

prohibits tattooing (Leviticus 19:28, 21:5; Deuteronomy 14:1), although it seems to be based on a biblical ban on ancient Canaanite cultic practices related to warding off death or mourning the dead. Chuck's choices to tattoo himself were based solely on the belief that tattoos make his body more attractive.

Questions

1. Is there any compelling reason for Chuck to give up his long-standing practice of tattooing himself?
2. Does it change the situation if Chuck is in a serious relationship with a woman who (a) likes his tattoos or (b) very much dislikes them?
3. What duties does Chuck have to respect his own body and care for it? Assuming that tattooing his body does not harm either himself or others, should this behavior be construed as a form of respecting his body, disrespecting it, or simply a matter of personal discretion?

Traditional Sources

[Note to readers: Refer also to “Traditional Jewish Sources Relevant to All Cases Studies,” on page 3.]

1. Exodus 19:5

Now then, if you will obey Me faithfully and keep my covenant, you shall be my treasured people among all the peoples. Indeed, all the earth is mine.

2. Leviticus 19:28

You shall not make gashes in your flesh for the dead, or incise any marks on yourselves: I am the LORD.

3. Rashi to Leviticus 19:28

[This prohibits] an inscription etched and sunken that cannot ever be erased, for one etched it with a needle and it remains permanently black.

4. Mishnah Makkot 3:6

With regard to one who tattoos his skin, [if] he made a mark [an incision in his skin] but did not tattoo it in [that is, did not fill it in with ink, or] tattooed it in [that is, made ink marks on the surface of his skin]

but did not make a mark [so that the process of tattooing was not completed] —he is not liable. He is liable [only] when he marks *and* tattoos with ink or eye paint or anything that leaves a [permanent] mark. Rabbi Simon ben Judah says in the name of Rabbi Simon, “He is liable only when he writes the name of God, as it is written, “nor incise any marks on yourselves: I am the LORD (Leviticus 19:28).”

5. **Babylonian Talmud Makkot 21a**

Rabbi Aha ben Rava said to Rabbi Ashi: Does that [the remark of R. Simon ben Judah in Source 4 above] mean [he is liable for flogging] if he will actually write, “I am the LORD?” He answered [R. Ashi to R. Aha], “No—it is as Bar Kappara taught in an early rabbinic statement [*baraita*]: ‘He is liable for flogging only if he inscribes the name of another God, as it is written, “nor incise any marks on yourselves: I am the LORD,” [i.e., there is no other].

6. **Rashi to Makkot 21a**

The essence of not writing a name of God is the prohibition of worshipping other gods. However, one should not make any tattoo whatsoever. This is even according to the opinion of Rabbi Simon [in Source 4 above]. According to him, though, [one is] liable for lashes [only] for tattooing the name of a god.

7. **Jerusalem Talmud Nedarim 9:1**

Do you think that what the Torah prohibits is not sufficient for you, such that you take upon yourself additional prohibitions? [With respect to the discussion in the Mishnah above perhaps, we should not add onto these prohibitions by prohibiting modern tattoos that are not idolatrous.]

8. **Babylonian Talmud Nazir 19a**

What is the meaning of the verse, “He [the Nazarite—see Numbers 6:11] shall atone for him for having sinned against the soul”? Against which soul did he sin? Rather, because he deprived himself of wine. Now, there is an *a priori* argument: If the one who deprived himself *only* of wine is called “a sinner,” then how much the more so someone who deprives himself of all things.

9. **Maimonides, *Mishneh Torah*, Laws of Idolatry 12:11**

The [prohibition] of tattooing that is biblically derived is making an incision in one’s flesh and filling the incision with eye paint, ink, or

any dye that leaves an imprint. This was the practice of idolaters who [permanently] marked their bodies for the sake of their idol worship. Basically, [they understood this to be] that they are likened to servants sold to the idol and designated to serve it.

When one makes an imprint with one of the substances [listed above], the punishment of lashes is carried out, whether it was a man or a woman.

If one wrote but did not dye, or dyed but did not write [by incising in the flesh]—this person is not liable, as it is written (Lev. 19:28), “or incise any marks.”

To whom does this [prohibition] apply? To the one who is performing the tattooing, but the one who is tattooed by others is not liable unless he helped the tattooer [so that it is] as if he tattooed too. However, if the one being tattooed did not perform the action, [the punishment] of lashes is not applied.

Contemporary Sources

Source 1

In our day, the prohibition against all forms of tattooing, regardless of their intent, should be maintained. In addition to the fact that Judaism has a long history of distaste for tattoos, tattooing becomes even more distasteful when confronted with a contemporary secular society that is constantly challenging the Jewish concept that we are created *b'tzelem elohim*, “in the Image of God,” and that our bodies are to be viewed as a precious gift on loan from God, to be entrusted into our care and not our personal property to do with as we choose. Voluntary tattooing, even if not done for idolatrous purposes, expresses a negation of this fundamental Jewish perspective. . . . But, however distasteful we may find the practice, there is no basis for restricting burial to a Jew who violates this prohibition or even limiting their participation in synagogue ritual. The fact that someone may have violated the laws of kashrut at some point in their life or violated the laws of Shabbat would not merit such sanctions; the prohibition against tattooing is certainly no worse. It is only because of the permanent nature of the tattoo that the transgression is still visible.

—Alan B. Lucas, “Tattooing and Body Piercing.” www.rabbinicalassembly.org/teshuvot/docs/19912000/lucas_tattooing.pdf (accessed June 23, 2006).