

## **KETOVET KA'AKA (LEVITICUS 19:28): TATTOOING OR BRANDING?**

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*You shall not make any cuttings in your flesh for the dead,  
nor imprint any marks on you; I am the Lord (JPS 1917).*

*You shall not make gashes in your flesh for the dead,  
nor incise any marks on yourselves; I am the Lord (NJPS 1985).*

In the ancient world during biblical times, the branding and tattooing of both animals and humans were commonly practiced. Currently, there is a fashion among the younger generation to have portions of the body tattooed. There is, therefore, an intriguing question to ask: How should we understand the prohibition of *ketovet ka'aka* in Leviticus 19:28? Clearly, the translations above reveal a real problem: The earlier translation distinguishes between "cuttings" and "imprinting(s)." The later translation, on the other hand, links "make gashes" with "incise." Neither, however, specifically mentions "branding." Or, does one of the terms in the Torah mean branding? Should we restrict the meaning of the prohibition of tattooing and not consider that it covers branding, or vice versa? Perhaps the Torah means to prohibit both tattooing and branding of human beings. If so, why then has only tattooing remained in the halakhic literature? Which is the likely meaning in the Torah?

In *The American Heritage Dictionary of the English Language* (1992),<sup>1</sup> branding is defined as "a mark indicating identity or ownership, burned on the hide of an animal with a hot iron . . . . A mark burned into the flesh of criminals . . . . A mark of disgrace or notoriety; a stigma . . . ." The same dictionary, using similar terms, defines tattoo as "A permanent mark or design made on the skin by a process of pricking and ingraining an indelible pigment." Both historically and in modern usage, these are two distinct and independent processes.

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The prohibition against *ketovet ka'aka* which appears in Leviticus 19:28, is a *hapax legomenon*: that is, it is mentioned in the Hebrew Bible only once. Biblical *hapax legomena* play a large part in disputes over Bible translation, since they offer no comparison with other biblical texts, a fundamental tool for translating its antiquated language. Onkelos (a first-century BCE translator of the Torah into Aramaic) renders the deep scratches in Leviticus as *roshmin chaditin*, which indicates written incisions; that is, tattooing. The Peshitta<sup>2</sup> translates the word *ka'aka* as *nokadata*, a word which directly refers to the process of tattooing. *Nekuda* is a dot, and creating the tattoo is made by a continuous line of deep dots in the skin.

In post-biblical literature, the word *ka'aka* appears as an adjective. In Ben Sira, it appears with a clear contextual understanding that "*veshorsham ad eretz ka'aka*" means "and their root will be uprooted from its very basis."<sup>3</sup> This use offers us little help with the biblical term. The Mishnah (Makot 3:6) understands *ketovet ka'aka* to mean tattooing. It specifies "*kochal*," a blue-colored eye paint, and other colors, as the pigments used by Gentiles in their tattoos. Both the Babylonian and Jerusalem talmuds (B. Makot 21a, J. Makot 3:6) deal with *ketovet ka'aka*.

Rashi's exegesis of the verse gives the meaning "a scratch or incision that is embedded deeply [in the skin], can never be erased, is done with a needle, and darkens [the skin] forever." He also gives a further explanation of the process of tattooing in his interpretation of the Talmud (B. Makot 21a): "He [the person who tattoos himself] writes first on his flesh [skin] with "sam" or "sikra" [two kinds of ink or paints], and then he makes incisions into the skin with a needle or with a knife. The paint penetrates between the skin and the flesh, and can be seen all the days [lasting for his lifetime]. It is called *pointurer* in Old French [which means many small prickings of the skin]."<sup>4</sup>

When Rambam summarized this *halakha* he wrote: "*ketovet ka'aka* which is mentioned in the Torah, is a [deep] scratch on the flesh, filled with blue [paint] or ink or other lasting colors, as was the custom amongst the Gentiles to do [in honor of] their pagan gods . . . ." The rabbinic view, then, seems to be that there is only a direct prohibition against tattooing. There is no ink or paint used in branding.

