

Male Body Hair Depilation in Jewish Law

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In recent years, research has demonstrated the normalization of body hair removal amongst men in Western society.¹ Traditional Jewish law forbids men from shaving their axillary and genital hair because such practice is considered conduct of women, and therefore forbidden for men under the Talmud's interpretation of the scriptural command, "לא ילבש גבר שמלת אשה" (Deut. 22:5 JPS).² The new male hair removal trend of secular society raises the possibility that halakhah should no longer consider such grooming a distinctly feminine behavior and men should therefore be permitted to remove this hair. A survey of the halakhic literature shows that this is hardly the first time in post-Talmudic history that halakhah confronted a reality in which it was normal for men to shave their private body hair. Islamic law since the 8th century required Muslim men to depilate their body hair regularly as part of body hygiene. As was common in the Sephardic-geonic halakhic tradition, Islamic hygienic standards influenced Jewish daily practice, and thereby male body hair removal became the norm amongst Jewish males in Islamic countries, with broad rabbinic approval. In the 11th through 12th centuries, rabbis of Europe did not discuss a setting in which men remove their body hair. It will be reasoned, based upon literary evidence, historical anecdotes, and medieval art, that this silence was due to their lack of familiarity with such a custom. From the 13th century and onwards European rabbis were accosted by new male hair shaving customs and addressed this question with var-

¹ See Linda Smolak, Sarah Murnen, "Gender, Self-Objectification and Pubic Hair Removal," *Sex Roles*, 65(7-8) (Oct. 2011): 506-517; TW Gaither, et al., "Prevalence and Motivation: Pubic Hair Grooming Among Men in the United States," *American Journal of Men's Health*, 11:3 (August 2016): 620-640; Scott Butler, et al., "Pubic Hair Preferences, Reasons for Removal, and Associated Genital Symptoms: Comparisons Between Men and Women," *The Journal of Sexual Medicine*, 12:1 (January 2015): 48-58; Peter Moore, "Young men expected to trim their pubic hair," *YouGov* March 16, 2016. <https://today.yougov.com/news/2016/03/16/young-men-expected-trim-pubic-hair/>.

² See *Nazir* 59a; Maimonides, *Code, Laws of Idolatry* 12:9. See *Beit Yosef, YD* 182 for discussion of the rabbinic or biblical nature of this prohibition.

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ying sentiments—at times with dismay. European notions that male body hair represented masculinity, and signified strength and virility, arguably played a role. It was during this time that halakhists in Spanish Catalonia, living under the influence of Christian ascetic values and being exposed to German pietist ideals, discouraged body hair depilation for devout men (*haveirim*). Maimonides addressed the question of male body shaving with an ambiguous ruling, which was subject to opposing interpretations by Ashkenazi and Sephardic scholars, suggesting an inclination to align Maimonides' words with familiar perspectives and ideals surrounding body hair. This paper surveys the rabbinic literature and reasons that historical halakhic rulings governing the permissibility or limitation of male hair removal generally reflected the local societal perceptions of masculinity and hygiene of the halakhist. Precedent is demonstrated for a lenient application of the halakhah in modern times.

The Talmud

According to the Talmud (*Nazir* 59a), shaving pubic and axillary hair is proscribed for men because it is effeminate behavior:

אמר ר' חייא בר אבא אמר ר' יוחנן: המעביר בית השחי ובית הערוה - לוקה משום לא ילבש גבר שמלת אשה.

R. Ḥiyya b. Abba, citing R. Yoḥanan, said: One who removes [the hair of] the armpits or the private parts is to be scourged because of [infringing the prohibition] “neither shall a man put on a woman’s garment.”³

This statement assumes that pubic and axillary hair removal is exclusively practiced by women, a custom widely attested to in the Talmud and early rabbinic literature.⁴

Change under Islam

With the spread of Islam during the centuries following the cited ruling of the Talmud, this norm changed and even men came to regularly remove their body hair. Islamic law stressed the importance of personal hygiene as a prerequisite for daily spiritual activities such as prayer. In the 8th and 9th centuries, Islamic hadith, the oral traditions which sup-

³ Translation is adapted from *Soncino Talmud*.

⁴ See *Gittin* 6b; *Sanbedrin* 21a; multiple further sources in Fred Rosner, “Depilatories,” *Encyclopedia of Medicine in the Bible and the Talmud* (Jason Aronson, 2000) pp. 98-99.

plement the Koran, required every Muslim man and woman to shave the axillary and pubic hair regularly.⁵ These hadith read:

We were given a time limit with regard to trimming the moustache, shaving pubic hairs, plucking the armpit hairs and clipping the nails. We were not to leave that for more than forty days.⁶

... the Prophet said: “The *fitra* are five: Circumcision, shaving the pubes, plucking the armpit hairs, clipping the nails and taking from the mustache.”⁷

The regular shaving instruction is understood in Islamic legal literature as a necessity for the cleanliness of the body,⁸ and demonstrating this function, depilation was traditionally performed in the *hammam*, or public bathhouse, used regularly in Islamic countries.⁹ These guidelines

⁵ Though Muhammad lived in the 7th century, modern scholarship places the earliest hadith in the 8th century (see John L. Esposito, *Islam: The Straight Path*, 3rd ed. (Oxford University Press, 1998) p. 81.

⁶ Hadith of Sunan Ibn Majah (9th century), narrated by Anas ibn Malik. In Arabic: حَدَّثَنَا بِشْرُ بْنُ هِلَالٍ الصَّوَّافُ، حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ، عَنْ أَبِي عَمْرَانَ الْجَوْنِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ، قَالَ وَقُفْتُ لَنَا فِي قَصَنِ الشَّارِبِ وَحَلَقِ الْعَانَةِ وَتَنْفِ الْإِبْطِ وَتَقْلِيمِ الْأَطْفَارِ أَنْ لَا نَنْتَرِكَ أَكْثَرَ مِنْ أَرْبَعِينَ لَيْلَةً. Sunnah.com, “Sunan Ibn majah: The Book of Purification and its Sunnah,” English reference: Vol. 1, Book 1, Hadith 295; Arabic reference: Book 1, Hadith 311, Vol. 1, Book 1, Hadith 295, in *Sunnah.com*, accessed November 24, 2018, <https://sunnah.com/ibnmajah/1>.

⁷ Hadith of Sunan An-Nasai (8th century), narrated by Abu Hurairah. In Arabic: أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ يَزِيدَ، قَالَ حَدَّثَنَا سَفْيَانُ، عَنْ الرَّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " خَمْسٌ مِنَ الْفِطْرَةِ الْخِتَانُ وَحَلَقُ الْعَانَةِ وَتَنْفِ الْإِبْطِ وَتَقْلِيمِ الْأَطْفَارِ وَأَخْذُ الشَّارِبِ. Sunnah.com, “Sunan an-Nasa’i: The Book of Purification,” Arabic/English book reference: Vol. 1, Book 1, Hadith 11, in *Sunnah.com*, accessed November 24, 2018, <https://sunnah.com/nasai/1>.

⁸ See *Safinat Safinat al-Naja' - The Ship of Salvation: A classic manual of Islamic Doctrine and Jurisprudence*, translated and compiled by Abdullah Muhammad al-Marbuqi (English: Pustaka Tok Kenali, 2014) p. 11. For an observation of the high level of hygiene in 18th-century Ottoman Syria, see Alexander Russell and Patrick Russell, *The Natural History of Aleppo*, v. 1 (London, 1794) pp. 193-194.

⁹ For a description of the lengthy traditional Islamic *hammam* experience and how depilatory cream was used, see W. Floor, W. Kleiss, “Bathhouses (*hammam*, *garmaba*),” *Encyclopaedia Iranica*, Vol. III, Fasc. 8, (1988), pp. 863-869, <http://www.iranicaonline.org/articles/bathhouses> (accessed online at 29 April 2017), and Edward William Lane, *Manners and Customs of the Modern Egyptians* (London: J.M. Dent & Co., 1908) p. 348; Sir Richard Francis Burton, *A Plain and Literal Translation of the Arabian Nights' Entertainments: Now Entitled The Book of the Thousand Nights and a Night* (Burton Club, 1900) p. 155-157, for mention of male use of depilatory in the *hammam*.

continued to be practiced in Islam throughout the ages through modern times.¹⁰

The geonim Sherira (906–1006) and Hai (d.1038) record that by approximately the 9th century these new male shaving practices were adopted by the Jews of Iraq, including the rabbis of the prestigious Sura and Pumbedita academies. In defense of this practice, they argued that the Talmud's prohibition did not apply in a society in which such shaving was not exclusively feminine practice:

תשובה. מנהג כולהו רבנן בשתי ישיבות שלנו ממאתים שנה שמעבירין בית השחי ובית הערוה ואין נמנעין מהם. ... אלא כך אנו רואין כי יש הפרש בין תכשיטי נשים ובין הזמנים ובין המקומות וגם יש בין בגד לבגד הפרש כי כן נהגו כאן שבגדי פשתן ובגדי צמד גפנים אין הנשים לובשות אותן צבועים אבל בגדי כלך ובגדי משי לובשים אותם הגברים צבועים בכל מיני צבועונים לפיכך מותר להם ללבוש מאלו כמנהג הזמן והמקום. ואם היה זמן או מקום שאין רגילים באלו המותרים גם אלו היו אסורים להם. וכן יש כאן מנהג במלבושי נשים ואנשים ובמקומות אחרים מנהג אחר כל מקום האמור כמנהגו והמותר בו כמנהגו כי לא שוים לנו כלי גבר ושמלת אשה אלא לפי המנהגות בהם ובאותם השנים לא היה מנהג הגברים להעביר בית השחי ובית הערוה שלהם והיו רואים מי שעושה כן כנשים שהם מתקשטות אלא היו מגדלים שער גופן עד שמניעין לגדלן מאליו על כן היה אסור להם... אבל אנשי מקומות הללו בזמן הזה אין בין הנשים והאנשים הפרש בזה אלא כששומעים כי יש הפרש במקומות תמהים מזאת ואומרים הללו בעלי גבורה וכלנו בעיניהם כנשים לפיכך מותר הדבר עכשיו באלו המקומות וכיוצא בהם התר גמור אין בו חשש כל עיקר. וכשהיה לפנינו מ"ר חיים בן מ"ר עבדי ע"ה שאל מלפנינו זאת וכך השבנוהו ושמה הרבה בתשובתנו ונתקררה דעתו ועשה כן ולא חשש. ואף מ"ר יוסף בן אבי זכריא שאל מלפנינו שאלה זו וכך השבנוהו....

¹⁰ See Richard Burton, *The Book of the Thousand Nights*, *ibid.*; *A Traveler in Thirteenth-Century Arabia: Ibn al-Mujawir's Tarikh al-Mustabsir*, trans. and ed. by G. Rex Smith (The Hakluyt Society, 2008) p. 152 for a description of the practice in the environs of Baghdad; Edward William Lane, *Manners and Customs*, p. 348 for a description of removal of male armpit hair in the *hammams* of Cairo; see Alexander Russell, *The Natural History of Aleppo, and Parts Adjacent* (London, 1756) pp. 85-87. In his description of the use of public bath houses by men in Aleppo he wrote that depilatory paste was rubbed into the pubes and armpits during the first phase of the *hammam* ordeal; for the modern period see "The Gulf and Saudi Arabia," *Encyclopedia of Women & Islamic Cultures, Volume III: Family, Body, Sexuality and Health*, ed. Suad Joseph (Brill, 2006) p. 35; also "Iraq, Syria, Jordan, and Palestine," *ibid.*, p. 38: "Widespread practices across the region include ... depilation by the application of sugar paste. Across the region there are strong associations of shaving of body hair with masculinity, and as a result the technique of hair removal by root removal is strongly marked as feminine."

