appearing more and more on the skins of Conservative Jews, is a sign that the traditional values of Judaism codified in the classic rabbinic definition of *ketovet ka'aka* have lost significant ground.

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80. *Ibid.*, p. 117

81. Leviticus 19:28

82. Lucas, "Tattooing and Body Piercing," p.116

83. Isaiah 44:5

84. Lucas, "Tattooing and Body Piercing," p.117

Therefore, very much like his Orthodox colleagues, Rabbi Lucas with the rest of the Committee on Jewish Law and Standards must not simply rely upon the pre-modern rabbinic discourse on *ketovet ka'aka*. They must also deploy rabbinic principles in this confrontation between modernity and the prohibition's applicability. Specifically, the Committee turns to the concept of *b'tzelem elohim*. Rabbi Lucas understands this principle to mean, "We are created in *b'tzelem elohim*, 'in the image of God,' and 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."[85] Consistent with the contemporary concerns of the Conservative Movement, the implications of this interpretation of *b'tzelem elohim* extend beyond reinforcement of the prohibition. It also comes to limit personal autonomy. Our bodies are not our personal property. They are God's. Therefore, "voluntary tattooing, even if not done for idolatrous purposes, expresses a negation of this fundamental Jewish principle."[86]

B'tzelem elohim is not the only Jewish perspective jeopardized by the voluntary act of tattooing. So too is the Jewish value of *tzinut*, "modesty." According to Rabbi Lucas, "With respect to the traditional Jewish value of *tzinut*, one has to wonder if 'private' parts of the body are being [tattooed] for fashion purposes, if the intent is to keep them private."[87] The assumption inherent in this perspective is that all tattoos, including those made on private areas of the body, will be shared with others. As such, areas not typically exposed will be as the corporal mark is revealed. In each occurrence, one compromises the Jewish value of *tzinut*.

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85. *Ibid.*
86. *Ibid.*
87. *Ibid.*, p.119

Both principles, *b'tzelem elohim* and *tzinut*, are not included in the Conservative discussion on tattooing to merely ensure the applicability of the prohibition. Rather, these rabbinic principles are utilized to appeal to one's sense of personal autonomy. It is felt that "Jews sufficiently educated and sensitive to the concepts of *tzinut*, modesty, and *b'tzelem elohim*, being created in God's image, will limit themselves appropriately."[88] In other words, if the traditional rules of law gave the impression of excising personal autonomy from the Movement, then – through an educational process – the principles of law are intended to bring it back in.[89]

The Conservative Movement was confronted with the act of tattooing as "tattoos became more popular in contemporary society."[90] Addressing this contemporary confrontation, the Conservative *posek*, Rabbi Alan Lucas led the Committee on Jewish Law and Standards to walk a very thin line, balancing the communal forces with personal autonomy. To prevent adherents of the Conservative Movement from falling exclusively to one side or the other, Rabbi Lucas presented a balanced presentation between the rules of law of the classic rabbinic definition of *ketovet ka'aka* and principles of law contained within the wider halachic discourse. In both cases, the traditional values of Judaism are presented in terms of education, empowering the individual to take control of his/her Jewish journey through modernity.

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88. *Ibid.*

89. In the words of the principles of Conservative Judaism, "This assures us a clear sense of identity together with a vibrant, healthy pluralism (i.e. individualism)." [*Emet Ve-Emunah*, p. 25]

90. Lucas, "Tattooing and Body Piercing," p.117

Reform Movement:

At the end of the 20th century, the Reform Movement faced a very different tattoo than the one addressed by the authorities of the classic rabbinic period. First, it was acknowledged that more and more Reform "youngsters...allow themselves to be tattooed" for reasons of adornment and self-expression.[91] Second, adult adherents of the Reform Movement were availing themselves to another contemporary application of the tattoo: permanent cosmetics. As the earliest Reform responsum on the topic of tattooing states, "The procedure of inserting an inert pigment into the superficial dermis at the base of the eyelash...has been requested by many individuals."[92]

Inevitably, in a community which prizes personal autonomy, the choice to partake in these nuances of tattooing would be accepted.[93] Therefore, in order to maintain the prohibition, while appealing to one's sense of personal autonomy, the responsa on the Movement will not and cannot simply dictate normative practice for all Reform Jews. Instead, the Reform responsa will need to persuade each reader to reframe the question of tattooing in order to preserve the legitimacy of the prohibition. Rather than being a question of personal style or convenience versus *halachah*. A Reform adherent is invited to ask: "How does the personal choice of tattooing affect core Jewish values?"

Reframing the question on tattooing, in terms of Jewish values, is done in one of two ways in the Reform responsa. Like the Orthodox and Conservative movements, the first

91. Solomon B. Freehof. "Tattooing and Burial." *Today's Reform Responsa*. (Cincinnati: HUC Press, 1990) p.119

92. Walter Jacob. "Inert Pigment as Permanent Cosmetic." *Contemporary American Reform Responsa*, no. 15, January 1985. (New York: CCAR Press, 1987)

93. The responsum, "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4 states, "we recognize the importance of personal adornment." Such a view would inevitably lead to a permissive stance regarding the personal choice to tattoo for reasons of adornment and self-expression.

way is through a direct engagement with the classic rabbinic definition of *ketovet ka'aka*.[94] Reiterating the traditional standard of the prohibition, Reform *posek*, Rabbi Solomon Freehof states, "There is, of course, no doubt, that tattooing...is regarded in Jewish law as forbidden."[95] The undeniable truth of this statement is confirmed in the classic rabbinic discussion presented in the Reform responsa. Beginning with the Biblical prohibition of Leviticus, a digest version of the *halachah* ends with the statement from the *Shulchan Aruch*: "*Ketovet ka'aka* [means] that one [is prohibited from] lacerating the flesh and filling the place of the laceration with blue dye, or [black] ink, or with whatever colors leaves a mark."[96] Yet, by analyzing the lengthy definition on tattooing, Reform *poskim* are able to identify one acceptance made by the classic rabbinic authorities that was prophetic: it is permitted to make a mark for the purposes of healing.[97]

Identifying the medical exception in the classic rabbinic discourse practically renders the challenge modern medical tattoos pose to the traditional prohibition of *ketovet ka'aka* inert. In a question presented to Reform *posek*, Rabbi Walter Jacob, Rabbi Agler writes:

> "The procedure [of inserting an inert pigment into the superficial dermis] has been suggested to accompany a variety of surgical procedures used to correct defects or following serious accidents which lead to the loss of eye

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94. Commenting on *halachah* and Reform Judaism, Dr. Mark Washofsky, the current chair of the CCAR Responsa Committee writes: "Reform responsa do not partake of anything resembling an authoritative halachic process: Our answers are in no way binding upon those who ask the questions, let alone upon anyone else. Our *t'shuvot* are advisory opinions...[and] their 'authority'...lies in the power to persuade." The persuasive argument is articulated both through "the sources of Jewish tradition," which include the Talmud, Maimonides, etc., as well as "those sources included in the tradition of Reform Jewish thought as expressed in our previous responsa, resolutions, and publications... This reflects our understanding of Reform as a continuation of Jewish tradition and not, as is sometimes asserted, a radical departure from it." [Michael A. Meyer & W. Gunther Plaut. *The Reform Jewish Reader: North American Documents*. (New York: UAHC Press, 2001) pp. 121-122.]

95. Solomon B. Freehof. "Tattooing and Burial." *Today's Reform Responsa*. (Cincinnati: HUC Press, 1990) p.120

96. Shulchan Aruch, Yoreh De'ah 180:1

97. BT *Makkot* 21a; *Sefer HaTurim*, Yoreh De'ah 180, *Shulchan Aruch*, Yoreh De'ah 180:3

lashes... As Judaism is opposed to tattooing, is it permissible to use this procedure?"[98]

In addressing the serious implications of this and similar questions, the Reform Responsa Committee (i.e. the Committee) under the leadership of Rabbi Mark Washofsky recognized that the classic rabbinic discussion had long permitted the placing of hot ashes upon a wound, even though the ashes might leave a permanent tattoo-like impression upon the skin.[99] As it is recorded in the *Shulchan Aruch*, "It is permitted to place ashes upon his wound to heal it."[100] According to Rabbi Washofsky, these marks are permitted since the prohibition was intended to be "a preventative measure designed to separate Israel from pagan rituals."[101] As healing is not a pagan ritual, but a positive value of Judaism, the incision indicated in the question of Rabbi Agler, and "incisions for other legitimate [medical] purposes, are exempt from its (i.e. the prohibition's) terms."[102] However, Rabbi Jacob cautions, "it would violate the spirit of the tradition to use this [allowance] in a broad, general manner."[103]

Rabbi Jacob's cautionary advice indicates that while the Reform *poskim* followed the process of their more traditional counterparts through the classic rabbinic texts, they do

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98. Jacob, "Inert Pigment as Permanent Cosmetic."

99. The CCAR Responsa Committee provides answers to questions about Reform Judaism and Jewish living. Unlike resolutions, which are adopted by vote at a CCAR convention by its members, responsa are produced by committee. The responsa produced by the Committee provide guidance, not governance, to the Reform Jewish community as to the opinion "which best expresses the underlying purposes and values of Jewish religious observance." As a body of literature, the responsa published by the Reform movement reveal a broad consensus as to mainstream Reform Jewish thinking on important issues facing contemporary Judaism. Individual rabbis and communities retain responsibility, however, to make their own determinations as to the stance they will take on individual issues. [www.ccarnet.org/resp/ and Michael A. Meyer & W. Gunther Plaut. *The Reform Jewish Reader: North American Documents*. (New York: UAHC Press, 2001) pp. 121-122.]"Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4

100. *Shulchan Aruch*, Yoreh De'ah 180:3

101. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4

102. *Ibid.*

103. Jacob, "Inert Pigment as Permanent Cosmetic."

not stretch the narrow scope of the prohibition as defined by those authorities to fit all contemporary circumstance of tattooing, such as self-expression or personal adornment.[104] To do so, in the words of the Committee, would be "to use our religious language...[as] a smokescreen behind which one generation or group within a society seeks to impose its own standards of beauty, decorum, and taste upon those who do not share them."[105] In other words, the rabbinic authorities of the Reform Movement recognized the applicable limits of the classic rabbinic texts. To present a more legitimate response to modern tattoos outside those of a medical nature, Reform *poskim* rely heavily upon rabbinic principles. By expressing the question on tattooing through the traditional principles of *chavalah*, *b'tzelem elohim*, and *kedushah*, Reform Jews are not commanded to uphold the prohibition on tattooing. Rather, they are encouraged to explore the prohibition's potential ramifications on Jewish values, and it is hoped, be convinced to fulfill the spirit of the prohibition of separating Israel as holy unique on their own terms.[106]

The first value presented to the reader of the Reform responsa is through the principle of *chavalah*. From a purely practical standpoint, the principle of *chavalah* asks contemporary Jews: What value is there in voluntarily placing the body in harm's way by

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104. Representing the CCAR Responsa Committee, Dr Washofsky writes, "As an expression of our identification with the Jewish heritage, we seek to uphold traditional halachic approaches whenever fitting. But we reserve for ourselves the right to judge the degree of 'fit.'" [Meyer and Plaut. *The Reform Jewish Reader*, p. 121-122.]

105. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4 In the contexts of the responsum, this quote is attempting to justify the line of distinction drawn between some forms of body modification, such as ear-piercing which is permitted by Jewish law, and other modes of body modification that are more extreme, such as body-piercing and tattooing which are not permitted by Jewish law. However, in its essence this statement has everything to do with the application of the traditional language. The CCAR Responsa Committee, in this statement, is cognizant of the difficulty in applying the traditional language so that it is done so appropriately, responsibly, and in the most un-biased way possible.

106. Dr. Washofsky comments in personal correspondence, saying, "To the extent the reader takes these values seriously, s/he is more likely to find tattooing troubling and problematic on Jewish grounds."

choosing to be tattooed? The intent of the principle was to safeguard an individual from any unnecessary harm. Invasive procedures such as tattooing, which subject the human body to needless incisions, would be prohibited by the rabbinic principle of *chavalah*. Unless, appends the Committee, there was "sufficient reason" to do so.[107]

Sufficient reason to overturn the principle of *chavalah* may be based upon medical necessity. Yet, it is difficult to define the standards by which one procedure is determined necessary, while another is not. As Rabbi Bonnie Steinberg writes:

> "A [Reform] congregant plans a reconstructive breast surgery following a radical mastectomy. Her surgeon will tattoo an areola on the reconstructive breast. She wishes to know whether this would violate the traditional prohibition against tattooing," or does this qualify as a medical necessity worthy to overturn the prohibition?[108]

From the case in question, the modern *poskim* of the Reform Movement established the standards of medical necessity. "Invasive procedures...are justifiable only when they are part of a regimen of medicine, when they contribute to what we can plausibly regard as 'healing.'"[109] Healing is not narrowly defined by the Movement's *poskim* as physical rehabilitation. As the case above demonstrates, healing can be broadly defined to include medical procedures "vital to an individual's psychological and emotional well being."[110] The tattooed areola on a reconstructive breast clearly serves no physical health benefit. But, the psychological benefits cannot be ignored.

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107. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4

108. *Ibid.*

109. *Ibid*

110. Gunther Plaut and Mark Washofsky. *Teshuvot for the Nineties: Reform Judaism's Answers for Today's Dilemmas*, no. 5752.7. (New York: CCAR Press, 1999). p. 132

Invalidating the principle of *chavalah* on some occasions may erroneously leads one to think the principle can be overturned on all occasions of surgical procedures that allow one to "feel good." Warning against this interpretation, the Committee writes, "surgery [which tattooing is considered to be] designed merely to enhance a person's appearance runs counter to the message of Judaism."[111] Judaism, writes Rabbi Washofsky, "admonishes us to look below the surface, to concentrate upon the development of deeper and more lasting measurements of self-worth and satisfaction."[112] Thus, the principle of *chavalah*, which reinforces the prohibition against modern tattoos of adornment and self-expression, also steers the individual away from the task of enhancing the exterior to focus on the enhancement of the interior.

How the personal decision to tattoo affects the deeper and more personal measures of self-worth is raised specifically by the second rabbinic principle included in the Reform responsa. Similar to the Orthodox and Conservative Movements, the Reform Movement brings the concept of *b'tzelem elohim* to bear on the discussion of tattooing. Although the dictum is not mentioned by name, its contextual interpretation is indeed articulated in the responsa to support the prohibition. According to the Committee, "we do not own our bodies; rather, God has entrusted them to us for safekeeping, and we are responsible to

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111. *Ibid.*

112. *Ibid.* In an interesting contrast, this positions seems to contradict the permission granted to Orthodox women by Rabbi Yaakov Breisch, who allowed rhinoplasty for the sake of being more marriageable to a potential spouse (see footnote 56). Being attractive to a mate was a credible benefit for Rabbi Breisch to overturn the principle of chavalah. However, it is not a substantial enough benefit for Reform poskim as this statement is, in fact, made in response to a similar question posed to the Committee: "A woman is planning breast enlargement surgery in order, she says, to please her husband. She now wonders whether this is sufficient justification for the procedure, and she has asked my counsel." Instead of invasive surgery, the players in this real life drama would be encouraged by the Committee to invest in the more enduring values of an individual's self worth that reside below physical appearance, referring to one's character.

God for what we do to them during our lifetime."[113] But, Reform *poskim* interpret the principle differently than the Orthodox *poskim*. In the Reform responsa, the principle of *b'tzelem elohim* is not illustrated in metaphoric terms that allude to the harm done towards God or God's property: painting a borrowed car or of a superintendent who ransacks the building he is hired to maintain.[114] Instead, the act of voluntarily marking the canvas of the human body is interpreted as a pretentious act towards God, irrevocably staining not God but one's own character in the human-divine dynamic. Comparing humans as mere apprentices to the master artist of God, the Committee cites a Talmudic passage which states: "it is as if to say to the Artisan: 'how ugly is this vessel that You have made.'"[115] Therefore, I must add to it.

To distinguish between permissible artistic additions such as ear-piercing and non-permissible artistic additions such as tattoos (e.g.) – to make value judgments, Reform *poskim* (like their Conservative colleagues) must maintain a tension between personal autonomy as students of Torah and the communal values the Torah contains. As it is stated by the Committee: "Judaism, like religion in general, is all about making value judgments; our task as Jews and as students of Torah is thus to arrive at those value judgments that reflect our most coherent understanding of Judaism's message."[116] When the Torah values are presented in terms of rules of law, as in the halachic codes, it can be argued that the individual's task to distinguish between permissible and non-permissible is made easier as the message is clear. Do this. Don't do that. However, when the values of Judaism are presented as general principles, such as *chavalah* and *b'tzelem elohim*, the

113. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4

114. *Ibid.*

115. BT, *Taanit* 20b

116. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4

task to decipher what is then permissible in modernity and what is not is made more arduous. For in these latter instances, personal choice becomes a factor in clarifying and applying the message. And, with every choice, whether made in or out of the public's eye, comes a wide range of public scrutiny. Here is where the principle of *kedushah* comes into play.

Recognizing that the tattoo is one such choice which speaks to the bearer of the mark as well as the community who views it, the final principle employed by the Reform *poskim*, *kedushah* addresses the multi-vocal nature of the tattoo. The principle's origins are found in the Book of Leviticus. It is written there: "You shall be holy (*k'doshim*), for I the Lord your God am holy (*kadosh*)."[117] This Biblical principle, by the Committee's definition, encourages Jews to consider how "every action, the private as well as the public, contributes toward the sanctification of the world and of our own lives."[118] More expansive than the principles of *chavalah* and *b'tzelem elohim*, the principle of *kedushah* helps the individual reframe the question of tattooing in terms of his/her membership in the Jewish community, the congregation of Israel.[119] As the Committee rhetorically questioned:

> "What sort of statement [do] we make about ourselves and our bodies when we inject pigment into our skin...? Let us ask ourselves whether this

117. Leviticus 19:2

118. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5769.4

119. To recap, the principle of *chavalah* asked Reform Jews to consider the affect tattooing had on their physical and emotional well-being and the principle of *b'tzelem elohim* asked Reform Jews to consider the affect tattooing had on their private relationship with God.

is truly the way that we Jews, commanded to pursue and to practice holiness, should aspire to 'beautify' and 'adorn' ourselves."[120]

Israel's *kedushah* – its holy uniqueness – is either affirmed or denied each time a Jew makes a decision. Whether or not the choice is made to tattoo, if, in the process of making the decision, a Jew reflects with the utmost seriousness upon the values of Judaism: *chavalah*, *b'tzelem elohim*, and *kedushah*, then Israel's distinctiveness is confirmed. In the words of the Committee, "When we think about them in this *Jewish* manner, we begin to realize that surely we can aspire to something better."[121]

Conclusion:

As with all Americans, Jews at the end of the 20th century began to look towards the new century with a renewed sense of self and community. Yet, what happens when the sense of self is at odds with the community? American Jews, infatuated with the growing trend of modern tattooing, began indelibly marking the human canvas for the primary purpose of self-expression and adornment. These modern tattoos slowly infiltrated the ranks of every movement: Reform, Conservative, and Orthodox, posing a credible challenge to the classic prohibition on tattooing and the communal values it was intended to safeguard.

