# YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

## Deracheha: Women and Mitzvot

### **Cosmetics III: Makeup**

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HOW DO TRADITIONAL TEXTS RELATE TO MAKEUP? IS IT PERMISSIBLE TO APPLY MAKEUP ON SHABBAT? WHAT ABOUT SHABBAT POWDER MAKEUP?

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### **Beauty and Makeup**

Traditional sources seem to be of two minds about the significance of a woman's physical beauty. *Shir Ha-shirim* celebrates, at least allegorically, the physical qualities of both male and female lovers:

### Shir Ha-Shirim 1:15-16

You are beautiful, my companion (f.) you are beautiful, your eyes are doves. You are beautiful my beloved (m.), also pleasant, also our couch is fresh.

On the other hand, *Mishlei* culminates with *Eshet Chayyil*, leaving us with the resounding message that physical beauty is fleeting and deceptive, and that we should pay greater attention to a woman's spiritual qualities:

### Mishlei 31:30

Grace is a lie and beauty ephemeral. A woman who fears God, she should be praised.

We find a similar tension between the Babylonian Talmud and the Jerusalem Talmud, in their account of single women dancing in the presence of eligible bachelors on Tu Be-Av. According to the Babylonian Talmud, the more physically beautiful women would call the men's attention to their beauty; according to the Yerushalmi, these women would emphasize their lineage instead.<sup>1</sup>

<sup>&</sup>lt;u>1*Ta'anit* 31a</u>

Our rabbis taught [in a baraita]: The beauties among them, what would they say? Cast your eyes upon beauty, for a wife is solely for beauty...The ugly ones among them, what would they say? Make your acquisition for the sake of Heaven...

Yerushalmi Ta'anit 4:7

Why should we value physical beauty, external and superficial as it is, at all? A primary reason is because it is considered a gift from God. The Talmud Yerushalmi even prescribes a *beracha* over seeing a beautiful person, to celebrate this Divine gift, and it describes Rabban Gamliel as applying the *beracha* to female beauty as well.

#### Yerushalmi Berachot 9:1

One who sees comely trees and comely people says: Blessed [is God] that so created comely creatures in His world. A story of Rabban Gamliel who saw a comely non-Jewish woman and recited a *beracha* over her.

### Makeup

We can view makeup as serving to further enhance one's Divine gift or as a means for heightening alignment between one's external looks and more beautiful internal qualities. These perspectives on makeup may animate discussion of how best to praise a bride, who is presumably wearing makeup. Whereas Hillel enjoins us to celebrate the bride's beauty, Rav Dimi explicitly points out that it is her makeup-free, natural grace that should be praised:

### Ketubot 17a

Beit Hillel say [in praise of a bride]: A comely and attractive bride...When Rav Dimi came, he said: Thus, one sings before a bride in the Land of Israel: Not kohl and not rouge and not paint, yet a graceful *ya'el* [ibex]...

Halachic discussions of makeup most frequently arise in connection to forming or maintaining the marital relationship.<sup>2</sup> For example, early sages assume that a married woman typically uses makeup at times of the month when she and her husband are permitted to have relations. Rabbi Akiva further permits a married woman to apply makeup during *nidda* (menstrual impurity), when relations are prohibited, lest lack of attention to her appearance have a negative effect on her husband's attraction to her:<sup>3</sup>

The ugly ones would say: Don't cast your eyes upon beauty. And the comely ones would say: Cast your eyes upon family.

<sup>2</sup> An example: While a woman in the first week of mourning does not use cosmetics, a young single woman whose father is in mourning (or is in mourning for her father) is enjoined not to neglect her appearance. The Talmud specifies that she should continue to use makeup. Rashi articulates the concern that refraining from doing so will affect her chances of marrying.

#### *Ta'anit* 13b

A young woman [*bogeret*] is not permitted to make herself unattractive during the days of her father's mourning. Whereas a girl [*na'ara*] is permitted. Is this not referring to washing?...No, to using kohl and paint...

#### Rashi ad loc.

A young woman [*bogeret*] is not -...permitted to make herself unattractive; rather, she adorns herself so that they [men] will pounce [on the opportunity to marry her], whereas a girl [*na'ara*], who is not fit to be married until she reaches maturity, is permitted, for mourning obligations are relevant to her, and a minor [*ketana*] is not obligated in anything.

<sup>3</sup> Still, there are limits. A man is not allowed to force his wife to use makeup when she is in mourning for a parent. A woman is not allowed to use makeup when her husband is in mourning for his parent. <u>Ketubot 4b</u>

It is taught [in a baraita]: One whose father-in-law or mother-in-law has died is not able to force his wife to use kohl or to be *pokeset* [part her hair or indirectly redden her skin], rather he [just] turns over his bed [in mourning] and practices mourning with her. And so she, if her father-in-law or mother-in-law has died, is not permitted to use kohl or to indirectly redden her skin...

## Shabbat 64b

As it is taught [in a baraita]: "And one who is desolate in her *nidda* [state]" The first elders said that she should not use kohl and not indirectly redden her skin and not adorn herself with colored garments, until Rabbi Akiva came and said: If so, you make her distasteful to her husband...

In her doctoral dissertation, Dr Tzipora Lifschitz summarizes the underlying motivations behind these rulings:

Dr. Tziporah Lifshitz, "Beauty as a Value in Rabbinic Literature" (PhD diss., Bar Ilan University, 2016), 54-55.

The norms and trends found in rabbinic literature emphasize the value of the family, nurture the connection of the couple, and protect its vitality. The desire for purity and sanctity as values that can be applied in daily life in general, and in family life in particular, is expressed in the attention that the sages gave to the value of beauty between man and wife within the family framework, in different directions, in order that a man find his satisfaction within this framework... The sages' awareness of the central role of feminine aesthetics in this framework stood out above all. This awareness is translated in many places into revolutionary halachic rulings in the area, like the words of Rabbi Akiva about adornment for a woman in *nidda*.