וששאלתם מהו להסיר השער מבית השחי ומבית הערוה דעו לכם כי משעה שכתב רחמנא לא יהיה כלי גבר על אשה ואנו מפוזרין בד' פינות העולם וכל פינה ופינה משונן בלבושיהם ובמעשיהם ובתכשיטיהם לפיכך כל דבר שהאנשים של אותו המקום שהם עושין אותו מותר נמי לאנשים ישר' הדרים ביניהם ואעפ"י שאותו הדבר תכשיטי נשים של מקום אחר...¹¹

Response: The custom of all the rabbis in our two academies for the past two hundred years is to depilate the pubes and armpit; no one refrains. ... This is our understanding: there are differences between various forms of feminine adornments, [as well as differences between] places and time periods. There are also [differences] between various garments, as locally women will not wear linen or cotton garments if these items are dyed. However, local men will wear garments made of *kilakeb* and silk colored with all forms of dye. Therefore, it is permissible for [men] to wear such garments in accordance with norms of the time and place. If the [custom of] the time and place were such that men were not accustomed to wearing such gaudy garments, then these clothing would be forbidden for men. The described custom [of men wearing gaudy silk clothing] is only in the local area, however in other countries other dress customs exist. The [cross-dressing laws] of each country follow local dress customs, because dressing styles of men and women are not ubiquitous to all countries. In the [times of the Talmud], men were not accustomed to removing their pubic and axillary hair. They regarded a man who did [remove this hair] as grooming himself in an effeminate manner. Men [in times of the Talmud] would allow their body hair to grow out, and therefore depilation of body hair was forbidden for them... However, men in our countries in modern times are no different than women in this regard. Rather, when they hear that in other countries men do [not share their depilating practice] they are surprised. [Our men] exclaim [in jest] and say, “[those men] think they are so masculine and we are in their eyes as women!” Therefore, the matter [of male body depilation] is permitted entirely nowadays in these countries and other countries [where the practice is similar], it contains no possibility of prohibition at all. When Mar Rabi Chaim ben Mar Rabi Ovadia, may peace rest upon him, presented this query before us, we responded [as above] and he was very pleased with our response, his mind being made at ease. He [personally followed this ruling] without [halakhic] concern. Also, Mar Rabi Yose ben Abi Zekharia presented this query to us and we responded [as above]

¹¹ *Otzar ha-Geonim, Nazir* 58b, vol. 11, ed. B.M. Lewin (Jerusalem, 1942), pp. 199-200.

That which you asked whether [a man] may remove hair from his pubes and armpit, you should know that when the Merciful One wrote, “the garment of a man shall not be put on a woman” (Deut. 22:5), and [now the Diaspora] is scattered to the four corners of the world, and every corner has unique clothing styles, behavior, and adornments – therefore, any practice engaged in by local [non-Jewish] men is permissible for the Jewish men who reside amongst them, even though such is the conduct of women of a different country...

The 9th century transformation in Jewish male practice from the Talmudic to geonic era coincides with the spread of Islamic hadith which required of adherents pubic and axillary hair shaving. The Jewish community was surely influenced by its surroundings in the way it regarded male body hair. Because society perceived male body hair as unhygienic and an obstacle to spiritual and physical purity Jewish men depilated this hair to meet current standards of body cleanliness.

Modern scholarship has demonstrated many similar ways in which Islamic hygienic expectations of this period influenced parallel developments in Jewish law and custom. For example, though sages of the Talmud abolished the requirement for males to immerse in a ritual bath after seminal emissions, the practice was restored to Judaism during the geonic period from the Islamic *ghusl janabat* requirement.¹² With no Tal-

¹² Naphtali Wieder, “Islamic Influences on Jewish Worship,” *The Formation of Jewish Liturgy in the East and the West*, vol. 2 (Hebrew: Jerusalem; Ben-Zvi Institute, 1998) pp. 677-679; Yekusiel Yehudah Halberstam, *Divrei Yatzi'v, OH* vol. 1:55 (Kiryat Sanz, Netanya, 1996) pp. 106-109. These sources cite the geonim who wrote, “והרואה קרי ... חייב לטבול ... משום נקיות ומשום קידוש השם בפני גוים”, “one who experiences a seminal emission ... is obligated to immerse ... for the sake of cleanliness and for sanctifying [God’s] name before the nations” (*Sha’arei Teshuva*, 298 [Leipzig, 1858] p. 27), as well as Maimonides’ remarks (*Kovetz Teshuvot ha-Rambam ve-Igrotav*, 140 [Leipzig, 1859] p. 25):

“אבל בכל ערי רומי וצרפת וכל פרובינצ”א אנשי עריכם מעולם לא נהגו במנהג זה ומעשים תמיד שיבואו חכמים גדולים ורבנים מעריכים לספרד וכשיראו אותנו רוחצים מקרי שוחקים עלינו ואומרים למדתם מנקיות הישמעאלים ... כל ישראל שבין הישמעאלים נהגו לרחוץ וכל ישראל שבין הערלים לא נהגו לרחוץ.”

“However, in all the cities of Rome, France, and Provence, the men of your cities have forever not followed such practice. It happened often that great sages and rabbis arrived from your [said] cities to Spain and when they observed the custom of our men to bathe after seminal emissions they taunted us saying, “you have learned from the hygienic practices of the Muslims,” ... All Jewish [men] who resided amongst Muslims were accustomed to bathe [after

mudic precedent, medieval common Jewish custom and halakhic literature of Muslim countries required washing of the feet before the morning prayer, influenced by the *wuḏū*' washing requirements of Islam.¹³ The impact of the importance of hygiene in the Islamic world upon geonic-Sephardi halakhah is better understood when compared to diverging developments in the European Jewish tradition. Unlike the authors of Tosafot in France and Germany,¹⁴ halakhists of the Islamic world considered frequent hot showers a necessity for most people.¹⁵ European customs, such as refraining from bathing in cold water on Shabbat,¹⁶

seminal emissions]; all Jewish [men] who resided amongst Christians were not accustomed to bathe.”

¹³ Wieder, *The Formation of Jewish Liturgy*, pp. 664-676. Compare Maimonides, *Code, Laws of Prayer* 4:3, with the comment of *Hasagot Ravad*, *לא ידעתי רגליו* "לא ידעתי רגליו", "I do not understand why [Maimonides added] the words 'his feet'." Avraham Maimuni described Jews who would even rinse out their nostrils, head hair, and skin behind the ears, before prayer as performed in Islam's *wuḏū*' procedure (Wieder, *The Formation of Jewish Liturgy*, p. 671).

¹⁴ Tosafot, *Beitzab* 21b, s.v. *lo yiham*; Mordechai, *Mordechai ha-Shalem*, *Beitzab Ta'anit*, *Beitzab* 21b, 67 (Jerusalem: Machon Yerushalayim, 1982) pp. 74-75; see also Menahem Meiri, *Beit ha-Behira*, *Beitzab* 21b s.v. *amar ha-Meiri ha-Mishnah ha-revi'it*.

¹⁵ Maimonides, *Code, Laws of Yom Tov* 1:16; geonim cited in Yisrael Kagin, *Mishnah Brurah: shaar hatziyun* 511:8; Aaron ha-Levi's view cited in *Hiddushei ha-Ran, Shabbat* 39b, "attributed to Nissim ben Reuven" (Warsaw, 1862) p. 24b; Nachmanides, *Hiddushei ha-Ramban, Shabbat* 39b, ed. Moshe Hershler (Jerusalem, 1973) pp. 133-134:

"ובתוספות מפרשים רחיצת כל הגוף אינה צורך כל נפש ומן התורה הוא אסור ... ואלו דברי נביאות הן שרחיצת כל הגוף תאסר ... ואדרבה הנאת כל הגוף טפי צריכה וטפי שריא."
 "Tosafot explain that whole-body bathing is not necessary for all men and therefore is forbidden by Torah law [on holidays] ... This view forbidding whole-body washing is nonsensical ... as whole-body bathing is certainly necessary and is permitted."

Though Nachmanides lived in Christian Spain "the bathing traditions of al-Andalus and the broader Muslim world were embraced by many inhabitants of the Iberian Peninsula regardless of religion or region, throughout most of the medieval period" (Olivia Remie Constable, "Cleanliness and Convivencia: Jewish Bathing Culture in Medieval Spain," ed. Marina Rustow, Uriel Simonsohn, *Jews, Christians and Muslims in Medieval and Early Modern Times* (Brill, 2014): 257 - 268). As time progressed and the influence of Islam faded in Spain, the attitude of Tosafot towards hot bathing became more and more popular (compare *Hiddushei ha-Ritva, Shabbat* 39b [Jerusalem: Kook, 2008] 211 and *Hiddushei ha-Ran, Shabbat* 39b [Jerusalem: Kook, 2008] p. 161; see Raymond Scheindlin, "The Jews," below).

¹⁶ According to the Talmud one is permitted to bathe in cold water on Shabbat (see *Shabbat* 3:4, 22:5; *Shabbat* 57a; *Beitzab* 2:2). European halakhists created

and restricting the mourner from bathing for thirty days,¹⁷ or for nine days prior to the Ninth of Av fast,¹⁸ would not develop in Jewish communities of the medieval Islamic world. As the widespread custom and religious requirement of Muslim women was to remove body hair, (performed in the *hammam*),¹⁹ such practice was carefully adhered to by Sephardic and Yemenite women as well, especially during preparation for their monthly ritual immersion. This caused many rabbis of these countries to rule that if a woman forgot to remove this hair her immersion is invalid, reasoning that in their society such hair is considered an unwanted extraneous substance.²⁰ Similarly, the Islamic hygienic shaving of male pubic and axillary hair was surely another cultural norm which influenced practice amongst Jewish men. Regardless of the cause of

reasons to refrain from even cold water bathing (see Avraham ben David, *Ba'alei ha-nefesh*, ed. Yosef Qafih, *sha'r ha-Tevila: hafifa* [Jerusalem: Mossad Harav Kook, 2007] p. 83; Maharil cited in *Magen Avraham*, OH 326:8; Schneur Zalman of Liadi, *Shulḥan arukh ha-rav* vol. 2, OC 326:6 [Jerusalem: Oz ve-Hadar, 1992] p. 298; Yehiel Michel Epstein, *Arukh ha-shulḥan*, OH 326:8-9; Eliyahu of Vilna, *Ma'aseh rav*, ed. Y. Zelushinski, *Laws of Shabbat* 125 [Jerusalem, 2011] p. 138-139). In the Sephardic world bathing in cold water on Shabbat remained permissible (see Karo, *Shulḥan Arukh*, OH 326:1; Ben Tzion Abba Shaul, *Ohr le-tzion* 2:35 [Jerusalem: Ohr le-Tzion, 1992] p. 251; Yitzḥak Yosef, *Kitzur Shulḥan Arukh Yalkut Yosef* [2006] OH 326:4).

¹⁷ *Or Zarua* 2:435 (Jerusalem: Mechon Yerushalayim, 2009) 512; *Mappa* (Rema) to *Shulḥan Arukh*, YD 381:1. For the Jewish mourner's practice in Islamic countries see *Ta'anit* 13b, Maimonides, *Code, Laws of the Mourner* 5:1; Yitzhak Gi'at, *Sha'arei simḥab*, vol. 2, folio 75, ed. Yitzhak Yeranein (Jerusalem, 1998) p. 261.

¹⁸ See *Tur*, OH 551 citing Ra'avya. For the custom of Jews in Islamic countries during the days before the Ninth of Av, see Maimonides, *Code, Laws of Fasts* 5:6.

¹⁹ See Edward Lane, *Arabian Society in The Middle Ages: Studies from The Thousand and One Nights* (London, 1883) p. 181; Russell, *The Natural History of Aleppo, and Parts Adjacent* (London, 1756) p. 87; "The Ottoman Empire," *Encyclopedia of Women & Islamic Cultures*, Volume III, ed. Suad Joseph (Brill, 2006) p. 330; *ibid.*, "Turkey, Central Asia, and the Caucasus," p. 45.

²⁰ Nissim Chaim Mizrahi, *Admat Kodesh*, vol. 2, YD 10 (Salonika, 1756) p. 27a column 2; Avraham ben Shmuel Meyuhas, *Sedeh ha-Eretz*, vol. 3, YD 6 (Livorno, 1784) p. 21a; Rafael Aaron ben Shimon, *Nahar Mitzrayim, Laws of Niddah* 13 (Alexandria, 1908) pp. 91a-b, notes 1-3; Yitzhak Ratzabi, *Shulḥan Arukh ha-mekutzar*, EH vol. 1, 157:2 no. 4 (Bnei Brak, 2002) p. 118; Ratzabi, *ibid.*, 158:13, pp. 136-137, esp. note 18. For the hair removing practice of Jewish Syrian women in recent times see Efrat Kedem Tahar, "The Immigration and Absorption Management in Israel and America of Jewish Women from Syrian Origin in the Early 1990's" (PhD Diss., West University of Timisoara, 2010) p. 98.

change, the geonim explain that such shaving posed no halakhic concern *at all*, "התר גמור אין בו חשש כל עיקר".