In the face of this threat to Jewish values, every movement of American Judaism mobilized to uphold the prohibition on tattooing. However, each movement went about this task in its own way. As it was demonstrated, some Orthodox *poskim* would not even acknowledge that a cultural change had occurred in modern tattooing which affected the prohibition. It was left, then, to other Orthodox *poskim* to address the implications of

120. "Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5769.4

121. *Ibid.*

tattooing, with which their adherents engaged: tattoos of adornment, medical necessity, and the stain of the Holocaust left on the arms of the survivors. To do so meant engaging almost exclusively in the rules of the law and, to a far lesser extent, relying upon traditional principles such as *b'tzelem elohim*. By these two methods, some Orthodox *poskim* ensured that despite the nuances modern tattoos posed to the classic rabbinic definition of *ketovet ka'aka*, the prohibition against tattooing would continue to safeguard Jewish values in modernity.

The Conservative Movement, likewise, moved to uphold the prohibition. Using both the rules of law articulated in the classic definition of *ketovet ka'aka* and the nuanced implications of rabbinic principles of law, such as *b'tzelem elohim* and *tzinut*, the Committee on Jewish Law and Standards was able to reinforce the modern applicability of the traditional prohibition. This method, however, served a dual purpose. Like all modern progressive movements, Conservative Judaism exists in a tension between the rights of the individual and his/her responsibility to communal rites and responsibilities. As alluded to in the responsum, personal autonomy had gained serious momentum in one's Jewish path, outrunning at times communal values. To limit personal autonomy while strengthening communal values, the responsum was structured in educational terms, balancing the classic *halachah* with the nuanced implications of rabbinic principles. Furthermore, by presenting this balanced educational approach in one all-encompassing responsum the Conservative Movement ensured that the prohibition continued to speak to all Conservative Jews regardless of level of religious observance.

The Reform Movement mobilized their efforts to maintain the modern applicability of the prohibition very differently than their Orthodox and Conservative counterparts. Only

from the classic rabbinic precedent of allowing curative marks was the Movement able to articulate a position regarding modern tattooing. Rather than using the letter of the law, the Reform Responsa Committee upheld the spirit of the prohibition – to separate Israel as holy unique – primarily through the use of three rabbinic principles: *chavalah*, *b'tzelem elohim*, and *kedushah*. Inviting Reform adherents to redefine the argument on tattooing in terms of these principles and the questions they raise regarding the values of Judaism allowed the *poskim* to affirm the highly prized concept in the Movement of personal choice, while effectively amplifying the message of the classic prohibition so that it could be easily heard and applied to contemporary circumstances on the initiative of the individual Reform Jew.

Even as the modern applicability of the classic rabbinic prohibition is upheld in all three major movements of American Judaism, adherents of these movements continue to voluntary submit themselves to be tattooed. It may appear as if the appeals of their religious leaders failed. But, one should not assume that the words of the modern *poskim*, who transmitted the tradition into the modern period, fell on deaf ears. As contemporary Jews of all movements attempt to find their way to express the sense of self within their community, the voice of Judaism often times is heard, but not as a veto. Rather, when contemporary Jews contemplate the decision to be tattooed their sense of Judaism often gets a vote. At times, the vote sways them away from the decision to be tattooed. At other times, as the following chapter will show, the vote of Judaism actually influences the decision to be tattooed and the very nature of the tattoo itself.

Presenting the Picture:

Profiles of Jews with Tattoos

Introduction:

Even as the prohibition against tattooing is upheld by Orthodox, Conservative, and Reform Judaism, adherents of all these movements as well as others and continue to be tattooed. This chapter will present profiles of Jews who made the choice to indelibly mark their bodies. While the demographics of the respondents vary, comprising of both men and women, covering a wide span of ages from 21 to 58 years-old, from all over the United States and Israel amongst various movements: Conservative, Reform, Humanist, Zionist, and the unaffiliated, the data cannot be taken as scientific. Rather, the profiles of Jews with tattoos can be used anecdotally to suggest a number of things regarding the practice of tattooing from contemporary Jewish perspectives.

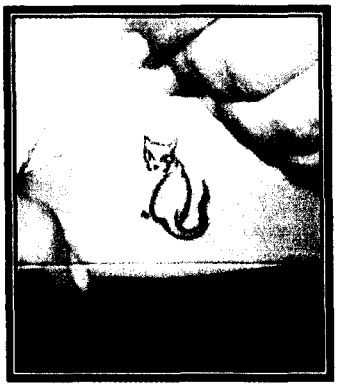
As interesting as the incised images on these Jews may be, what is more intriguing is the meaning that is imbued in both the tattoo as well as in the process of tattooing by these respondents. Particularly, what motivates the contemporary Jew to be tattooed? What issues uniquely arise for Jews who make this choice to incise and insert ink into the skin? Finally, what role does the perspective of the past play in their present choice: religious traditions, parental desires, historical circumstances of the Holocaust, etc.? And, what do these Jews with tattoos perceive as the future of tattooing in the Jewish world? The answers to all these questions will be exposed as this chapter presents the current picture of the Jewish engagement with tattooing.

Gender: Female **Age**: 21

City/State of Residency:
Givat Avni, ISRAEL

Movement Affiliation: None

How do you define your Judaism?
Sabra Chilonit (Israeli Born Secular)



Question: Please describe your tattoos.
Answer: I have three tattoos. The first is a sun. The second one is a Japanese tattoo, which means "truth." And the third is a cat.

Question: At what age were you tattooed?
Answer: The sun, age 13 – in Haifa
The Japanese tattoo, age 17 – in Tel Aviv
The cat, age 19 – in Greece

Question: Where on the body are your tattoos found? For what reasons were your tattoos placed there?
Answer: The sun is on my ankle.
The Japanese tattoo is on my shoulder.
And the cat is on my belly.

I chose those places because you can't always see them. So, sometimes they are hidden. Sometimes they show.

Question: Who was intended to view your tattoos?
Answer: Everybody

Question: Has the intended message of the tattoos changed from when you first got it? If so, how?
Answer: No.

Question: For what reason(s) did you choose to be tattooed?
Answer: Mostly, just because I liked it. However, one time I went with my friends, who were going to be tattooed. And, there I decided spontaneously to be tattooed as well.

The Japanese symbol was just a spontaneous decision that my ex-boyfriend and I got when we passed a tattoo store and we wanted to do something crazy. It means "truth" in Japanese. The first thing I think about when I look at it is to be true to yourself.

I got the cat symbol with my friend. We were in Greece, she decided to do her first tattoo and I decided to do one also. I like cats a lot and people always say that I remind them of a cat. The first thing I think of when I'm looking at it is my friend. She was my best friend during that time of my life.

Just like the sun, I try to be a warm person and I also like summer. I like it when it is hot. I can't stand the cold. The first thing I think of when I look at the tattoo is how I regret it. I think it is ugly although I like what it means but just not what it looks like.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: I began to like tattoos when I saw them on my friends and thought it was a really neat way of expressing myself. I thought about my first tattoo for a few weeks before I got it. Each tattoo means something special to me and they each symbolize a part of my life. I remember feeling excited to do something "wrong" and it was nice that my parents were the only parents to give permission to get tattoos, since the minimum legal age to be tattooed in Israel is 16. In fact, my father came with me to get it. So, there really was not an issue, besides thinking about what I wanted permanently on my skin.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: See above.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

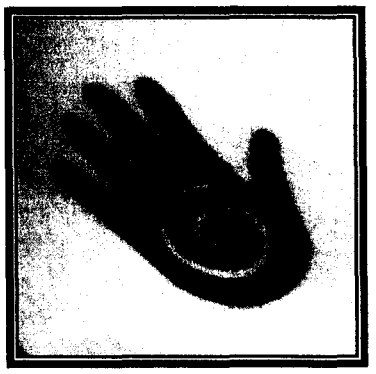
Answer: No, but the religious people in Israel do look down on you. But it is not like they would even talk to me anyway. And, so what about what the religion says?! It really doesn't matter if I will not be buried in a Jewish cemetery. I will be dead. Even so, it still isn't right. Anyway, right now, I would like my body to be cremated and spread in the ocean.

Question: Does tattooing or being a tattooed Jew in Israel raise any unique issues that may not arise for Jews in other parts of the world? If so, what are these issues?

Answer: No. Not in my opinion.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: I think Jews in Israel are starting to expect that people are going to tattoo themselves (including the religious).



Gender: Female **Age:** 27

City/State of Residency: Stowe, Vermont

Movement Affiliation: None

How do you define your Judaism?
To be quite honest, it is the religion that I consider myself mostly because both my mother and my father, and their mothers and fathers were Jewish. I am not by nature a religious person. By no means does my Judaism define me, thus my getting a tattoo.

Question: Please describe your tattoo.
Answer: I have one tattoo. It is a black "hand of God" or some might refer to it as a "purple hand of Reiki" (if it were purple). A hand, fingers spread with a spiral on the palm.

Question: At what age were you tattooed?
Answer: I was tattooed at 25. It was a birthday present to myself.

Question: Where on the body is your tattoo found? For what reason was your tattoo placed there?
Answer: It is on my right hip. It was after much debate that I decided to get it there. I knew that I did not want to have a visible tattoo. I dreaded the thought of being 80 and having some awkward tattoo imprinted on a clear and visible body part. I also chose that area because when I get pregnant, and I intend to, the location of the tattoo will make it appear that the hand is cradling the baby.

Question: Who was intended to view your tattoo?
Answer: My tattoo was for me. Nobody else. If I am wearing a bathing suit you can see just the finger tips. My boyfriend at the time thought it was cute but essentially the tattoo was something I really wanted for me.

Question: Has the intended message of the tattoo changed from when you first got it? If so, how?
Answer: No, not at all. I don't foresee it ever changing. The idea was for it to protect me and promote good energy. Both the hand of God and of Reiki does these things.

Question: For what reason(s) did you choose to be tattooed?
Answer: I have a necklace of a mezuzah. It is beautiful. People compliment me on it all the time even though majority of people have no idea what it is and what it represents. At the end of the day I can take it on and off and change to something else. I could put on a cross or wear a Chinese symbol that even I don't know what it means. There is nothing special about a pendant or even a poster. I liked that I had a strong enough feeling about something that I was

willing to wear it forever. I have struggled with my religious beliefs but I knew from the moment I saw the healing hand that I wanted a tattoo of it. And even more, I loved that regardless of where I was in life, pregnant, old, young, clothed or naked it would be with me. If I want people to know about it, I can show them or if I want it to be special and personal I just keep it to myself. A necklace can fall off, a painting can fall off the wall. I will never lose my tattoo.

I have always wanted a tattoo. I think it is just another beautiful form of art. I liked the process of finding the right tattoo and the right place to put it, and then choosing the artist. I have a lot of piercings and so this was just another way of expressing myself. It was never meant to upset people, especially not my family.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: For my mother, her main concern was that I went to a reputable place. She wanted to make sure I didn't get a disease or infection. She also didn't want me to get something I would later in life regret. For my father it was very much religious. He was strong in his feelings about it being mutilation and more importantly sacrilegious. He continued to remind me how Jews were "tattooed" with numbers in the Holocaust. I knew I could not be buried in a Jewish cemetery once I got one, but religion has never run my life.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: I took everybody's thoughts into consideration. I am extremely close with my mother and father and would never, ever have gotten a tattoo if I thought it would jeopardize my relationship with either of them. However, I needed them to know how important it was to me.

Every year for my birthday I do something for myself. I have colored my hair, had piercings, gone on vacations and the year I got my tattoo I wanted to do something even bigger than before. I told them that. That it was something I had thought and thought about and that it was something that would make me happy, and feel complete.

Obviously as mentioned before my father more than anybody was upset. He brought up his concerns and I did think about them. I definitely took a week to reflect on the idea of getting a tattoo, the consequences but I decided what I wanted was to get it, regardless. The night before I had my appointment I called up my mother and my father and told them that tomorrow I would be getting a tattoo. I apologized if it upset them and explained how excited I was and that they should just be happy for me since that is "all they ever want for me."

In the end they understood I meant no insult to my religion or the people who have suffered in the past getting tattooed for the wrong reasons and without a choice. It is an artistic expression and in the end they were understanding and even liked what the end result was.

I went to visit my father about a month or so after I got the tattoo. Though the idea of a needle freaks my father out, and the initial sight of the tattoo "made his knees weak," he paused after a moment of looking at it and said... "huh, it is actually kinda cool." I replied, "I knew you would like it...you know you want one too!!!" He laughed and said, "I wouldn't go that far." Now that it is all said and done it is just another part of me. It is never mentioned or pointed out. My mother just kept checking in and making sure it was not infected. She is a mother so my health was most important. She was always just happy to hear I was in no pain and that I was keeping it clean.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: I did decide to get the hand of God because friends of my family had brought me back a pin that had the hand of God on it from Israel. I loved what it represented and that I could almost justify getting something that was frowned upon in my religion by getting a religious symbol. I did not get it for that reason but it certainly made the decision easier.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

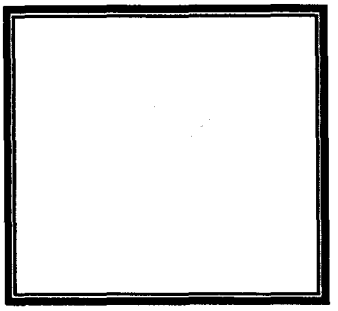
Answer: That is a tough question. I know there are and always will be people like me that will disregard what our religion "tells us" and will get tattoos. There is a stigma, I suppose, but I don't feel it. Had I held my religion higher, things might have been different. This is not to say I don't respect being Jewish, I just have never allowed it to play a significant role in my life. I don't see the Jewish world changing their beliefs on whether it is right or wrong. I think people need to decide for themselves. I hope that my "God" still loves me, despite my actions. In the grand scheme of things, people have done much worse things than tattoos so I feel at peace with my decision.

Gender: Female **Age**: 27

City/State of Residency: Phoenix, Arizona

Movement Affiliation: I grew up Conservative, but I would say I am more Reform/non-practicing if anything.

How do you define your Judaism? A family culture



Question: Please describe your tattoo.
Answer: My tattoo is very small and is located on the lower part of my back. It is a purple letter "M" in cursive and below the downward point of the letter there is a blue teardrop. The "M" is for Madonna. The teardrop I guess represents a longing to be a strong individual like she is. I also just liked the visual appeal to it.

Question: At what age were you tattooed?
Answer: 17

Question: Where on the body is your tattoo found? For what reason was your tattoo placed there?
Answer: Lower back near the tailbone. It is a spot that I was able to hide it from my family and the public.

Question: Who was intended to view your tattoo?
Answer: ME! And anyone I chose to show it to.

Question: Has the intended message of the tattoo changed from when you first got it? If so, how?
Answer: Nope. Although I have considered removing or covering it up with a different design. I chose not to because it is part of who I am/was.

Question: For what reason(s) did you choose to be tattooed?
Answer: I have the right to decorate myself as I wish.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?
Answer: Of course! Aging, stretch marks, fading of the design, visibility for work reasons and hiding it from the family, it's meaning, and if it was something I really wanted to live with the rest of my life.

Question: If certain issues were raised in your decision, how did you deal with them?
Answer: Well, the location is great. It is easy to hide and I don't see it every day. Sometimes I even forget it is there. Personal issues I guess I still face. Others, along with myself, laugh at the meaning of it. I just keep thinking that I have

admired this individual for so long, she is obviously a part of who I am. Even if I don't agree with everything she has done.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Yes. I thought about religious so-called consequences, but I believe that God or whatever higher power there is won't judge us in the end whether or not we decorated ourselves. People are artists and if they want to show that on their own body, so be it.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: I think the future is here. So many Jew already have them. I believe more figures in the religious practice are becoming more open-minded regarding the ideas of tattoos.

Gender: Female **Age**: 29

City/State of Residency: Boston, Massachusetts

Movement Affiliation: Reform, because I was raised as such. But now I think I might be a little Humanist.

Picture Not Yet Available

How do you define your Judaism?
I'm really not religious at all in the sense that I do not believe in God (to the point where I actually wonder how anyone can in fact believe in any real way in stories which are clearly fictional). Intellectually, I find myself - in most ways - finding religion to be the root of most human problems. However, I really do still consider myself a Jew for certain aspects of the religion. I like that it is a very personal religion, that the individual must consider what he has done are the actions of a good person or what he has done that he considers bad and must amend his behavior himself. I like that there is a focus on being a good person on this earth, on compassion and righteousness, and not on what will happen to you after you die. I am rather an existentialist, and Judaism (especially post-WWII) fits with that philosophy in many ways.

Question: Please describe your tattoo.
Answer: It's the outline of a crescent moon with a face, and there are swirls inside the outline of the moon. It's black (no color).

Question: At what age were you tattooed?
Answer: 23

Question: Where on the body is your tattoo found? For what reason was your tattoo placed there?
Answer: It's on my lower stomach/upper thigh of my left leg. It's there so no one can see it, even if I'm in a bathing suit. I got it there because I wanted one, but I'm also aware that I think that older women with visible tattoos are tacky, and I don't want anyone to see it unless I want them to. Also, I got it there because my parents are very against tattoos and I didn't (and even at almost 30 I continue to not) want them to see it.

Question: Who was intended to view your tattoo?
Answer: Only people that I wanted to see it (I suppose from its location, it would mostly be people with whom I am intimate). On the first day that I got it, though, I went out that night and was showing everyone because I was pleased that I had gotten one.

Question: Has the intended message of the tattoo changed from when you first got it? If so, how?

Answer: Interesting. I don't know that my tattoo had an intended message. This kind of goes with the next question, but one of the reasons that I got that particular tattoo is actually because I had been drawing that symbol for ages – I tend to draw all the time, especially when sitting in class. On the inside cover of the Smashing Pumpkin's Melancholy and the Infinite Sadness album is a little scene with flowers and such and this cartoonish crescent moon with a face. I just picked up and that scene and that image and started drawing it and I drew it everywhere, all the time. It became my symbol.

The thing is – and this gets to how the "message" has changed – The Smashing Pumpkins and that symbol and drawing while sitting in class in high school has all come to symbolize my youth to me. It was just such a time of possibility, and the music of the time was such a big part. Listening to the Smashing Pumpkins and music like that and being young, the world seemed so infinite. So, while I knew for a while that that was the symbol I wanted as a tattoo, I also knew that I wanted to wait and get it while I was on the cusp of the next phase of my life. I got it when I just finished grad school in Australia and moved back to Connecticut and before I moved to Boston to start teaching. I guess in that sense it has become a farewell to my childhood and youth and an appreciation of myself as an adult, where I can get a tattoo and feel justified that it was the right decision and not a whim of youth.