In a broader sense, makeup is often treated in halachic contexts as a sort of fact of life, a basic element of a woman's self-presentation. A baraita in *Mo'ed Katan* lists typical cosmetics used by women on regular workdays and even on Chol Ha-mo'ed, when we might expect some restrictions to apply.

### Mo'ed Katan 9b

A woman may make herself up [on Chol Ha-mo'ed]. Our rabbis taught [in a baraita]: These are women's adornments: She applies kohl and is *pokeset* [parts her hair or applies and removes a substance to redden her skin] and applies rouge [*sarak*] to her face...

### Rashi ad loc.

*Kochelet* - Places kohl between her eyes, in order that they appear comely. *Pokeset* - Parts her hair to this [side] and that. Applies rouge to her face - an herb, in order that she seem ruddy...

Rashi identifies the key types of makeup in use as kohl, an early form of eyeliner, and *sarak*, an early form of rouge. Elsewhere, he provides an alternative explanation for *pokeset*.

### Rashi Shabbat 94b

Similarly, the *pokeset* - There are those who explain: She presses a sort of dough on her face, and when she removes it, it reddens the skin.

Though the ensuing Talmudic discussion initially supposes that permission to use makeup on Chol Ha-mo'ed would only apply to young women, it concludes that it applies at any age. In his comments here, Rashi makes an important point: a woman applying makeup on Chol Ha-mo'ed enhances her rejoicing on the festive days. By looking her best, she brings herself joy.

## Mo'ed Katan 9b

...Rav Chisda's wife would make herself up before her daughter-in-law. Rav Huna bar Chanina sat before Rav Chisda and said: They only taught [that a woman may use makeup on Chol Ha-mo'ed] regarding a girl [young woman], but not an elderly woman. He [Rav Chisda] said to him: By God, even your mother and even your mother's mother and even a woman standing over her grave [may do so] ...

## Rashi Mo'ed Katan 9b

.... They only taught - that which it says that a woman adorns herself [on Chol Hamo'ed], Regarding a girl – a young woman, whose way is thus, and thus she is joyous on the *mo'ed* [festival]. But not an elderly woman - And how could your wife do this, that she adorns herself, for she is old? Even a woman standing at the opening to her grave - is permitted to adorn herself.

As explained by Rashi, this Talmudic passage relates to how makeup can contribute to a woman's own sense of well-being.

How should our religious convictions affect our use of makeup?

It is easy to speak in the voice of Mishlei and remind women that beauty is false and fear of God is to be praised, and then to conclude that makeup should be unnecessary. But the issues are not so easily resolved, because other voices in Tanach praises women's physical beauty and because this religious message doesn't always resonate with women's lived experience:<sup>4</sup>

Lea Pavel, "Save Face," Mishpacha, November 25, 2020.

On Friday night, with my Face freshly exfoliated, moisturized, primed, painted, penciled, powdered, buffed, and sprayed, my husband and I sing, "*Sheker hachein, v'hevel hayofi* [Grace is a lie and beauty ephemeral]." Then we smirk.

It seems as though this woman and her husband are not smirking out of disregard for inner beauty. Rather, they uncomfortably inhabit the tension between reconciling the deep importance of inner beauty with the significance ascribed to a woman's looks.

Living within this tension, there are good reasons why a God-fearing women might wish to have makeup on during Shabbat. Cosmetician Nancy Beltrandi lists a few of the most common:<sup>5</sup>

Nancy Beltrandi, "Why we Wear Makeup: A Closer Look at Shabbos Makeup." Nashim, February 27, 2019.

As we light the candles and welcome Shabbos, the stress of the week disappears and we embrace the peace and beauty of the Sabbath. We are dressed in our best clothes and dine on delicious Shabbos delicacies in the company of our dearest family and friends. We want to look our best, and we take great effort to pull it all together....Why do we wear makeup? Ask twenty women and get one hundred and

<sup>&</sup>lt;sup>4</sup> Available here: https://mishpacha.com/save-face/

<sup>&</sup>lt;sup>5</sup> Available here: https://nashimmagazine.com/ask-the-expert/why-we-wear-makeup-a-closer-look-at-shabbos-makeup/

twenty reasons. Over the years, as a professional makeup artist, the reasons I've heard that propel women to wear makeup are endless...I'd like to share some of the more universal ones...Makeup makes me feel pretty, younger, happier, stylish, more secure. Makeup gives me that special glow, draws attention to my best features, makes my husband happy....My overall assessment on why women wear makeup is simple. I believe that wearing makeup makes a woman feel better in some way, shape, or form.

Perhaps it would be ideal in the long term to find a way to rebalance our attitudes to inner and outer beauty, so that makeup and externals in general would play a smaller role in our society. In the meanwhile, it behooves us to follow our sages in recognizing the current significance of makeup in the world, and in discerning as clearly as possible what the halachic boundaries are for its use.

## Makeup on Shabbat

The sources that we have seen establish a halachic basis, though not an imperative, for women to use cosmetics. On Shabbat, however, the stakes are a little different. On the one hand, as we discussed <u>previously</u>, there is halachic reason to look our best in honor of Shabbat. On the other hand, use of pigmented makeup on Shabbat may entail performance of the prohibited labor of dyeing, *melechet tzovei'a*. (For a discussion of halachic considerations related to a product's texture and application, see <u>here</u>.)

A mishna states that a woman may not apply kohl (eyeliner) or be *pokeset* (either parting the hair, or indirectly reddening the skin) on Shabbat, and presents a debate as to whether this is a Torah-level or a rabbinic prohibition.

### Mishna Shabbat 10:6

...Similarly one who applies kohl [to her eyes] and one who is *pokeset* [parts her hair with a comb or places a substance on the skin to redden it upon removal], Rabbi Eliezer holds liable [on a Torah level] and the sages prohibit rabbinically...