The ruling of the geonim was echoed with approval by Yitzhak Alfasi (b. Algeria 1013, d. Spain 1103),²¹ 13th and 14th century halakhists of Spain,²² and Shlomo ben Shimon Duran of 15th-century Algeria.²³

Years later this approach was still followed by Jews in Islamic countries. On the Cairo rabbinate, Yaakov de Castro (1525-1610) and Avraham b. Mordechai Ha-Levi (1650-1712) approved of the geonic ruling.²⁴ Yeshua Shababu Yedia Zayyan (b. Egypt ca. 1670, d. Tzefat ca. 1740) reported that "here in Egypt, males, Jewish and non-Jewish, remove [their private body hair]."²⁵ There are rabbinic testimonies to the continuation of this Egyptian custom in the 19th century,²⁶ and again in the 20th century.²⁷

²¹ A responsum of Alfasi on the matter was preserved in the writings of Yosef ibn Ḥabiba, *Nemukei Yosef, Makkot 4a*:

"ונמצא כתוב על שם הרי"ף ז"ל שכתב בתשובה וששאלת על העברת בית השחי ובית הערוה אם הוא מותר או לא, ראיתי בזה תשובה לרבינו שרירא גאון ז"ל דהאידנא יש בו צד היתר והטעם כי עתה רגילים להעביר אנשים ונשים ואיסורו היה משום לא ילבש גבר שמלת אשה ועתה אינו עדי הנשים בלבד אלא עדי הנשים והאנשים."

"A responsum attributed to Alfasi was discovered: "That which you asked regarding removal of pubic and axillary hair, if it is permitted or not, I saw a responsum of Rabbeinu Sherira Gaon opining that nowadays there is an opening for leniency. The reason is that in modern times men and women remove [this hair], and as the prohibition is based upon the biblical cross-dressing injunction, [now that] such depilation is not unique to women, but rather belongs to [both] men and women [it is therefore permissible]."

²² Nissim ben Reuven, *Commentary to Alfasi's Halakhot, Avodah Zarah 9a*:

"ומכאן הורו הגאונים ז"ל שמותר להעביר שער של בית השחי ושל בית הערוה במקום שנהגו."
"From this source, the geonim derived that it is permitted for men to remove the hair of the pubes and armpits, in locales where such practice is customary [for men]"; Samuel ben Meshullam Gerondi, *Obel Mo'ed* vol. 1, *sha'ar issur ve-better* 10:11, ed. Shalom and Ḥayyim Gagim (Jerusalem, 1886) p. 31b; Yosef ibn Ḥabiba, *Nemukei Yosef, Makkot 4a*.

²³ Shlomo ben Shimon Duran, *Shu"t Rashbash* 610 (Jerusalem, 1998) p. 515.

²⁴ Yaakov de Castro, *Erekb Leḥem*, YD 182 (Constantinople, 1718) p. 35b; Avraham b. Mordechai Ha-Levi, *Ginat Veradim*, YD 6:12, ed. Pinḥas Obadia (Jerusalem, 2008) p. 251.

²⁵ Zayyan, *Perah Shushan*, YD 6:2, ed. Pinḥas Ovadia (Jerusalem, 1994) p. 110: ופה "מצרים ... שהגויים והישראלים נהגו להעביר"

²⁶ See Yom Tov ben Eliyahu Yisroel, *Minhagei Mitzrayim*, YD 18 (Jerusalem: Machon Tov Mitzrayim, 2008) p. 42.

²⁷ See Rafael Aaron ben Shimon, *Nabar Mitzrayim*, (Alexandria, 1908) p. 87b.

In Ottoman Turkey, 17th-century scholars including Hayyim Benveniste and Avraham ben Shlomo Allegri favored the ruling of the geonim.²⁸ Benveniste wrote approvingly of the local male depilating practice:

...as they have relied on the teachings of the geonim as cited by Rabbeinu Nissim that in a locale where it is customary for men to depilate this becomes permissible and not deemed cross-dressing. In our location, it is customary for men to view themselves in mirrors and shave their body hair; there is no transgression in such behavior.²⁹

The anonymous ethical work *Hemdat Yamim*, written in the 1720s or 1730s in Izmir, Turkey,³⁰ reports that the common custom of Jews was to shave their body hair. The author's account that "the practice spread amongst most of Jewry to remove their axillary and pubic hair with a razor or depilatory while in the *hammam*,"³¹ likely reflects Jewish practice in much of the Ottoman Empire. It is significant that the Jewish men shaved in the *hammam*, the place of choice for such shaving amongst Muslims.³² This supports the notion that body hair removal was perceived by Jews as part of their personal hygiene.

Yosef Hayyim of Baghdad (1835–1909) wrote that the Jewish men in Baghdad removed their body hair with a depilatory salve: "here in our city of Baghdad [Jewish] men are accustomed to remove pubic hair with a depilatory lotion."³³

²⁸ Avraham Allegri, *Petiḥa shu"t me-harav ba'al Lev Sameah*, YD 6 (Salonika, 1793), p. 18a, column 2.

²⁹ *Dina D-Hayei*, negative commandment 45 (Constantinople, 1747), p. 53a: "וכמו שסמכו על מה שכתב הר"ן בשם הגאונים ז"ל דבמקום שנהגו האנשים לגלח שער בית השחי ובית הערוה מותר ולית בה משום לא ילבש גבר שמלת אשה, ובמקומינו זה מקום שנהגו להסתכל במראה ולגלח שער בית השחי ובית הערוה ואין איסור בדבר."

³⁰ Recent scholarship places the provenance of *Hemdat Yamim* in early 18th-century underground Sabbatian circles of Izmir, Turkey (see Bezalel Naor, *Post-Sabbatian Sabbatianism* [New York: Orot, 1999] pp. 65-68).

³¹ *Hemdat Yamim*, vol. 3 5:72 (Bnei Brak: Makhon Hemdat Yamim, 2011), p. 94: "פשתה ... ברוב ישראל להעביר בבית המרחץ שער בית השחי ושער בית הערוה או בתער או בסם." The author, however, disapproved of this practice. See Appendix C available at www.Hakirah.org/vol29AdamsAppendices.pdf.

³² Shaving the body hair was part of the *hammam* experience, often performed by a bath-attendant. See Edward William Lane, *Manners and Customs of the Modern Egyptians* (London: J.M. Dent & Co., 1908), p. 348.

³³ Yosef Hayyim, *Rav Pe'alim*, YD vol. 3:18 (Jerusalem, 1980) pp. 36a-b: "פה עירינו בגדא' יע"א נהגו האנשים להעביר שער בית הערוה בסם."

European Practice

While these developments were occurring in the Near East, Europeans preserved the custom of Talmudic times: men did not remove their body hair, while women generally did.³⁴ Knowledge of the grooming practices of medieval Europe comes from several sources:

Arab Syrian diplomat and soldier Usāmah ibn Munqidh (1095-1188) recounted in his autobiography an encounter with a crusader knight:

opined that men are allowed even a skin-close trim (מספרים כעין תער) because manscaping was the cultural norm in his country, Iraq. However, after much discussion he forbids using a razor (תער) to give this skin-close effect:

"פה עירינו בגדא'ד יע"א נהגו האנשים להעביר שער בית הערוה בסם ושואלין הלכה אם מותר להעבירו בתער ממש או לאו יורינו ושכמ"ה."

"תשובה: ... אך פה עירינו בגדא'ד יע"א נהגו באמת בזה כסברת המתירין אפילו לכתחלה כמ"ש מור"ם ז"ל הגה"ה, כי פה המנהג פשוט וברור להעביר שער בית הערוה בסם... ש לאסור בתער ממש אלא יעביר בסם כמנהג או במספרים כעין תער."

"Here in our city of Baghdad [Jewish] men are accustomed to remove their pubic hair with a depilatory lotion. They ask if they may do so with a razor as well. Please teach us..."

"Response: In our city of Baghdad the men are lenient like the words of Moshe Isserles, for here the custom is clearly to use depilatory cream... however, a razor should not be used. Rather either scissors or a cream should be used."

The distinction made between a paste depilatory and use of a razor is perhaps an error in legal thinking. Besides the lack of rationale (noted by Yosef H̄ayyim himself), there is evidence that even in the era of the geonim men commonly used depilatory pastes. The 9th- to 10th-century Iraqi toxicologist Ibn Wahshiyah described the depilatory effects of quicklime and arsenic (see Martin Levey, "Medieval Arabic Toxicology: The Book on Poisons of ibn Wahshīya and Its Relation to Early Indian and Greek Texts Author[s]," *Transactions of the American Philosophical Society*, Vol. 56, No. 7 [1966]: pp. 40, 105, 110). Its definite use by men is described in the tales of *Arabian Nights* of this period (see Richard Burton, *The Book of the Thousand Nights*, p. 152), and other sources. The geonim made no distinction between various methods of removal. The same is true of most halakhists who discuss this topic even though such pastes were used ubiquitously (see Alexander Russell, *The Natural History of Aleppo, and Parts Adjacent* [London: Printed for A. Millar, 1756], pp. 85-87; Lane, *Manners and Customs*, p. 348).

³⁴ Some sources suggest that depilation for women became popular only after the crusaders brought the practice back with them from the East (see Usāmah ibn Munqidh, *An Arab-Syrian gentleman and warrior*, p. 165; *The Book of Women's Love and Jewish Medieval Medical Literature On Women [Ahavat Nashim]* edited and translated by Carmen Caballero-Navas [London: Kegan Paul; 2004] p. 34).

We had with us a bath-keeper named Salim, originally an inhabitant of al-Ma'arrah, who had charge of the bath of my father (may Allah's mercy rest upon his soul!). This man related the following story: I once opened a bath in al-Ma'arrah in order to earn my living. To this bath there came a Frankish knight. The Franks disapprove of girding a cover around one's waist while in the bath. So this Frank stretched out his arm and pulled off my cover from my waist and threw it away. He looked and saw that I had recently shaved off my pubes. So he shouted, "Salim!" As I drew near him he stretched his hand over my pubes and said, "Salim, good! By the truth of my religion, do the same for me." Saying this, he lay on his back and I found that in that place the hair was like his beard. So I shaved it off.³⁵

Persian geographer Zakariya al-Qazwini (1203–1283) describing French people wrote:

They do not cleanse or bathe themselves more than once or twice a year... They shave their beards, and after shaving they sprout only a revolting stubble. One of them was asked as to the shaving of the beard, and he said, "Hair is a superfluity. You remove it from your private parts, so why should we leave it on our faces?"³⁶

This reality is reflected in a trend observed in medieval art. European painting and sculptures from the 13th through 16th centuries include body hair in male but generally not female art.³⁷ Notable examples include Lorenzo Maitani's Adam and Eve reliefs in the Orvieto Cathedral

³⁵ Usāmah ibn Munqidh, *An Arab-Syrian gentleman and warrior in the period of the Crusades: memoirs of Usāmah ibn-Munqidh* (Kitāb al-I'tibār), transl. by Phillip Hitti (New York: Columbia University Press, 2000) p. 165.

³⁶ *Islam: From the Prophet Muhammad to the Capture of Constantinople*, edited and translated by Bernard Lewis, Walker Publishing, 1974, Volume II, p. 123 from al-Qazwini's *Āṭar Al-Belad*; Carole Hillenbrand, *The Crusades: Islamic Perspectives* (New York: Psychology Press, 2000) p. 272.

³⁷ Penny Howell Jolly, "Pubics and Privates: Body Hair in Late Medieval Art," *The Meanings of Nudity in Modern Art*, ed. Sherry C. M. Lindquist (Farnham, England: Ashgate Publishing, 2012) pp. 183-190. Jolly notes that the appearance or lack of hair in art at times more conveyed symbolic meaning (e.g., humanity or divinity) than a reflection of social norms. Some artists' work left contradictory evidence. For example, Michelangelo's Sistine Chapel ceiling painting included no male body hair. However, the overall trend is indicative of a positive attitude towards male body hair and a negative attitude towards female body hair (Jolly, *ibid.*).

