



CHICAGO RABBINICAL CURRENTS

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אייר תשפ"ו



VISITING ASIA AND KEEPING THE GLOBAL VILLAGE KOSHER

By Rabbi Shmuel Katz, Rabbinic Coordinator

What does it take to certify kosher in a world where food production spans continents? Different cultures can necessitate different practical approaches and can change some halachic applications as well. A recent visit from the cRc offices to Asia helped bring this into clear perspective.

To ensure the kosher integrity of manufactured goods, kashrus agencies rely on proper systems, legal protections, and unannounced inspections to ensure compliance. This system works very well in the USA and, to a large degree, in all Western countries. But what happens in a place where unannounced visits are nearly impossible and legal contracts are difficult to enforce? This is the current reality in Asia.

Due to the local culture and language barriers in the Far East, unannounced visits are almost nonexistent. In most cases the *mashgiach* is picked up by a company representative for a prescheduled visit. This removes any *mirsas* – fear (i.e. general compliance due to fear of getting caught) that unannounced visits bring. The company may run an entire operation and only clean up before kashrus visits.

The *Shach* (YD 98 SK 2) rules that we can rely upon a non-Jew for information that is readily and independently verifiable. Rav Moshe Feinstein, in *Igros Moshe* (YD 1:55), explains that מרתת מלהחשב שקרן – fear of being considered a liar – ensures that someone will tell the truth. Rav Moshe understands that the *Rambam* treats the fear of being known as a liar as an even greater incentive for truth than professional integrity אומון לא מרע אומנתיה, אונון לא מרע אומנתיה

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TATTOOS

IN CONVERSION AND OTHER AREAS IN HALACHA

by Rav Yona Reiss

Rav Yona Reiss is the Av Beth Din of the cRc, a Rosh Yeshiva at RIETS, and the Segan Av Beth Din at the Beth Din of America.

In recent years, there has been a proliferation of tattooing in the secular world. While this distinctly non-Jewish practice generally does not affect the frum community, the Beth Din does deal with conversion candidates who have tattoos of various types, as well as individuals from the Jewish community who may have received tattoos when they were not yet observant. An important question is whether these tattoos need to be removed prior to conversion (or after a Jewish person with a tattoo becomes observant).

In addition, there are questions regarding the permissibility of cosmetic microblading (a semi-permanent, cosmetic tattoo technique that uses fine needles to deposit pigment, creating natural-looking hair-like strokes for fuller eyebrows)¹ which has become an increasingly more common practice. This essay examines some of the halachic issues regarding these situations.

I. THE NATURE AND DEFINITION OF THE BIBLICAL PROHIBITION

To address our questions, it is important to understand the mechanics and nature of the prohibition against tattooing (*kesoves ka'aka*) in *halacha*. The Torah (*Vayikra* 19:28) states *u'kesoves ka'aka lo sitnu bachem* (you shall not etch a tattoo on yourselves). The prohibition of tattooing is hence defined by the confluence of two distinct physical actions, the *kesoves* (the writing of the tattoo) and the *ka'aka* (the etching). According to the *Mishnah* in *Makkos* (21a), one is therefore not liable until they both write and puncture the skin with dye, *ke'hol* (blue powder), or any marking substance.

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1. Definition taken from Wikipedia page.



TATTOOS

IN CONVERSION AND OTHER AREAS IN HALACHA

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A. THE MECHANICS OF THE ACT

- **Kesivah (Writing):** The application of a dye or pigment to the surface of the skin.
- **Ka'aka (Puncturing):** The puncturing, scratching, or cutting of the skin to allow the pigment to penetrate. A superficial ink stamp from an amusement park on one's skin would not constitute a violation of the prohibition against tattooing. See *Shevet Halevi* 3:111.
- **Dispute on Order:** Halachic authorities disagree on the required sequence for Biblical liability. The *Rivan* (*Makos* 21a) posits that one writes first and then punctures with a needle. The *Rambam* (*Hilchos Avoda Zara* 12:11) suggests the skin is scratched first and then filled with pigment. The *Shach* (*YD* 180) concludes based on the *Bach* that liability is incurred regardless of the order, provided both actions occur.

B. "MA'ASEH" VS. "TOTZA'AH"

A fundamental distinction in the law of tattooing is whether the prohibition concerns the **act** of creation or the **state** of having a tattoo.