Question: For what reason(s) did you choose to be tattooed?

Answer: Again, this is a corollary to the last question. It has to do with asserting the benefits and joys of the stage of life that comes after youth. But, to be frank, it also has to do with the fact that I just think it's cool and I wanted a tattoo. It's also a little sexy.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: Yes. The big one, as aforementioned, was that my parents are really entirely against tattooing. They think it's trashy and unprofessional, as well as just stupid because most adults with tattoos look stupid (I actually share this opinion with them in many ways – nothing dumber looking than a woman with saggy old-lady arms sporting a tattoo on her shoulder. One wonders how my opinion of my own tattoo will change. Perhaps that will symbolize yet another phase in my life). My apologies that I can't say with any certainty that it has to do with Judaism that they are against it, but I imagine it is part of their dislike for the practice. My grandmother was in Auschwitz and certainly I have always associated their feelings on tattoos with the mandatory tattooing done on victims there. This is one of the reasons I got it in a place where they could not see it.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: Partly, I got it done in a place where no one could see it. Also, thanks to denial and the power of the human mind to ignore consequences, I decided that if I ever regret getting it, I'll just cross that bridge when I come to it.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Yes, in the sense that the taboo against tattooing was a part of my religion, and I was aware of it. It of course crossed my mind that this was the case, so I guess I could say that I did it in willful rebellion against that restraint. But it wasn't so much rebellion, but more just the way that I can comfortably say that I am associated with a religion. I don't think I could be part of a religion that would restrain me from doing something that I have no other problem with other than that it was against the religion. So I feel even more comfortable calling myself Jewish knowing that I can be both Jewish and have a tattoo. Is it hypocritical? Maybe. I don't care.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: As with any custom, where someone is restrained from doing something, it will wane. First of all, as to the general proscription against tattooing in the minds of many, so many people are getting and have tattoos now that, as these people "grow up" and take their places in society, there will be no way for the taboo to continue to exist. Especially in America, the only way to make sure people continue wanting to practice a religion is to make it fit in more easily with people's modern, secular lives. Plus, I've read articles where Jews are actually getting tattoos on purpose to assert their choice over what they do to their bodies, as opposed to what was done to Jews in the camps.

Gender: Female **Age**: 29

City/State of Residency: O'Fallon, Missouri

Movement Affiliation: Conservative

How do you define your Judaism?
Judaism is something that I was born with but turned into something I love and made me who I am today. It has become an important aspect that I want to incorporate in my children's lives.

Question: Please describe your tattoo.
Answer: My first name in Hebrew: Sarah.

Question: At what age were you tattooed?
Answer: 21

Question: Where on the body is your tattoo found? For what reason was your tattoo placed there?
Answer: Right above my tailbone. So that no one would be able to see it.

Question: Who was intended to view your tattoo?
Answer: Just my husband.

Question: Has the intended message of the tattoo changed from when you first got it? If so, how?
Answer: No.

Question: For what reason(s) did you choose to be tattooed?
Answer: Simply because it was something that I wanted to do for myself. I wanted a tattoo, but I didn't want something stupid that I would regret one day. My first name would be mine for the rest of my life, so that is why I chose "Sarah." I decided to do it in Hebrew because of what my parents had made me believe for so long – that tattoos were against the Jewish religion. If I was going to be going against Judaism I may as well do it right. Some may believe that this makes no sense, but to me it was perfectly clear. Judaism has and always will be an important part of who I am. Having the Hebrew on my body rather than some random butterfly made me feel even closer to the religion. It helped me to believe that I wasn't the "bad Jew" that my parents tried to make me into.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?
Answer: My parents had always told me that if I got a tattoo I couldn't be buried in a Jewish cemetery and that it would hurt them deeply for that to happen. My parents were very disappointed in me when they found out about the tattoo

and they tried to get me to have it removed. They even offered to pay for it. I refused.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: It upset me that my own personal decision to have a tattoo was something my parents used to look down on me. I considered letting my parents pay to remove the tattoo (to please them) but realized that I had it placed there for a reason. Having a tattoo didn't make me less of a Jew and I couldn't let my parents make me believe otherwise.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Yes. Stated above.

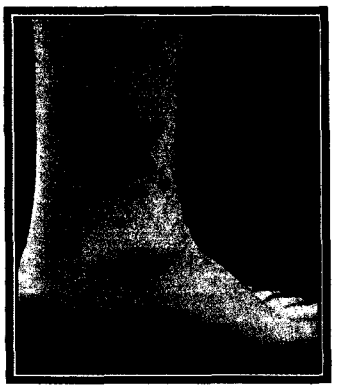
Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: I think the numbers are going to increase. People are starting to care even less whether the older generation believes that it's against the religion. People are starting to think for themselves.

Gender: Male **Age**: 30

City/State of Residency: Cincinnati, Ohio

Movement Affiliation: Reform



How do you define your Judaism?
Judaism is a tool which can help one interpret the living texts of the world. The tool of Judaism is equipped with multiple features: history and texts, religion and culture, peoplehood and statehood, philosophy and God. The individual Jew, who wields this tool has the free will, the irrevocable Divine gift that makes us human, to use the features that best help him/her understand life.

Question: Please describe your tattoos.
Answer: I have three tattoos…

a. Intertwined *Magen David* (in white and blue) with a dove in the middle, which has an olive branch in his beak.
b. Tribal band around right bicep. It incorporates two Stars of David and Eagle Scout symbol. The Hebrew word, *Chai* ("life") is designed as the chest of the Eagle.
c. An *Etz Chayim* ("Tree of Life") with 18 leaves to the tree. The tree is on fire, and the flame is in the shape of the Hebrew letter "*shin.*" The roots of the tree are twisted into the shape of a *Magen David*, centered on a Torah Scroll. Added to this tattoo are two Hebrew words: *Shema* ("Hear") and *Echad* ("One").

Question: At what age were you tattooed?
Answer: (a) 16 – *Magen David* with Dove,
(b) 18 – Tribal Band around bicep, and
(c) 20 – *Etz Chayim*

Question: Where on the body are your tattoos found? For what reasons were your tattoos placed there?
Answer: (a) Left Ankel – *Magen David* with Dove,
(b) Right Bicep – Tribal band,
(c) Center, Upper Back – *Etz Chayim*

They were placed in places that seemed fitting for the design, as well as, in locations that could be hidden when deemed desirable for the social contexts.

Question: Who was intended to view your tattoos?

Answer: Primarily myself. In fact, I placed them in spots that are easily covered by clothing, for professional reasons.

Question: Has the intended message of the tattoos changed from when you first got them? If so, how?

Answer: The message has not changed. However, I now attribute religious meaning to my first tattoo. Initially I just wanted to be tattooed. At the age of 16, traveling in Israel, I found my chance. It was in a less-than-reputable tattoo shop in Tel Aviv. Yet, I froze when asked what I wanted. Prior to this trip, I had thought of many things: the Tasmanian Devil, a Coke bottle, etc. Something Jewish was the farthest things from my mind. After all, I was a Jew simply because my parents are Jews, and their parents, and their parents before them. Judaism meant no more to me than the color eyes I was born with. I had no choice in accepting them. Yet, had a not like them, I would have found a way to alter their appearance.

On this trip to Israel it was I who was altered. On November 4, 1995, I was just minutes away from the spot Yitzhak Rabin was assassinated. And, before I knew it I was not reading history. I was the history. It was a life-changing perspective. I could continue to read about Jewish history, or I could become an active player in that book, shaping the history of the Jewish people. The moment I was tattooed with a Star of David near my foot, I solidified my place among my people. Wherever I walked, I was accompanied by those who came before me. Specifically Rabin's mission became my mission: peace.

At that time, the message was clear of any religious connotations. It was a mark of identification with the people and the mission of peace. Now that my path of Judaism has continued, I find myself enjoying multiple facets of our people, including the religion. Thus, no longer when I look at the tattoo, does it simply speak to my cultural identity. It is reinforced with my deep religious identification as well, for which we aspire to bring God's peace here on earth.

Question: For what reason(s) did you choose to be tattooed?

Answer: (a) *Magen David* – Permanent identification with the Jewish people.
(b) Tribal Band – A reminder of valuable lessons which could guide my life in a period of transition (leaving home and starting out on my own in college). These teachings came from Judaism as well as my time in the Boy Scouts.
(c) *Etz Chayim* – This expresses my perspective on life, balancing my affection for my particular Jewish faith with my universal faith in human kind under one God. Like a tree, which stays rooted to where it was born, I too will stay rooted to the faith from which I was born. Yet, as a tree grows, it branches outward to encompass as much life as possible underneath the protection of its branches. Thus, I too – throughout my life – will branch out to help others. For this reason I added the words, *Shema* and *Echad*. It emphasizes the oneness I hear in my life: one love, one life, and certainly one God that encompasses all diversity. Additionally, the flame is in the shape of

the Hebrew letter "*shin*" for the "*shin*" marks holy vessels for protection. For like the mezuzah, the body is a holy vessel.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: Not with my first tattoo. I was lucky nothing bad stemmed from this experience. In my decision to be tattooed the following two times, I not only considered the cleanliness of the place, but other practical issues like the skill of the artist and the price of the tattoos.

Also, in my decision to be tattooed two more times, I began exploring the Jewish religious perspective on tattooing. I don't think I would have, had it not been for the rabbi at the Conservative congregation I worked for as a youth advisor. He presented me with the Conservative responsum on the topic, and said that if I desired to continue to work with children it would be advantageous to be informed. I read it and felt – at the time – I was informed on the topic. Nevertheless, I still went on to be tattooed.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: In regards to the practical concerns, I spoke with friends who were tattooed and asked about the tattoo parlor they went to, as well as the tattoo artist they worked with. One of my friends had befriended a local tattoo artist who was recognized in the business. Since I designed my own tattoos, he allowed me to come back to his studio and work from there. It was a very personal process. I couldn't have asked for a more meaningful experience.

Regarding the second issue over the religion, I realize now I was not as informed as I could have been. Reading one responsum certainly does not equip me with enough information to have made an informed Jewish decision. In retrospect, I first made a decision and then tried to justify it only later through Judaism: both in presentation (including Jewish images) as well as with Jewish texts and thought. I do not regret the decision, for I would still tattoo my body even today. However, I do regret the process, not allowing my tradition to speak more to my decision prior to making it.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Not at first, but it certainly does now. The concept of *b'tzelem elohim*, in my view, is wrongly manipulated to convince modern Jews not to tattoo. "Created in the image of God" does not literally mean that our human form is a reflection of God, and that by tattooing we are actually screwing with God's form. No way, for God has no arms, legs, chest, head, etc, unless individuals choose to anthropomorphisize God.

God, rather, is a spirit that exists within and around everything, unifying all diversity. God, in fact, imparts this spirit into each one of us. As it is stated in Genesis 2:7, "God formed man from the dust of the earth and blew into his

nostrils the breath (spirit) of life. Man became a living being." This is what is meant by *b'tzelem elohim*. Not God's body, but God's spirit is bestowed within each of us, within the vessel of body.

This vessel, however, is fleeting. As part of a mortal life, God informs man: "you are dust, and to dust you shall return," (Gen 3:19). Our bodies are, therefore, temporary vessels which will return to the earth. Nevertheless, why they are here, they house the eternal soul which will one day return to God. It appears, then, that no violation/harm to *b'tzelem elohim* (i.e. the soul) occurs when the vessel (i.e. the body) is tattooed.

I know. Some will argued the exact opposite: tattooing jeopardizes the integrity of this temporary vessel and by extension the eternal spirit it is meant to protect. But, and this is a critical "BUT." Modern tattooing in most places in the developed world is a highly regularized process by local, state, and national governments, which establish strict guidelines regarding the safety and cleanliness as well as harsh punishments for their violation. These guidelines are even equitable to the sterility of hospital procedures, as tattooing is considered a surgical procedure.

Thus, I believe, tattooing does not harm the soul (which is in the image of God). Particularly my tattoos, importantly and valuably, express the soul and even express my understanding of God.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: From my understanding of the prohibition, and many similar prohibitions, tattooing was forbidden as a way to make the Israel nation and its members distinct from its neighbors. Does not the tattooing of Jewish symbols and messages accomplish this task – distinguishing an individual as a Jew? Sure, it was not the way that the rabbis had intended for Judaism to be distinct, but does that mean it is any less valuable and credible of an approach? In fact, the Pharisees of the Second Temple began a movement, which rabbinic Judaism comes from, to democratize Judaism – making it more available and accessible to all the people, not just the Sadducees (priest) of the Temple.

Are we to go back on the spirit of movement of openness and change by saying that only rabbis can have a credible approach to God's teachings? Therefore, to empower every Jew to make Jewish decisions in the future, I think Jews need to be better informed about the tradition. This does not mean that we will abide by its rules. But, understanding the why: whether *why* one accepts the tradition or *why* one does not accept the tradition allows the choice of the individual Jew to be a Jewish choice. Possibly, the Jewish path of tattooing in the future will reside in between these two extremes of outright rejection and outright acceptance.

Gender: Male **Age:** 30

City/State of Residency: Hollywood, California & New York City

Movement Affiliation: Reform

How do you define your Judaism?
I believe that Judaism is something within yourself. It's how I feel in my heart and mind. It's my connection to the Jewish people. It's my pride as a Jew and my understanding of how to allow my religion to continue to the next generation.

Question: Please describe your tattoos.
Answer: Well there are many to describe...
(a) My left arm is an entire martial art piece representing the 5 Kenpo animals with roses intertwined. (b) My right arm is a dragon, Thai flamed art, a web, a hand of God, Hebrew wrighting that says "only god will judge", and a punk girl with a guitar. (c) My neck has a black widow on it. (d) My chest has a Jewish star in the same spot my relatives in the holocaust wore their yellow star. (e) My leg has a grateful Dead logo on it. (f) My back has an eagle and Chinese writing on my spine.

Question: At what age were you tattooed?
Answer: 13 years old, then 16, then 18 and every year since.

Question: Where on the body are your tattoos found? For what reasons were your tattoos placed there?
Answer: I have 2 sleeved arms, large back tattoo, leg tattoos, chest piece, and a neck piece. My tattoos all have significant meaning to me. They represent a time or event in my life that has affected me in some way. It's a way for me to remember certain things that I believe in or should be reminded of. The message to others is to speak of freedom and passion for what I believe and realize.

Question: Who was intended to view your tattoos?
Answer: Me and the entire world.

Question: Has the intended message of the tattoos changed from when you first got it? If so, how?
Answer: No. they all still remind me of the same things they were supposed to. That will never change.

Question: For what reason(s) did you choose to be tattooed?
Answer: Freedom of expression and art. Also, all of my tattoos are things I believe in and want to be reminded of. For example, I have many references to martial

arts, which was a time in my life of intense mental and physical training; a time of control for me and pushing to the limits. My tattoos of a Jewish nature are reminders of my heritage and that my relative fought for freedom from persecution. I have a Star of David on the spot where my family was forced to wear a yellow star during WWII. A time no one should forget and a time I force myself to be reminded of.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: No, I always do things my way and never question others reactions.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: I did not consult my mother. She only saw the tattoos years later and her reaction was crying. She said that our family was tattooed in labor camps and how could I. I explained my view. The tattoos were a memorial and a reminder. After time, she understood. She has no issues anymore, she understands and respects me more now and doesn't question me. She sees the passion I have for them and what they mean to me. Besides the guilt of my mother, no other issue ever came up.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Yes, many of my tattoos are influenced by Judaism: Jewish scripture and art.

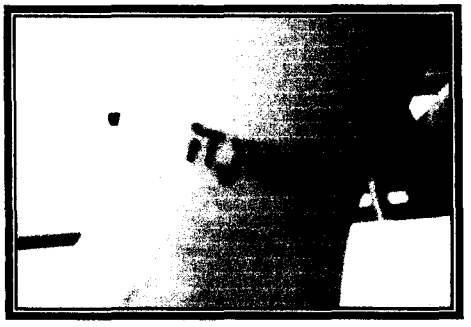
Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: Like the rest of the world, it will continue and the Jewish community will begin to realize that the youth have changed. This is a new generation.

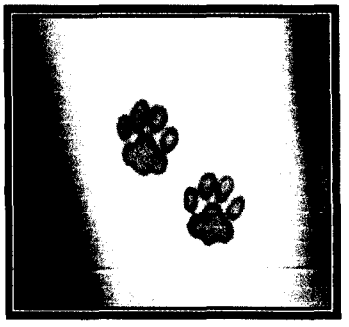
Gender: Female **Age**: 33

City/State of Residency: Cincinnati, Ohio

Movement Affiliation: Reform



How do you define your Judaism?
I define my Judaism as the way I live my life. My main focus is on *tikkun-olam*, but I find peace in my Judaism, especially when dealing with difficult situations or people.



Question: Please describe your tattoos.
Answer: Tattoo #1: Two Cat Paws
Tattoo#2: *Emunah* written in Hebrew
Both are in dark purple ink.

Question: At what age were you tattooed?
Answer: 30, as a birthday present to myself. At age 30, I also converted to Judaism at Wise Temple, Reform, with Rabbi Michael Shulman. It just felt like coming home and it became part of me instantly.

I was born into a Catholic family, but not really raised in the faith as in no formal classes, training, etc. Including, I did not receive any information about tattooing from that faith tradition. We never really talked about the religion and any time I was in a Catholic Church, I felt out of place. I never felt right and I could never come to grasp/reconcile/understand the idea of more than one God. The first time I sat in a synagogue it was if I had come home.

Question: Where on the body are your tattoos found? For what reasons were your tattoos placed there?
Answer: Tattoo #1: The Cat Paws are on the outside of my right ankle.
Tattoo #2: *Emunah* is on the inside of my right ankle.

Question: Who was intended to view your tattoos?
Answer: I did not really think about this at first. I placed them on my ankle to ensure that I would see them, but I really did not think about who else would see them. However, I did realize that they would be noticeable to other people, but not necessarily the first thing people would notice about me. Of course, at first, I showed them off to my friends!

I teach High School and this particular year I had sophomores and juniors for Social Studies. Because I got them in March, my students knew that I was getting them because they heard me talking about it with colleagues and they

eagerly joined the discussion. They were very concerned about what I was choosing, why I chose it, where I was putting it, color, style, etc. However, the following year with my new group of students, I was stunned at how fast they saw them on my ankle! Now, it is a fun game I play with myself to see which brave new student will ask first about them.