(c. 1310),³⁸ Masaccio's *Expulsion of Adam and Eve from Eden* (1426–1427),³⁹ Michelangelo's *David* (1501–1504),⁴⁰ and Giulio Romano's *Jupiter Seducing Olympias* (1526–28).⁴¹

Another source indicating that depilation was a feminine practice is the *Trotula*, a 12th-century compendium on women's health composed in southern Italy which circulated widely throughout medieval Europe.⁴² The *Trotula* includes extensive advice for a woman's full body depilation using quicklime and orpiment "in order that a woman might become very soft and smooth and without hairs from her head down."⁴³ This Latin work underwent translations into many European vernaculars, as well as Hebrew,⁴⁴ indicating that its advice on feminine care was influential, but limited to females who were expected to be "soft and smooth." Further depilatory recipes for feminine body care are found in other

³⁸ Mary Ann Sullivan, "Orvieto, Italy: Orvieto Cathedral: the low reliefs--page 3," *Digital Imaging Project: Art historical images of sculpture and architecture from pre-historic to post-modern*, Bluffton University, 2005, <https://homepages.bluffton.edu/~sullivanm/italy/orvieto/cathedral/duomo3.html>. See the "first pillar row two."

³⁹ "Masaccio's Expulsion of Adam and Eve from Eden," in *ItalianRenaissance.org*, August 2, 2012, <http://www.italianrenaissance.org/masaccios-expulsion-of-adam-and-eve-from-eden/>.

⁴⁰ Mary Ann Sullivan, "Florence, Italy: Galleria dell'Accademia," *Digital Imaging Project: Art historical images of sculpture and architecture from pre-historic to post-modern*. Bluffton University, 2001, <https://www.bluffton.edu/homepages/facstaff/sullivanm/micheldavid/david.html>.

⁴¹ Web Gallery of Art, "Giulio Romano: Jupiter Seducing Olympias, 1526–28, Fresco, Sala di Psiche, Palazzo del Tè, Mantua," https://www.wga.hu/html_m/g/giulio/1pala_te/psyche/3east2.html.

⁴² Monica H. Green compiled an extensive list of medieval and renaissance owners of *Trotula* manuscripts from all over Europe (see Green, *Making Women's Medicine Masculine: The Rise of Male Authority in Pre-Modern Gynaecology* [Oxford: Oxford University Press, 2008] pp. 325-345).

⁴³ *The Trotula: An English Translation of the Medieval Compendium of Women's Medicine*, ed. and transl. by Monica H. Green (University of Pennsylvania Press, 2010) p. 113.

⁴⁴ Ron Barkai, *A History of Jewish Gynaecological Texts in the Middle Ages* (Leiden: Brill, 1998), pp. 30, 61-64.

medieval European cosmetic guides,⁴⁵ including the Hebrew work *Abavat Nashim*.⁴⁶

The general practice in medieval Europe is reflected in the silence on this subject in the writings of medieval European halakhists. Halakhic scholars of Christian Europe, in their discussions of the cross-dressing restriction (*lo yilbash*) as it applies to shaving, do not address whether the law can adapt in locales where it becomes customary for men to groom.⁴⁷ This silence can surely be attributed to lack of rele-

⁴⁵ Claudio Da Soller, “The Beautiful Woman in Medieval Iberia: Rhetoric, Cosmetics, and Evolution” *Dissertation* (University of Missouri-Columbia, 2005), pp. 145-146.

⁴⁶ *The Book of Women’s Love and Jewish Medieval Medical Literature on Women (Abavat Nashim)* edited and translated by Carmen Caballero-Navas (London: Kegan Paul, 2004) pp. 140-141.

⁴⁷ Scholars from medieval Europe who discuss the law of refraining from body grooming, but do not address an alternate social norm include:

- 12th-century Germany: Eliezer ben Samuel of Metz, *Yerei'im ha-Shalem* 385-386 vol. 3 (Mechon Torah She-bi-ktav, 2014) pp. 368-370.
- 13th-century Germany: Meir of Rothenburg, *Shitat ha-Kadmonim: Tosafot Maharam le-rabi Meir ... me-Rothenburg*, *Yevamot*, ed. Moshe Blau 48a (Brooklyn, 1986) pp. 101-102.
- 13th-century Germany: Asher ben Yehiel, “Rosh,” *Tosafot ha-Rosh Yevamot* 48a (Jerusalem: Kook, 2016) pp. 468-469.
- 14th-century Germany, Alexander Suslin Ha-Kohen, *ha-Aguda: Seder Nashim*, *Yevamot* 65, ed. Elazar Brazil (Jerusalem, 1979) pp. 31-32.
- 12th-century France: Rabbeinu Tam, cited in *Tur*, YD 182.
- 13th-century France: the ‘scholars of Évreux,’ *Shitat ha-Kadmonim: Shitah Le-Hakhmei Ivra, Nazir*, ed. Moshe Blau 58b (Brooklyn, 1973) p. 205.
- 13th-century France: Moshe of Coucy, *Mitzvot Gadol ha-Shalem*, vol. 1, negative commandment 60 (Jerusalem: Makhon Yerushalayim, 2003) pp. 97-99.
- 13th-century France: Yitzhak of Corbeil, *Amudei Gola (Sma"e)* 33, ed. J. H. Ralbag (New York, 1959) p. 50.
- 13th-century France: Hayyim Paltiel, *Peirushei ha-Torah le-Rabbeinu Hayyim Paltiel*, Deut. 22:5 (Jerusalem, 1981) pp. 598-599.
- 13th–14th centuries, b. Provence, d. Spain: Yeruham ben Meshullam, *Toldot Adam ve-Hava* 23:1 (Venice, 1560) p. 192a.
- Authors of various Tosafot, e.g. Tosafot, *Yevamot* 48a, s.v. *lo asa raglav*.
- 13th-century Italy: Menaḥem ben Benjamin Recanati, *Recanati*, M. Betzalel edition 585 (Petrokov, 1894) p. 160.
- 13th–14th-century Provence: David Kochavi, *ha-Battim* cited in *Kovetz Shitot Kamai, Nazir* 59a (Zikhron Ya'akov, 2011) p. 575.

An exception is found in the 1287 work of Ya'akov Hazzan of London who paraphrases Maimonides' ruling on the matter (*Eitz Hayyim, Hilkhot Avodah*

vance. Halakhic discussion was generally focused toward practical guidance. These authors seem to have been unaware of any change in practice since Talmudic times; they do not show knowledge of the writings of the geonim upon the question of new societal norms of male body hair removal.

Recent Centuries

In more recent centuries, popular Eastern European halakhic guides including Avraham Danzig's *Hokhmat Adam* (published in 1814) and Shlomo Ganzfried's *Kitzur Shulhan Arukh* (published in 1874) teach the prohibition against men shaving these private parts without elaboration upon the possibility of an alternate local custom.⁴⁸ Ganzfried simply wrote:

It is forbidden for a man to remove his axillary or pubic hair even if [the instrument of depilation] is a scissor. Such shaving is forbidden only if the hair is removed close to the skin. This is because such behavior resembles the conduct of women.

Both *Hokhmat Adam* and *Kitzur Shulhan Arukh* were intended for and digested by the layman. Danzig and Ganzfried did not address the question of an alternate societal norm in their practical guides because it was remote and mostly irrelevant to their readers.⁴⁹ By contrast, the 18th

Zarah, 7 vol. 2, ed. Yisrael Brodi [Jerusalem, 1964] pp. 340-341). Unfortunately, the manuscript omits the very words which would shed light on the ambiguity in Maimonides' words. See below for discussion of Maimonides' unclear ruling. Much of *Eitz Hayyim* is based upon *Mishneh Torah* and the mention of this scenario does not necessarily reflect a local custom (see Brodi's introduction *ibid.*).

⁴⁸ *Hokhmat Adam* 90:2; *Kitzur Shulhan Arukh* 171:2:

"אסור לאיש להעביר שער בית השחי ובית הערוה אפילו במספרים כעין תער, דהיינו שמגלחין סמוך לבשר ממש, מפני שזהו תיקון לנשים."

Ironically, in *Shulhan Arukh*, YD 182, it is Yosef Karo, a Sephardi, who indicates stringency, and Moshe Isserles, an Ashkenazi, who endorses the geonic leniency, albeit with recommendation for stringency for the pious.

⁴⁹ In Western Europe, Samson Raphael Hirsch's *Horeb*, which is sprinkled with practical post-Talmudic halakhah, likewise ignored the teaching of the geonim when reviewing these laws (Hebr. transl.):

"מטעם סיג אסרו חכמינו ז"ל על הגברים הקשוט עד למותר, לבל ישימו כל מעינם ביפי הגוף והתעדנות העור והשער, אשר הוא נאות רק בעד הנשים, אף בדברים הבלתי נוגעים להופעתם החיצונה" ("ד קפ"ב).

"As a precautionary measure, our sages restricted men from personal beautification, so that men will not focus heavily upon the beauty of [their] body, the

century *Me'am Lo'eẓ*, written in Ladino for the Turkish Jewish layman, teaches that body shaving is permitted if such is local custom, which at that time in Turkey was for men to depilate per the testimonies of Benveniste, the author(s) of *Hemdat Yamim*, and Orientalists who visited the Ottoman Empire.⁵⁰

smoothness of [their] skin and [appearance of their] hair, conduct which is befitting only women – even in matters which do not affect one's outside appearance" (i.e. removal of private body hair – S.A.) (YD 182).

Apparently, his audience, the Jewish students of Germany, understood that body grooming was a distinctly feminine behavior – and therefore the scenario of the geonim had little relevance (see Hirsch, *Horeb* transl. Moshe Zalman Aaronson, [Hebrew: New York, 1953] p. 287; *Horeb: A Philosophy of Jewish Laws and Observances*, volume 2, ed. I. Grunfeld [English: Soncino, 1968] p. 305; for examples of practical halakhah see e.g., *ibid.*, p. 322).

⁵⁰ Yitzhak Bechor Agruti, *Yalkut me'Am Lo'eẓ*, Deut. 8, ed. Shmuel Yerushalmi, (Hebrew: Jerusalem, 1970) p. 828; Benveniste, *Dina d-Hayei*, p. 53a; e.g., Alexander Russell, *The Natural History*, pp. 85-87.

One century after the publication of *Hemdat Yamim*, another ethical work, *Pele Yo'etẓ* was published by Eliezer Papo (Constantinople, 1824), rabbi of the Sephardic community of Silistra, Bulgaria, of the Ottoman Empire. Papo wrote, "ואפילו במקום שמעבירים אותו האנשים, אסור לישראל להעבירו", "even in a country where [non-Jewish] men remove this hair, it is forbidden for Jewish men to do so" (*Pele Yo'etẓ*, vol. 2 [Jerusalem, 1903] p. 8a). That the author felt it necessary to include this line in his ethics manual is telling. However, it should be noted that this book was hardly intended as a work of halakhah. Its author had a penchant for piety and kabbala, and included many extreme directives, often not informing readers that these are not required by the letter of the law. (See *ibid.*, vol. 2 p. 9a where Papo codifies a midrash cited in Tosafot, *Niddah* 17a, s.v. *u'mastin mayyim*, as law; he rebukes the custom of Ashkenazi, Italian, and Turkish Jews to meet with their fiancé on holidays prior to the wedding [*ibid.*, vol. 1, p. 88b – these country names were censored out in later editions]; Papo requires the reader to remain engaged in marital relations "עד שיכלו הניצוצות" [*ibid.*, vol. 1, p. 55]; he demanded that herbs and vinegar be inspected for insects in a manner not required by the Talmud [vol. 1, p. 23; see Adams, "The Scientific Revolution and Modern *Bedikat Tola'im* Trends," *Hakirah* (Spring 2017), pp. 109-110]; he encouraged regular reading of Zohar, vol. 1, p. 56a). Papo's view on body hair removal should be contrasted with the defense of leniency by the eminent chief rabbi of Smyrna Hayyim Palaggi (*Rahamim leHayyim* to *Teshuvot ha-Rashba* vol. 5, 121 [Vilna, 1884] p. 44 note 4).