- **Prohibited Act:** R. Chaim Kanievsky *zt"l* (*Patshegen HaKesav, Siman* 3) asserts that the Torah prohibits the *performance* of imprinting the tattoo (*issur pe'ulah*). One of his proofs is precisely the fact that the authorities argue about the order of the procedure to incur liability, which

would not make sense if the prohibition was based upon the state of being tattooed (*issur totza'ah*).

- **Ongoing State:** It is generally concluded based on the foregoing that there is no ongoing Biblical violation for merely possessing a tattoo. The prohibition is only violated at the time of the tattoo's creation.

II. POST-FACTO STATUS AND THE QUESTION OF REMOVAL

Returning to our question, when a person becomes observant or converts while possessing tattoos, the question arises whether they must undergo removal of their tattoos.

IS THERE AN OBLIGATION TO REMOVE A TATTOO?

- **No Strict Requirement:** Authorities such as R. Yitzchak Zilberstein *shlit"a* (*Chashukei Chemed, Pesachim* 75b) and R. Yosef Shalom Elyashiv *zt"l* (as cited by Rav Zilberstein), in addressing the question as to whether a person who is *chozer b'tshuva* (returns to observant Judaism) is required to remove any tattoos, rule that there is generally no absolute halachic obligation to remove an existing tattoo. The logic is "what is done cannot be undone" (*ha'asui ein lehashiv*) and there is no continuing violation after the tattoo has already been created, as was noted by Rav Kanievsky.

- **Commendable Action (Davar Yashar):** Despite the lack of obligation, R. Elyashiv describes removal as an "upright thing" to remove signs of immodesty or past transgression. Rav Zilberstein quotes Rav Shlomo Zalman Auerbach *zt"l* who brings a proof from the opinion of the *Minchos Chinuch* (*Mitzvah* 32, *Musach HaShabbos* 35) that removing a tattoo on Shabbos is considered to be a Biblical violation of *mochek* – erasing on Shabbos, because the person is effectuating a *tikkun* (improvement of the body) since, as he writes, it is "not proper" for a Jewish person to continue to have a tattoo even after it has already been imprinted in the skin. This is especially understandable given that both the *Rambam* (*Avoda Zara* 12:11) and the *Sefer Hachinuch* (*Mitzvah* 253) emphasize how tattooing is based upon the pagan practice of branding the wearer of the tattoo as a servant to their idolatry.
- **The Problem of "Tattooing Over":** However, if the only way to remove or obscure an offensive tattoo is to tattoo over it with skin-colored ink, authorities generally forbid this. One may not "add sin upon sin" by adding a new tattoo to rectify a past mistake. Laser surgery, which does not involve new tattooing, is the preferred method. See *Minchos Asher* 2:54.

III. RITUAL AND FUNCTIONAL PROBLEMS WITH RESPECT TO CERTAIN TATTOOS

Even though there is generally no strict obligation to remove tattoos, offensive tattoos (immodest images or idolatrous symbols) do present a problem in terms of ritual observance as well as *bizayon* (disrespect) to holy objects, including one's body. It is thus strongly recommended to remove any such images to avoid halachic problems. For conversion candidates, such tattoo removal becomes part of the conversion process. Rabbinic authorities have dealt with these issues in a variety of different contexts as outlined below.

A. TEFILLIN PLACEMENT ON IMMODEST IMAGES

R. Betzalel Stern *zt"l* and R. Yitzchak Yaakov Weiss *zt"l* dealt with two cases where a Jewish man imprinted an immodest image on his left arm before he became observant and wanted to know whether it was permitted to place *tefillin* on such an image. R. Ephraim Oshry *zt"l* (*Mima'amakim* 1:26) dealt with a similar case when the Nazis

tattooed an image of a cross on an inmate's arm as punishment for his donning Tefillin in defiance of their rules (in that case he did allow Tefillin to be placed on the area, but only in private).

