

Is Mutilating the Body Permitted?

Introduction

In this week's Torah portion, *Kedoshim*, we read the following commandment:

וְשָׂרֵט לְנַפְשׁוֹ לֹא תַתֵּנוּ בְּבִשְׂרְכֶם וְכַתַּבְתָּ קַעֲלֹעַ לֹא תַתֵּנוּ בְּכֶם אֲנִי יְהוָה:

You shall not make gashes in your flesh for the dead, or incise any marks on yourselves. I am the Lord. [Leviticus 19:28]

What does it mean and how far does it extend? People alter their bodies with circumcisions, ear piercings, nose piercings, other body piercings, tattoos, plastic surgery (nose, breasts, facelifts, etc.), sex changes, amputation of body parts, organ donations; even nail-cutting, hair-cutting, and shaving – all of which involve “incisions”.

What is allowed and what isn't?

Possible reasons

-Idolatrous practice. Idolaters used to cut their flesh when a loved one died and their priests tattooed themselves with the name of their idols.

-We are created “in the image of God” (בְּצֶלֶם אֱלֹהִים *B'tzelem Elokim*) and must not modify that image.

-Circumcision is a unique sign of our special covenant with God. Allowing other signs would cheapen it. [Sforno on Leviticus 19:27]

-Modesty (*tzniut*). Body alterations sometimes involve private parts that are then shown off.

-Risk of infection.

- More generally, the Torah enjoins us not to follow the ways of the Gentiles:
 - You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you; nor shall you follow their laws. [Lev. 18:3]
 - You shall not follow the practices of the nation that I am driving out before you. For it is because they did all these things that I abhorred them. [Lev. 20:23]

But to what extent this applies is often a matter of dispute.

Some mutilations are an act of God

- God takes a rib from Adam to create Eve. [Genesis 2:23]

- After Cain kills Abel, God “brands” him:

And the Lord put a mark on Cain, to avoid him being killed by anyone who meets him. [Gen. 4:15]

One midrash says that the mark was a letter of the divine name inscribed on his forehead. [Pirkei DeRabbi Eliezer 21] Another midrash says:

Rabbi Yehudah said: He caused the orb of the sun to shine...

Rabbi Nehemiah said: ... He caused leprosy to break out on him ...

Rav said: He gave him a dog ... to protect him.

Abba Yosei said: He made a horn grow out of him. [Genesis Rabbah 22:12]

- At various times, God sends plagues that affect appearance. Examples: God gives temporary leprosy to Moses for speaking ill of the Israelites [Ex. 4:6-7] and to Miriam for speaking ill of Moses [Num. 12:1-15]

Some mutilations are commanded

- The Torah mandates circumcision of newborn males. God tells Abraham:

וְנִמְלֹתֶם אֶת בְּשָׁר עֶרְלֹתְכֶם וְהָיָה לְאֹת בְּרִית בֵּינִי וּבֵינֵיכֶם: וּבֶן־שְׁמֹנֶת יָמִים יָמֹול לְכֶם כָּל־זָכָר לְדֹרֹתֵיכֶם

You shall circumcise the flesh of your foreskin, and that shall be the sign of the covenant between Me and you. And throughout the generations, every male among you shall be circumcised at the age of eight days. [Gen. 17:11-12]

- Regarding a Hebrew slave who refuses to be freed in the 7th year of servitude, the Torah says:

His master shall pierce his ear with an awl and he shall then remain his slave for life. [Exodus 21:6]

Some mutilations are allowed

The Torah does not prohibit nose rings or ear piercings:

-I inquired of [Rebecca]: “Whose daughter are you?” ...And I put the ring on her nose and the bands on her arms. [Genesis 24:47]

-[To build the Golden Calf,] Aaron said to [the Israelites], “Take off the gold rings that are on the ears of your wives.” [Exodus 32:2]

-[To build the Tabernacle,] men and women ... came bringing brooches, earrings, rings, and pendants -- gold objects of all kinds. [Exodus 35:22]

The Midrash adds:

When they built the Golden Calf the [Israelites] gave earrings and when they built the Tabernacle they also brought earrings. It was with earrings that they sinned and with earrings that they became reconciled [to God]. [Exodus Rabbah 48:6]

-We have brought as an offering to the Lord... gold... armlets, bracelets, signet rings, earrings, and pendants. [Numbers 31:50]

The practice continued in the days of the prophets:

-I decked you out in finery...I put a ring in your nose, and earrings in your ears. [Ezekiel 16:11-12]

-The Lord said: Because the daughters of Zion are so vain ... [I will] strip off... the signet rings and the nose rings. [Isaiah 3:18-21]

This is also well documented in Talmudic times:

-[On Shabbat], a tailor must not go out with a needle stuck in his garment, nor a carpenter with a chip in his ear. [Shabbat 11b]
(Rashi informs us that men wore earrings that indicated their trades.)

-And these are women's ornaments: Necklaces, earrings, finger-rings... and nose-rings. [Shabbat 59b]

-Girls may go out [on Shabbat] with ribbons, and even with chips in their ears. [Mishnah, Shabbat 6:6]

-[Consider] the case of a king who desired to marry a certain woman, but was told by people that she was poor, possessing only two nose-rings as her own. [Exodus Rabbah 15:3]

Some mutilations save lives

Mutilations are allowed to save lives (*pikuach nefesh*). Examples:

-Amputating a leg because of gangrene (the tissue degenerates because less blood goes to it).