They are always intrigued to find out the meaning of the Hebrew tattoo. They don't know any Jews, so I am an anomaly. Many of them do not even know it is Hebrew at first. They don't really react. They just sort of nod or say "hmmm." They very rarely ask why. Some of my juniors, who I have since they were freshmen, have asked why I chose it in the past two years and I explain. A couple of the girls have asked to touch it as well, but I did not ask why. It is a bit raised, so it does have a feeling as opposed to just blending into my skin. Because this class is so small, I often sit amongst them during discussion and toss my legs up on a chair, so they see it very up close.

Question: Has the intended message of the tattoos changed from when you first got them? If so, how?

Answer: No

Question: For what reason(s) did you choose to be tattooed?

Answer: I have always been so conservative, straight-laced, and one who kept to the social norms. So, for my 30th birthday, I decided to be rebellious! People are still surprised to discover that I have two tattoos! It was fun and I chose something meaningful, so I feel like I made the right decision.

I chose the Cat Paws to represent my love of animals and my dedication to the no-kill shelter where I volunteer. These tie into the Jewish idea of *tikkun-olam*. Since I share my home with cats and work largely with cats at the shelter, cat paws seemed the logical choice. Also, dog paws would be way too large or at least, when I think of dog paws, I am thinking large breeds! Two others at the shelter have a similar tattoo, but each is unique to the tattoo artist and the person.

I chose *Emunah* because when I converted to Judaism (of my own free will not due to my previous marriage), I finally learned what faith meant: Even though you can't touch it, see it, rationalize it, it is still possible and it can happen. It had always been such a hazy concept in my mind, but one day I was sitting at Shabbat services and the rabbi was discussing faith. It was like a beam of light suddenly opened in my mind and it illuminated a new part of my mind. I remember smiling and feeling myself physically relax. I wanted to place this word on me in a place where I could never forget or if I needed a reminder, I could touch my ankle. I think this is why I chose to place on the inside. I also wrote the word myself, so that was significant, too. When you choose Yisraela as your Hebrew middle name...faith is really important!

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: No. However, now school districts are considering mandating that tattoos not be visible during the school day, so I do not know how I will handle this if this should become an issue.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: N/A

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: In addition to the answer above, I also did think about the tattoos as being symbolic of the Holocaust survivors particularly those in Auschwitz. These Jews did not receive their tattoos by choice and their marks were a reminder of horrific times.

For me, I feel like my *Emunah* tattoo honors their struggle of survival, and to a certain extent, expresses the idea that modern Jews have the choice of being tattooed with Jewish symbols that bring glory to Judaism rather than shame.

I don't write poetry or sing or dance. I consider my tattoo a piece of art because I wrote it. I read in *My Mother's Eyes,* by Anna Ornstein, about how she sought out the best "tattoo artist." She had enough pride in herself to want a neat mark inscribed in her. My action reflects her actions and I feel honors her.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: On a certain level, tattooing has become a fad for those in their 30s and the generations behind them, so since many Jews are assimilated into main stream society, I think younger Jews will be more tattooed than the baby boom generation. Will a decision have to be made about allowing the burial of tattooed Jews in Jewish cemeteries...perhaps.

I am not sure what other laws of *Halacha* tattooing breaks; therefore, I cannot comment further. However, I did have a rabbi tell me that many ancient Jews did do tattooing, so perhaps a historian should research this and spark conversation amongst rabbis and Jews of all three movements.

Gender: Male **Age**: 42

City/State of Residency: Cincinnati, Ohio

Movement Affiliation: Reform

How do you define your Judaism?
A spiritual exploration using the tools of the Jewish religion; a blend of modernity and mysticism.

Question: Please describe your tattoo.
Answer: I have a tattoo on my ankle that is a black band with waves in it.

Question: At what age were you tattooed?
Answer: 35

Question: Where on the body is your tattoo found? For what reason was your tattoo placed there?
Answer: Ankle, it was able to be private but also viewable when I wanted it to be. As a rabbi, we are role models of Jews - whether we want to be or not. When someone finds out you are a rabbi, they watch what you eat more carefully. They watch how you behave more carefully. And, so to have a tattoo, they can say: "*Well*, I know a rabbi who has a tattoo." You become the Jewish representative. For non-Jews especially, because their litmus tests are priests, imams, ministers, which are held in high regards in their systems. Whether or not we as rabbis are held in high regards by our own system is another question. If I am a role model to people, then I need to be seriously careful about the aspects of my life that are public, which is the reason that I chose to get the tattoo in a place that I could show it to people that I want to show it to.

Question: Who was intended to view your tattoo?
Answer: All.

Question: Has the intended message of the tattoo changed from when you first got it? If so, how?
Answer: No.

Question: For what reason(s) did you choose to be tattooed?
Answer: The tattoo represented a struggle through trauma and the source of strength in all times of darkness, the wave. I waited until I had finished rabbinical school which was a real struggle for me. Just in general it was a very hard time and I had some childhood trauma that I was working through. At that point, I had some breakthrough on it. I saw the tattoo representing the kind of opportunity to show the darkness on the outside of the tattoo and the hope was the water on the inside of the tattoo. Even in tough times in my life I find the ocean very, very powerful as a metaphor and also as hope.

Also, I always wanted the tribal style tattoo, because I am connected to that tribal aspect of life. Thus the tattoo represents that tribal physical strength, as well as that inner strength too. If I had known how much it was going to hurt with the black [work] it might have been different. Yet, I think the pain was a good aspect for me. Kind of like a rite of passage, like I wanted to experience getting something beautiful out of something harder. I think it comes back to the concept of earning something. Like in tribal societies I think you earn your place through acts of bravery, acts of going through something difficult. Any good decision in your life goes through that, it might not be physical pain. It could be emotional pain, struggle.

I mean, I tried other mediums. I had tried painting. I had tried writing. I had tried physical sculpture. I had tried exercise. I tried everything else. And this decision to be tattooed seemed to be a commitment to the fact that, especially in relation to the trauma aspect of it, this is my wound; this is my mark. I identify so much with Jacob - the story of Jacob wresting - that he walks with a limp afterwards; or Isaiah as the wounded healer. Like this was my mark. I look at this tattoo I remember always that I went through this very difficult time and I am still standing. That's why the tattoo... it's permanent.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: No.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: None.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Yes. As a rabbi I needed to examine the decision seriously and also know that some wouldn't understand it. I started looking at the Torah text and then I moved to the *Mishnah* and Talmud. I knew I wanted to get a tattoo. So, maybe that colored my way of looking at the text. I didn't believe the whole thing about not getting buried in a Jewish cemetery, as keeping me away from that decision.

I run a different kind of rabbinate than a lot of people anyway. I kind of go at the beat of my own drum. I always have. To get a tattoo was not a big deal on that part. But, as I have matured into the role and realized the responsibility of it, it changes the way I look at it. I still don't give a crap what people think. To a certain extent, this is who I am. The people that are not going to understand are also going to be the people who are not going to understand other things about me either.

"What do I do as a teacher of young people, who might have parents who don't want them to get a tattoo, and might feel that if the rabbi has one, why can't I have one?" I have to be careful about the advice that I give. I never tell

a kid go and get a tattoo. But I say, if you are going to get a tattoo, here are the consequences. And the consequences to the action are permanent. If you get Yosemite Sam tattooed on your rear-end, it's permanent and you better like it and it better mean something to you.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: I believe that tattooing has a place in modern society and Judaism, as it grows, will embrace its expression with greater understanding. In fact, I think we are entering a new era for Jews; a place where Jewish pride is going to be a huge piece in constructing the message to younger Jews and even to Jews in their 20's, 30's, 40's.

If you go back to the way Judaism was – pre-rabbinic – I think there were lots of rites of passage that we have lost touch with. I think that tattoo could be a rite of passage. It could be a way of marking ourselves as something... tattooing, historical, has been a sign of becoming a man. I am not suggesting that we tattoo all our Bar/Bat Mitzvah kids. But in our own way, the Bar/Bat Mitzvah is a representation of a struggle through something difficult at a difficult time in our lives. There could be some real powerful stuff with tattooing.

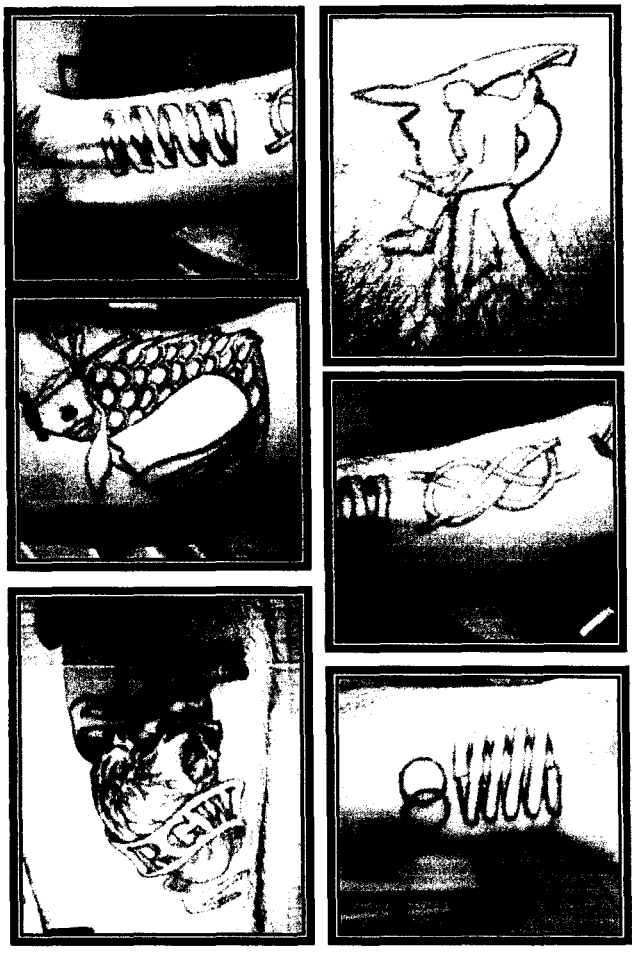
I understand that there are people that see tattooing in relation to the Holocaust. But, I don't see Judaism in relation to the Holocaust. I don't want my Judaism to be a response to the Holocaust. I think it is a mistake. I think the tattoos that people were forced to wear are different than the ones we are choosing as free people. The tattoos of slavery in Egypt are different than the tattoos that might have happened in the Promised Land. So it is taking back that.

I say, be proud of who you are. Be proud of being Jewish. Get a Jewish symbol tattooed on your body and be proud of it.

Gender: Male **Age**: 43

City/State of Residency: Stillwater, Oklahoma

Movement Affiliation:
I was a long time member of *Habonim* (1977-1984), which culminated in a year of volunteer Kibbutz work with 40+/- of my childhood, summer camp friends. After that I became absorbed by my college education in the arts. I have very mixed feelings about the Zionist movement at this point. The Israeli-Palestinian conflict is a very tough nut. I tend to side with the marginalized people in any ethnic, religious or nationalist conflict.



How do you define your Judaism?
At the moment, living in Oklahoma I have never felt so much like a minority, a Jew in a land of beef eating, Jesus loving, republican insular people. But besides the immediate situation I am marginal in my observation of the religion but still very connected to my heritage and educating our six year old about the holidays, the history and the culture.

Question: Please describe your tattoos.
Answer: I have many: on my chest, both inner forearms and above my right ankle. 9 total. I have included 6 images, each having descriptions of the image and the year the ink was applied.

Left upper chest – Right Angle, man w/decorative iron background, 1991
Right inner wrist – Banner without traditional text, 1995
Right inner forearm – Double Carrick's bend, traditional decorative sailing knot, 1996 (while on honeymoon in Newfoundland)
Right inner elbow – Carp Image from Hawaiian Surfing Shirt, 1998
Left inner wrist – Hobo rings and mechanical spring, 1995-1996
Left inner forearm – Human heart with RGW banner, 2000

All of my tattoos reflect personal experience, people in my life, visual creativity and sculptural object making. The greater symbolism of the imagery is how I choose to use illustrated imagery as a way to communicate ideas. The sailing knot is self explanatory as a symbol of our wedding vows. The

fish is an adaptation of an old Japanese wood cut image which tells of a boy who is fishing and catches a very large fish who is actually a reincarnation of his grandmother. The fish is so big that while he is reeling it in it devours him. The human heart with the initials and banner is my gift to my wife: taking her maiden name initials after she took my sir name. The hobo rings were a gift from a friend/tattoo artist who shared with me the lore of hobos branding one another with the open end of a hot pipe as a sign of friendship.

Question: At what age were you tattooed?

Answer: 24 or 25. I had my first tattoo done in 1989 or 1990 in Colorado by a tattoo artist named Calamity Jane. Her name alone got me interested.

Question: Where on the body are your tattoos found? For what reasons were your tattoos placed there?

Answer: I got my first tattoo above my right ankle. I didn't want to look at it or have it looked at all of the time. Then I got my second tattoo on my chest as a sign or seal or symbol of being creative and human and male. My remaining tattoos are on both of my inner forearms. This "leap" to more visible areas of my body was a conscious decision that took me from the modest phase of being tattooed to the vanity phase. I also considered the effect of the sun on the ink which is why they are on the inner forearm.

Question: Who was intended to view your tattoos?

Answer: No one specifically was "intended" to view them. Yet I make little effort to keep them covered from view. Except for job interviews and exposure to the sun.

Question: Has the intended message of the tattoos changed from when you first got them?

Answer: No, I have always thought through the initial concept and drawing thoroughly before approaching the tattoo artist.

Question: For what reason(s) did you choose to be tattooed?

Answer: I believe adornment of the body, self mutilation and or voluntary adornment/mutilation is an inherent part of experiencing the human condition, whether it's piercing, branding, circumcision etc. We are the only "beings" that perform these types of acts on ourselves and each other. It is through the daily ritual, sub-cultural interactions and spiritual relations that we participate in these acts. We don't have to experience these acts or images in order to be humans. Yet, if we do experience them as observers or as the subject(s) we stand to gain a broader understanding of our relationship to one another and the creative and spiritual relationship we have to our existential world. We have the capacity to adorn ourselves and the capacity to permanently alter ourselves and it is through these acts that we potentially reconnect to some of the oldest ritual practices in human community. People who do not tattoo are no less human that those of us who do tattoo. People who do not tattoo

participate in other practices and activities that reflect human ritual history and contemporary versions of those rituals.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?

Answer: I was mainly concerned with the sterility of the needles being used by the tattoo artist. Although I was aware of the potential implications, I was not concerned about burial in a Jewish cemetery. Since I was a young adult I have never really appreciated or understood why we (Western human society) place so much value in burial. I admit I have never researched the history of it either, so my lack of appreciation is somewhat out of ignorance. But from a gut level and from an intellectual/emotional perspective I am much more inclined towards cremation of human remains. This being said, I did momentarily consider how my mother, who is no longer living, would react to my being tattooed in relation to the "ban on burial." It was a passing consideration that was quickly trumped by my personal interest in permanent body art.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: N/A

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: No.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: Wow!! That's a big question. Raised as a suburban Philadelphia liberal Reform Jew who has slowly and consistently moved away from any standard religious life style, I'm not sure I can easily approach the question. I do believe that there are acceptable and not acceptable practices within and outside of the Judeo-Christian mainstream. Somehow, tattooing has become marginally acceptable in the general mainstream since the late 20th century. I don't think however that tattooing will ever be acceptable in the Conservative or Orthodox Jewish culture/religion. I'm not sure there is a need for it to be acceptable in those contexts. At what point do the individual interests and needs of a modern society Jew mesh with the practices and ritual of tattooing? Is there a common ground on which tattooing can expand the perspective of modern Judaism and is there common ground on which modern Judaism can expand the perspective of tattooing?

Finally, I offer a brief anecdote: I had two male students last semester, one in a foundations level design class and the other in an upper level sculpture class, both in their early to mid twenties. Several weeks into the design class I noticed student #1 had Hebrew print tattooed on his inner forearm. I asked him if he knew what the word was and he answered it meant "blessed" as derived from the Old Testament. I asked him if he was Jewish. He said no. I

was fascinated that in central Oklahoma a young adult was individual enough to have Hebrew text tattooed on himself.

Within a week of that interaction, I noticed student #2 had Hebrew text tattooed on his inner bicep (ouch!). I asked if he would rotate his arm out and upon closer observation and with my rudimentary Hebrew skills I read out loud the word mish-pa-cha (family). He immediately asked me how I knew the word and I explained my Jewish background and my *Habonim* history. I asked if he was Jewish and he too said no. So the moral of the story is when in Oklahoma expect to meet at least two young adults, both college art students, both having tattoos incorporating Hebrew text, both interested in the graphic appearance and underlying history of the Hebrew language.

Gender: Female **Age**: 58

City/State of Residency: Cincinnati, Ohio

Movement Affiliation: Reform

How do you define your Judaism?
I observe certain traditions and customs and clearly consider myself ethnically and religiously Jewish.

Question: Please describe your tattoo.
Answer: I have a Maat feather and a lotus flower intertwined. They are symbols of truth/justice and rebirth.

Question: At what age were you tattooed?
Answer: 55

Question: Where on the body is your tattoo found? For what reason was your tattoo placed there?
Answer: My upper arm, that way I can cover it when I want to and display it when I feel comfortable doing that.

Question Who was intended to view your tattoo?
Answer: It's mostly for me, but also for others when I'm around people who are not judgmental about tattoos.

Question: Has the intended message of the tattoo changed from when you first got it? If so, how?
Answer: No.

Question: For what reason(s) did you choose to be tattooed?
Answer: My son is a tattoo artist and I wanted to support his artistic expression. Honestly, at first I was not supportive of my son's chosen profession. Over the years, however, I had the chance to reflect on it more carefully. I think at first it was also a rebellious act on his part - expressing his artistic talent in that way. We both changed our thinking. When I got the tattoo it was also at the time that I received tenure -- so it was a statement on my part too.

Also the symbols of my tattoo are meaningful for me. The Maat and lotus are symbolic of future hope for our world in general. Also, I admire ancient Egyptian culture and the ideas behind their symbols.

Question: Did you need to consider certain issues before getting a tattoo? If so, what issues arose?
Answer: Yes. Mostly I needed to be sure that I wanted to have those marks for the rest of my life.

Question: If certain issues were raised in your decision, how did you deal with them?

Answer: Being Jewish and the biblical prohibition were some issues expressed by others. I don't really think they are applicable in modern times for informed persons. "Informed persons" are thinking adults who don't just follow religious precepts blindly. For non-orthodox persons to consider tattoos a taboo, while they choose not to observe Shabbat or kashrut according to *halacha* seems a contradiction or better yet simply arbitrary and close-minded.

Question: Did Judaism, in any way, play a role in your decision? If so, how?

Answer: Ultimately, no.

Question: What, in your opinion, is the future of tattoos and tattooing in the Jewish world?