The mishna here specifies two of the three classic acts of makeup or grooming enumerated above. A baraita adds in the third, *sarak* (rouge), reporting that Rabbi Eliezer also prohibited applying it on Shabbat as an act of *tzovei'a*, dyeing or coloring:<sup>6</sup>

## Shabbat 95a

It was taught [in a baraita]...and so Rabbi Shimon ben Elazar would say in the name of Rabbi Eliezer: A woman may not apply paint to her face, because she is coloring.

This classification of applying makeup as *tzovei'a* makes sense because, at least on a Torah level, *tzovei'a* is typically defined as an act of dyeing or coloring that serves to improve or beautify an object.<sup>7</sup>

<sup>6</sup> The Tosefta puts this slightly differently:

Tosefta Shabbat 9:13 (Lieberman)

<sup>...</sup> And thus would Rabbi Shimon ben Lazer say in the name of Rabbi Liezer: A woman may not wipe her face with a cloth that has rouge on it.

<sup>&</sup>lt;sup>7</sup> The Yerushalmi writes that a person who outlines an intelligible mark performs the *melacha* of *koteiv* (writing), while the one who follows up by coloring it in violates *tzovei'a*:

#### Which Melacha?

We might assume then that kohl, like *sarak*, involves the *melacha* of *tzovei'a*, since the eyeliner changes the color of the skin. But the Talmud first raises the possibility that the *melacha* of *koteiv*, writing, is at issue in that case. Wielding eyeliner to outline the eye resembles wielding a pen to create an outline:

#### Shabbat 94b-95a

On what account is it liable? Rabbi Avin said Rabbi Yossei son of Rabbi Chanina said:...*Kochelet* [using kohl] is on account of *koteiv* [writing]...Our rabbis said before Rabbi Abbahu:...Is the way of writing thus?...Rather Rabbi Abbahu said: To me it was explained by Rabbi Yossei son of Rabbi Chanina: *Kochelet* is on account of coloring [in a number of mss. "writing"] ...

#### Rashi Shabbat 94b

On account of writing - For she moves the kohl wand around the eye, like a person who moves a pen around a letter.

Our text of the Talmud concludes that the relevant *melacha* in both cases is *tzovei'a*. At the same time, a number of manuscripts present a different conclusion—that the *melacha* in question is in fact *koteiv*.<sup>8</sup> Indeed, the Talmud Yerushalmi suggests that applying kohl is a matter of *koteiv*, while reddening the face is a matter of *tzovei'a*;

#### Talmud Yerushalmi Shabbat 10:6

One who is *kochelet* is liable on account of *koteiv* [writing], one who is *pokeset* is liable on account of *tzovei'a* [coloring].

Rambam rules accordingly, that applying kohl would violate *koteiv*, while applying *sarak* would violate *tzovei'a*:

### Rambam, Laws of Shabbat 23:12

*Koteiv* [writing] is one of the arch-categories of *melacha*, therefore it is prohibited to be *kocheil* with eye-paint and the like on Shabbat, because he is like one who writes (*koteiv*)...

#### Rambam, Laws of Shabbat 22:23

Dyeing is one of the arch-categories of *melacha*, therefore it is prohibited for a woman to apply *sarak* [rouge] to her face, because she is like one who dyes (*tzovei'a*)...

#### Talmud Yerushalmi Shabbat 7:2

One who draws a form, the first is liable [for a Torah-level violation] because of writing, and the second is liable because of coloring.

Penei Moshe ad loc.

One who draws a form. And the manner is that one marks the shape with lead or with some object and afterwards places the color that he wants within the outline...

#### Kehillot Ya'akov Shabbat 40

For the matter of *tzovei'a* is improving the object that is colored, for he makes it better and beautifies it through this.

<sup>&</sup>lt;sup>8</sup> These include Munich 95, Oxford 366, and Vatican 108.

Other halachic authorities follow our text of the Babylonian Talmud and rule that the *melacha* at issue in all cases must be *tzovei'a*, because the *melacha* of *koteiv* entails creating a **meaningful** symbol.<sup>9</sup> Indeed, halachic consensus tips in the direction of considering all of these actions as a form of *tzovei'a*.

## Shulchan Aruch OC 303:25

It is prohibited for a woman to apply *sarak* [rouge] to her face on Shabbat, on account of *tzovei'a*. And for this reason, she is prohibited to apply kohl on Shabbat, and for this reason she is prohibited to spread paste on her face, that reddens the skin when she removes it.

## Torah-level or Rabbinic

Halachic authorities also disagree as to whether we rule in accordance with Rabbi Eliezer or the sages, i.e., whether performing these acts would violate a Torah-level prohibition or a rabbinic one. This question has important practical ramifications, because there may be more room for leniency in certain cases of rabbinic prohibition than with potential violation of Torah law.

Some authorities, such as Rabbeinu Yerucham, consider applying makeup to be prohibited on a Torah level:<sup>10</sup>

### Rabbeinu Yerucham, Toledot Adam Ve-Chava, 12:11

...Applying kohl or being *pokeset* is prohibited, and she is liable [on a Torah level] for a sin-offering, thus is straightforward in [Tractate] *Shabbat*. The explanation is applying kohl to the eyes and parting the hair with a comb. There are those who explain *pokeset* as sticking a type of paste on her face and when she removes it, it reddens the flesh. And she should not apply rouge to her face, because she is coloring.

Others, including Ramban, consider the prohibition rabbinic:

### Ramban, Toledot Ha-adam, Sha'ar Ha-michush

For even when actually performing an act, the one applying kohl is only [violating] a rabbinic prohibition, as we learn in *Shabbat* 95b "and our sages say on account of a rabbinic prohibition."

Why should applying makeup be considered only a rabbinic prohibition? Because it might not be considered lasting, *mitkayyem*. Many actions are considered Torah-level *melachot* only when they achieve a durable result.

### Mishna Shabbat 12:1

We say in the Talmud that applying kohl is a tolada [Torah-level sub-category] of koteiv [writing].