Nonetheless, the opinion that Leviticus 19:28 prohibits branding has a number of adherents. In ancient times, branding was used to mark runaway slaves after

recapture, and to mark animals. It is still practiced today with animals. Judaism itself, in its own way, had specifically instituted the marking of Jewish bond-servants if they decide to stay beyond their term; not by branding, but by piercing the ear (Ex. 21:6), a less painful and less deforming practice than branding. The verse in Leviticus begins with a prohibition of scratching or incising oneself as a form of mourning over the dead, an act which must have been practiced by pagans. The juxtaposition of these two prohibitions seems to suggest that *ketovet ka'aka* refers to branding, as opposed to tattooing, since branding, a more painful and traumatic process, was a procedure practiced in mourning. Ibn Ezra, in his exegetical discussion of *ketovet ka'aka*, refers to "those who say [that the part of the verse] prohibiting *ketovet ka'aka* is connected to the first part of the verse [dealing with rituals for the dead] because a person may inscribe his body by the known procedure with fire [i.e., branding], and there are those foreigners who even today mark their face in their youth." Ibn Ezra is referring to a known opinion in his own time, that *ketovet ka'aka* meant branding. He neither expresses his own opinion on the matter nor negates the opinion that he does bring. Either way, the fact that he did not oppose the opinion seems to imply that he feels the prohibition in Leviticus 19:28 is against branding, thus ignoring the talmudic interpretation as a prohibition against tattooing. Ibn Ezra enjoyed a maverick reputation.

The two major translations of ancient days opted for tattooing as the object of the prohibitions in Leviticus 19:28. The Septuagint, the third-to-first century BCE Greek-Jewish translation of the Bible, translates the words *ketovet ka'aka* as *grammata stiktos*. For ease of pronunciation, the Greeks said and wrote *gramma* instead of the etymologically correct *graphma*. The verb *grapho* means "I scratch, I graze, I draw," and later, "I write"; the noun *graphma*, means a thing scratched, grazed, or drawn, a scratching. This definition applies to the Septuagint's use of *grammata*, which is its plural. The word *stiktos* is an adjective meaning "tattooed." Thus the meaning of the Greek expression is "tattooed scratchings," or "scratch marks made by tattooing."<sup>5</sup> The Latin Vulgate (fourth century CE) is less clear. It translated *ka'aka* as "*stigmata*." Though the *Oxford Latin Dictionary* defines "stigma" (a Greek loan-word into Latin) as "A mark of infamy tattooed with hot needle on runaway slaves, criminals, etc.,"<sup>6</sup> the Vulgate's *stigmata* could refer to either tattooing or branding. In short, the Septuagint usage suggests that "tattooing" is prohibited, while the Vulgate's

Vol. 38, No.1, 2010

"*stigmata*" is more concerned with the end result than with the process involved.

Near Eastern texts do not help in defining the marking procedure clearly. The Code of Hammurabi (ca. 1770 BCE) Lines 146, 226, 227, provides evidence that a sign of ownership was placed upon slaves, while Herodotus (ca. 440 BCE) Book II:113, found that such a sign was placed upon a slave who belonged to a temple. Further, the Code of Hammurabi states: "If any one 'point the finger' [slander] at a sister of a god or the wife of any one, and can not prove it, this man shall be taken before the judges and his brow [forehead] shall be marked." (Note that it is not clear whether the marking was done with tattooing or with branding. Even the translator noted here "by cutting the skin, or perhaps hair.")

Translation into Arabic leaves the matter still confused. Saadiah Gaon ben Yosef Gaon (tenth century CE), in his translation of the Hebrew Bible into Arabic, rendered the words *ketovet ka'aka* as the Arabic "*wa-kitaabatwashm*." The first word means "writing," the second means "tattoo," identical in syntax to the Hebrew "a writing of tattoo." However, in Arabic "*washm*" means "tattoo" but a similar word, *wasm*, means "branding." If Saadiah had written his translation to Arabic in Hebrew alphabetic transliteration, his rendering could have been either the Hebrew letter "shin" or the letter "sin" (the *nikud* [the dot in later Hebrew print] over the right of the ש, or the left). There seems to be no evidence, however, to suggest that Saadia meant *wasm*.<sup>7</sup> Derenburg<sup>8</sup> brings a second version of this translation where it is *rashm*, similar to the Targum Onkelos rendition, which means "to inscribe."