- **The Case of the Immodest Image:** R. Betzalel Stern (*Betzel Hachachmah 5:81*) compares donning *tefillin* on top of an immodest image to the prohibition of placing a *mezuzah* in a room where women are often undressed (*Yoma 11a*), and therefore rules that it would be prohibited to place *tefillin* on such an area until the tattoo is removed.
- **Solutions:** R. Yitzchak Yaakov Weiss (*Minchas Yitzchak 3:11*) suggests covering the offensive portion of the tattoo with a very thin layer of leather (to avoid *chatzitzah* issues) or using smaller *tefillin* that does not rest directly on the image. However, he also recommends removing the tattoo altogether through surgery.
- **Conversion Candidates:** When such tattoos (including satanic images and the like) are present in the case of conversion candidates, whether in the arm where *tefillin* are worn or elsewhere, it is necessary that they be removed because of the halakhic problems that they present. In addition to the need for the convert to demonstrate acceptance of *mitzvos* by removing such tattoos, it is also preferable from a halakhic perspective to remove such tattoos prior to conversion since non-Jews are generally excluded from Torah commandments, such as tattooing over existing tattoos (see *Patshegen Hakesav*) or erasing a Divine name (see *Chasam Sofer 6:8*), as discussed *infra*.

B. DIVINE NAMES (SHEM HASHEM)

Tattoos containing one of the names of Hashem present the most complex challenge due to the prohibition of erasing the Divine Name (*lo sa'asun kein, Devorim 12:4*).

- **Lack of Sanctity:** Some authorities (*Chavos Yair 16*) argue that if the name was tattooed by a non-believer or without the specific intent of holiness (*kedushah*), it lacks the formal sanctity of a Divine Name and may be removed.
- **Grama (Indirect Action):** Since the process of laser removal can be viewed as an indirect erasure (*grama*), removing the name in this fashion may be permissible (see *Shabbos 120b*), particularly in cases where the name is in a degrading location, (see *Teshuvos Chasam Sofer 6:8* who was lenient to erase a Biblical verse that was



engraved in a bathroom area even when there was original intention to endow sanctity to the name).

- **Combination of Considerations:** Accordingly, Rav Asher Weiss shlit"á (*Minchos Asher 2:54*) permitted laser surgery to remove a Divine name of Hashem that had been tattooed on a woman's ankle before she became observant, especially since it was likely not imprinted with the intention of sanctity, where it would obviously not be respectful to continue to maintain the name on her body. As previously indicated, in the case of a conversion candidate one more readily avoids the halakhic issues of removing such a tattoo if it is done pre-conversion.

C. RITUAL IMMERSION (MIKVAH) AND CHATZITZAH

Of course, it can be a very expensive and even painful process to remove a tattoo, and when it is not absolutely required by *halacha*, it may be permitted for a convert or *ba'al teshuva* to keep relatively non-offensive tattoos on their skin unless and until it is practical for them to be removed. A common concern for converts or *ba'alei teshuvah* is whether a tattoo constitutes a barrier between the skin and the water.

- **Halachic Ruling:** Rabbinic authorities, including R. Pinchos Zevichi (*Ateres Paz YD 2:8*, based on the *Rosh, Hilchos Mikvaos Siman 27*) rule that tattoos are not a *chatzitzah*. Because the pigment is "absorbed" (*balua*) within the flesh and covered by a layer of skin, it is considered part of the body.
- **Intent to Remove:** Rav Zevichi concludes

that even if a woman has already scheduled an appointment to have the tattoo removed, it remains "absorbed" in the skin and does not invalidate the immersion. Accordingly, in certain cases, the Beth Din will allow the conversion to take place once the process for removing a tattoo has already been scheduled. This ruling is important to allow for immersion in a *mikvah* in such an instance.

IV. MODERN COSMETIC APPLICATIONS: PERMANENT MAKEUP

Recent years have seen the rise of "permanent makeup" or "microblading," where pigments are injected into the skin for long periods of time for cosmetic or medical reasons.

STRICT AND LENIENT VIEWS

Classical tattooing is defined by *Rashi (Vayikra 19:28)* and *Rivan (Makos 21a)* as something that "lasts forever." Cosmetic procedures that fade after 1–3 years raise the question of whether they qualify as *kesovet ka'aka*.

- **Strict View:** R. Nossan Gestetner *zt"l (L'horos Nasan 10:64)* argues that even a mark lasting three years qualifies as "permanent" in this context, comparing it to the definition of a "permanent knot" on the Sabbath, which *Rashi* defines as lasting merely a month (see *Shabbos 111b – 112a*). Also, the *Nemukey Yosef* in his commentary on the *Rif (Makos 4b)* writes that the prohibition is whenever the imprint will last *zeman gadol* – which simply means a significant amount of time, and not necessarily forever. Rav Shmuel

Vozner *zt"l* is similarly stringent (*Kovetz Or Yisroel*, 5759).