-Removing diseased organs surgically.

-Accepting organs from dead people. [Rav Moshe Feinstein]

-Some discussion on how likely transplant is to succeed.

-Dispute on whether “brain death” is considered “death”.

-Accepting organs from living people. However:

-Recipient’s life must be at risk without donation.

-Donor’s life must not be at risk after donation.

-One may not harvest organs from the living to store in organ banks.

-Giving blood: Allowed even if just to store in a blood bank, even if donor gets paid. [Rav Moshe Feinstein, Igrot Moshe, Choshen Mishpat 1:103]

Some mutilations are to avoid pregnancy

Mutilations done only to avoid pregnancy are forbidden -- sterilization by castration, vasectomy, “tying the tubes”. [Shabbat 110b]

-A few exceptions (e.g., unusual childbirth pain). [Yevamot 65b, Ketubot 60a]

Mutilations of the dead

Autopsies are generally not allowed. Some exceptions if it can be proved that it would save lives through medical discoveries.

Sex change

Sex change operations are prohibited, except in rare situations.

Body piercings

- Ear and nose piercings have been allowed for cosmetic reasons since biblical times (see above).

-Other body piercings are generally allowed by Jewish law, in responsa by Rav Moshe Feinstein [Igrot Moshe Choshen Mishpat 2:66] and the Lubavitcher Rebbe. [Likutei Sichot, v20, p 568]

-In areas where body piercing is practiced only by women, men may not do it. [Shulhan Arukh, Yoreh Deah, 182:5]

Plastic surgery

Influential Israeli rabbi Shlomo Zalman Auerbach writes:

If plastic surgery is done to prevent suffering and shame caused by a defect in looks ... this would be permitted based on the Tosafot and the Gemara, since the purpose is to remove a blemish. However if the only reason is for beauty, this is not permitted. [Rav Shlomo Zalman Auerbach, Minchas Shlomo Tinyana 86:3]

Indeed, Tosafot said:

If the only pain suffered is embarrassment to walk among people, then it is permissible, because there is no greater pain than this.

This allows body reconstruction after cancer treatment or injury. (E.g., breast reconstruction.)

For nose jobs or facelifts, it would have to be proved that they prevent a normal life (e.g., psychological problems; or a woman who can't find a husband because of her appearance).

-But for men, the Talmud says: Ugly people make the best scholars! [Taanit 7b]
"Psychological" leniencies can be controversial because easy to abuse.

Shaving

-The Torah says:

You shall not round off the side-growth on your head, or destroy the side-growth of your beard. [Leviticus 19:27]

Talmud: [Makkot 20a] Only single-blade razors are forbidden. Scissors, electric razors or chemical depilatories are allowed.

-Among very traditional Jews beards and sidelocks are very important for reasons of Kabbalah and mysticism. The Arizal taught that hair has spiritual significance. Note that Nazirites may not shave.

-Mourners may not shave or get a haircut for thirty days. This includes the period of the counting of the Omer and the three weeks between 17 Tammuz and 9 Av.

-Men should not shave armpits or pubic hair in communities where it is considered only feminine behavior. [Nazir 59a]

Tattoos

-Our verse clearly prohibits tattoos -- permanent etchings in the skin. The Mishnah confirms it. [Makkot 3:6]

-However, paint and stick-ons are allowed, but discouraged because of *marit ayin* (they may *appear* to be tattoos).

-There was a dissenter:

Rabbi Shimon ben Yehuda said in the name of Rabbi Shimon: He is liable [for a tattoo] only if he writes the name [of an idol] there, because the Torah states: "You shall not ... place a tattoo inscription on yourselves", and adds "I am the Lord." [Leviticus 19:28] [Makkot 3:6]

-Tattoos must be voluntary to be reprehensible. Jewish law:

If [the tattoo] was made [involuntarily] in the flesh of another, the one to whom it was done is blameless. [Shulhan Arukh, Yoreh De'ah 180:2]

-If a tattoo includes God's name, the Name must be covered when bathing or using the bathroom. The water is allowed to erase it on its own, but one is not allowed to erase it actively. [Shabbat 120b, Hilkhos Yesodei Hatorah 6:6]

Penalties for tattoos

-Tattoo removal is not mandatory.

So Holocaust survivors and other victims don't have to go through the pain, risk and expense of having their tattoo removed.

-If you have a tattoo of dubious taste on your left arm, are you allowed to put the tefillin there or should you use your right arm instead? One answer is: Keep the tefillin on the left arm, near the heart, as instructed by the Torah, but cover up the tattoo with your sleeve. [Minchat Yitzhak]

-No restrictions on burial to Jews who have tattoos.

-No limit on their participation in synagogue rituals.

-You may convert to Judaism even though you have a tattoo.

Conclusion

Voluntary physical changes to the body are generally not allowed in Judaism, except to save a life. However, in some other special cases they are allowed.

Shabbat shalom.