Though the Bible offers no other text than Leviticus 19:28 with the term *ketovet ka'aka*, it does record two instances of body-marking. In the first instance (Gen. 4:15), Cain is marked by God to protect him after he killed his brother Abel: *And the Lord set a sign for Cain, lest any [one] finding him should smite him*. What kind of a sign was put on Cain? Rashi explains that God "chiseled unto his [Cain's] forehead a letter from His [God's] name." Rashi uses the verb "*chakak*," the very same verb he used in Leviticus 19:28 for his explanation of the prohibition against marking oneself. The Septuagint translates Genesis 4:15 as "Lord God set a mark upon Cain that no one that found him might slay him," using the Greek word *sémelon* [sign, mark, token, omen], and the Vulgate uses *signum* [a sign], but neither indicates how the sign was imprinted. According to Targum Pseudo-Jonathan,<sup>9</sup> equally vague, Cain was marked on his nose [*api*].

The Chicago Assyrian Dictionary<sup>10</sup> defines *šamātu* as to mark persons dedicated to a god such as "the slave girl herself marked her hand with the star and wrote as inscription on her hand (to the effect that she belongs) to Nanâ." This was also done to animals with their owner's mark. The verb was used to mean the marking of cattle with a branding iron. "Earlier, the mark must have been in dye . . . this practice was in use even in the Neo-Babylonian period, since sheep could be shorn and marked anew." This provides clear evidence that both branding and tattooing were used in the ancient Middle East.

Later attempts by Jewish and non-Jewish lexicographers have fared no better in reaching a conclusive translation of *ka'aka*. For example, Leon Modena (1571-1648) in his dictionary<sup>11</sup> translated *ketovet ka'aka* as *scrittura incauata* in old Italian. The first word means "writing" while the second word is based on the Latin *incauto*, which means incautious, heedless, improvident, or inconsiderate. Fuerst in his *Lexicon* explains *ka'aka* as an incision in the skin, a stigma, mark.<sup>12</sup> According to Christian lexicographers, *ka'aka* could mean either tattooing or branding. Gesenius<sup>13</sup> explains *ka'aka* as a stigma, a mark branded on the skin, and Gibbs as "a mark cut or burned in the skin."<sup>14</sup> Joannis Buxtorf's seventeenth-century lexicon<sup>15</sup> has "*nota inusta vel incisa*, stigma, signum," meaning "a mark [on the flesh/skin] or cauterized or incised [for tattoo purposes] [which caused the individual to be] stigmatized." The Brown-Driver-Briggs lexicon explains the term as incision, imprintment, tattoo.<sup>16</sup>

The second biblical instance is in the story of Judah's sexual encounter with Tamar, his daughter-in-law incognito (Gen. 38:24). When he hears that she is pregnant, and he is yet unaware that the child is his, he judges her by saying: "*hotziu-hah ve-tisaref*." The thirteenth-century *Or Zarua* (Moshe of Vienna, a student of Yehuda HaChasid), presents in the name of his master the translation, "Take her out and burn her." He takes this to mean that she will be fire-marked [branded] on her cheek. Another of Yehuda HaChasid's disciples, Itzhak ben Yehuda Halevi, the author of *Pa'anah Raza*, agrees that the verse did not mean burn her to death, but rather burn a mark on her cheek to brand her as a prostitute, as was customary in those days. The fourteenth-century Baal Haturim (Jacob Ben Asher), also reiterates in the name of Yehuda HaChasid that the verse means that Judah "did not judge her to be burnt [and killed] but rather that they will brand her on her face [between the two sides of the face, which probably refers to the forehead] to mark her as a harlot."<sup>17</sup>

## CONCLUSION

This brings us back to the question presented above: Why was the process of branding not included in the meaning of *ketovet ka'aka* in Jewish exegesis and later commentary? Several reasons may be offered.

To begin with, the word *ketovet*, that appears in this grammatical form only in Leviticus 19:28, is derived from the root "k-t-v," which means "writing or chiseling [letters in stone], or scratching [letters on a wax tablet]."<sup>18</sup> Therefore, our sages limited the usage in this context to forming letters on an individual. Tattooing is seen as a form of writing, whereas branding is a form of imprinting a whole word or image with a single act. The prohibition of tattooing images without writing is debated in the Talmud, and the discussion concludes that the Torah referred only to tattooing. One could brand a letter or two on to a person with a hot branding iron, but it would not be considered writing – that is, forming the letters from beginning to end – by nature of the method used.