Answer: I think tattooing in the Jewish world will become accepted. This can be seen in the rapid rise of the practice in Israel. Making the decision to have a tattoo (or not to have one) should be an individual decision, not one dictated by any rabbi or other authority figure.

Conclusion:

Even from the small sample of 11 respondents, it can be suggested that the practice of tattooing has broad range appeal within the Jewish community. Jews from all over the United States availed themselves of the practice, from the west in California and Arizona to the east in Vermont, Massachusetts, and New York as well as the places in between such as Ohio, Missouri, and Oklahoma. Not only are American Jews engaging in the practice of tattooing, Jews in Israel have also been enticed by the modern trend, as is heard from the resident of Givat Avni in the southern Galilee region of Northern Israel. As the practice is not isolated to one Jewish community, neither is it isolated to one particular generation, as Jews from their early teens to those in their mid-50's have all made the choice to permanently mark their skins with a tattoo. Additionally, tattoo's wide appeal in the Jewish community can be suggested, as marked respondents espoused a connection to diverse enclaves of Judaism: Conservative, Reform, Humanist, Zionist, and the unaffiliated. As geographically, generationally, and socially diverse as this small sample of 11 respondents may be, they all had one thing in common: all 11 made the choice to be tattooed. Yet, underlying the shared decision are personal considerations that will expose the complex Jewish engagement with tattooing in modernity.

Why does the modern Jew tattoo? Concisely, as was stated by one respondent, modern Jews "choose to use illustrated imagery [of a tattoo] as a way to communicate ideas."[1] Despite the common decision to communicate ideas through the incision and insertion of ink underneath the skin as to leave an indelible mark, the underlying meaning respondents imbue in those marks varies. For some the meaning of the tattoo does not

1. This statement comes from the respondent from Oklahoma.

extend far beyond the superficial epidermis, as is heard from the 29 year-old respondent from Missouri: "[I got a tattoo] simply because it was something I wanted to do for myself." For others, however, the depth of the tattoo as a means of self-expression extends well beyond the physical insertion. The tattoo can be a means to express one's allegiance to a principle: truth and justice, hope and friendship. It can also express solidarity to a mission, such as volunteer work, or to a people, as is the case of the *Magen David* tattoo on the 30 year-old respondent from Ohio: "The moment I was tattooed with a Star of David near my foot, I solidified my place among my people."

Still, for other respondents, the tattoo was less about an ideological message and more about a temporal one as the act of tattooing marked the miles on the road of life. In the words of the 29 year-old from Massachusetts, "I wanted to wait and get it [i.e. the tattoo] while I was on the cusp of the next phase of my life." Out of the 11 respondents, eight chose to be marked by a tattoo as a way to express a moment of transition such as a birthday, wedding, conversion, surviving a trauma, and achieving tenure in one's profession. It is suggestive from the responses that the tattoo with which the modern Jew engages is primarily a permanent means of self-expression to remind one of important moments in one's life and the values contained therein.

However, for a small percentage of modern Jews the act of tattooing may not be expressive but effective, as respondents believe the tattoo can evoke a substantive power in the lives of the marked individual. According to the 27 year-old from Vermont, "I chose that area [i.e. right hip] because when I get pregnant, and I intend to, the location of the tattoo will make it appear that the hand [of God] is cradling the baby...The idea was for it to protect me and promote good energy." The tattoo as a mark which imbues the

bearer with strength during the precarious moments of life is also shared by the 42 year-old respondent from Ohio. After surviving one trauma, the Jewish male envisioned a tattoo that would be a "source of strength in all times of darkness." Whether as effective or expressive marks, it is suggested that the "voluntary adornment/mutilation is an inherent part of experiencing the human condition...if we do experience them as observers or as the subject(s) we stand to gain a broader understanding of our relationships we have to our existential world."[2]

Yet the observation of this part of the human condition is often restricted by the inconspicuous places the tattoo is made on the human body. Out of the 11 respondents, only two chose highly visible locations for the tattoo, such as the forearm or neck. As it was recognized by one respondent, a mental adjustment is made when one chooses a more conspicuous place. According to the 43 year-old from Oklahoma, who is tattooed multiple times on the forearms, "This 'leap' to more visible areas of my body was a conscious decision that took me from the modest phase of being tattooed to the vanity phase." In fact, most respondents – and it may be suggestive for tattooing among Jews in general – confine tattooing to its modest presentation as an overwhelming number of these individuals chose areas of the body that could be easily hidden by clothing: ankle, stomach, back, hip, upper thigh and upper arm.

The choice to adorn the body in these private places has two primary motivations: personal and public. A Jew may tattoo on an area of the body out of view of others because of the perceived private worth of the tattoo. This value is articulated in the response of the 27 year-old from Vermont. She wrote, "My tattoo was for me. Nobody

2. *Ibid.*

else." Personal worth was not the only motivating factor guiding the private placement of the tattoo. According to the 42 year-old respondent from Ohio, professional reasons also play a role in where the modern Jew tattoos. He wrote:

> "As a rabbi...I am a role model to people...I need to be seriously careful about the aspects of my life that are public. [For this] reason I chose to get the tattoo in a place that I could show it to people that I want to show it to."

Inherent in the rabbi's reasoning is concern for the public's perception of the tattoo. Although it has been acknowledged that a shift has occurred in the general public's perception of tattoos, that shift may not be as pervasive in the Jewish world, as even the Jewish respondents admit that at some point in life "visible tattoos are tacky."[3] Others simply avoid the potentially awkward social situation by showing it only to "people who are not judgmental about tattoos."[4]

Although it was not directly spoken of in the responses of the tattooed Jews, one may wonder if the private placement of the tattoo also signals a silent confession of the communal stigma against tattooing in Judaism. "There is a stigma, I suppose, but I don't feel it," wrote the 27 year-old from Vermont. Out of the 11 respondents, 10 were aware of the tattoo taboo in Judaism prior to the decision to be tattooed. "Yes," answered the 29 year-old from Massachusetts, "the taboo against tattooing was a part of my religion and I was aware of it." However, only three out of these 10 respondents correlate their informed status of the Jewish prohibition against tattooing to scripture, either Biblical or

3. The belief that visible tattoos are tacky comes from the female respondent from Massachusetts. It is also a thought shared by the 27 year-old respondent from Vermont. She wrote: "I knew that I did not want to get a visible tattoo. I dreaded the thought of being 80 and having some awkward tattoo imprinted on a clear and visible body part."

4. And, the concern about people who may be judgmental of people with tattoos comes from the 58 year-old respondent from Ohio.

rabbinic. The 42 year-old from Ohio stated, "I needed to examine the decision seriously... I started looking at the Torah text and then I moved to the *Mishnah* and Talmud." In addition to these early works of Jewish tradition, another respondent considered modern rabbinic positions. "In my decision to be tattooed...I began exploring the Jewish religious perspective on tattooing," stated the 30 year-old from Ohio. A Conservative rabbi "presented me with the Conservative responsum on the topic and said that if I desired to continue to work with children it would be advantageous to be informed."

In truth, the responses suggest that a majority of the Jewish community is actually ill-informed or incorrectly informed about the prohibition on tattooing. Out of the 11 respondents, six believe the taboo against tattooing has a direct correlation to a ban on Jewish burial. This incorrect teaching is perpetuated, in part, by parents: "My parents had always told me that if I got a tattoo I couldn't be buried in a Jewish cemetery."[5] Despite parental attempts to steer their children away from the practice by perpetuating the misconception, the ban-on-burial seems to lack real potency. For some, the supposed ban is ineffective due to a lack of concern for the afterlife. As the 21 year-old Israeli writes: "It really doesn't matter if I will not be buried in a Jewish cemetery. I will be dead."[6] For others, though, belief – rather than disbelief – actually counters the supposed ban. "Yes, I thought about religious so-called consequences," wrote the 27 year-old from Arizona, "but I believed that God or whatever higher power there is won't judge us in the end whether or not we decorate ourselves." While religious beliefs, whether correctly

5. This statement comes from the 29 year-old female respondent from O'Fallon, Missouri.

6. A disregard for an afterlife is not just felt among the young. The 43 year-old from Oklahoma wrote: "I have never really appreciated or understood why we (Western human society) place so much value in burial. I admit, I have never researched the history of it either, so my lack of appreciation is somewhat out of ignorance. But, from a gut level and from an intellectual/emotional perspective I am much more inclined towards cremation of human remains."

understood or not, are often considered in the decision to be or not to be tattooed, for many Jews these communal beliefs do not override one's sense of personal autonomy. The respondent from Vermont wrote, "I knew I could not be buried in a Jewish cemetery once I got one, but religion has never run my life."

Of greater influence in the contemporary Jew's life – specifically the decision to be tattooed – is the perception of previous generations, not in terms of religious traditions, but in terms of parental concerns and historical circumstances. Out of the 11 respondents, six recognized that the decision to be tattooed raised tension with a loved one, particularly in the parent-child relationship. The generational tension may be heard in the response of the 29 year-old from Missouri. She shared that her "parents were very disappointed...when they found out about the tattoo. [And,] it upset me that my own personal decision to have a tattoo was something my parents used to look down on me." Wishing to avoid the negative reaction, some respondents, like the one from Massachusetts decided to hide the tattoo from their parents. "My parents are very against tattoos and I didn't (and even at almost 30 [years-old] I continue to not) want them to see it."[7]

Other tattooed Jews, however, decided to confront their parents' concerns and aversive reactions. At times, this response came through direct conversations. According to the respondent from Vermont, "I am extremely close with my mother and father and would never, even have gotten a tattoo if I thought that it would jeopardize my relationship with either of them. However I needed them to know how important it was to me...I told them

7. The 27 year-old from Arizona also decided to hide her tattoo from her parents. She stated that the choice to be tattooed on the lower back near the tailbone was because "it is a spot that I was able to hide it [i.e. the tattoo] from my family."

that." At other times, those Jews who desired a tattoo attempted to pacify the concerns of the previous generation through the tattoo itself. Once again, the 29 year-old from Missouri wrote, "Having the Hebrew on my body rather than some random butterfly made me feel even closer to the religion. It helped me to believe that I wasn't the 'bad Jew' that my parents tried to make me into." Although parental concerns were considered by many of the respondents, these concerns were not enough to persuade the next generation from being tattooed. "I did momentarily consider how my mother, who is no longer living, would react to my being tattooed," stated the 43 year-old respondent from Oklahoma. "It was a passing consideration that was quickly trumped by my personal interest in permanent body art."

Personal interest also triumphed over the perception of the Holocaust generation on the practice of tattooing. Out of 11 respondents, five brought up the issue of the Holocaust – a moment when Jews were forcibly tattooed on their forearms as a way to remove their humanity and turn them into numbers. According to the 29 year-old respondent from Massachusetts, "My grandmother was in Auschwitz and certainly I have always associated their [i.e. the Holocaust generation and those immediately afterward] feelings on tattoos with the mandatory tattooing done on the victims there." Even so, the circumstances of the Holocaust do not have the affect some would imagine on the contemporary Jew's choice to be tattooed. For example, the respondent from California decided to be tattooed *because* of the Holocaust, incising a Star of David on his chest in the same spot his relatives were forced to embroider the yellow Star of David on their clothing. According to his statement, this tattoo served as a "memorial and a reminder" to them. If the Holocaust was not a motivation for the tattoo, then at least the conscripted

tattoos of that period brought meaning into the voluntary act of tattooing for some modern Jews. The 33 year-old from Ohio conveyed that her, "*Emunah* tattoo honors their struggle of survival, and to a certain extent, expresses the idea that modern Jews have the choice of being tattooed with Jewish symbols that bring glory to Judaism rather than shame."

While some Jews do not and will not see their Judaism in relation to the Holocaust, the 33 year-old respondent above may have a point: Jews are making the choice to be tattooed with a Jewish symbol as a way to bring meaning to their Jewish lives. In fact out of the 11 respondents, five chose a Jewish symbol as their mark-of-choice. For some, tattooing a Jewish symbol seemed to mitigate the tension between personal desires and communal values of Judaism, as is heard from the respondent from Vermont: "I could almost justify getting something [i.e. the tattoo] that was frowned upon in my religion by getting a religious symbol." Echoing that sentiment, the respondent from Missouri wrote:

> "If I was going to be going against Judaism, I may as well do it right. Some may believe that this makes no sense, but to me it was perfectly clear. Judaism has and always will be an important part of who I am. Having the Hebrew on my body rather than some random butterfly made me feel even closer to the religion."

It can be suggested that tattooing Jewish symbols not only has the effect of bringing one closer to religion, but the tattoo could actually be used to present one's faith in Judaism. As the 30 year-old male respondent from Ohio spoke about the tattoo on his back, "This expresses my perspective on life, balancing my affection for my particular Jewish faith with my universal faith in human kind under one God." Faith was also expressed literally

on the body of the 33 year-old from Ohio as she tattooed the Hebrew word *Emunah* (meaning: faith) on her ankle. "I chose *Emunah* because when I converted to Judaism...I finally learned what faith meant: Even though you can't touch it, see it, rationalize it, it is still possible and it can happen." Thus, tattooing a Jewish symbol may be a means among contemporary Jews to tangibly connect to something that appears intangible, such as faith. A similar sentiment is, after all, conveyed in the Bible and is reiterated three times daily in Jewish prayer: "Bind them as a sign upon your hand; let them be a symbol before your eyes."[8] Although this line speaks metaphorically to binding the intangible concept of God's commandments to one's life, Jews over the centuries have manifested this idea physically in the placement of *tefilin* (phylacteries) on the forehead and around the arm. In a similar way, some contemporary Jews choose to tattoo as a means to manifest physically the intangible notion of binding one's life to the faith and teachings of Judaism. The tattoo of a Jewish emblem is literally the "sign upon the hand" and the "symbol before their eyes." Because of the tattoo's function as a symbol of Jewish pride, one respondent even advocated: "Be proud of who you are. Be proud of being Jewish. Get a Jewish symbol tattooed on your body and be proud of it!"[9]

As a result of its potential use in Judaism and its growing acceptance in the general public, 9 out of the 11 respondents are convinced that tattooing will become an accepted practice in Judaism. The other two were not really voices of opposition, but resisted answering conclusively due to uncertainty. As one of these two respondents questioned: "Is there a common ground on which tattooing can expand the perspective of modern Judaism and is there common ground on which modern Judaism can expand the

8. Deuteronomy 6:8

9. This statement comes from the 42 year-old respondent from Ohio.

perspective of tattooing?"[10] An answer to this question is suggested in the response of the 30 year-old from Ohio. He wrote that the common ground may be found in the spirit of Jewish law and the meaning imbued in modern tattooing.

> "From my understanding of the prohibition...tattooing was forbidden as a way to make the Israel nation and its members distinct from its neighbors. Does not the tattooing of Jewish symbols and messages accomplish this task – distinguishing an individual as a Jew?"

In the end, however, there can be no certainty as to how tattoos will play out in the future of the Jewish world. One respondent suggested that "perhaps a historian should research this [topic] and spark a conversation among rabbis and Jews."[11] While it is the hope of this thesis to be the spark which ignites that conversation in the Jewish community, maybe – as one respondent offered – all we can do for now is "hope that...God still loves [us], despite [our] actions."[12]

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10. The question was asked by the respondent from Oklahoma.
11. The suggestion was proposed by the 33 year-old female respondent from Ohio.
12. This hope comes in the response of the 27 year-old woman from Vermont.

Full Exposure:

The Revealing Picture of Jewish Engagement with Tattooing

Conclusion:

To be or not to be tattooed? It is a provocative question which should arouse the modern Jew to expose more than one's skin. The question should provoke the modern Jew to reveal the panoramic picture, which spans millennia, of the Jewish engagement with the practice of tattooing. For captured in this photo is a wide range of different perspectives, from the religious and cultural attitudes of the ancient Israelites preserved in the Biblical texts to the opinions and positions of rabbinic sages maintained in the writings of the classic halachic codes and modern responsa. Only by listening to and considering these varied responses on the topic of tattooing can the contemporary Jew hear and articulate his/her own authentic Jewish response to the question: to be or not to be tattooed?

That question now echoes as often in the halls of our public schools and places of business as it does in billiard halls and biker bars. The gradual shift of the tattoo from the periphery of western society to the mainstream has changed the function and thus the perception of the tattoo. No longer are they considered signs of communal status and affiliation to some seedy sub-culture of civilization. Instead, a growing portion of civil society (suburban moms, college students, professionals, etc.) considers tattooing a legitimate way to express individuality. The Pew Research Center concluded in its study of Generation Nexters in 2007 that "tattoos are the most popular form of [self] expression," as 36 percent of 18-25 year-olds and 40 percent of 26-40 year-olds have at

least one tattoo.[1] It is no wonder, then, as tattooing has grown in acceptance in the general public, an ever-increasing number of Jews have accepted the tattoo as a legitimate way to express themselves.

Although it may appear as a contemporary issue, tattooing has long confronted Judaism and its values from its earliest inception in the Biblical texts. Yet, like many ancient texts, the Bible's guiding message about corporal marks is enigmatic as some passages attest and affirm their use, while another comes to condemn them. Attesting to the use of corporal marks is Genesis 4:15 and Ezekiel 9:4. As marks of Divine protection, the marks written about in these two passages speak of a sacred relationship which exists between the bearer of the mark and God. The application of such marks is not merely attested to, but encouraged in Isaiah. According to this account, Israelites should pledge their allegiance to God by marking their hands as "belonging to the LORD."[2] Although the mark is not specified as a tattoo, tattooing the phrase "belonging to..." followed by a master's name on the hand was an accepted practice among the exilic Jewish community in Egypt during the 5th century B.C.E.[3] Reciprocating this gesture of allegiance, the Isaiah account goes on to report that God symbolically "engraves" the Israelite people "on the palms of [His] hands."[4] Thus the corporal mark, most likely the tattoo, was known by and potentially practiced in ancient Israel as a tangible way to for the people to express their commitment to and appreciation of the covenantal relationship with their national deity.

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1. Andrew Kohut, (director). "How Young People View Their Lives, Futures, and Politics: A Portrait of Generation Next." (Washington D.C.: The Pew Research Center, 9 January 2007)
2. Isaiah 44:5
3. For the specific sources as well as a detailed analysis of this practice, see the "Egypt" section in the chapter, "The Background of the Picture: Tattooing in Mesopotamia, Egypt, the Mediterranean, and the Bible."
4. Isaiah 49:16

While marks of Divine allegiance and protection were deemed constructive to ancient Israelite culture, the same cannot be said of tattoos which indelibly demeaned the status of an individual whether as a slave, prisoner, or criminal.[5] Since the Israelites were considered the reflection of God's image in the world, a cultural distain for these corporal marks which would profane that image may have been captured in the Levitical prohibition of 19:28: "You shall not incise marks [i.e. tattoos] on yourself: I am the LORD."[6] While it is likely that the prohibition was implemented to root out the pejorative uses of the tattoo practiced by Israel's ancient Near Eastern neighbors, it is just as likely that different positions may have been sustained within Israelite culture. In other words, tattooing may have been both affirmed and denied by the ancient Israelites within the cultural and religious contexts of ancient Judaism.