<sup>9</sup> Ran Shabbat 95a

<sup>&</sup>quot;One who applies kohl, on account of *koteiv*." They wrote in the Tosafot that we read [in our version on the text] "on account of *tzovei*'a," for writing only applies to something [done] for the reason of making a meaningful mark, for so in the *mishkan* they would mark the boards in order to keep them in order, therefore we read [in our version on the text] "on account of *tzovei*'a."

<sup>&</sup>lt;sup>10</sup> See also Semag:

Sefer Mitzvot Gadol, Negative Commandments 65

This is the rule: Whoever does a *melacha* and his *melacha* is *mitkayyemet* [lasting] on Shabbat is liable [on a Torah level].

We can infer that when a result does not endure, *eino mitkayyem*, the prohibition is rabbinic. Indeed, Rambam stipulates that *koteiv* and *tzovei'a* are Torah-level prohibitions only when they produce writing or color that is *mitkayyem*. When a color is not lasting at all, *eino mitkayyem kelal*, or when writing will not last, the prohibition is rabbinic:

## Rambam, Laws of Shabbat 9:13

One who colors [*ha-tzovei'a*] is not liable [for a Torah violation] until the color be lasting, but color that is not lasting at all, such one who applies paint [*sarak*] or vermillion over iron or copper and colors it, is *patur* [has violated a rabbinic prohibition, but is exempt from Torah-level liability], for you apply it for a time and it does not color at all, and one whose *melacha* is not *mitkayyemet* on Shabbat is *patur*.

## Rambam, Laws of Shabbat 11:15-16

One who writes [*ha-koteiv*] is not liable [for a Torah violation] until he writes with something that makes a mark that endures, like [scribe's] ink and black pigment and red paint and gum ink and calcanthum and the like, and he writes on a thing upon which the writing is *mitkayyem*, like skin and parchment and paper and wood and the like, but one who writes with something whose mark does not endure, such as drinks and fruit juices, or who wrote with ink and the like on vegetable leaves or on anything that isn't lasting, is *patur* [has violated a rabbinic prohibition, but is exempt from Torah-level liability]. And he is not liable [on a Torah level] until he writes with a lasting thing upon a lasting thing...One who writes on his flesh is liable [on a Torah level], for it is skin...

How long does something need to last in order to meet the halachic definition of *mitkayyem*? Opinions on this question vary widely, ranging from near permanence to a brief duration.<sup>11</sup>

<sup>11</sup> Back in the thirteenth century, Rashba asserts that writing does not need to be fully permanent to be considered *mitkayyem*:

#### Rashba, Shabbat 115b

This statement still leaves us with a wide range of possibilities for defining *mitkayyem*. Roughly four hundred years after Rashba, Peri Chadash simply suggests that writing that lasts for a while is considered *mitkayyemet*.

#### Peri Chadash, EH 125:1

We learn in a mishna regarding Shabbat, "this is the rule, whoever does a *melacha* and his labor is lasting [*mitkayyemet*] on Shabbat is liable [on a Torah level]." Therefore, we need it to be lasting even after a while....

It is clearly taught in the Tosefta about it (*Shabbat* 12:6) This is the rule: if he wrote something lasting with something that is not lasting, or something that is not lasting with something that is lasting, he is *patur* [has violated a rabbinic prohibition only] until he writes something lasting with something lasting...One can say that it lasts a bit, given that people normally write with them [inks and pigments other than scribe's ink] things that are not meant to last forever but for a given time, like chronicles and the like.

Closer to our day, Mishna Berura speculates in his *Sha'ar Ha-tziyyun* that *mitkayyem* may refer to lasting over the course of a full Shabbat. He bases this suggestion on an innovative reading of the word *"be-Shabbat"* ("on Shabbat") in the mishna above and in Rambam's discussion of *tzovei'a*. Usually, we'd assume that "on Shabbat" simply refers to when the laws of *melachot* are relevant. But perhaps to be *mitkayyem*, the *melacha* has to last "on Shabbat", i.e., throughout Shabbat:

Further complicating matters, how long a cosmetic can last on the skin also varies widely.

## On the Skin

Mishna Berura introduces a novel explanation for why typical makeup application is, at worst, a rabbinic prohibition on Shabbat (regardless of how long the makeup can remain in place), that it is applied to human skin:

#### Mishna Berura 303:79

Even applying red paint to a woman's face is also only rabbinic, for *tzovei'a* is not on a Torah level on a person's skin.

It seems surprising to attribute the rabbinic-level status of applying makeup to the fact that it is applied to human skin, especially given that Rambam specifies that writing on skin could violate *koteiv* on a Torah level. Why should skin be a Torah-level surface for *koteiv* but not for *tzovei'a*?

**I. Defining the Melacha** Some halachic authorities, including Rav Mordechai Brisk, argue that viewing *tzovei'a* on skin as rabbinic derives from our knowledge that the original *melacha* of *tzovei'a* as practiced in the *mishkan* was conducted specifically on animals and fibers, not people:<sup>12</sup>

#### Responsa Maharam Brisk 1:3

...There is no liability for a sin offering [on a Torah level] for *tzove'ia* on human skin...For they only taught the whole matter of *tzovei'a* for cloth and [animal] skin. as it was in the *mishkan*...

**II. Eino Mitkayyem** A second approach, followed by Rav Avraham Chayyim Na'eh, connects Mishna Berura's ruling about *tzovei'a* on human skin to the category of *eino mitkayyem. Koteiv* on a Torah level entails marking a surface in a way that is lasting. The mark and the surface are halachically distinct entities. For *tzovei'a* on a Torah-level, however, the surface being colored must itself be transformed by the coloring agent in a way that erases the distinction between them and is *mitkayyem*.

#### Sha'ar Ha-tziyyun, OC 302 26:68

Minchat Chinuch, Yitro 32:15

<sup>...</sup> in the beginning of the twelfth chapter of *Shabbat*, it states that we specifically require that his labor be lasting, and also regarding the matter of writing, we maintain as halacha that we specifically require that he write with something lasting. But in the beginning of the twelfth chapter of *Shabbat*, it states there in the mishna "whoever does *melacha* and his *melacha* is lasting *be-Shabbat* is liable [on a Torah level]." Apparently, it implies that even if it lasts only over the day of Shabbat alone [one is liable], and so, in my humble opinion, implies Rambam 9:13, look there well...Indeed, in Rashi there, it states in the mishna that this "*be-Shabbat*" refers to one who does *melacha*. If so, it implies that we need that it [the *melacha*] last permanently, and over the Shabbat day alone does not suffice, and regarding our matter I do not know...