Secondly, perhaps "branding" of people had been prohibited already by other verses in the Torah; *ketovet ka'aka* was used only to prohibit tattooing, a less obvious prohibition. *But for your own life-blood I will require a reckoning* (Gen. 9:5) might have been the basis for prohibiting branding, and/or *You should guard your souls carefully* [my translation<sup>19</sup>] (Deut. 4:15) includes branding, which is a painful process.<sup>20</sup> Another possibility is that the branding of human beings was no longer practiced by the time of the Mishnah and Talmud, and therefore only tattooing, which remained known to mainstream Judaism, was discussed.

Finally, Rambam in *Sefer haMitzvot*, and *Sefer Hachinukh*,<sup>21</sup> and other halakhic codifiers,<sup>22</sup> extend the talmudic prohibition of tattooing both to persons doing it to their own bodies, or to other persons with their consent.<sup>23</sup> Possibly the prohibition of branding as found in the interpretations in the Talmud came about because branding is very painful and dangerous, and it is highly unlikely to be self-inflicted or to be done even with consent. Nevertheless, tattooing is not as painful, and is commonly practiced. Today, thousands, even millions, of people have tattoos, but the present writer has encountered only one case of a person branding himself, and that was part of a fraternity ritual in a U.S. college.

## IN SUMMARY

Our sages limited the understanding of *ketovet ka'aka* to tattooing. Later

lexicons that define it as either tattooing or branding miss a necessary close reading of the word *ketovet* based on the etymology of the word. But, interpreting *ketovet ka'aka* as exclusively tattooings does not mean that they permitted or endorsed branding. Ignoring it as far as Leviticus 19:28 is concerned does not mean allowing or prohibiting it. Few rabbis, such as Ibn Ezra, went so far as either to prohibit or imply that branding is prohibited. After all, the mark of Cain, and the story of Judah and Tamar as explained by Yehuda HaHasid are possible cases of branding found in the Torah.

Let the last word in this analysis be that of Ralbag in the fourteenth century, who explains Leviticus 19:28 as a biblical prohibition against inflicting any pain upon our bodies, except, of course, circumcision of males.

#### NOTES

1. *The American Heritage Dictionary of The English Language*, Third Ed. (Boston: Houghton Mifflin Company, 1992) pp. 231, 1839.
2. The Peshitta, a Christian work, is the Syriac translation of the Bible to Aramaic, dated to the 4-5th centuries CE. I wish to thank Professor Thomas McDaniel for help in deciphering the Peshitta.
3. M. Z. Segal "Ben Sira ha-Shalem," 10:16, Jerusalem 1953, pp. 63–65.
4. See Moche Catane, *Otzar Ha-le'azim*, Jerusalem, 1984, #1749, p. 115.
5. The gram-/graph- words are dealt with in Kittel, volume 2, pages 740–769. The Greek "stigma" is in Kittel, volume 7, pp. 657–664. I wish to thank Professor James T. McDonough, Jr., who helped me clarify the Greek and Latin usage.
6. Edited by P.G.W. Glare, (Oxford: Oxford University Press, 1968-1982).
7. I wish to thank Ilana Sasson who explained why it is unlikely that Saadia had meant "wasm" in his translation of "ketovet ka'aka": Saadia typically did not like ambiguities, in particular with regard to Bible translations. In fact, he was accused by Ibn Ezra of being too sure about translations of "unknowns" such as the Pishon river. (Saadia says that it was the Nile). Ibn Ezra excused Saadia saying that the latter must have wanted to prove to the Muslims that we, Jews, knew the meaning of every word in our Scriptures. It was known that the Muslims abrogated the Hebrew Bible, and that Jewish scholars were engaged in polemics, defending the Jewish law and scripture. Another thing one has to bear in mind is the fact that Judeo-Arabic follows certain conventions which were already quite established by the time of Saadia. Since Arabic only has 'sin' and 'shin' all is needed to convey these two consonants in Hebrew is 'sameh' and 'shin.' Therefore, Judeo-Arabic never used 'sin' for anything. One last thing: Scholars still debate whether Saadia wrote his translation originally in Hebrew characters or in Arabic. There are supports for both theories, but since no autographical manuscript is extant we will never know. And yes, in Arabic the 'sin' and the 'shin' are very similar graphically, and could be confused by later copiers if indeed Saadia wrote initially in Arabic script.
8. J. Derenbourg, *Oeuvres Completes de R. Saadia Ben Iosef al-Fayyumi*, vol. 1: Version Arabe du Pentateuque, Paris, 1893, p. 173. I wish to thank Ilana Sasson, who helped me with the Arabic translation and Eliezer Schlossberg who is working on a critical edition of the Torah translation of Vol. 38, No.1, 2010