Bipolarity would not be unique to ancient Judaism. Multiple and often divergent positions regarding tattooing continued to emerge into the classic, medieval, and pre-modern periods of Jewish history. From the Levitical prohibition, the sages of rabbinic Judaism continued to debate issues germane to the topic of tattooing from the second to the 17th century C.E. Generally, it was concluded that to make a tattoo meant to commit two distinct acts: writing and incising, which would result in a mark left upon the skin, whether exposed or not. Although it was never concluded how long the mark must last or what the specific *content* of the tattoo must be in order to have violated the prohibition, a minority opinion did develop among the rabbinic sages of old. According to this position, culpability was not contingent upon the *presence* of a mark. In order to transgress the

5. As shown in the chapter, "The Background of the Picture," tattoos in the ancient Near East were rarely desired by the bearer of the mark as they often served as demarcations of ownership, punishment, criminality, or status as a prisoner-of-war.

6. In the Book of Genesis, this socio-religious belief is articulated as, "God created man in His image, in the image of God He created him," (Genesis 1:27).

prohibition, the minority opinion asserted, the individual must have committed an act of incising and writing ink into the skin with the specific intention to leave a mark.

The majority opinion among the classic rabbinic sages conceded that the *intention* to make a mark is indeed the basic stipulation of the prohibition against tattooing. But, the majority position stressed that an individual cannot be punished unless he/she deliberately acted or assisted in the act of tattooing for the *purpose* of idolatry. Because of this stipulation, the scrape made by a cutting instrument or the mark which results from a healed wound is permitted, for neither intention nor an idolatrous purpose was presumed in the act. However, if an individual consciously acted in incising and writing ink into the skin in order to tattoo a slave, then according to the majority opinion, that individual has transgressed the basic stipulation of the prohibition, but is exempt from punishment because the mark did not serve the purpose of idolatry.

Today's tattoos, in most cases, are also not considered idolatrous to the modern mind. Nevertheless, contemporary rabbinic authorities from the Orthodox, Conservative, and Reform movements of American Judaism continue to defend the prohibition's applicability in modernity. What, then, distinguishes the contemporary rabbinic perspectives on tattooing from one another is not the conclusions, but the processes of the modern *poskim* as they apply the Biblical prohibition, as understood by the classic rabbinic authorities, to contemporary circumstances. Through the various responsa, it was shown that Orthodox rabbis encompass the nuances of tattooing, such as tattoo machines, permanent cosmetics, and Holocaust tattoos almost exclusively through engagement and extension of the rabbinic rules of Jewish law. By this approach, the authority of the

classic rabbinic sages remains absolute, dictating the individual Orthodox adherent's choice even in these contemporary contexts.

However, within the progressive movements of Reform and Conservative Judaism the response to the contemporary confrontation between the personal decision to be or not to be tattooed and the communal values of Judaism cannot be similarly addressed. In a community which prizes personal autonomy, the Reform Movement refracts the approach of its Orthodox counterparts. Although addressing a similar list of innovations, the Reform Responsa Committee in its various responsa on the topic relies heavily upon the rabbinic principles – rather than the rules – of Jewish Law. With the deep meaning and flexible applicability inherent in the principles of *chavalah*, *b'tzelem elohim*, and *kedushah*, the Reform Movement found a way to articulate a response that is persuasive rather than prescriptive, ultimately putting the choice to uphold the communal values of Judaism in the hands of the individual and the personal choice he/she makes.

Between Orthodox and Reform exists Conservative Judaism on the spectrum of American Jewish observance. From this position, the Conservative Committee on Jewish Law and Standards under the leadership of Rabbi Alan Lucas found a unique response to the tension between personal autonomy and communal religious traditions. By balancing the rigidity of the rules of law with the flexibility of the principles of law, the Committee advocates an awareness of and responsibility to the religious traditions of Judaism, while at the same time refraining from condemning the individual who contravenes its terms. In many respects, articulating this approach in one all-encompassing responsum ensures that the prohibition on tattooing will continue to speak to all Conservative Jews regardless of their personal level of communal religious observance.

Despite the lengths taken by the religious authorities of the three major movements of American Judaism to ensure the prohibition's applicability to modern contexts, Jews from all walks of life still choose to be tattooed. From America to Israel, from teenagers to parents, from movement adherents to the unaffiliated, the Jewish community is undeniably part of the modern shift of the tattoo. One may erroneously assume that the community's involvement in this shift is a result of a few selfish individuals who are committing an irreparable rebellion against rabbinic authority and the traditions they maintain through the indelible insertion of ink underneath the skin. While respondents acknowledge that tattooing has everything to do with self-expression, a majority also believe it has *something* to do with Judaism. Judaism, in whatever way it was defined by respondents, often influenced the image to be tattooed or brought deeper meaning to the act of tattooing.

As much as Judaism plays a part in the contemporary Jew's decision to be tattooed, a majority of Jews actually remain ill-informed about the Jewish prohibition on tattooing. Attuned less to the multiple voices of Jewish tradition, and more to the well-intentioned but ultimately misguided voice of a parent or religious leader, many Jews learn that a Jew who voluntarily submits him/herself to tattooing either cannot be buried in a Jewish cemetery or brings dishonor to the Jewish people in light of the Holocaust, when Jews were forcibly tattooed on their forearms with numbers. While these misconceptions are undeniably potent, perpetuating a ruse of Jewish tradition places the entire Jewish community and its future in considerable risk. For the moment the ruse fails and the truth is uncovered, not only will this teaching, but others as well will be covered in a shadow of doubt.

In order to avert this crisis, the time has come for the Jewish community to shift – as the perception of the tattoo has shifted in the eyes of the general public – its approach to tattooing. No longer can fear be a substitute for faith, nor fiction stand in for fact. In order to provide its members with a secure foundation from which to navigate life Jewishly, the Jewish community must be informed of and exposed to the reality of the Jewish engagement with tattooing: from the religious and cultural background of the ancient Israelites (chapter 1) to the halachic borders of the classic rabbinic sages (chapter 2), from the framework of modern *poskim* (chapter 3) to the presentation of tattooing by contemporary Jews (chapter 4). In every decision a Jew is presented an opportunity to either affirm or deny his/her Jewish identity, and by extension, Judaism's place in the world. It is not the choice that matters. What ultimately matters is *how* the decision is made. Taking time, prior to the decision, to look at the picture of the historical Jewish engagement with the practice of tattooing ensures that whatever response an individual Jew makes will be a Jewish response to the question: to be or not to be tattooed?

Bibliography:

Bible:

Genesis 1:27, 4:15

Exodus 20:2-3, 20:5, 21:5-6, 34:6-7

Leviticus 18:3, 18:5, 19:2, 19:28, 20:23, 21:5

Deuteronomy 5:6-7, 5:9, 6:8, 15:16-17, 24:16, 25:2-3, 26:5, 28:58-59

I Samuel 1:24-28, 2:30

II Kings 24:14-16

Isaiah 44:1-5, 49:16

Jeremiah 17:1

Ezekiel 9:2-3, 9:4-6, 9:11, 18:20

Zechariah 12:3

Galatians 6:17

Classic Rabbinic Literature:

Alfasi to *Makkot* 21a

Asheri to *Makkot* 21a

Babylonian Talmud.

Gittin 19b-20b

Makkot 21a

Sanhedrin 63b, 74a

Taanit 20b

Yevamot 72a

Yoma 85b

Beit Yosef to *Tur,* YD 180

Mishnah.

Makkot 3:6, 3:10-11, 3:14

Shabbat 7:2

Mishneh Torah. Hilchot Avodat Kochavim 12:11

Nimukei Yosef to *Alfasi* at *Makkot* 21a

Pirkei Avot 4:1

Sefer HaChinuch, Mitzvah 253

Sefer HaMitzvot. Mitzvah 41

Sefer HaTurim, YD, Hilchot Ketovet Ka'aka 180

Shulchan Aruch, Hilchot Ketovet Ka'aka v'Krichah 180:1-4

Tosefta, Makkot 4:15

Ancient Sources:

BE (Babylonian Expedition of the University of Pennsylvania, Series A: Cuneiform Texts) 8, 106:9

Code of Theodosius 10, 22, 4

CT [Cuneiform Texts from the Babylonian Tablets in the British Museum] 22, 87:45-47

Herodotus. *Histories*, 7, 35

Plutarch. *Life of Pericles*, 26, 3

Vegetius. *On Military Matters*, 2, 5, 2

YOS [Yale Oriental Series] 6, 11:14; 6, 150:20; 7, 66:1-21; 7, 128:16-17; 7, 154

Modern and Secondary Sources:

A. Cowley. *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon Press, 1923)

Aet. 8 12. *Corpus Medicorum Greacorum* 8. 2, ed. A. Olivieri. (1950)

Aaron Demsky. "Writing." *Encyclopedia Judaica*, Vol. 16. (Jerusalem: Keter Publishing House Ltd.)

Alan Govenear. *Stoney Knows How: Life as a Tattoo Artist*. (Atglan, PA: Schiffer Publishing, 2003)

Alan Lucas. "Tattooing and Body Piercing." *Responsa 1991-2000: The Committee on Jewish Law and Standards of the Conservative Movement*. (Rabbinical Assembly: New York, 2002)

Andrew Kohut, (director). "How Young People View Their Lives, Futures, and Politics: A Portrait of Generation Next." (Washington D.C.: The Pew Research Center, 9 January 2007)

Armando R. Favazza. *Bodies Under Siege: Self-mutilation and Body Modification in Culture and Psychiatry*. (Baltimore: John Hopkins University Press, 1996)

Arthur Rubin. "Tattoo Renaissance." *Marks of a Civilization: Artistic Transformation of the Human Body*. (Los Angeles: Museum of Cultural History – University of California, 1988)

B. Bruyere. *Rapport sur les fouilles de Deir el-Medineh (1934-1935) III: Le villiage, les decharges publiques, la station de repos du col de la Vallee des Rois*. (Cairo: 1939)

Barry W. Holtz. *Back to the Sources: Reading the Classic Jewish Texts*. (New York: Summit Books, 1984)

Baruch A. Levine. "Leviticus: Introduction." *The JPS Torah Commentary*. (Philadelphia, New York, Jerusalem: The Jewish Publication Society, 1989)

"Body Paint." *Aish Responsum*. (www.aish.com/rabbi: 27 January 2000)

C. Desroches-Noblecourt. "'Concubines du mort' et meres de famille au Moyen Empire." *Bulletin de l'Institute Francais d'Archeologie Orientale du Caire*. (1953)

C.P. Jones.

"Stigma and Tattoo." *Written on the Body: The Tattoo in European and American History*. Caplan, J. ed. (Princeton, NJ: Princeton University Press, 2000)

"Stigma: Tattooing and Branding in Greaco-Roman Antiquity." *The Journal of Roman Studies*, Vol. 77 (1987)

Cate Lineberry. "Tattoos: The Ancient and Mysterious History." *Smithsonian.com*. (1 January 2007) www.smithsonianmag.com/history-archaeology/10023606

Chaim Jachter.

"Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 1." *Halacha File*, Vol. 14, No. 19. (www.koltorah.org: 22-29 January 2005)

"Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 2." *Halacha File*, Vol. 14, No. 20. (www.koltorah.org: 5 February 2005)

"Permanent and Semi-permanent Makeup – Cosmetic Tattooing – Part 3." *Halacha File*, Vol. 14, No. 21. (www.koltorah.org: 5 February 2005)

Chani Benjaminson. "Can a person with a tattoo be buried in a Jewish Cemetery?" (www.chabad.org)

Charles Darwin. *Descent of Man*, part 3 chapter 19. (1871)

Charles W. MacGuarrie. "Insular Celtic Tattooing: History, Myth, and Metaphor." *Written on the Body: The Tattoo in European and American History*. Caplan J., ed. (Princeton, NJ: Princeton University Press, 2000)

Charles Wengrov, trans. *Sefer HaHinnuch: The Book of [Mitzvah] Education*, Vol. 1. (Jerusalem/New York: Feldheim Publishers, 1978)

Claus Westermann. *Genesis 1-11 A Commentary* (translated by John J. Scullion S.J.; Minneapolis: Augburg publishing House, 1984)

Daniel Eisenberg. "Do we own our bodies, or are they only on loan?" (www.aish.com: 13 January 2008)

David Samson. "Tattoos are not for Jews." (www.yeshiva.org.il: Elul 5762)

Debra Cohen and Richard Greenberg. "Uncovering the Un-Movement." *B'nai B'rith Magazine: The New Jew Making a Mark on American Judaism.* (Fall 2005)

Dominique Colon. *Ancient Near Eastern Art* (Berkeley: University of California Press, 1995)

E. Ebeling. "Ein Hymnus auf die Suprematie des Sonnengottes in Examplaren aus Assur und Bogaskoi," *Orientalia* N.S. 23 (1954)

Edward Bleiberg. *Jewish Life in Ancient Egypt: A Family Archive from the Nile Valley*. (New York: Brooklyn Museum of Art, 2002)

Emet Ve-Emunah: Statement of Principles of Conservative Judaism. (New York: The Jewish Theological Seminary of America, 1988)

Ernest Klein. *A Comprehensive Etymological Dictionary of the Hebrew Language for Readers of English*. (New York: MacMillan Publishing Co., 1987)

F. Brown, S. Driver, and C. Briggs. *The Brown-Driver-Briggs Hebrew and English Lexicon.* (Peabody, Massachusetts: Hendrickson Publishers, Inc., 2003)

Gary Rollefson and Alan Simmons. "The Early Neolithic Village of 'Ain Ghazal, Jordan." *Preliminary Reports of ASOR-Sponsored Excavations 1981-1983.* Walter Rast, ed. (Winona Lake: Eisenbrauns, 1985)

H. L. Strack and G. Stemberger. *Introduction to the Talmud and Midrash.* (Edinburgh, Scotland: T & T Clark, 1991)

Henry George Liddell and Robert Scott. *A Greek-English Lexicon.* (Oxford: Clarendon Press, 1996) Hasia R. Diner. *The Jews of the United States, 1654-2000.* (Berkeley, Los Angeles, & London: University of California Press, 2004)

"Holocaust Tattoos." *Aish Responsum.* (www.aish.com/rabbi: 27 January 2000)

Isaac Mendelsohn. *Slavery in the Ancient Near East: A Comparative Study of Slavery in Babylonia, Assyria, Syria, and Palestine from the Middle of the Third Millennium to the End of the First Millennium.* (Oxford University Press: New York, 1949)

J. A. Omlin. *Der Papyrus 55001 und seine satirisch-erotischen Zeichnungen und Inschriften.* (Turin: 1973)

J. Reider. "Etymology Studies in Biblical Hebrew." VT 2 (1952)

Jack Abramowitz. "Tattoos." *Protecting Your Life: Eating Disorders, Drugs, Cutting, Suicide, and Other Body Issues.* (New York: NCSY Press)

Jack M. Sasson. *Civilizations of the Ancient Near East*, Vol. II. (London: Simon & Schuster and Prentice Hall International, 1995)

Jacquie Boaz. "Tattoos on Jews." *J-Vibe: The New Magazine for Jewish Teens*, Vol. 1, No. 3. (April/May 2005)

James H. Breasted. *Ancient Records of Egypt*, Vol. 3 (Urbana and Chicago: University of Illinois Press, 2001)

James Faris. "Significance of Differences in the Male and Female Personal Art of the Southeast Nuba." *Marks of a Civilization*, edited by Arnold Rubin. (Los Angeles: Museum of Cultural History – University of California, 1988)

John A. Rush. *Spiritual Tattoo: A Cultural History of Tattooing, Piercing, Scarification, Branding, and Implants.* (Berkeley, California: Frog Limited, 2005)

Kaufmann Kohler. "Honor." *Encyclopedia Judaica.* (Jerusalem: Keter Publishing House Jerusalem Ltd., 1972)

Koehler Ludwig and Walter Baumgartner. *The Hebrew and Aramaic Lexicon of the Old Testament*, Vol. III. M.E.J. Richardson, ed. (New York: E.J. Brill, 1996)

L. Keimer. *Remarques sur le Tatouage dans l'Egypte Ancienne*. (Cairo: Imprimerie de l'Institut François d'Archeologie Orientale, 1948)

Marcie Somers. "The Illustrated Man: Miami Ink's Ami James." Heeb Magazine: The Chosen Issue, No. 14. (New York: Heeb Magazine, Inc., Fall 2007)

Marcus Jastrow. *A Dictionary of the Targum, The Talmud Babli and Yerushalmi, and the Midrashic Literature*. (Jerusalem: Hotzeit Chorev)

Margo DeMello. *Bodies of Inscription: A Cultural History of the Modern Tattoo Community*. (Durham & London: Duke University Press, 2000)

Mark Gustafson. "The Tattoo in the Later Roman Empire and Beyond." *Written on the Body: The Tattoo in European and American History*. Caplan, J. ed. (Princeton, NJ: Princeton University Press, 2000)

Mark H. Levine. "To Tattoo or Not to Tattoo." *Babaganewz*. Adar One, 5768 (2007)

Mary Joan Winn Leith. "Into Exile: From the Assyrian Conquest of Israel to the Fall of Babylon." *The Oxford History of the Biblical World*, edited by Michael Coogan. (Oxford: Oxford University Press, 1998)

Menachem Elon. Jewish Law: *History, Sources, Principles*, Vol III. (Philadelphia: Jewish Publications Society, 1994)

Mervin R. Dilts. *Scholia in Aeschinem* (Stuttgart, Leipzig, 1992)

Michael A. Meyer & W. Gunther Plaut. *The Reform Jewish Reader: North American Documents*. (New York: UAHC Press, 2001)

Miriam Lichtheim. *Ancient Egyptian Literature*, Vol. III (Berkeley: University of California Press, 1980)

Muhammed Dandamaev. *Slavery in Babylonia: From Nabopolassar to Alexander the Great 626-331 BC* (DeKalb, IL: Northern Illinois University Press, 1984)

Natan Gestetner. *Teshuvot Lihorot Natan*, 10:64

Nili Fox. "Body Marking: Tattoos, Brands, and Piercing." *Bodies on Parade: Studies on Dress and Identity in the Biblical World* (2008), forthcoming.