- **Lenient Considerations (for medical reasons):** However, other rabbinical authorities such as R. Asher Weiss *shlit"l* (*Minchas Asher* 2:56) suggest that since the imprint does not last forever, and is not being done in a way to imitate the ways of the heathens (see *Tosefta Makos* 4:15), and does not involve letters or distinct shapes (see *Pischei Teshuva YD* 180:1), the Biblical prohibition may not apply, and since in a case of a person with a wound, the Talmud permits ashes (*aifer makleh*) to be imprinted in the skin for medical purposes (*Makos* 21a, codified in *Yoreh Deah* 180:3), there is room for leniency when the cosmetic procedure is medically necessary, such as for a woman who needs to replace certain facial or bodily features following a medical procedure, or for a woman who has a scar or alopecia. R. Ovadia Yosef *zt"l* (*Taharas HaBayis*, vol. 3, pp. 33-34) is similarly lenient in such cases.

- **Special Leniency for Human Dignity (*Kavod HaBriyot*):** R. Shraga Feivish Schneebalg *zt"l* (*Shraga Hameir* 43-44) argues that cosmetic tattooing that is intended not to create a new appearance but simply to restore a normal appearance of the skin (e.g., to cover a scar) is arguably not included in the prohibition from a Biblical perspective, and since human dignity may override rabbinic prohibitions (*Berachos* 19b), this would provide an additional argument for leniency, together with the fact that there are no distinct letters or shapes being formed.

V. HISTORICAL CASE: HOLOCAUST NUMBERS

A unique subset of halachic inquiry involves the numbers tattooed by the Nazis on the arms of concentration camp survivors.

A. THE PERSPECTIVE OF R. EPHRAIM OSHRY

In his work *Mi'Ma'amakim* (4:22), R. Ephraim Oshry addressed whether a survivor should remove their Nazi imprinted tattoo number on their arm when given the opportunity to have the surgery paid for with government funding. He felt that the tattoo should NOT be removed based on following reasons:

- **Witness to History:** The tattoo serves as a fulfillment of "Remember what Amalek did



to you" (*Devorim* 25:17).

- **Badge of Honor:** While the Nazis intended the mark for shame, for the survivor who remained a Jew, it is a "badge of glory and beauty" (see *Rema, Orach Chaim* 301:23) proving they survived the attempt to destroy them.
- **Testimony:** It serves as a permanent "reminder of sin" for the murderers, one that can never be forgiven or forgotten.

B. ALTERNATIVE VIEWS

While R. Oshry's view is widely respected for its emotional and theological depth, some other authorities (like R. Meir Amsel *zt"l*, the editor of *HaMaor*, 5725 issue) noted that if the tattoo causes the survivor ongoing psychological distress or "bad memories," they are certainly permitted to remove it without any halachic stigma. It should be noted, however, that R. Eliezer Silver *zt"l* supported the approach of Rav Oshry to continue to wear the tattoo number engraved by the Nazis based on the notion of "stirring the outrage" against the Nazi atrocities (see *Shach, Yoreh Deah* 364:4).

VI. CONCLUSION ON CONTEMPORARY PRACTICE

The Beth Din protocol now reflects the reality of modern tattooing. Conversion candidates are asked to report any tattoos from the beginning of the conversion process to identify problematic imagery (idolatrous, immodest, or holy) that should be removed before they are allowed to enter the *mikvah*. While the presence of a tattoo is not intrinsically an impediment to immersion or to Jewish status, the prevailing halachic guidance encourages removal when possible, particularly for tattoos that conflict with ritual performance or the sanctity of the Jewish body.

In terms of microblading, the consensus leans toward leniency when there is a medical need such as covering up a scar, especially since the process only lasts for one to three years. However, if it is done for purely cosmetic purposes, most rabbinic authorities are opposed to microblading (although R. Ovadia Yosef does write in *Taharas HaBayis, ibid.*, that those who are lenient should not be publicly scorned).

Ultimately, this discussion reveals how often, whether we realize it or not, certain Torah laws which may seem more esoteric impact our day-to-day lives. Also, when we think about the pagan origins of tattoos, it makes us appreciate how important it is for us to only distinguish ourselves through the sacred mark of Torah and *mitzvos* in the service of Hashem.




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cRc Kosher invests significant resources to investigate and stay current with industry practices and regional differences.

VISITING ASIA AND KEEPING THE GLOBAL VILLAGE KOSHER

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Uman Lo Mara Um'nusei. In the USA, a company that demonstrates a willingness to tell lies, when the facts are easily verifiable, lacks one of the cornerstones needed for certification and is considered uncertifiable.