Saadiah, who confirmed to me that indeed there are two versions of Saadiah Gaon's translation of this word. Derenbourg, *Oeuvres Completes de R. Saadia Ben Iosef al-Fayyumi*, vol. 1: Version Arabe du Pentateuque, Paris, 1893, p. 173. "I saw (manuscripts & print) use the version 'washm,' but there are other sources that use this expression as well. On the other hand, Derenbourg brings the version 'rashm,' as well as some other sources. In other words, there are two traditions about R. Saadiah's translation." The "washm" spelling is based on the Yemenite Taj, while other manuscripts use "rashm."

9. Targum Pseudo-Jonathan is a western targum (translation) of the Torah (Pentateuch) from the land of Israel. Its correct title is Targum Yerushalmi (Jerusalem Targum), which is how it was known in medieval times. But because of a printer's mistake it was later labeled Targum Jonathan, in reference to Jonathan ben Uzziel. Some editions of the Pentateuch continue to call it Targum Jonathan to this day. It is dated as early as the 8th century and as late as the 11th century.

10. Chicago: University of Chicago Press, 1956-2006, pp. 307-08.

11. *Nova ditionario hebraico et Italiano*, Padoa, G. Criuellari, 1640, no pagination, appears in. Parashat Kedoshm.

12. Julius Fuerst, *A Hebrew & Chaldee Lexicon*, translated from the German by Samuel Davidson, Leipzig, 1885, p. 1246.

13. *Gesenius' Hebrew and Chaldee Lexicon*, by Samuel Prideaux, (Grand Rapids, Michigan, 1950), p.736. Wilhelm Gesenius (1786-1842) published the first edition of this dictionary in German in 1810-1812.

14. *A Manual Hebrew and English Lexicon*. (New Haven: Josiah W. Gibbs, 1832) p. 194.

15. Edited by Bernardus Fischerus, Lipsiae, 1875, p. 1033.

16. Brown-Driver-Briggs-Gesenius, *Hebrew and English Lexicon* (Peabody, MA: Hendrickson Publishers, 1979) # 7085, p. 894

17. Based on Hanover, 1819 edition. I wish to thank Dr. Josh Backon who called my attention to this story. This is found also in *Perushe haTorah leRabbi Yehuda Hachasid* published by Yitshak Shimshon Lange. Jerusalem 1974/5, p. 53. The text is, "'And she should be burned': a sign on the cheeks." Torah Temima by Epstein also brings this interpretation as does Torah Shlemah by Menachem Kasher.

18. Solomon Mandelkern, *Concordantiae* (Jerusalem Tel-Aviv: Schocken, 1975) p. 603.

19. Originally, based on the context, this verse meant to watch the souls against pagan gods. But later meaning, now universally accepted, is to watch out for the bodies themselves. See, for example, "Kitzur Shulchan Aruch", R. Ganzfried, 32:1; "Tzitz Eliezer" R. Waldenberg, Vol. X, 25; "Yechaveh Da'at" R. Yosef, 5:39. *Nefesh* to mean the body is prevalent in Hebrew. See the expressions: *Pikuach nefesh*, *Dinei nefashot*, *Sakanat nefashot* all of which deals with the body.

20. Extensive material can be found about the permissibility or prohibition of self-inflicted wounds in. *Encyclopedia Talmudit*, Jerusalem, 1992, Vol. 12, pp. 679-682.

21. A book enumerating the 613 commandments. It is attributed to the Levi family of Barcelona of the 13th century. First printing, Venice 1523.

22. *Sefer Mitzvot Gadol* (Rabbi Moshe MiKotzi 1250, 1st printing 1488), 81, *Sefer Mitzvot Katan* [based on *Sefer Mitzvot Gadol*] (Rabbi Itzhak MiKorville d.1280) 72, Tur (Rabbi Jacob Ben Asher 1270-1343) YD 180, and *Shulchan Arukh* (Rabbi Joseph Karo 1488-1575) YD 180.

23. The *Tosefta*, on the other hand, specifies that he who tattoos his slave so that he will not escape is exempt from this prohibition. Makot, Zukermandel edition, p. 443, lines 10-14.



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