Europe: Hair and Masculinity

The general practice of European men to refrain from shaving body hair was likely influenced and reinforced by their perception of male body hair as an expression of manliness. The healthy male body was hairy, lack of hair being a sign of weakness and disease. English physician John of Gaddesden (13th century) wrote that relative lack of pubic hair is considered a sign of impotence.⁵¹ Evrart de Conty, the 14th-century physician to King Charles V of France, explained that abundant hair growth is evidence of virility.⁵² The 13th-century law-book, *The Saxon Mirror* (*Sachsenspiegel*; composed c. 1220–1225), prescribed as a proof of age for a man “if he has hair in his beard and down below and beneath each arm, then one will know that he is of age.”⁵³ Thus, body hair signified manhood and virility. European halakhists were surely comfortable with these biological notions because of their resemblance to similar ideas from the Talmud.⁵⁴ Identical notions of hair in the Islamic world were limited to the conceptual study of physiology by practical religious-hygienic requirements.⁵⁵

In ancient Greek as well as medieval medicine, each of the four humors — blood, yellow bile, black bile, and phlegm — the correct balance of which was thought to control health and disease — became associated with an element. Yellow bile was the humor identified in ancient and medieval medicine with the element of fire, and was thought to be linked with heat, aridity, and masculinity. Male hair was thought to arise from the body’s internal heat. Constantine the African (11th century, d. Monte Cassino, Italy), whose Latin translations of Arabic medical

⁵¹ Vern L. Bullough, “On Being a Male in the Middle Ages,” ed. Clare A. Lees, Thelma S. Fenster, Jo Ann McNamara, *Medieval Cultures: Medieval Masculinities: Regarding Men in the Middle Ages* (Minneapolis: University of Minnesota Press, 1994) pp. 41-42.

⁵² See Alastair Minnis, “Chaucer and the Queering Eunuch,” *New Medieval Literatures*, 6 (2003), p. 113.

⁵³ *Sachsenspiegel*, Landrecht I. xlii, ed. Karl Eckhardt (Göttingen, 1955), p. 104 as cited in Bartlett, Robert. “Symbolic Meanings of Hair in the Middle Ages,” *Transactions of the Royal Historical Society* 4 (1994) p. 44. For the relationship of medieval European Jewry to the *Sachsenspiegel* see Joseph Shatzmiller, *Cultural Exchange: Jews, Christians, and Art in the Medieval Marketplace* (Princeton: Princeton University Press, 2013) pp. 37-38.

⁵⁴ *Niddah* 5:9; *Kiddushin* 16b.

⁵⁵ See “Constantinus Africanus,” a translation of an Arabic medical work, cited below.

treatises were widely read throughout Europe during the Middle Ages,⁵⁶ wrote the following:

Warmth increases desire and masculinity, whereas cold reduces desire and renders effeminate. If a man has warm testicles, therefore, he will be very lecherous and will conceive more boys; his pubic hair will appear at the right time, and also the hair on the rest of his body. But men with cold testicles will be effeminate and without desire; their hair will appear late and will be scanty around the pubis and groin. If the testicles are dry the man will have little desire, and his semen will be scanty and weak. If they are moist, much semen will be produced and the hair will be flat and soft. So much for testicles of simple quality.⁵⁷

Spanish renaissance physician, Juan Huarte de San Juan, wrote in *The Examination of Men's Wits* (*Examen de ingenios para las ciencias*; published 1575), describing various natural character tendencies and temperaments, that the "perfect" male character has much hair, while the ideal female has little hair. Huarte attributed male hair to a man's body heat and aridity.⁵⁸ The influence of *The Examination* upon European scientists and philosophers is evident in its being reprinted eighty times in seven languages.⁵⁹

⁵⁶ See Martha A. Brozyna, *Gender and Sexuality in the Middle Ages: A Medieval Source Documents Reader* (McFarland & Company, 2005), p. 150; *Medieval Medicine: A Reader*, ed. Faith Wallis (Toronto: University of Toronto Press, 2010) p. 511.

⁵⁷ Paul Delany, "Constantinus Africanus' 'De Coitu': A Translation," *The Chaucer Review* 4, no. 1 (1969), pp. 57-58.

⁵⁸ Huarte de San Juan, *The Examination of Men's Wits*, trans. Richard Carew (1594), pp. 273-277, 281, 284; summarized by Or Hasson, "On Sex-Differences and Science in Huarte de San Juan's *Examination of Men's Wits*," *Iberoamerica Global*, 2:1 (2009), p. 205.

⁵⁹ Javier Virués-Ortega et al. "A systematic archival inquiry on Juan Huarte de San Juan (1529-88)," *History of the Human Sciences*, Vol 24, Issue 5 (August 2011) p. 23:

"Huarte's publication of the *Trial* in the 16th century had a great impact in Europe. Within 100 years after the manuscript was first published in Baeza (1575), the *Trial* was translated into French, Italian, German, Dutch, English and Latin. Before the 1700s there were no fewer than 60 editions circulating throughout Europe. The *Trial* became common reading among the intelligentsia of the period but it also made interesting reading for a wider audience, as shown by its presence in private collections. The book was also present in the collections of medical practitioners, educators and politicians."

Huarte's *Examination of Men's Wits* is cited by Menashe ben Yisrael, while Moses Raphael Isaac d'Aguilar, a leading rabbi in 17th-century Amsterdam, ap-

In Dutch physician Levinus Lemnius's (1505–1568) writings we find that more male body hair signals ferocity and courage.⁶⁰

These widespread European notions of a distinctive hirsute feature of masculinity influenced the outlook of local rabbinic scholars.⁶¹ Thus, in southern France, we find in Gersonides's (1288–1344) writings a biological explanation for the perceived association between hair growth and strength:

... discussion of hair growth brings us to the topic of strength...
for the imprint on hair growth upon one's strength is due to the

pears to have been acquainted with Huarte's work as well (see Yosef Kaplan, "Political Concepts in the World of the Portuguese Jews of Amsterdam During the Seventeenth Century: The Problem of Exclusion and the Boundaries of Self-Identity," *Menashe Ben Israel and His World*, ed. Yosef Kaplan, Henry Méchoulan and Richard H. Popkin [Brill, 1989] p. 59; S. Berger, *Classical Oratory and the Sephardim of Amsterdam: Rabbi Aguilar's "Tratado de la Retórica"* [Hilversum: Uitgeverij Verloren, 1996] p. 72).

⁶⁰ Levinus Lemnius, *The Touchstone of Complexions: Expedient and profitable for all such as bee desirous and careful of their bodily health*, Englished by Thomas Newton (London, 1633), pp. 68-69:

"It is therefore by reason of heat that men bee hayrie and bolder than woman bee... the hotter of complexion therefore that every man is, and further off from moderate temperature, the hayrier is his body: and the fiercer is his courage.... For vehement heat maketh men shout of courage, fierce ... some that not onely in their outward parts, but in their very Entrailes and inward parts, also have beene found rough and hayrie."

The Italian philosopher and kabbalist, Abraham Yagel (1553-1623), was very familiar with Lemnius's writings (see David B. Ruderman, *Kabbalah, Magic, and Science: The Cultural Universe of a Sixteenth-century Jewish Physician* [Cambridge, MA: Harvard University Press, 1988] pp. 51, 67).

⁶¹ Further noteworthy are the remarks of French philosopher and art critic, Denis Diderot (1713–1784), explaining why in ancient and modern sculpture pubic hair was present in male but not female figures:

"This isolated tuft [=pubic hair] is connected to nothing and serves as a blemish for the woman, while for the man this is sort of natural clothing, casting a heavy enough shadow around the nipples, actually becomes lighter on the flanks and sides of the stomach but is still there, although sparsely, moving without interruption to encounter itself more dense, more raised, more full around the natural parts [=pubes]; it wishes to show you that depilated, these natural parts of the man will look like a small intestine, an unpleasantly formed worm."

(Translation by Johannes Endres cited in Ann Ponten, "Realism Versus the Real Thing: Showing the Skin in Art and Medicine," ed. Caroline Rosenthal and Dirk Vanderbeke, *Probing the Skin: Cultural Representations of Our Contact Zone* [Newcastle upon Tyne: Cambridge Scholars Publishing, 2015] p. 293.)

containment of exhalations within the body. Hair itself is a product of these exhalations; however, when hair grows to its maximum length it no longer allows the internal exhalations to escape [as hair], thereby causing a buildup of exhalations and (yellow?) bile in the body, which fills one with might.⁶²

Similar ideas are found in other later rabbinic works, including those of Moshe Cordevero, Tzadok Rabinowitz, and Moshe Hayyim Luzzato, the latter of whom wrote, “know that hair grows from the body’s heat, this is the secret of might.”⁶³ Such cultural norms and notions of human physiology may explain some of the reactions of Western rabbis to the inquiries of men interested in shaving off their body hair—as shall be discussed.⁶⁴

⁶² *Rabbeinu Levi ben Gershom: Nevi'im Risbonim*, vol. 1, Judges 13:3 (Jerusalem: Mossad Ha-Rav Kook, 2008) 112:

"עם שבזה הענין מבוא לענין הגבורה ר"ל גדול השער... כי הרושם שיש בגדול השער בגבורה הוא מצד עצרו האודים העשנים בגוף שהיה מדרכם שיתהוו מהם השער וזה כי השער כשהגיע אל תכליתו לא יגדל ואז יעצרו האידיים העשניים ההם תוך הגוף ותתגבר האדומה בגוף ויתחדש מזה רוח גבורה."

Gad Freudenthal wrote (e-mail message to author, January 16th, 2018) that, “האודים is a misprint for האידיים and the term is to be translated as “exhalations,” a technical term deriving from Aristotle’s *Meteorology*.”

⁶³ "דע כי השערות יוצאים מהחום של הגוף, והוא סוד הגבורה". See Appendix C.

⁶⁴ In more recent centuries there are indications that even women of European countries did not practice body hair depilation. In 16th-century Poland, Shlomo Luria oddly wrote that he would concede to Maimonides that men who violate the law and depilate should not deserve lashes “in a country where even women do not depilate [body hair],” “במקום שאין מעבירין אף הנשים” (Luria, *Yam shel Shlomo*, p. 59b). Luria’s choice to bring up this matter suggests familiarity. In the 18th century, Nissim Hayyim Mizrahi wrote, “וכמו ששמעתי שבארצות אשכנז עד היום לא קפדי אהעברות שער ממקום התורף... הני נשי דידן הנשואות” (*Admat Kodesh*, vol. 2, YD 10 (Salonika, 1756), p. 27a column 2). In the beginning of the 20th century, Rafael Aaron ben Shimon of Egypt reported, “שהדבר ידוע ומפורסם, שבארצות אשכנז אינן מסירין אותו כלל אפילו הנשואות לעולם. וכלפי לייא יש מקומות שבו אשכנזים דקפדי אם תסיר אותו האשה. וכאשר שמעתי מפי מגידי אמת מבני אשכנז” (*Nabar Mitzrayim, Laws of Niddah* 13 (Alexandria, 1908) pp. 91a-b, note 3). This change is apparent from art studies as well (see Jolly, *The Meanings of Nudity*, pp. 191-198, and on p. 195: “Increasingly, sixteenth century northern artists depict Eve with pubic hair, possibly reflective of changing grooming practices...”). Except for Shlomo Luria, who maintained that this reality brings no practical change of the halakhah, the effect of such feminine practice upon the legal restriction for male body grooming was not addressed by halakhists of this period — per my research. (Note: In 12th-century Provence, Avraham of Lunel, wrote [Avraham ha-Yarhi, *ba-Manbig*, vol. 2 (Jerusalem: Kook, 1994) p. 569], apparently extrap-

Clash of Cultures

We have posited that the practice in Ashkenazi communities in the early medieval period reflected social norms consistent with the reality of Rabi Yoḥanan of the Talmud, while the Sephardic community custom followed the accepted practice in Islamic countries. Would the early medieval Ashkenazi scholars have permitted men to depilate their body hair if this became the societal norm for men? For most of these sages we can only speculate as to what their opinions would be. However, from the 13th century and onwards, there are isolated instances in European halakhic literature from north of the Pyrenees, where this question is addressed. Notably, these sources are from Provence, Italy, and Austria, southern European countries.⁶⁵ It is possible that Muslim custom influenced bordering regions of Europe and thereby brought this halakhic question to the attention of European scholars.

According to the 13th-century account of Menaḥem Meiri, Jewish men in Provence would remove their body hair.⁶⁶ His contemporary and colleague, Avraham ben Yitzhak of Montpellier, addressed this phenomenon, acceptingly, by citing a lenient ruling of Maimonides (which will be discussed in detail below):

Maimonides wrote that if is customary [for men] to depilate then such practice becomes permissible for men. [This is] because this

olating from the cited geonic ruling, that if women locally do not remove personal hair then men may do so because it is not a female practice). Perhaps this general silence reflects a mindset in which male body hair was viewed positively because of its masculine symbolism, regardless of whether local female practice was to remove this hair; the view being that women may have some natural body hair but healthy men are assumed to be even hairier. With this approach, body hair removal for men, in Europe of recent centuries, was perceived more as emasculating, rather than effeminizing.