Oceana Callum. "Jewess Tattooess." *Heeb Magazine: The New Jew Review*, No. 5. (New York: Heeb Magazine, Inc., Winter 2004)

Othmar Keel. "Zeichen der Verbundenheit, zur Vorgeschichte und Bedeutungen von Deuteronomium 6,8f. und Par." *Pierre Casetti*, et al., eds. Melanges Dominique Barthelemy (OBO 38, Fribourg: Vandenhoeck & Ruprecht, 1981)

Oz Almog. "The Tattoo Trend in Sabra Culture," Donna Bossin, trans. *Ananshim Yisrael*. (Haifa: www.peopleil.org, 20 October 2008)

Paul Veyne. "The Roman Empire." *A History of Private Life: From Pagan Rome to Byzantium*. Veyne, P., ed. (Cambridge: The Belknap Press of Harvard University Press, 1987)

R. Norman Whybray. *Second Isaiah*. (London: Continuum International Publishing Group, 2004)

R. Yaron. *The Laws of Eshnunna*, 2nd revised edition (Jerusalem: Magnes, Leiden: E.J. Brill)

Raymond Firth. *Symbols: Private and Public*. (New York: Cornell University Press, 1973)

Robert S. Bianchi. "Tattoo in Ancient Egypt." *Marks of Civilization*. A, Rubin, ed. (Los Angeles: Museum of Cultural History, University of California, 1988)

Shaun Raviv. "Marked for Life: Jews and Tattoos." *Moment*. (June 2006)

Shlomo Tal. "Responsa." *Encyclopedia Judaica*. Vol. 14. (Jerusalem: Keter Publishing House Jerusalem Ltd., 1972)

Shraga Shneebalg. *Teshuvot Shraga HaMeir*, 8:44-45

Solomon B. Freehof. "Tattooing and Burial." *Today's Reform Responsa*. (Cincinnati: HUC Press, 1990)

Sonia Zjawinski. "Tattoos: Forget the Hidden Butterfly. It's Time for Full Sleeves." *New York Magazine*. (1 October 2007)

T. Muraoka. *A Greek-English Lexicon of the Septuagint*. (Louvian, Paris and Dudlet, MA: Peeters, 2002)

"Tattooing, Body Piercing, and Jewish Tradition." CCAR Responsa: 5759.4. Not yet published.

Terence S Turner. "Cosmetics: The Language of Bodily Adornment." *Conformity and Conflict*, 3rd ed., editor James P. Spradley and David W. McCurdy. (Boston: 1977)

Theodor Seuss Geisel. *The Sneetches and Other Stories*. (New York: Random House Pub., 1961)

Tom Jennings. "In Search of History: Art of Tattooing," Diana Friedberg, ed. (History Channel: A & E Television Networks, 1998)

Victor Hurowitz. "'His Master Shall Pierce His Ear with an Awl' (Exodus 21:6) – Marking Slaves in the Bible in Light of Akkadian Sources." *Proceedings of the American Academy for Jewish Research* 58. Nahum Sarna, ed. (Jerusalem and New York: American Academy for Jewish Research, 1992)

Victor Turner. "Bodily Marks." *The Encyclopedia of Religion*, Mircea Eliade, ed. Volume 2. (New York: Macmillan Publishing Co., 1987)

Victoria Pitts. *In the Flesh: The Cultural Politics of Body Modification.* (New York: Palgrave MacMillan, 2003)

Vinnee Tong. "Got a Tattoo? It's No Longer Taboo." *The St. Louis Post Dispatch*, Business Section. (Associated Press: 29 November 2007)

W. Gunther Plaut and Mark Washofsky. *Teshuvot for the Nineties: Reform Judaism's Answers for Today's Dilemmas*, No. 5752.7. (New York: CCAR Press, 1999)

W.J.L. Wharton. *Captain Cook's Journal during his First Voyage Round the World in H.M. Bark "Endeavour": 1768-1771* (London: 1893)

W.M. Flinders Petrie. *The Royal Tombs of the First Dynasty.* (London: Egypt Exploration Fund, 1901)

Walter Jacob. "Inert Pigment as Permanent Cosmetic." *Contemporary American Reform Responsa,* No. 15, January 1985. (New York: CCAR Press, 1987)

Wilfrid D. Hambly. *The History of Tattooing and Its Significance: With Some Account of Other Forms of Corporal Marking.* (London: H.F. & G. Witherby, 1925)

Yaakov Breisch. *Teshuvot Chelkat Yaakov*, 3:11

Appendix:

Mishnah Makkot 3:6

הכתוב כתובת קעקע, כתב ולא קעקע, קעקע ולא כתב, אינו חיב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם. רבי שמעון בן יהודה משום רבי שמעון אומר, אינו חיב עד שיכתוב שם השם, שנאמר (ויקרא יט) וכתובת קעקע לא תתנו בכם אני ה׳:

If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it into the skin], or incised [into the skin] but did not write, he is not culpable until he writes and incises [into the skin whether] with [black] ink, blue dye, or anything that leaves a mark.

Rabbi Shimon ben Yehudah, in the name of Rabbi Shimon, says: "One is not culpable unless he writes [and incises] there the Name [of God]. For it is written: 'You shall not incise writing on yourselves: I am the LORD,' (Lev 19:28)." [Rendering the Biblical verse: "You shall not incise writing on yourselves *of* 'I am the LORD."]

Tosefta Makkot 4:15

הכותב כתובת קעקע בבשרו של חבירו - שניהם חייבים. במה דברים אמורים? בזמן שהיו שניהם מזידין. אבל אם היו שניהם שוגגין שניהם פטורין. אחד שוגג ואחד מזיד שוגג פטור מזיד חייב. ואינו חייב עד שיכתוב ויקעקע בדיו ובכחול לעבודה זרה. קלפו באוזמול פטור. הרושם על עבדו שלא יברח פטור.

One who writes a *ketovet ka'aka* on the flesh of his fellow – the two of them are culpable. On what circumstances is this said? When the two of them do so deliberately. But, if the two of them were doing so inadvertently, then the two of them are exempt [from culpability]. [However, if] one does so inadvertently, and the other deliberately, [then] the one who did so inadvertently is exempt [from culpability, while] the one who did so deliberately is culpable. He is not culpable until he writes and incises with [black] ink or blue dye for the purposes of idolatry. [If he only] scraped him with a cutting tool, he is exempt. He who marks his slave so that he will not flee is exempt [from culpability].

Babylonian Talmud, Makkot 21a

מתני' הכתוב כתובת קעקע, כתב ולא קעקע, קעקע ולא כתב, אינו חיב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם. רבי שמעון בן יהודה משום רבי שמעון אומר, אינו חיב עד שיכתוב שם השם, שנאמר (ויקרא יט) וכתובת קעקע לא תתנו בכם אני ה': **גמ'** אמר ליה רב אחא בריה דרבא לרב אשי עד דיכתוב אני ה' ממש אמר ליה לא כדתני בר קפרא אינו חייב עד שיכתוב שם עבודת כוכבים שנאמר וכתובת קעקע לא תתנו בכם אני ה' אני ה' ולא אחר: אמר רב מלכיא אמר רב אדא בר אהבה אסור לו לאדם שיתן אפר מקלה על גבי מכתו מפני שנראית ככתובת קעקע אמר רב נחמן בריה דרב איקה שפוד שפחות וגומות רב מלכיא שמעתתא רב מלכיו וסימניך מתניתא מלכתא מאי בינייהו איכא בינייהו שפחות רב ביבי בר אביי קפיד אפי' אריבדא דכוסילתא רב אשי אמר כל מקום שיש שם מכה מכתו מוכיח עליו:

Mishnah: If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it into the skin], or incised [into the skin] but did not write, he is not culpable until he writes and incises [into the skin whether] with [black] ink, blue dye, or anything that leaves a mark.

Rabbi Shimon ben Yehudah, in the name of Rabbi Shimon, says: "One is not culpable unless he writes [and incises] there the Name [of God]. For it is written: 'You shall not incise writing on yourselves: I am the LORD,' (Lev 19:28)." [Rendering the Biblical verse: "You shall not incise writing on yourselves *of* 'I am the LORD."]

Gemara: Rav Acha the son of Rava asked Rav Ashi: "[Does Rabbi Shimon ben Yehudah in the name of Rabbi Shimon] really [mean that one is not culpable] unless he will write the specific words: 'I am the LORD'?" [Rav Ashi] said to him: "No. As Bar Kappara taught in a *baraita*: 'One is not culpable until he writes the name of idolatry [i.e. a pagan deity].' As it is said [in Scripture]: 'And you shall not incise marks on yourself: I am the LORD,' (Lev. 19:28). [The implication for these final words is] I am the LORD and no other."

Rav Malkiya said in the name of Rav Adda bar Ahavah: "A person is forbidden to put ashes on his wound, because his [healed] wound [will] appear like a tattoo. [The ashes will leave a mark in the skin after the wound is healed.]"

Rav Nachman the son of Rav Ika: '[The rulings about] the spit, maidservants, and pores [were stated] by Rav Malkiyo. The [rulings about] locks of hair, ashes, and the cheese [were stated by] Rav Malkiya.' Rav Pappa, [however attributes these rulings somewhat differently], saying: '[The rulings concerning] a *mishnah* or a *baraita* [were stated by] Rav Malkiya. The statement of the Amoraim [were stated by] Rav Malkiyo. Your mnemonic device [to remember which rulings were made by whom] is a *Tannaic statement is a queen*. What is the difference between them? The difference between them is [in attributing the ruling about] the maidservants.

Rav Bibi bar Abaye was careful [not to place ashes] even on the puncture made by a lancet. Rav Ashi [disagrees], saying: "Wherever there is a wound, the wound shows his [intention of healing]."

Babylonian Talmud, Gittin 20b

לרמי בר חמא נמי לא קשיא בכתובת קעקע השתא דאתית להכי מתניתין (לרבא) נמי לא תיקשי בכתובת קעקע מאי הוי עלה תא שמע דאמר ריש לקיש הגודדות אין להן חזקה.

Regarding the [position of] Rami Bar Chama, there is no difficulty that a tattoo [on the hand of a slave can function as a legitimate *get*]. Now that you have arrived at this point, there is also no difficulty with the stipulation (of Rava), [since] a tattoo [as a *get* cannot be altered]. What is the reason [the get as a tattoo is potentially permissible]? Come and learn: For Rish Lakish said, "The ones fenced in, they are not [subject to] chazakah."

RaSHI:
כתובת קעקע. אינה נמחקת עולמית. **הגודדות.** בהמות על שם גדרות צאן (במדבר לב). **אין להן חזקה.** אדם שתפסן אינו יכול לטעון לבעליהם מכרתם לי דאיכא למימר מעצמן הלכו אצלו.

A tattoo: It cannot ever be erased. **The ones fenced in:** Animals, whose name comes from the fenced in sheep (Numbers 22). **They are not subject to chazakah:** A person that has possession [of moveable property - i.e. an animal or slave] is not able to claim he owns them [in order that he may] sell them to me [simply because he has possession of them], for one could say [such moveable property], on its own accord, came to his possession. [Ownership of moveable property (such as an animal or slave) can only be determined later (see Tosafot Baba Batra 36a). Thus, in the appearance of a slave in court in the possession of the wife does not indicate immediately that she came into possession of the slave, and therefore the *get*, via legal means. It must be investigated.]

Tosafot:
בכתובת קעקע. מדאורייתא ליכא איסורא עד שיכתוב ויקעקע בדיו ובכחול כדתנן בפ״ג דמכות (דף כא) ולר׳ שמעון אינו חייב אפי׳ כתב וקעקע עד שיכתוב את השם פי׳ שם דע״ז כדמפרש התם בגמרא ומיהו איסורא דרבנן איכא הכא דאפי׳ אפר מקלה אסור ליתן על גבי מכתו מפני שנראה ככתובת קעקע ואפי׳ הויא הכא איסורא דאורייתא מ״מ (מכל מקום) הוי גט כדאמרי׳ לעיל כתבו על איסורי הנאה כשר אע״ג דאסור לכתוב דהא מיתהני באיסורי הנאה.

With a tattoo: From the Biblical origins [the tattoo] is not forbidden until one will write and incise [into the skin] with [black] ink or with blue dye. As the Mishnah repeats [the prohibition] in chapter 3 of Makkot (BT 21a): According to Shimon, one is not culpable unless he wrote and incised the tattoo of the name, which is understood as the name of [a pagan deity] for idol worship there, in the Gemara. However, [all tattoos] are forbidden, according to the rabbis. There are [some rabbis, who say] even the ash placed upon an open wound is forbidden for the [healed] wound will appear like a tattoo. Even if the [tattoo] were a Biblical prohibition, it [i.e. the tattooed *get*] would still be a [legitimate] *get*. As it is stated above, the writing [of a *get*] on items forbidden to derive benefit are still valid. Although it is forbidden to write [a tattoo], one may benefit from such a prohibited item.

Sefer HaMitzvot, Negative Commandment 41 - RaMBaM

והמצוה האחת וארבעים - האזהרה שהוזהרנו מלרשום גופנו במיני הכחול, והסקרה וזולתם כדרך שעושים עובדי עבודה זרה כפי שהדבר מפורסם אצל הקבטים עד היום. והאזהרה על כן הוא אמרו יתעלה, "וכתבת קעקע לא תתנו בכם." והעובר על לאו זה חייב מלקות. וכבר נתבארו דיני מצוה זו בסוף מסכת מכות.

Commandment 41 - By this prohibition we are forbidden to mark our bodies with all types of blue or red dye, or with any other color, as is the way of idolaters in acts of idolatry, for such a thing is common among the Copts to this day. The prohibition is contained in God's words (may He be exalted), "You shall not incise writing on yourselves..." The punishment for contravention of this prohibition is flogging. The provisions of this commandment were already explained at the end of tractate *Makkot*.

Mishneh Torah, Avodat Kochavim 12:11 - RaMBaM

"כתובת-קעקע" האמורה בתורה, הוא: שישרט על-בשרו וימלא מקום השריטה כוחל, או דיו, או שאר צבעונים הרושמים - וזה היה מנהג עובדי-כוכבים שרושמים עצמם לעבודת-כוכבים, כלומר: שהוא עבד מכור לה ומרשם לעבודתה. ומעת שירשם באחד מדברים הרושמים אחר שישרוט באיזה מקום מן-הגוף, בין איש בין אישה - לוקה. כתב ולא רשם בצבע, או שרשם בצבע ולא כתב בשריטה - פטור, עד שיכתוב ויקעקע, שנאמר: וכתובת קעקע (ויקרא יט, כח). במה דברים אמורים? בכותב, אבל זה שכתבו בבשרו וקעקעו בו - אינו חייב, אלא אם-כן סיע כדי שיעשה מעשה, אבל אם לא עשה כלום - אינו לוקה.

"*Ketovet ka'aka*," as mentioned in the Torah (Lev. 19:28), consists in lacerating the flesh and filling the place of the laceration with blue dye, with [black] ink, or with whatever color leaves a mark. This was a custom of idol-worshipers, who used to mark themselves for idolatry; that is to say that the tattooed was a slave sold to the idol and marked for its service. As soon as one writes with any material that leaves a mark, after [having previously made] an incision in any part of the body, whether it be a man or a woman, that person incurs the

punishment of flogging. If he wrote on the flesh [by incision], without marking with printing matter, or marked with printing matter without writing [by incision] he is exempt [from culpability]. He is only culpable if he writes and incises, as it is said: "nor incise writing...," (Lev. 19:28). On whom are these things stated? [This rule applies] to the tattooer, but the person whose flesh is incised and written [i.e. tattooed] upon is not culpable unless he assisted by some act. But, if he did nothing, he is not punished with flogging.

Sefer HaChinuch

שלא לכתוב בבשרינו כתובת קעקע, שנאמר וכתובת קעקע לא תתנו והענין הוא כמו שעושין היום (בבשרכם) [בכם] (ויקרא יט, כח). הישמעאלים שכותבים בבשרם כתב מחוקה ותקוע שאינו נמחק לעולם, ואין החיוב אלא בכתב חקוק ורשום בדיו או בכחול או בשאר צבעונין הרושמין. וכן אמרו במכות, קעקע ולא כתב, כלומר שלא רשמו בצבע, כתב ולא קעקע ,כלומר שרשם בשרו בצבע אבל לא עשה שריטה בבשרו, אינו חייב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם.

משרשי המצוה מה שכתבנו בהקפת הראש ובהשחתת זקן סמוך, להרחקת כל ענייני עבודה זדה מגופינו ומבין עינינו. וגם זה מן השורש הזה בעצמו שהיה מנהג הגויים שרושמים עצמם לעבודה זרה שלהם, כלומר שהוא עבד נמכר לה ומורשם לעבודתה.

מדיני המצוה מה שאמרו ז״ל שכל מקום שבגוף בין מגולה בין מכוסה בבגדים בכלל איסור זה. ויתר פרטיה בסוף מסכת מכות.

ונוהגת בכל מקום ובכל זמן בזכרים ונקבות. ועובר על זה וכתב אפילו אות אחת בכל מקום שבגופו כעניין זה שאמרנו שהיה חקוק ורשום באחד ממיני הצבעין הרושמין לוקה, ואם ושמו בו אחרים אינו לוקה אלא אם כן סייע, מן הכלל הידוע לאו שאין בו מעשה אין לוקין עליו.

We should not write in our flesh a *ketovet ka'aka* (incised writing), as it is stated, "Nor shall you incise marks on yourselves," (Lev. 19:28), for this matter is like the Ishmaelites do today. The Ishmaelites inscribe in their flesh a permanent, adhered writing that can never be erased. One is only culpable for engraved

writing marked with [black] ink, or with blue dye or with whatever other color leaves a mark. Thus it was taught in *Makkot*: "If one incised [the skin], but did not write - as if to say he did not mark it with color - or, if he wrote, but did not incise [the skin] - as if to say he marked his skin with color, but did not make an incision in his flesh - he is not culpable [for punishment under the prohibition], until he writes and incises with [black] ink or blue dye or with anything that makes a mark.

At the root of the commandment lies the purpose we wrote in the nearby section about rounding off the head and shaving the beard with a razor: to remove all matters of idolatry from our bodies and from [the mind] between our eyes. This too is for that reason, as it was a custom of the *goyim* that they would [thus] mark themselves for their idol-worship - as if to say that he was a slave dedicated to it, and marked for its service.

Among the laws of the commandment, there is what the sages of blessed memory said: "That every area of the body, whether generally exposed or covered by clothing, is included under the prohibition." The rest of its details are toward the end of the tractate *Makkot*.

It is in effect everywhere, at all times, for both man and woman. If a person violates it and inscribes even one letter anywhere on his body in the manner we have stated - engraved and written with one of the kinds of color matter that leaves a mark - he should be given lashes. If others so marked him, he is not to be whipped, unless he assisted - this by the known rule: a negative precept (i.e. "thou shall not"), involving no deed [in its violation], one is not given lashes.