Defining *mitkayyem* even more broadly, Minchat Chinuch suggests that lasting for even a little time is enough:

Certainly, it lasts for a little while [*zeman ma*] for she adorns herself with it, and does one need on Shabbat that it be *mitkayyem* forever? Certainly, since it lasts for a little while, it is considered *mitkayyem* on Shabbat.

<sup>&</sup>lt;sup>12</sup> Available here: https://hebrewbooks.org/pdfpager.aspx?req=1484&st=&pgnum=57

According to Rav Na'eh, since a woman is bound to clean off her skin, she will inevitably remove even makeup that could theoretically stay on for longer. She has no illusion that makeup will adhere to her skin in the long term. Therefore, makeup on the skin is inherently not considered *mitkayyem*.

## Ketzot Ha-shulchan 146:20

According to what that Mishna Berura wrote, the rationale is that *tzovei'a* is not on a Torah level on a person's skin. Nevertheless, that rationale itself requires explanation, for one who writes on his flesh is liable [on a Torah level]...and it seems...that the action of writing is not performed upon the surface that is written on, but rather the action is the writing itself, for the matter that was written remains marked as a reminder, and this is applicable also with one who writes on human flesh...but with coloring, the action isn't the coloring itself but is [the effect] upon the item being colored, for it receives the color. A woman's face is not subject to coloring that remains and endures, for in the end it is impossible to do without washing one's face at least once a day in the morning, and in the end the color will come off with washing; therefore, it is not coloring, only she is "like one who colors" and it is prohibited on a rabbinic level. And even though it is possible for the color to last for a while if they don't remove it, but since it is bound to come off through the action of washing, it is considered *eino mitkayyem*...

There is an important practical difference between these two understandings of the ruling regarding *tzovei'a* on skin. If *tzovei'a* on the skin is always considered *eino mitkayyem*, then there is one reason to treat makeup as rabbinic. If *tzovei'a* on the skin is rabbinic because of how the *melacha* is defined with reference to the *mishkan*, then there are two potential reasons to consider short-lasting makeups rabbinic.

# A Clear Prohibition

Even according to the more lenient views that we've seen, use of pigmented makeup is at least rabbinically prohibited on Shabbat. A Ge'onic responsum decisively affirms the prohibition, but also hints that women did not always follow it:

# Ge'onic Responsa, Sha'arei Teshuva 241

That you asked if a woman may apply kohl to her eyes on Shabbat, or if she should treat it as prohibited, is very weak...Sages such as you should be in doubt regarding this clear matter? Is a woman not obligated in Shabbat like a man? Granted regarding adornment, there is a distinction between a man's adornment and a woman's adornment, but regarding *melacha* should one draw a distinction between woman and man? Is it not thus written: "you and your son and your daughter?" And further, is it not an explicit teaching of our sages, that we say "and so one who constructs [her hair] and so one who applies kohl and so one who parts her hair with a comb?"....

This response characterizes raising the question of permitting women to apply makeup on Shabbat as absurd, given that women are definitively subject to the prohibitions of Shabbat. That the question arose, even though the conclusion seemed self-evident, is revealing. Either women of the period were not aware of their halachic obligations on Shabbat or makeup was considered so essential that they had difficulty abiding by them.

Closer to our day, similar questions have surfaced, for similar reasons.

## How much of this discussion is sociological?

Makeup use is hardly new. The Ge'onim attest to women's desire to apply makeup on Shabbat, and questions on this issue have arisen ever since (and quite possibly arose earlier).

At the same time, at least anecdotally, there seems to have been a recent shift. Even ten years ago, women might have been more willing to accept the limitations on makeup on Shabbat than today, a view expressed by Sharon Langert in this news article:<sup>13</sup>

Doree Lewak, "Holy Chic!," New York Post, May 21, 2013.

Says [Sharon] Langert: "I personally love makeup, but if you're an Orthodox woman in an Orthodox community, you kind of accept that on Saturday, you won't look the same as during the week."

Expectations for makeup on Shabbat seem different now. Many women who carefully follow every nuance of the laws of Shabbat now find it exceedingly difficult not to be able to apply makeup on Shabbat, even in communities in which this was not formerly the norm.

This may reflect the almost constant fluctuation in societal attitudes towards cosmetics, perhaps intensified by trends in visual and social media. The wider availability of Shabbat makeups, and the development of effective long-lasting makeup that can be applied prior to Shabbat, may also have created a new norm for women to be made up on Shabbat nearly the same as on a weekday.

Regardless of whether it is desirable, a greater degree of emphasis on makeup lends more urgency to halachic questions regarding makeup and Shabbat.

## Long-Lasting Makeup

New formulas for long-lasting, waterproof cosmetics have made it possible for many women to apply makeup before Shabbat and to leave it on intact until after Shabbat. This type of makeup is often recommended by Rabbis and women alike as the best option for a standard Shabbat.<sup>14</sup>

Rabbi Dovid Heber, The Kashrus, Shabbos and Pesach Guide to Cosmetics, Star-K Due to the various *halachic* issues regarding makeup and cosmetics on *Shabbos*, it is advisable for one to apply all makeup before *Shabbos* begins. All makeup may be applied on *Erev Shabbos*, even if it will remain on well into *Shabbos*.