⁶⁵ Rabbi of Padua, Yehudah ha-Levi Minz (“Mahari Minz,” c. 1408–1508), citing an anonymous otherwise unknown commentary of Tosafot, mentions the view of the geonim, and seeks to apply its reasoning to his question concerning masquerading (*Mahari Mintz* 17, ed. Yoḥanan Preschel [Munkacs, 1898] pp. 81b-82a).

⁶⁶ *Beit ha-Behira, Nazir* 58b (Jerusalem; Mekhon ha-Talmud ha-Yisraeli, 1973) p. 162: “דברים אלו אף על פי שאינו מן התורה ראוי להזהר עליהם וכל שכן שראוי לתלמידים לזהר ביד הרבה מפני שהמון עמי ארץ מקילין בה ונעשית להם כהיתר.”
“One should be careful to adhere to these [guidelines], though they are only rabbinic in nature. The rabbinic students should certainly be careful to observe these laws because the ignorant masses are lenient and [erroneously] consider such depilation permitted.”

prohibition was a rabbinic injunction intended to prevent men from cross-dressing. However, in a scenario where men and women commonly share a mode of dress there can be no violation of *lo yilbash* in donning such dress. Similarly, with regards to male depilation where such conduct is customary amongst men [body hair depilation] cannot be deemed [feminine behavior].⁶⁷

By contrast, a similar inquiry to Avigdor Cohen of Vienna (13th century), a student of rabbinic academies in Germany, evoked a radically different response:

Rabbi Avigdor Cohen-Tzedek was asked if male axillary and pubic hair can be removed with a scissors. He responded that this is forbidden as it resembles feminine behavior, [supporting his position from words of] the sages in *Nazir* who forbade even scratching one's private hair [lest this causes the hair to fall out]. [Avigdor added that] even though all male non-Jews nowadays are accustomed to remove [personal hair] using an arsenic-lime [depilatory recipe] we should not abandon our sages' (=the Talmud's) teaching [that such grooming is forbidden] because of the practice of [modern-day] gentiles.⁶⁸

The words "all male gentiles nowadays are accustomed to remove [personal hair] using an arsenic-lime [depilatory recipe]," suggests that at least in some European communities, perhaps of Austria or Italy, depilation was then common amongst men.⁶⁹ Though the duration of this cus-

⁶⁷ Avraham ben Yitzchak of Montpellier, *Peirush Rabbeinu Avraham min ha-Hor, Nazir* 59a (Jerusalem: Ofak, 2016) pp. 103-104:

"וכתב הר"ם שאם נהגו לגלחן מותר דהאי אסורא דרבנן הוא משום שלא יבא לעבור לא ילבש גבר שמלת אשה והתם אם נהגו האנשים ללבוש כבגדי הנשים והנשים כבגדי האנשים אין כאן לא ילבש גבר שמלת אשה הכי נמי בהעברת שיער כי נהגו אין כאן שמלת אשה."

⁶⁸ Zidkiyahu ben Abraham Anav ha-Rofe, *Shibbolei ha-Leket*, ed. Simḥa Ḥasida vol. II: 40 (Jerusalem: Mekhon Yerushalayim, 1987) p. 139:

"ולהר"ר אביגדור כהן צדק נר"ו נשאל אם מותר להקל במספרים שער של שחי ושל בית העררה והשיב דאסור שהרי אמרו רבותינו במסכת נזיר שאפילו לחוך אסור והטעם משום תכשיטי נשים ואעפ"י שנוהגין בזמן הזה כל זכרי הערלים להסירם בזרניך וסיד אין לנו להניח דברי רבותינו הקדושים על נהוג הערלים."

⁶⁹ It is not clear who posed this question to R' Avigdor. This response appears in *Shibbolei ha-Leket* of Zidkiyahu Anav ha-Rofe of Rome, an Italian rabbi and younger contemporary of Avigdor, which suggests that the question was of relevance to the Italian community and was sent to Avigdor in Austria for resolution. Zidkiyahu Anav first repeats the ruling and rationale of the geonim before citing the unique response of Avigdor, suggesting that the matter was of importance to local readership. Avigdor was a student of Tosafot schools in

tom and exactly how widespread it was is unclear, the words, “in these times,” “בזמן הזה”, suggest that the custom was somewhat recent. Avigdor’s response, “we should not abandon our sages’ (=the Talmud’s) teaching [that such grooming is forbidden] because of the practice of [modern-day] non-Jews, “אין לנו להניח דברי רבותינו הקדושים על נהוג” is in direct contrast to the reasoning of Hai and Sherira—namely, that the Talmud’s restriction on male grooming was itself based upon then-current cultural norms of greater non-Jewish society, and as these norms change, the halakhah adapts.⁷⁰ Perhaps what we see here is a scholar trained in German Tosafist schools, presiding over Austrian communities,⁷¹ for most of whom any male body shaving was an unheard-of and truly queer behavior. When presented the suggestion that an alternate local non-Jewish trend should change the standard halakhah his instinctive response was that this conflicts with sacred traditional Jewish teachings (“דברי רבותינו הקדושים”). Avigdor was perhaps unaware that Jews living in Muslim countries, who comprised the vast majority of

Germany and was also a pupil of Italian Tosafist Eliezer ben Samuel of Verona (see Naftali Yaakov ha-Cohen, *Otzar ha-Gedolim Alufei Ya’akov*, vol. 2 [Haifa, 1967], pp. 10-11). A conclusion that the question was a concern of Italian residents is supported by the absence of similar discussion in the writings of Avigdor’s colleagues from the northern Tosafist schools. Thirteenth-century Italy had a significant Muslim community in Lucera, in the Apulia region of Southern Italy—not far from the major Jewish centers in Trani and Rome. (See Julie Anne Taylor, “Muslim-Christian Relations in Medieval Southern Italy,” *The Muslim World* Vol. 97, Issue 2 [April 2007] p. 194; J. A. Taylor, *Muslims in Medieval Italy: The Colony at Lucera* [Lanham, MD: Lexington Books, 2005] p. 71; also see Alex Metcalfe, *The New Edinburgh Islamic Surveys: The Muslims of Medieval Italy* [Edinburgh University Press, 2008] pp. 275-298.)

⁷⁰ One might explain that the reality with which Avigdor was asked was that of a very local limited phenomenon, and he therefore ruled that the deviation of a small group of people cannot change halakhic guidelines. A precedent for such legal reasoning is seen in *Shabbat* 92a-b: “המוציא משוי על ראשו פטור ואת”ל אנשי” הוצל עושין כן, בטלה דעתן אצל כל אדם” “If one carries out a burden on his head, he is not culpable. And should you object, But the people of Hutzal do thus, their practice is null by comparison with that of all men.” (*The Soncino Babylonian Talmud Shabbos*, transl. by H. Freedman [Raanana, 2011] pp. 75-76) However, Avigdor’s words “all the gentile males are accustomed today...” “שנוהגין” “בזמן הזה כל זכרי הערלים” indicate that it was not merely a small village where gentiles had changed practice, but a larger group, an entire country or district perhaps.

⁷¹ See Daniel Terni, *Ikrei Dinnim*, YD, *Hilkhhot Mezuzah* 14.

global Jewry since the spread of Islam,⁷² had by his lifetime regularly depilated their pubic and axillary hair for nearly five centuries with broad rabbinic approval, and that in no way was such practice inherently un-Jewish.⁷³

The thinking of Avigdor and others who shared his view seems to have been persuaded by an impression that true Torah values expect men to maintain their body hair. This was likely reinforced by Rashi's Torah commentary, which was widely popular and studied weekly in 13th-century Europe.⁷⁴ On the verse, "לא יהיה כלי גבר על אשה ולא" "לא ילבש גבר שמלת אשה כי תועבת יי אלקיך כל עשה אלה" "A woman must not put on man's apparel, nor shall a man wear woman's clothing; for whoever does these things is abhorrent to the Lord your God (Deut. 22:5 JPS)," Rashi comments as follows:

לא יהיה כלי גבר על אשה: שתהא דומה לאיש כדי שתלך בין האנשים, שאין זו אלא לשם ניאוף. ולא ילבש גבר שמלת אשה: לילך ולישב בין הנשים. דבר אחר שלא ישיר שער הערוה ושער של בית השחי. כי תועבת: לא אסרה תורה אלא לבוש המביא לידי תועבה.

*A man's attire shall not be on a woman: making her appear like a man, thereby enabling her to go among men, for this can only be for the [purpose of] adultery. — [Nazir 59a]. nor may a man wear a woman's garment: to go and abide among women. Another explanation: [In addition to not wearing a woman's garment,] a man must also not remove his pubic hair or the hair of his armpits [for this is a practice exclusive to women]. — [Nazir 59a]. because ... is an abomination: The Torah forbids only [the wearing of] clothes that would lead to abomination [i.e., immoral and illicit behavior]. — [Nazir 59a]*⁷⁵

⁷² Some estimate that by the 12th century, 80 to 90 percent of worldwide Jewry lived in Muslim lands, a demographic which did not change until the 17th century (see Naomi E. Pasachoff, Robert J. Littman, *A Concise History of the Jewish People* (Lanham, MD: Rowman & Littlefield, 2005) pp. 117-119; see also Bernard Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 2014) pp. 67-68).

⁷³ It is obvious from the geonic responsa and many other sources cited in this article that the halakhah determines normal grooming behavior from the general non-Jewish population. (This observation is also found in Yitzhak Ratzabi, *Shulhan Arukh ha-Mekutzar*, YD vol. 1, 150:1 note 2 [Bnei Brak, 2000] p. 466). The viewpoint, articulated by Avigdor of Vienna, that gentile custom should not influence the halakhic process, is but a minority view.

⁷⁴ See *Tur* and *Beit Yosef*, OH 285.

⁷⁵ *The Complete Tanakh With Rashi*, transl. A. J. Rosenberg (New York: Judaica Press, n.d.).

A simple reading of Rashi tells that male body hair removal is “abhorrent to the Lord your God.” Against such a deep-seated imprint in the European Jewish psyche, the aberrant behavior by “*areilim*” infidels could not revert such an abomination into an acceptable behavior. Of course, Rashi, who wrote his commentary in 11th-century France, was addressing a European audience for whom male body hair depilation was an unnatural behavior. Rashi, like most other medieval European Jewish scholars, did not express an opinion on the reality of Muslim countries most likely because it was unfamiliar to him.

Menahem Meiri (13th-century Provence), commenting upon a ruling by Maimonides, reacted in a manner similar to Avigdor:

...even if a razor were to be used, the greatest of authors [=Maimonides] wrote that lashes are only befitting in those localities in which only women remove such hair, however, in localities where men also do so, no lashes are befitting – [Meiri exclaims:] these words are strange!⁷⁶

Arguably, Meiri’s exclamation, “these words are strange!” (“והדברים זרים”), were not intended as a legal pronouncement, but rather as an expression of astonishment at the thought of such queer male behavior. Meiri’s perspective was that body hair is an essential masculine attribute.

Maimonides: Textual vs. Contextual Readings

Maimonides’ formulation of this halakhah is vague:

העברת השיער משאר הגוף כגון בית השחי ובית הערוה אינו אסור מן התורה אלא מדברי סופרים והמעבירו מכין אותו מכת מרדות, במה דברים אמורים במקום שאין מעבירין אותו אלא נשים כדי שלא יתקן עצמו נשים, אבל במקום שמעבירין השיער הנשים ואנשים אם העביר אין מכין אותו.

The Torah does not forbid the removal of hair from other portions of the body—e.g., the armpits or the genitalia. This is, however, prohibited by the Rabbis. A man who removes [such hair] is given stripes for rebelliousness. Where does the above apply? In places where it is customary only for women to remove such hair, so that one will not beautify himself as women do. In places where it is

⁷⁶ *Beit ha-Behira, Nazir* 58b (Jerusalem: Mekhon ha-Talmud ha-Yisraeli, 1973) p. 162: "ואף בתער כתבו גדולי המחברים שאין מרדות אלא במקום שאין דרכן להעבירו אלא נשים אבל במקום שאף דרך האנשים בכך אין כאן מרדות והדברים זרים."

customary for both men and women to remove such hair, one is not given stripes.⁷⁷

In the latter case, where it is customary for both men and women to remove such hair, did Maimonides intend that a man may choose to remove this hair or did he mean that one who does so is merely exempt from lashes? *Mishneh Torah's* interpreters were divided on this question.⁷⁸

A careful review of *Mishneh Torah's* commentaries, from medieval times through the modern era, shows that the trend amongst rabbis of Sephardic tradition was to render Maimonides' ambiguity leniently,⁷⁹

⁷⁷ *Code, Laws of Idolatry* 12:9, transl. Eliyahu Touger (New York / Jerusalem: Moznaim Publishing Corporation, 1990).