Sefer HaHalachot - Alfasi

מתני' הַכּוֹתֵב כְּתֹבֶת קַעֲקַע, קַעֲקַע וְלֹא כָתַב, כָּתַב וְלֹא קַעֲקַע, אֵינוֹ חַיָּב, עַד שֶׁיִּכְתּוֹב וְיקַעֲקַע בַּדְּיוֹ וּבַכְּחוֹל וּבְכָל דָּבָר שֶׁהוּא רוֹשֵׁם. רַבִּי שִׁמְעוֹן בֶּן יְהוּדָה מִשּׁוּם רַבִּי שִׁמְעוֹן, אֵינוֹ חַיָּב עַד שֶׁיִּכְתּוֹב שָׁם הַשֵּׁם, שֶׁנֶּאֱמַר וּכְתֹבֶת קַעֲקַע לֹא תִתְּנוּ בָּכֶם אֲנִי ה׳:

גמ' אמר ליה רב אחא בריה דרבא לרב אשי עד דכתב אני ה׳ ממש אמר ליה לא כדתני בר קפרא אינו חייב עד שיכתוב שם עבודת כוכבים שנאמר וכתובת קעקע לא תתנו בכם אני ה׳ ולא אחר: אמר רב מלכיו אמר רב אדא בר אהבה אסור לאדם

שיתן אפר מקלה על גבי מכתו מפני שנראה ככתובת קעקע רב ביבי בר אביי קפיד אפי' אריבדא דכוסילתא רב אשי אמר כל מקום מכם מכתו מוכחת עליו:

Mishnah: If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it into the skin], or incised [into the skin] but did not write, he is not culpable until he writes and incises [into the skin whether] with [black] ink, blue dye, or anything that leaves a mark.

Rabbi Shimon ben Yehudah, in the name of Rabbi Shimon, says: "One is not culpable unless he writes [and incises] there the Name [of God]. For it is written: 'You shall not incise writing on yourselves: I am the LORD,' (Lev 19:28)." [Rendering the Biblical verse: "You shall not incise writing on yourselves *of* 'I am the Lord."]

Gemara: Rav Acha the son of Rava asked Rav Ashi: "[Does Rabbi Shimon ben Yehudah in the name of Rabbi Shimon] really [mean that one is not culpable] unless he wrote the specific words: 'I am the LORD'?" [Rav Ashi] said to him: "No. As Bar Kappara taught in a *baraita*: 'One is not culpable until he writes the name of idolatry [i.e. a pagan deity].' As it is said [in Scripture]: 'And you shall not incise marks on yourself: I am the LORD,' (Lev. 19:28). [The implication for these final words is] I am the LORD and no other."

Rav Malkiyo said in the name of Rav Adda bar Ahavah: "A person is forbidden to put ashes on his wound, because his [healed] wound [will] appear like a tattoo. [The ashes will leave a mark in the skin after the wound is healed.]" Rav Bibi bar Abaye was careful [not to place ashes] even on the puncture made by a lancet. Rav Ashi [disagrees], saying: "Wherever there is a wound, the wound shows his [intention of healing]."

Asheri - Asher ben Yechiel

הכתוב כתובת קעקע, כתב ולא קעקע, קעקע ולא כתב, אינו חיב עד שיכתוב ויקעקע בדיו ובכחול ובכל דבר שהוא רושם. רבי שמעון בן יהודה משום רבי שמעון אומר, אינו חיב עד שיכתוב שם השם, שנאמר (ויקרא יט) וכתובת קעקע לא תתנו בבשרכם אני ה': אמר ליה רב אחא בריה דרבא לרב אשי (אימא) עד דיכתוב

אני ה׳ ממש אמר ליה לא כדתני בר קפרא אין חייב עד שיכתוב שם עבודת כוכבים שנאמר וכתובת קעקע לא תתנו בבשרכם אני ה׳ ולא אחר: אמר רב מלכיו אמר רב אדא בר אהבה אסור לו לאדם שיתן אפר מקלה על גבי מכתו מפני שנראה ככתובת קעקע רב ביבי בר אביי קפיד אפילו אריבדא דכוסילתא רב אשי אמר כל מקום שיש שם מכם מכתו מוכחת עליו והלכהא כרב אשי דבתראה הוא:

If one writes a *ketovet ka'aka*, [one is culpable]. If he wrote but did not incise [it in the skin], or incised [the skin] but did not write, he is not culpable until he writes and incises [into the skin, whether] with [black] ink or blue dye or anything that leaves a mark. [But,] Rabbi Shimon ben Yehudah [disagrees] saying in the name of Rabbi Shimon: One is not culpable unless he writes [and incises] there the Name [of God], for it was written: "You shall not incise writing on your flesh: I am the LORD," (Lev. 19:28).

Rav Acha the son of Rava asked Rav Ashi: "[Does Rabbi Shimon ben Yehudah in the name of Rabbi Shimon] really [mean that one is not culpable] unless he will write the specific words: 'I am the LORD'?" [Rav Ashi] said to him: "No. As Bar Kappara taught in a *baraita*: One is not culpable until he writes the name of idolatry [i.e. a pagan deity]. As it is said [in Scripture]: 'And you shall not incise marks on your flesh: I am the LORD,' (Lev. 19:28). [The implication for these final words is] I am the LORD and no other."

Rav Malkiyo said in the name of Rav Adda bar Ahavah: "A person is forbidden to put ashes on his wound [to heal it], because it appears like a tattoo. [The ashes will leave a mark in the skin after the wound is healed.] Rav Bibi bar Abaye was careful [not to place ashes] even on the puncture made by a lancet. Rav Ashi [disagrees,] saying, "Wherever there is a wound, the wound shows his [intention of healing]." ***The law is according to Rav Ashi as he taught it.***

Nimukei Yosef

מתני קעקע: לשון קריעה וחקיקה. **עד שיכתוב ויקעקע**: כלומר אחר שקרע עורו הניח דיו באותו שריטה ונכרת שם זמן גדול ובעינן תרתי לחיובת שריטה וכתיבה ולישנא דקרא נקט דכתיב וכתובת קעקע שהרי תחלה הוא קורע העור ואח״כ כותב. **עד שיכתוב שם השם**: כלומר על אותה שריטה שיכתוב את השם ומפרש בברייתא

שם עבודת כוכבים ואזהרתיה מדכתיב אני ה' ולא אחר ולית הלכתא כוותיה אלא כת"ק. **גמ' עד דכתב אני ה' ממש:** שתי התיבות. שנאמר וכתובת שם עבודת כוכבים לא תתנו בכם ולמה כי אני ה' לא תעשו אדון אחר זולתי. **אפי' אריבדא דכוסילתא:** אפי' על מקום הקוזה קפיד שלא ליתן עליו דבר שחור שנראה ככתובת קעקע ולית הלכתא כוותיה ולא כרב מלכיו אלא כרב אשי דהוא בתרא וכל מוקם מכה מותר.

Mishnah: **Ka'aka:** [The word] expresses a tearing and engraving [of the skin]. **Until he writes it and incises it [into the skin]:** As if to say after he tears his skin, he places ink in the same laceration and it is marked there for a long time. The matter is of two [acts] to be culpable: 'cutting and writing,' as well as 'marking.' The Biblical verse uses [this style of language when it wrote] *ketovet ka'aka*; for behold, it begins with the tearing of the skin and afterwards writing [i.e. filling with ink]. **Unless [he writes and incises] there the Name [of God]:** As if to say about the same laceration that he will write [i.e. fill it with ink in the form of] the Name [of God]. According to the meaning in the baraita [of Bar Kappara], the name is [of a pagan deity for] idol worship and it is a warning from Scripture, saying, "I am the Lord and there is no other." But the *halachah* is not according to him (Rabbi Shimon), rather it is according to the *tanna kamma* (who stated generally any lasting mark done by writing and incision).

Gemara: **Really [mean that one is not culpable] unless he wrote the specific words: 'I am the Lord'**: [Upon] two words - [אני"י - I" and "ה' - Lord" is one culpable?] As it was said, 'the mark of the name of [a pagan deity for] idol worship you shall not place on yourself.' Why? Because, (1) "I am the Lord, and (2) you shall not make another lord other than me." **Even on a puncture made by a lancet**: Even on a place of an open vein be careful not to place upon it a black thing that would give the appearance that it is a tattoo. Also, the *halachah* does not follow that point of view. It is not according to Rav Malkiyo. Rather it is according to Rav Ashi, because he is the last authority [mentioned in the Talmud discussion]: "Wherever there is a wound it is permitted [to place ashes, and thus make a mark]."

כתובת קעקע מחוקי העובדי כוכבים הוא. והוא שכתוב על בשרו בשריטה וממלא מקום השריטה כחול או דיו או שאר צבועונים הרושמין ובכל מקום שעשה כן על בשרו חייב בכל מה שיכתוב אפי' אינו כותב שם כו"ם. ואם עושה כן על בשר חבירו אותו שנעשה לו פטור אא"כ סייע בדבר. ומותר ליתן אפר כירה ע"ג מכתו ואין בו משום כתובת קעקע.

גדידה וקרחה על המת גם היא מחוקת העובדי כוכבים דכתיב בנים אתם לה' אלהיכם לא התגודדו ולא תשימו קרחה בין עיניכם למת וכתיב ושרט לנפש לא תתנו בבשרכם וגדידה ושריטה אחד הוא. והוא ששורט בבשרו ואינו חייב אא"כ יעשה כן על מתו ולכו"ם אלא שעל מתו חייב בין ביד בין בכלי ולכו"ם אינו חייב אלא בכלי.

וכתב הרמב"ן דוקא שריטה. אבל אם מכה בידו על בשרו מותר כדאשכחן (סנהדרין סח). ברבי עקיבה שפגע במטתו של ר' אליעזר והיה מכה על בשרו עד שדמו שותת לארץ. וכתב א"א ז"ל ודבר תימת הוא דכיון דבין ביד בין בכלי אסור. היאך יהא מותר דרך הכאה? והתוספות פירשו שרבי עקיבא היה עושה כן על התורה. כמו שהיה אומר הרבה מעות יש לי ואין לי שולחני להרצותם.

המשרט על צער אחר שבא לו פטור. המשרט ה' שריטות על מת אחד או על ה' מתים שריטה אחת חייב ה'.

וקרחה הוא שתולש משער ראשו על המת בכל מקום בין בראש בין ביד בין בסם. ושיעורו? כתב הרמב"ם כדי שיראה מראשו כגריס פנוי בלא שער. וא"א הרא"ש ז"ל פסק בשתי שערות חייב. ומיהו איסורא איכא אפי' בשער אחד. ואם קרח קרחה אחת על ה' מתים אינו חייב אלא אחת. אבל אם קרח ה' קרחות על מת אחד חייב על כל אחת ואחת.

כתב הרמב"ם הקורח בראשו של חבירו והמשרט בבשר חבירו וחבירו מסייע אם שניהם מזידין לוקין. אחד שוגג ואחד מזיד המזיר לוקה והשוגג פטור.

ירושלמי רב הונא מפקיד לחבריה פקדון לנשיכון כד יהון קיימין על מתים דלא ליתלשון בשעריהון. שלא יבאו לידי קרחה. שנאמר כי עם קדוש אתה אחד אנשים ואחד נשים.

Ketovet ka'aka is a topic from the laws [against] the rituals of the idolaters. He who writes upon his flesh with a laceration and fills the place of the laceration with blue dye, or [black] ink, or whatever color leaves a mark is culpable for every place that he makes such [a mark] upon his flesh, no matter what he writes, even if it is not the name of idolatry. If he makes such a mark on the flesh of his fellow, the same fellow that had the mark made upon him is exempt [from culpability] unless he assisted in [making] the thing. It is permitted to place hot ashes upon a wound, for it is not [included among] the laws [against] the rituals of idolaters, as is *ketovet ka'aka.*

Incising the flesh (גדידה) [with a cutting instrument], and creating baldness on account of the dead are also included in the laws [against] rituals of idolatry. As it is written: "You are children to the LORD your God. Do not make incisions (התגודדו) or create baldness between your eyes for the sake of the dead." And it is written: "Do not place on your flesh a laceration (שרט) for the dead." "Incision/גדידה" and "laceration/שריטה" are one [and the same]. That means, [from the aforementioned], he, who lacerates (שורט) his [own] flesh, is not culpable unless he will make such [a mark] on account of his dead or for the sake of idolatry. He is culpable [in the first count], "on account of the dead," whether [the laceration was made] by the hand or with a tool. He is culpable [in the second count], "for the sake of idol worship," only if [the laceration] was made with a tool.

The RaMBaN wrote, "[All of the aforementioned refers] only to the [act and term of] laceration/שריטה. But, if he hit [himself] by his own hand on his flesh [creating an open wound] this is permitted, as we find (in Sanhedrin 68): "When Rabbi Akiva encountered the death bed of Rabbi Eliezar he was hitting himself on his [own] flesh until his blood spilled to the ground." My father, may his memory be for a blessing, wrote: "This is shocking! Whether it was done by the hand or done by a tool it is forbidden. How could it be that it [i.e. the mark] is permitted by means of hitting [oneself]? The Tosafists explained that [this type of mark is permitted because] Rabbi Akiva was making such [a mark] on account of the Torah [and not on account of the dead. This is explained in allegory.] It is as if he (Rabbi Akiva) was saying, 'I have a lot of wealth (i.e. Torah's knowledge),

yet I don't have my money changer (i.e. teacher = Rabbi Eliezar) to fulfill the debt (i.e. make the wealth useful).'"

The laceration made on account of another sorrow [other than death] that came to him was exempt [from punishment]. One who makes five lacerations on account of one dead or on account of five dead makes one laceration is culpable for five [punishments].

And *kor-cha* is when one tears the hair from one's head on account of the dead, on every place from the head, whether done by the hand or with poison. What is its measure? RaMBaM wrote, "In so much that there appears on his head an empty spot the size of a bean." My father, the RoSH, may his memory be for a blessing, determined that with two hairs [removed for this purpose] one is culpable. However, the prohibition applies even for one hair [to be removed]. If he shaved one baldness on account of five dead he is only culpable for one. But, if he shaved five baldnesses on account of one dead he is culpable on each and every one.

RaMBaM wrote, "[In the situation when] one shaves the head of his fellow or one lacerates the flesh of his fellow, and the fellow assists, if the two of them were in full consciousness of doing wrong [then] they are to be whipped. [If] one was doing wrong inadvertently [i.e. did not assist], and one was intentionally doing wrong, [then] the one doing wrong intentionally is to be whipped, and the one who did wrong inadvertently [i.e. did not assist] is exempt [from punishment]."

The Jerusalem Rav Hunah entrusted his friends with a deposit (i.e. and incentive) for their wives, so that when they stand over the dead they would remember not to pull out their hair. [In this way they will know the prohibition applies to them and] will not come to transgress the prohibition of creating baldness. As it is said [in Scripture], "For you are a Holy People," [meaning] each man and each woman."

Shulchan Aruch – Joseph Caro

הלכות כתובת קעקע וקריחה

סימן קפ: איסור כתובת קעקע וקריחה על מת

(ובו י״ב סעיפים)

א. כתובת קעקע, היינו ששורט על בשרו וממלא מקום השריטה בחול או דיו או שאר צבעונים הרושמים.

ב. אם עושה כן על בשר חבירו, אותו שנעשה לו פטור, אא״כ סייע בדבר.

ג. מותר ליתן אפר מקלה על מכתו.

ד. הרושם על עבדו שלא יברח, פטור. (ונראה דלכתחלה מיהא אסור) (ד״ע)

ה. השורט בבשרו אינו חייב אא״כ עושה כן על מתו או לעבודת כוכבים, אלא שעל מתו חייבים בין ביד בין בכלי, ולעבודת כוכבים אינו חייב אלא בכלי.

ו. גדידה ושריטה על מת, אסור, אפילו שלא בפני המת. (ועל צער אחר, שרי) (ב״י מפי׳ הטור).

ז. יש מי שאומר דדוקא שריטה, אבל אם מכה בידו על בשרו עד שדמו שותת, מותר. ויש מי שאסור.

ח. המשרט ה׳ שריטות על מת אחר, או על ה׳ מתים שריטה אחת, חייב ה׳.

ט. וקרחה הוא שתולש משער ראשו על המת בכל מקום בראש בין ביד בין בסם ושיעורו כדי שיראה מראשו כגריס פנוי בלא שיער

י. קרח קרחה אחת על ה׳ מתים אינו חייב אלא אחת אבל אם קרח ה׳ קרחות על מת אחד חייב על כל אחת ואחת

יא. הקורח בראשו של חבירו והמשרט בבשר חבירו וחבירו מסייע אם שניהם מזידין שניהם לוקין אחד שוגג ואחד מזיד המזיר לוקה

יב. גם הנשים מוזהרות בכל יקרחו

Laws of Tattooing and Causing Baldness

Title 180: Forbidden are tattoos and baldness on account of the dead:

(In it are 12 clauses.)

1. *Ketovet ka'aka* [means] that one lacerates his flesh and fills the place of the laceration with blue dye or [black] ink or whatever color leaves a mark.
2. If he makes such [a mark] on the flesh of his fellow, the same [fellow] that had the mark made upon him is exempt [from culpability] unless he assisted in [making] the thing.
3. It is permitted to place ashes upon a wound to heal it.
4. He who marks his slave, so that he will not flee, is exempt [from culpability]. (In principle, it is forbidden.) (These are his [Moshe Isserles'] own words).
5. He who lacerates his [own] flesh is not culpable unless he will make such [a mark] on account of his dead or for the sake of idolatry. He is culpable [in the first count], "on account of the dead," whether [the laceration was made] by the hand or with a tool. He is culpable [in the second count], "for the sake of idol worship," only if [the laceration] was made with a tool.
6. Incisions/גדידה and lacerations/שריטה [made] on account of the dead are forbidden, even if it is not in the presence of the dead. (On account of another sorrow, [a mark] it is permitted.) ([From the] *Beit Yosef*'s explanation of the Tur.)
7. There are those who say that it is specifically the laceration [that makes one culpable]. Therefore, a wound made with his hand on his flesh until his own blood flows is permitted. There are those who say that it is forbidden.
8. The one who makes five lacerations on account of one dead, or on account of five dead makes one laceration, he is culpable for five [punishments].
9. *Kar-cha* is when one tears the hair from one's head on account of the dead, on every place from the head, whether done by the hand or with poison. And its measure is [when] his head will appear like a hairless bean.
10. If he shaved one baldness on account of five dead, he is only culpable for one. But, if he shaved five baldnesses on account of one dead he is culpable on each and every one.

11. [When] one shaves the head of his fellow or one lacerates the flesh of his fellow, and the fellow assists, if the two of them were in full consciousness of doing wrong [then] they are to be whipped. [If] one was doing wrong inadvertently [i.e. did not assist], and one was in full consciousness of doing wrong, [then] the one in full consciousness of doing wrong is to be whipped.

12. Also women are warned in all [these matters] of shaving.