Unfortunately, long-lasting makeup is not always practical when women are rushed

<sup>&</sup>lt;sup>13</sup> Available here: <u>https://nypost.com/2013/05/21/holy-chic-women-dish-on-how-they-keep-their-makeup-going-through-the-sabbath/</u>

<sup>&</sup>lt;sup>14</sup> Available here: https://www.star-k.org/articles/articles/seasonal/353/the-kashrus-shabbos-and-pesach-guide-to-cosmetics/

preparing for Shabbat, or struggle to keep makeup intact overnight.<sup>15</sup>

Danna Lorch, How Orthodox Women Get Around the Prohibition of Wearing Makeup on Shabbat, The Forward 6.17.2018

The time-honored method for Shabbat and holiday application is to schmear on a heavy coating of moisturizers and makeup before lighting candles, then sleep very carefully in it and keep it pasted on through Havdalah the next day... It's a pretty tall order to keep a full face of makeup on for that long without ending up smudged or looking like a clown with exaggerated features. Just imagine how many pillowcases have been lost to the cause.

The situation is even more complicated on a two-day Yom Tov (or when Yom Tov is Shabbat adjacent). The availability of long-lasting makeup thus only partially resolves the issue of makeup on days when performing *melacha* is prohibited.

## Powders

Long-lasting makeup is a relatively recent innovation, and still has limitations and drawbacks. Is there any permissible way to apply makeup on Shabbat itself?

# Permission

According to some authorities, the use of powder that does not really adhere to the skin, or that does not endure for a significant amount of time would not be considered *tzovei'a* even on a rabbinic level.

Why should this be the case? Me'iri describes *sarak* (rouge) as **adhering** to the woman's skin.

## Me'iri, Beit Ha-bechira, Shabbat 95a

It is prohibited for a woman to apply *sarak* to her face, and this is pasting red herbs onto her face to show herself as a comely woman, since this is akin to *tzovei'a*, and so ruled the great compiler [Rambam] and in any case, the great decisor [Rif] did not bring it and perhaps he questions it, since in the Talmud it is a single person's opinion...

Rav Avraham Chayyim Na'eh employs a definition similar to Me'iri's to permit using finishing powder on Shabbat, since the powder neither adheres to the skin, nor completes a process of *tzovei'a*:<sup>16</sup>

## Ketzot Ha-shulchan 146:20

Women are accustomed to put *sarak* on their faces, a sort of paint, and sprinkle powder over it. One can take the position that if she sprinkles just the powder on her face, without paint from before, even though the powder also changes and beautifies the appearance of the face, in any case there is no prohibition in this. For this is not defined as *tzovei'a*, since the powder is dry and does not adhere completely to the skin of the face...*Tzovei'a* if the color does not adhere to the thing

<sup>&</sup>lt;sup>15</sup> Available here: https://forward.com/life/402558/how-orthodox-women-get-around-the-prohibition-of-wearing-makeup-on-shabbat/

<sup>&</sup>lt;sup>16</sup> Available here: https://hebrewbooks.org/pdfpager.aspx?req=7727&st=&pgnum=36

colored is not defined as *tzovei'a*...Indeed, if she painted her face on Friday, and on Shabbat there is still a bit of the paint on the face, one should not permit sprinkling the powder over the paint, for the powder adheres to the paint, and it changes and beautifies the appearance of the paint...and it is a completion of the *melacha* of *tzovei'a*...

With this background, we can understand a ruling of Rav Moshe Feinstein, who was asked about the possibility of finding a way to permit applying some forms of makeup on Shabbat itself. In his first responsum on the subject, he prohibits the use of lipstick but permits using a white or translucent powder on Shabbat:

## Responsa Iggerot Moshe OC I:114

Regarding whether it is permissible for a woman to adorn herself with lipstick, behold it is prohibited for two reasons, from the prohibition of smoothing and from the prohibition of coloring, and if it is liquid such that there is no smoothing, there is in any case a prohibition of coloring. And so, it is prohibited for a woman to color her face on account of the laws of *tzovei'a*, but to cast white powder on the face, which is not *mitkayyem* at all, there is no prohibition of *tzovei'a* in this.

According to Rav Moshe, the powder would be permitted because it would be eino *mitkayyem kelal*, not lasting at all, and, according to his view, permitted for use on Shabbat.

In a subsequent responsum, Rav Moshe both explains more and goes further: He explains that a powder is only permissible both when it is *eino mitkayyem kelal* and when it does not adhere to the skin over time. Therefore, he stipulates that any powders used should not have oils as part of their makeup. He goes further by permitting powders of any color:

## Responsa Iggerot Moshe OC V:27

The use of makeup powder to color the face on Shabbat....To his honor, my dear grandson...It is correct what you responded to Rav David Weinberger about what I wrote in my book Iggerot Moshe OC I:114 regarding the matter of coloring the face...And you said that it would seem that one can also permit for this reason colored types of makeup powder and as was mentioned in my name...And it is also correct what you said that one should be careful of giving a general permission even to white powder, for after testing and investigations and inquiries it seems that most of the powders that are sold for women's cosmetics are made with an oil-type base, and some of them are *mitkayyem* over time, and naturally most of them raise a concern of *tzovei'a*, and only the others that are not *mitkayyem* are permissible. Without experience in assessing this type of matter, it is difficult to make a general decisive ruling. And in my response cited above I had in mind simple white powder, called talcum, which is made without oil and is not *mitkayyem*. It is further understood that in preparing women's cosmetics, one should also be careful regarding the prohibition of *memachek* [smoothing], and to prepare the powder in advance of Shabbat.

Out of concern for tochen, the melacha of grinding, Rav Moshe also notes in his last

lines that powders should already be in loose form prior to Shabbat.<sup>17</sup>

Rav Ovadya Yosef likewise permits the application of colored powders on Shabbat, because it's both on the skin and *eino mitkayyem*.