⁷⁸ It is unlikely that Maimonides would have discouraged men from depilation. As Islam placed great importance on all matters of hygiene and given that Jewish men often shared public bath houses with Muslim men (see Shelomo Dov Goitein, *A Mediterranean society: the Jewish communities of the Arab world as portrayed in the documents of the Cairo Geniza*, vol. 5 [Los Angeles: University of California Press, 1999], p. 98), Jews could not risk appearing unkempt and dirty in the eyes of their Muslim neighbors. Such reasoning can be gleaned from the following: Though ritual bathing for men (טבילת עזרא) was abolished in the Talmudic period, Jews resurrected it in the geonic era because of the Islamic *ghusl* bathing practice. The geonim indicate the reason this custom was restored: "והרואה קרי ... הייב לטבול ... משום נקיות ומשום קידוש השם בפני גוים," "one experiences a seminal emission ... is obligated to immerse ... for the sake of cleanliness and for sanctifying [God's] name before the nations" (see *Sha'arei Teshuva*, 298 [Leipzig, 1858] p. 27). Jews in the Islamic world could not risk being perceived as less clean or less religious than their Muslim neighbors. See discussion in Wieder, *The Formation of Jewish Liturgy*, p. 671.

⁷⁹ Scholars from Islamic countries who interpreted Maimonides leniently are:

- 15th-century Algiers: Shlomo ben Shimon Duran, *Shu"t Rashbash* 610 (Jerusalem: Mekhon Yerushalayim, 1998), p. 515.
- 17th-century Turkey: Chaim Benveniste, *Dina d-Hayei*, negative commandment 45 (Constantinople, 1747), p. 66b.
- 17th-century Constantinople: Yom Tov Tzahalon, *Shu"t Yom Tov Tzahalon* 56 (Venice, 1694), p. 58b.
- 17th-century Constantinople: Avraham ben Shlomo Allegri, *Petiba Shu"t me-haran ba'al Lev Sameah*, YD 6 (Salonika, 1793) p. 18a, column 2.
- 18th-century Salonika: Hayyim David Shiriro, *Mishneh kesef* (Salonika, 1817), pp. 128d-129a. Shiriro understood that Maimonides was discussing a locale where men shaved, but only with clippers, not razors. In such a scenario, according to Shiriro, *Mishneh Torah* ruled shaving with a razor is forbidden but does not incur lashes. The implication is that in countries where it is common for men to use a razor a man may choose to do so.

while rabbis aligned with European-Ashkenazi heritage were inclined to read the same passage stringently.⁸⁰

- 17th–18th-century Egypt: Avraham b. Mordechai Ha-Levi, *Ginat Veradim* YD 6:12, ed. Pinḥas Obadia (Jerusalem, 2008), p. 251; see there for how *Mishneh Torah* can be interpreted in line with the geonim.
- 17th–18th-century Egypt, Israel: Yeshua Shababu Zayyan, *Perah Shushan*, YD 6:2, ed. Pinḥas Obadia (Jerusalem, 1994) p. 109.
- 16th-century Ottoman Empire: Moshe di Trani, *Kiryat Sefer, Avodah Zarah* 12:10 (Jerusalem, 2002) p. 24. Trani omits the confusing phrase “he does not receive lashes.”
- Chalom Messas (b. Morocco, d. Israel, 1913–2003), *Shu”t Shemesh u-Magen* vol. 1, YD 19 (Jerusalem, 1985) p. 180.
- 16th-century Jerusalem: Yehuda Albutini, *Yesod Mishneh Torah, Laws of Idolatry* 12:9 (Haifa, 2003) p. 220.
- Solomon ben Samuel ibn Muvhar, *Hoẓekē Yad, Hilkhot Avodat Elilim*, 12:9 (Odessa, 1865), p. 72. This work, however, was brought to press by Zerah, Abraham ben Samuel Firkovich’s son and is unknown from other sources. The title page asserts that its author was a Sephardic rabbi and a contemporary of Shlomo Algazi (17th-century Turkey).
- 1788–1869 Smyrna: Ḥayyim Palaggi, *Raḥamim le-Ḥayyim to Teshuvot ha-Rashba* vol. 5, 121 (Vilna, 1884), p. 44 note 4; also printed in *Teshuvot ha-Rashba* 5:121 (Jerusalem: Mekhon Yerushalayim, 1998), pp. 73-74.

Rabbis of Sephardic heritage who read Maimonides stringently were:

- Masud Hai Roke’aḥ (d. Tripoli, 1690–1768), *Ma’aseh Rokeaḥ to Code, Laws of Idolatry* 12:9, though Masud writes that Maimonides’ language “indicates a partial forbidden nature,” “משמע קצת איסור בדבר”.
- Shalom Yitzhak Mizrahi, *Divrei Shalom*, vol. 6, YD 58 (Jerusalem, 2004) p. 166-167.

See below for Elazar Azikri, Avraham Azulai, and *Hemdat Yamim*, three Sephardic kabbalist readers of Maimonides who understood his words stringently. It will be suggested that their kabbalistic beliefs influenced their readings.

⁸⁰ Of European authors (and those of *Ashkenazi* heritage) the following interpreted Maimonides stringently:

- 16th-century Poland: Shlomo Luria, *Yam shel Shlomo, Yevamot* 12 (Szczecin, 1861) p. 59b.
- 16th-century Poland: Moshe Isserles, *Darkei Moshe, YD* 182:2.
- Vilna Gaon, *Biur ha-Gra, Shulhan Arukh, YD* 182:3.
- 1853–1778 Poland: Yosef Yuski Shapiro, *Hiddushei Mahari Shapira, Avodah Zarah* 29a (Jerusalem, 1992) p. 57.
- 19th-century Eastern Europe: Meir Leibush Malbim indicates this is how he understood Maimonides, *Artzot ha-Ḥayyim*, 3:10 ed. Z. Y. Braun (2009), p. 109.
- Nahum Rabinovitch, *Yad Peshuta, Laws of Idolatry* 12:9 (Israel, 1990), p. 837.

While certainly these great scholars based their rendering primarily upon careful analysis of Maimonides' words and earlier rabbinic sources, the attitude and taboos concerning body hair of the societies in which they lived were likely contributing factors as well. It may be that perceptions of inherent masculinity in male body hair facilitated the stringent halakhic interpretations of Maimonides' European readers. To their minds, Maimonides was addressing an almost theoretical scenario in which it is customary for men to shave their private hair. Such a reality can only lighten the severity of such practice for local Jewish males but the intrinsically non-male nature of body hair depilation would surely prevent Maimonides from permitting it completely. Conversely, rabbis in Islamic countries, likely influenced by local perceptions of body hair as an undesirable repository for the collection of sweat and odor, were bent upon aligning Maimonides' position with the common custom of Sephardic Jewish communities. Maimonides, an important physician in the Islamic world, would not restrict such a basic hygienic practice as removing undesirable body hair, they surely assumed.

Shlomo Luria

The European mindset's implication in the interpretation of *Mishneh Torah* is further supported by a remark by Shlomo Luria (16th century Poland):

Maimonides wrote (*Code, Laws of Idolatry* 12:9): "... it is only true that such depilation is forbidden in countries where it is exclusively a feminine practice, so that men will not prepare themselves as women; however, in countries where both men and women remove this hair, one who removes it does not receive lashes." [Maimonides' language] implies that it is forbidden to remove arm-

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- Meiri appears to have interpreted *Mishneh Torah* stringently as well, though his intention is not entirely clear (*Beit ha-Behira, Nazir* 58b [Jerusalem: Mekhon ha-Talmud ha-Yisraeli, 1973] p. 162).

Ashkenazi scholars who understood Maimonides leniently are:

- 13th–14th-century Provence: Avraham ben Yitzchak of Montpellier, *Peirush Rabbeinu Avraham min ha-Hor, Nazir* 59a (Jerusalem: Ofak, 2016) pp. 103–104, though his wording (cited above) suggests that the *Mishneh Torah* text before him explicitly permitted shaving in our scenario.
- 1846–1899 Lithuania: Yosef Zundel Hutner, *Hevel Yosef Olam ha-Mishpat: Hadrei De'ah*, vol. 1 (Warsaw, 1880) p. 159.

pit hair, even if this is the local custom [of men], only that such conduct does not receive lashes...

[Maimonides wrote] "In countries where it is customary for men as well to remove such hair...", I was inclined to believe that this clause [in *Mishneh Torah*] was inserted by means of a scribal error (for why would Maimonides seek to give hand to a custom which was started by sinners by lightening their punishment, exempting them from lashes).⁸¹

In other words, the idea of a widespread practice of men shaving their pubic and axillary hair was so bizarre to Luria, that he assumed such a practice amongst Jews, surely theoretical, could only have been initiated by small groups of Jewish offenders who gradually changed the societal norm – "a custom which begins with sinners," ("מנהג שבא" (בעבירה). He did not entertain the possibility (and historical reality) that far away from Poland, adherents of Islam (non-Jews) had for centuries shaved and thereby Jews in those countries were able to follow suit without initiating in violation. Luria did not merely interpret Maimonides stringently (as he explains in the first paragraph). He sought to erase the entire clause discussing the possibility of any leniency.⁸²

Scholars of Spain, in possession of a rich geonic-Islamic heritage combined with later heavy Christian influence, produced varied readings of Maimonides' ambiguous statement. Some interpreted the master leniently,⁸³ while others wrote that his words *may suggest* stringency.⁸⁴ Yosef Karo gave two contradictory interpretations of Maimonides' position. In

⁸¹ *Yam shel Shlomo, Yevamot* 12 (Szczecin, 1861) p. 59b:

"כתב הרמב"ם (ה' עכו"ם פי"ב ה"ט) בד"א שיש איסור באותה העברה, במקום שאין מעבירין אותו אלא הנשים לבד, כדי שלא יתקנו תיקון נשים לבד, אבל במקום שמעבירין השער האנשים והנשים, אם העביר, אין מכין [אותו] עכ"ל, משמע דאסור להעביר בית השחי, אפילו במקום שמעבירין, רק שאין מכין אותו..."
"ובמקום שאף האנשים מעבירין כו', הייתי אומר ט"ס הוא ברמב"ם, (וחלילה לנו לחזק המנהג, שבא בעבירה, כדי לפוטרו מן הלאו)."

⁸² If Luria's comments in *Hokhmat Shlomo (Sanbedrin* 21a), "אלא נראה שהיה להן, "שערות אבל מעט מזער שלא נמאסים לתשמיש" "it appears the [females] only had few body hairs, so that they would not be repulsive for intercourse," reflect his personal feelings, then placing together his two statements we see that in his view male body hair is expected and appropriate, but similar feminine hair is grotesque. However, see *Yam shel Shlomo* cited above note 64.

⁸³ Yosef ibn Ḥabiba and Nissim ben Reuven referenced above. Shem Tov ibn Gaon's comments (see note 131 in Appendix C) also suggest he understood Maimonides leniently.

⁸⁴ Menaḥem ben Aaron ibn Zerah, *Zedab la-Derekh* 2:4:8 (Warsaw, 1880) p. 126.

Ran, and ibn Ḥabiba resided in Catalonia, under the Crown of Aragon. Unlike other districts of Spain, Catalonia had very little Islamic influence by the 13th century.⁹⁰

Catalonia had never been deeply Arabized to begin with, and had close links with southern France. Here the Andalusis soon lost their connection with Arabic and came under the influence of intellectual and cultural trends that had gotten their start north of the Pyrenees. By the 13th century the Jewish culture of Catalonia, and of all Aragon, had almost completely lost its Arabic cast.⁹¹

The cultural influences these scholars were subjected to may have shaped their attitude towards the application of the Talmudic law.⁹² As Muslim influence was fading and Jewish European ideals were becoming increasingly popular amongst Sephardic Talmudists, European practices and perspectives were perceived as more correct.⁹³ As demonstrated

“A certain man was sentenced to scourging before R. Ammi, and when his armpits became bared, he noticed that they were not shaven. R. Ammi said to them: Let him go free. This man must be a member of the [learned] fraternity.” (Soncino translation)

The story suggests that others of the community did shave their axillary hair, making the man’s conduct unique. R. Ammi approved of this pious behavior. It should be noted that this source did not disturb the geonim and five centuries of practice in Judaism prior to ibn Ḥabiba. It was likely understood that the implied hair removal practice of other local men in the Talmud’s account was a limited aberration from societal norm.