However, in certain cultures, such as the Far East, where a lie helps “save face” and avoids the shame of admitting a mistake, the manufacturer may feel no compunction about telling one. In this type of culture, the shame lies in the *error*, not the *cover-up*. Since halacha does not ordinarily accept a non-Jew’s word regarding kosher matters, we must rely instead on a credible fear of being exposed as a liar. But in cultures that do not attach social shame to lying in order to cover up mistakes, the very deterrent we rely upon vanishes. In fact, from such a culture’s perspective, concealing the truth can feel like the honorable choice to preserve harmony. This cultural dynamic undermines the halachic safeguard of מרתת מלהחשב שקרן, leaving the foundation for certification far thinner than in the West.

We once found a company in the Far East that was out of compliance with our agreement. In the follow-up, they mentioned that if we had given them advance notice of our visit, this wouldn’t

have happened. To the Western mind this sounds absurd, but to the manufacturer, he was being respectful. He meant that he wouldn’t have allowed us to find something that would cause us grief.

Apart from the cultural difference regarding transparency in the Far East, there are further obstacles that kashrus agencies encounter in foreign countries. These relate to the practical tools used to enforce compliance, such as contracts, trademarks, and consumer protection laws.

Contracts held by certification agencies that are highly enforceable in the United States are not very helpful in some countries. In the USA the contract is important as is other communication between the kashrus agency and the company. In some countries signatures don’t mean much unless the document is sealed with the company seal. Vague language in a contract can be unenforceable even if there is documented communication clearly showing agreement on the expectations of the vague language. Additionally, these contracts are nearly impossible to enforce on any practical level.

Similarly, kashrus agencies use trademarked

logos to help enforce compliance. Misuse of the logo is a trademark violation which the US courts take very seriously. Additionally, the United States has many consumer protection laws against false advertising. Many states have specific laws about being truthful when advertising something as kosher.

However, in some countries these trademarks are difficult to obtain and even more difficult to enforce in any meaningful way. Consumer protection laws in some developing markets are often enforced only in cases of major safety concerns or high-profile incidents. Most enforcement is administrative and penalties are relatively minor, which can create little deterrent for small-scale violations. It’s like a minor parking fine: the enforcement is infrequent enough and the penalty is low enough, so that many will risk the consequences instead of complying.

With all these challenges, what does the cRc do when certifying these companies? The answer is we focus on learning each country’s ingredients and manufacturing practices. Much of the discussion in the *Gemora* and *Rishonim* about buying products from non-Jews involves the discussion of the local habits of manufacturers and sellers. In places where products are sourced from kosher sources and aren’t suspected to contain non-kosher added ingredients, these products would be permissible. Products that are known or suspected to contain non-kosher ingredients would be prohibited.

The *Gemora* (*Avodah Zara* 40b and *Shu”a* YD 114:8) brings a *baraysa*, which is codified in *Shulchan Aruch*, about certain products which

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are permitted when purchased wholesale but would be prohibited when purchased retail because retailers would sprinkle wine on the retail display for appearance and smell. Whether something is suspected of containing something that is *assur* (forbidden), can change from country to country and time to time based on available ingredients and current manufacturing processes and technologies.

cRc Kosher invests significant resources to investigate and stay current with industry practices and regional differences. Because of these challenges, cRc Kosher generally only certifies

products in some countries where our research indicates there are no kosher concerns. This approach allows us to rely on established industry practices rather than depending on a company to make its processes kosher. If a product's ingredients or sources require active oversight, cRc Kosher may take a firm pass.

As global supply chains continue to expand, kosher certification must adapt with them. Understanding cultural differences is not merely helpful; it is essential to maintaining the integrity of kosher food worldwide.

Chicago Rabbinical Currents is a monthly community newsletter of the Chicago Rabbinical Council (cRc), featuring articles by the staff of the cRc Beth Din and of cRc Kosher.

We value proactive community engagement, education and partnership, and Chicago Rabbinical Currents articles address aspects of practical halacha that are applicable to all.

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2701 W. Howard Street
Chicago, IL 60645

Questions? Comments? Feedback?
773.250.5499
office@crcweb.org
www.crcweb.org

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Chicago Rabbinical Council

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FROM THE Dayan's Desk

FEATURING RAV YONA REISS

Av Beth Din of the Chicago Rabbinical Council

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