# Responsa Yabi'a Omer OC VI:37

I was asked if it is permissible for women to place colored powder on their faces on Shabbat. It seems that one should not derive a prohibition of putting colored powder on her face from the law of applying *sarak* to her face, for applying *sarak* is different because it is *mitkayyem*, but placing powder on the face is not considered *mitkayyem* because perspiration removes it in a short time....This case is different because the prohibition even for one who applies *sarak*, which is *mitkayyem*, is only rabbinic, because there is no *tzovei'a* [on a Torah level] on human skin ....For this [applying powder] is not defined as *tzovei'a*, since the powder is dry and does not adhere to the face, and when it comes off no mark remains from it at all... Even with colored powder the fundamental halacha is to permit it...especially when according to the words of Sefer Ha-me'orot in accordance with Rif and Hashlama it is permissible to apply *sarak* to the face on Shabbat. Granted that we do not rule thus, [but] one should not add on a stringency for colored powder. Especially since there is a rationale for this that they [women] not become distasteful to their husbands...

At the end of this responsum, Rav Ovadya harkens back to the early halachic allowances for makeup when it supports the marital relationship. These provide additional support for permitting use of colored makeup powder that does not adhere to the skin.

# Prohibition

Permissive rulings regarding the use of cosmetic powders on Shabbat have met with some opposition. Perhaps most notably, Rav Shlomo Zalman Auerbach rejects use of any pigmented makeup on Shabbat, taking into account the possibility that the prohibition is on a Torah level.

# Shemirat Shabbat Ke-hilchetah 14, note 173

See there in *Iggerot Moshe*, that if they simply throw the powder on the face and it does not adhere at all, it is permissible. But Rav Shlomo Zalman Auerbach was doubtful about this as well, for whenever one intends to be *tzovei'a*, even for a short time, what are our grounds to permit it, especially when according to the opinion of a number of early authorities there is a Torah-level prohibition even when it is *eino* 

### Chayyei Adam, Laws of Shabbat and Festivals 17:4

<sup>&</sup>lt;sup>17</sup> It's not clear why this is necessary, given that Rema rules that there is no issue of *tochen* when something has already been ground. Apparently, Rav Moshe follows the view that one should limit application of Rema's ruling:

Rema OC 321:12

It is permitted to crumble bread before chickens, for since it was already ground one need not be concerned, for there is no [prohibition of] *tochen* after *tochen* (Hagahot Maymoniyot ch. 21, Ran ch. 7 of *Shabbat*, and Semag).

It is permissible to grind bread even very fine, since it was already ground [as flour], there is no [prohibition of] *tochen* after *tochen*. And one should be careful [to do this] specifically for eating immediately, for according to some halachic authorities one is also liable with this.

*mitkayyem*...And makeup powder, since the way of women is to color their faces thus, it stands to reason that an analogous case of writing would certainly be prohibited, and what are our grounds to permit it when it is *tzovei'a*.

In contrast to Rav Ovadya, who mentions Rif's omission of the halacha of *sarak* as a basis for leniency, Rav Auerbach mentions the view that use of *sarak* is a Torah-level violation as reason for stringency.

## Continued Debate

Notwithstanding the opposition, Rav Moshe's and Rav Ovadya's responsa helped pave the way for today's powder-based, oil-free Shabbat makeups. Instructions for Shabbat makeup use typically stipulate that the skin be dry and free of product prior to powder application and that the products remain oil-free and unadulterated.<sup>18</sup>

Guidelines such as these have not quelled all dissent. In a note to consumers, the American Kashrut agency OK explains why they did not grant certification to a particular brand of Shabbat makeup:<sup>19</sup>

### Rabbi Don Yoel Levy, Makeup on Shabbos and Yom Tov, OK Kosher Spirit

The powder submitted to the *OK* for certification was not a pure powder, but one with other ingredients. An *OK* Rabbinic Coordinator who also holds a Master of Science in chemistry investigated the ingredients and felt that some of them would indeed be considered something that would make the powder stick to the skin. In addition, the powder definitely had an oily feel when put on one's skin. After consultations with various rabbinic authorities, we felt the following pitfalls would be too great for the *OK* to certify the product: • The present powder was not acceptable due to added ingredients. • Even if we could get pure powder, one might use it on top of makeup that was put on before Shabbos. • Not all rabbinic authorities are in agreement that any powder makeup is permissible. • Ladies seeing a Rebbitzen using the product on Shabbos might come to the mistaken conclusion that other makeup is permissible.

<sup>18</sup> Rabbi Dovid Heber, The Kashrus, Shabbos and Pesach Guide to Cosmetics, Star-K

To conform with Rav Moshe's ruling, Shabbos makeup may only be used under the following conditions: A. Tested - It has been tested by a reliable Rav or certifying agency to confirm that it is "temporary" enough to meet Rav Moshe's standards. The product that one wishes to use on Shabbos must be specifically endorsed by the Rav or certifying agency. General statements should not be relied upon. B. Dry Face – One may not apply makeup onto a wet area (this will cause the makeup to stay on too long). Therefore, before applying makeup, one's face must be dry and clean. When using "Shabbos moisturizer" (i.e. it is specially prepared and approved for use on Shabbos), one must wait until it has completely dried before applying Shabbos makeup. C. No **Mixing** – One may not mix cosmetic colors, because of *tzovaya*. Therefore, a separate brush must be used for each color. One may not apply Shabbos makeup on top of non-Shabbos foundation or makeup (that was applied before Shabbos). However, one may apply "Shabbos blush" on top of "Shabbos foundation" or re-apply Shabbos makeup over existing Shabbos makeup that is the same color. (Footnote 31:...Cosmetic chemists informed us that when two "Shabbos makeup" colors mix on one's face, the new color is still a davar she'aino miskayem. Therefore, it would not constitute tzovaya. Nonetheless, since under certain circumstances blending colors could constitute tzovaya, according to some opinions, it is best not to allow different colors of powdered blush or eve makeup to touch even in a davar she'aino miskayem scenario - k'dei shelo asee leydai takala. [so that one not come to a problem].) D. Loose Powder - According to some opinions, before Shabbos, one should remove the makeup from the cake, break it up, and use this loose powder on Shabbos.