⁹⁰ Raymond Scheindlin, “The Jews in Muslim Spain,” in *The Legacy of Islamic Spain*, ed. Salma Khadra Jayyusi (Leiden: E. J. Brill, 1992) pp. 196-198. For example, the Jews of Toledo, in the Kingdom of Castile of central Spain, were still heavily intertwined with Islamic culture in the 13th century (see Norman Roth, “New Light on the Jews of Mozarabic Toledo,” *AJS Review* 11, no. 2 [1986]: 189-220; Jane S. Gerber, “The Word of Samuel Ha-Levi: Testimony from the El Transito Synagogue in Toledo,” ed. Jonathan Ray, *The Jew in Medieval Iberia: 1100–1500* [Boston: Academic Studies Press, 2012]: 33-59).

⁹¹ Scheindlin, *The Legacy of Islamic Spain*, 198.

⁹² See José Faur: “...Although the Jews of Gerona and Catalonia were part of the Sephardic culture and tradition, in many significant aspects they were very close to their Franco-German coreligionist, since they too lived in a society that never produced a secular culture free from Catholic ideology and Church influence.” (Faur, “The Legal Thinking of the Tosafot: A Historical Approach,” *Sephardic Heritage Update* (August 2012) p. 1 n. 1).

⁹³ Norman Roth may have intended something along these lines when he wrote of Rashba’s strict ruling, “One wonders if his strong objection is not, in fact, due to the prevalence of the custom among Muslims” (Norman Roth, *Jews*,

above, body hair was perceived in European thought as a natural expression of maleness, a philosophy which did not allow for adapting the halakhah. Indeed, Rashba argued that depilation is “only befitting women, not men,” and is not a flexible issue.⁹⁴ Moreover, medieval Christianity had a very negative perspective on the human body and physical indulgences.⁹⁵ Muslim male pubic and axillary shaving was likely frowned upon by many Christians as excessive vanity. Perhaps Rashba and Ran, wholly and partially, respectively, rejected the ancient Sephardic-Islamic practice of shaving male pubic hair because they viewed the ascetic Christian style as more devout.

The external influence of Christian society was likely coupled with internal associations with Ashkenazi scholars and studying methods. Many French and German scholars immigrated to Spain during the 13th century and the “Tosafot” method of Talmud study was adopted.⁹⁶ These developments enhanced respect for customs of Jewish communities in the north. Generally, Ashkenazi rabbis thought of their traditions as superior to those of their Sephardic brethren.⁹⁷ Conversely, the Spanish scholars, from the 13th century onwards, revered the Ashkenazi teachings, carefully analyzing each word of the Tosafist school.⁹⁸ It is therefore understandable that an abstaining practice from Ashkenaz could quickly become popular in Spain even without local external Christian influences.

Visigoths, and Muslims in Medieval Spain: Cooperation and Conflict [Leiden: Brill, 1994] p. 169).

⁹⁴ Shlomo ben Aderet, *Teshuvot ha-Rashba* 4:90 (Jerusalem: Mekhon Yerushalayim, 1998), p. 37: "ראוי לנשים ולא לאנשים".

⁹⁵ See Stephen Garton, *Histories of Sexuality* (London: Acumen, 2004), pp. 65-66. This approach should be contrasted with the positive way Islam viewed the body and physical pleasures (see Ze'ev Maghen, *Virtues of the Flesh—Passion and Purity in Early Islamic Jurisprudence* [Leiden: Brill, 2004] pp. 5-10).

⁹⁶ Yom 'Tov Assis, “The Judeo-Arabic Tradition in Christian Spain,” *The Jews of Medieval Islam: Community, Society, and Identity*, ed. Daniel Frank (Leiden: Brill, 1995) pp. 117-118.

⁹⁷ For example, Asher ben Yehiel doubted the reliability of Sephardic *kashrut* traditions, (see *She'eilot u-teshuvot le-Rabbeinu Asher* 20:20 [Jerusalem: Mechon Yerushalayim, 1993], p. 104); Asher ben Yehiel found it necessary to explain that Sephardi Torah script is not disqualified, see *ibid.*, 3:11, p. 18; see also: Haym Soloveitchik, “The Halachic Isolation of the *Ashkenazic* Community,” *Collected Essays*, Volume 1 (Littman Library, 2014), pp. 31-38; José Faur, “Anti-Maimonidean Demons,” *Review of Rabbinic Judaism* 6 (2003) pp. 31-34.

⁹⁸ José Faur, *The Horizontal Society: Understanding the Covenant and Alphabetic Judaism*, vol. 1 (Boston: Academic Studies Press, 2008) pp. 349-353.

It is further noteworthy that at the end of the 13th century, the eminent Talmudist, Asher ben Yeḥiel of Germany (“Rosh”), an admirer of the German Pietists school (*Hasidei Ashkenaz*),⁹⁹ relocated to Spain. This “brought to bear “the spirit of inerrant piety”—commonly known as “*basidut*”—into Spain.”¹⁰⁰ With piety endorsed as a worthy path of life, halakhic scholars accommodated this virtue by finding recommendations for piety in earlier rabbinic sources.¹⁰¹ In contrast to these (possibly Christian-inspired) sentiments, the responsum of Sherira and Hai shows that even the rabbis of the two greatest rabbinic academies of the geonic era regularly removed their private body hair.¹⁰²

Summary

The geonim describe the cross-dressing (*lo yilbash*) laws as they apply to male body hair removal as being subjective; they change and adapt to custom according to place and time. In contrast, when confronted with shifting male grooming customs, several European *rishonim* (Rashba, Avigdor of Vienna, and Meiri) viewed body hair removal with objectivity and saw no room for adaptation in application of the laws of cross-dressing.

It is reasoned that Jewish men in Muslim countries shaved their body hair because their society considered this to be hygienic practice. The suggestion is put forth that because society had a positive understanding of depilation (as part of body cleanliness) the geonim were inclined to interpret *lo yilbash* subjectively.

Jewish men in Christian countries refrained from removing their body hair in continuation of the tradition from Talmudic times and because their contemporary culture equated male body hair with virility. It is suggested that because European society had a negative view of male

⁹⁹ For example, see *Teshuvot ha-Rosh* 19:16 (Jerusalem: Mekhon Yerushalayim, 1994) p. 94.

¹⁰⁰ José Faur, “Anti-Maimonidean Demons,” *Review of Rabbinic Judaism* 6 (2003) p. 30.

¹⁰¹ See above note 89. After five centuries of being ignored (or interpreted in a different fashion) the account in *Nazir* 59a was used by Ran and ibn Ḥabiba as a source for the devout refraining from depilation even if the custom of local men is to do so.

¹⁰² Perhaps Mordechai Yoffe recognized the very late creation of the pious *haveirim* guideline and therefore emphasized that when it is the societal norm for men to shave there is no reason not to (Yoffe, *Levush ateret zhabav gedolah* [Prague, 1608] YD 182:1): "אבל במקום שמעבירין אותו גם האנשים, מותר לכתחלה לעשות כן, ואפילו משום פרישות אין בו".

depilation several European *risbonim* were disposed to rigid objectivity in applying the *lo yilbash* laws.

Contemporary Practice

Over the past fifteen years many surveys have demonstrated that it has become common for men in the United States and other Western countries to engage in body hair removal. The halakhah does not require scientific studies and precise statistical figures; general knowledge that depilation is a common practice amongst males in one's surroundings is sufficient.¹⁰³ Some data, however, will be cited because such information is available and of interest.

A small study conducted in 2016 showed that of 483 U.S. adult males, aged 18 and over, only 24% reported pubic hair removal, 12% axillary hair removal, with the prevalence of grooming decreasing with age.¹⁰⁴ However, a larger study conducted in 2013 indicated a higher prevalence of personal hair removal—of 4,198 U.S. males, ages 18 to 65 years, 2,120 (50.5%) reported regular pubic hair grooming, prevalence decreasing with age.¹⁰⁵ A study from 2005 surveyed 118 male partici-

¹⁰³ In recent years, many Western men remove their body hair but many still do not as was most common until recent decades (see surveys cited below). Perhaps a precedent for the modern-day scenario can be seen in medieval Spain, where many Muslims and Christians lived close to one another. Jews living in this setting were not required to research carefully whether the Muslim male grooming population in their area was greater than the Christian nongrooming population. Spanish halakhists of this period dealt with this question with broad strokes, citing the geonic lenient ruling without discussing precise demographic details.

¹⁰⁴ Peter, Moore. "Young men expected to trim their pubic hair," *YouGov* March 16, 2016 <<https://today.yougov.com/news/2016/03/16/young-men-expected-trim-pubic-hair/>>.

¹⁰⁵ Gaither, TW et al. "Prevalence and Motivation: Pubic Hair Grooming Among Men in the United States," *American Journal of Men's Health* 11:3 (August 2016): 620-640. Abstract: "Pubic hair grooming is a growing phenomenon and is associated with body image and sexual activity. A nationally representative survey of noninstitutionalized adults aged 18 to 65 years residing in the United States was conducted. Differences in demographic and sexual characteristics between groomers and nongroomers were explored. Four thousand one hundred and ninety-eight men completed the survey. Of these men, 2,120 (50.5%) reported regular pubic hair grooming. The prevalence of grooming decreases with age, odds ratio = 0.95 (95% confidence interval [0.94, 0.96]), $p < .001$ The majority of men report grooming in preparation for sexual activity with a peak prevalence of 73% among men aged 25 to 34 years, followed by hygiene (61%)

pants at a large research university in the southeastern United States. 74.7% reported depilation of the groin, while 33.3% reported depilation of the armpit.¹⁰⁶ These numbers show that body hair removal is a common practice amongst males and is not distinctly feminine.

Upon reviewing the halakhic literature, we see that the only medieval authorities (*rishonim*) to clearly prohibit male body hair removal, even in countries where it was common practice amongst men, were Avigdor of Vienna, Shlomo ben Aderet, and Menaḥem Meiri. Maimonides' position was ambiguous; his interpreters being divided mainly along geographical lines. The remainder of medieval authorities who expressed an opinion on the matter permitted it, following the basic position of the geonim that shaving under such circumstances poses no halakhic concern. Recommendations for piety arose in 13th-century Catalonia under a unique blend of conflicting cultural influences. From a historical perspective, during most of the past approximately 1200 years the majority of global Jewish men have practiced body hair removal. Only in recent centuries as demographics shifted to increased Jewish populations in Europe did this change,¹⁰⁷ with Jews in Islamic countries who followed the Islamic depilatory practice being a minority of the global Jewish male population.¹⁰⁸ 

and routine care (44%). ... Overall, pubic hair grooming is common among men aged 18 to 65 years in the United States. Younger ages are associated with greater rates of pubic hair grooming. Many men groom for sex ... as well as for routine care and hygiene.”

¹⁰⁶ Michael Boroughs, Guy Cafri, J. Kevin Thompson, “Male Body Depilation: Prevalence and Associated Features of Body Hair Removal,” *Sex Roles* 52:9 (May 2005): 637-644. See also Linda Smolak, Sarah K. Murnen, “Gender, Self-Objectification and Pubic Hair Removal,” *Sex Roles*, 65(7-8) (Oct. 2011): 506-517.

¹⁰⁷ Sergio DellaPergola writes: “From an estimated 719,000 Jews in 1700, the total of Jews in Europe (Western and Eastern together) rose dramatically to 2,020,000 in 1800, 8,766,000 in 1900, and 9,500,000 in 1939. Between 1700 and 1939 the Jewish population multiplied by a factor of above 13.... As a consequence of its early and powerful demographic “takeoff,” European Jewry increased its numerical and cultural dominance over other sections of the Diaspora. By 1860, European Jewry’s share of the world’s total Jewish population approached 90 percent” (Sergio DellaPergola, “Jews in the European Community: Sociodemographic Trends and Challenges,” *American Jewish Year Book*, Vol. 93 [1993] p. 34).

¹⁰⁸ Bernard Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 2014) pp. 67-68.