Loose powders present a conundrum. For their use to be permissible, they shouldn't adhere to the face. If they don't adhere at all, though, application is fairly pointless. Authorities disagree as to whether they adhere to the extent that their halachic status is affected.<sup>20</sup>

Halachic authorities who permit the use of loose powder on Shabbat emphasize the importance of using only products with Shabbat certification. Other authorities do not permit loose powder, at least under ordinary circumstances.

Our discussion to this point has focused on whether, and for how long, makeup adheres to the skin. We will now turn to the question of makeup that adheres and endures more than loose powders, but that does not bring about a change in color.

## **Skin Tints**

Is using a product with a skin-colored tint considered a form of *tzovei'a*?

At first glance, a passage in the Talmud Yerushalmi that discusses further reddening lips seems to establish that it could be a Torah level violation.<sup>21</sup> It's not clear, though, what method of reddening the lips the Yerushalmi has in mind, if this passage should in fact be interpreted as establishing a Torah-level prohibition, or if this Yerushalmi has

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<u>"Cosmetic Powder on Shabbat" Contemporary Halakhic Problems IV ch. 5 Shabbat Sefaria edition</u> Five of the cosmetic powders approved for Sabbath use were selected at random and applied to the surface of the skin. In each case the color remained clearly visible for periods varying between 60 and 90 minutes. Ordinary talcum powder was found to be recognizable for 45 minutes subsequent to application. An attempt was made to remove those products by brushing and rubbing the skin lightly. No appreciable difference was found in the effort required to remove the approved substances as distinct from the effort required to remove non-approved substances. To be sure, since such tests do not lend themselves to precise quantification, the assessment of the results is largely subjective. Nevertheless, it would appear to this writer that...the use of such substances is proscribed *de minimis* by virtue of rabbinic decree.

Rav Shlomo Binet, On the Matter of Using on Makeup without Oily Ingredients on Shabbat

There are those who claimed that even the new makeup is *mitkayyem* for the duration of Shabbat, for otherwise what use is it for the manufacturers, and if so this is like kohl. However, I clarified the facts with those who use it, and they told me that it is not *mitkayyem* at all, and one needs reapply it multiple times over the course of Shabbat, and one *avrech* [*kolllel* fellow] told me that even at the time when one applies it, not everything that one applies is *mitkayyem*, and only a little bit remains.

<sup>21</sup> Talmud Yerushalmi Shabbat 7:2

One who dyes it. What dyeing was there in the *mishkan*? That they would strike an animal for "reddened ram skins." Rabbi Yossei said: This is to say...One who reddens redness on the lip is liable [on a Torah level].

#### Korban Ha-eida ad loc.

One who reddens redness on the lip. Explanation: Even with a lip that is [already] red but one adds redness to it, one is liable [on a Torah level] on account of *tzovei'a*.

been accepted as Halacha.<sup>22</sup>

The question of whether *tzovei'a* applies when adding the same color to a colored item also arises regarding placing a cloth over a bleeding wound on Shabbat. An early halachic authority, Ohel Moed, rules that one should deliberately use a red cloth for this purpose, suggesting that coloring an object with its initial color is **not** *tzovei'a*:

## Ohel Mo'ed, Shabbat 9:9

If blood came out of his flesh, he puts some spider webs [used historically as a bandage] there. Or a red cloth, for in this there is no concern of *tzovei'a*, but a cloth that is not red is prohibited.

Centuries later, however, Magen Avraham writes in his comments to Shulchan Aruch that wiping off blood with a red towel is clearly prohibited:

## Shulchan Aruch OC 328:48

It is prohibited to place a cloth on a bleeding wound, since the blood will dye it.

## Magen Avraham 328:52

... It seems to me that with a red cloth, it is clear that it is prohibited.

We'll address the practical halacha of using a cloth for this type of purpose later, in the context of our discussion of removing makeup on Shabbat. (For how this works with menstruation on Shabbat, see <u>here</u>.) For now, the key point is that Magen Avraham seems to be sure of a rabbinic prohibition. This prohibition may depend on whether the item being dyed its initial color was already fully dyed.<sup>23</sup>

## Skin-Tinted Makeup

It's hard to know what these discussions of reddening animal skins or bloodying or dyeing cloth mean for makeup. Maharam Brisk argues that dyeing a substance with its own color is indeed prohibited rabbinically. He thus permits applying white powder to the skin, specifically when one's purpose is to refresh the skin, not to change its color. He permits application of white powder to refresh the skin only because there are two other grounds for considering this at most a rabbinic act of *tzovei'a*—being on the skin, and not being *mitkayyem*.

## Responsa Maharam Brisk 1:23

...One can say that sprinkling the powder, which is white and whose purpose is to

<sup>23</sup> Responsa Avnei Nezer OC 172:4-5

<sup>&</sup>lt;sup>22</sup> Responsa Yabi'a Omer OC 37

<sup>...</sup> Even though in the Yerushalmi (Chapter 7 of *Shabbat*) in the section on one who dyes, it states that one who reddens the lip with redness is liable [on a Torah level], it seems that we don't rule this way, and as Rambam ruled that one who applies *sarak* to her face, it is only a rabbinic violation, and one can also explain like that passage in *Shabbat* [40b]: "What is [the meaning of] "he is liable" that he said? For lashes [in punishment for violating rabbinic law]." And one should look into it...

For even though it is already dyed. When another comes to add to its color until it is fully dyed, he is liable for a sin-offering [on a Torah level] ...nevertheless when something is fully dyed and has dried and another comes and adds [dye] and it absorbs more [dye], there is no proof to prohibit it. And see Magen Avraham, 328:52 that it is clear to him that it is prohibited. And this requires study, what are his grounds for this ruling...

improve the complexion of the flesh and to give the flesh a glowing appearance without being shiny, and doesn't change the appearance of the face to look different, one should only be concerned for the position of Magen Avraham 320 and 328 that even with red onto red, dyeing applies to a cloth. In any case...this is also rabbinic from the perspective of being white onto white, even though the color of the powder is whiter than the whiteness of the face, but since in the end the appearance is the same, just that it is brighter since its complexion is improved, this is not defined as *tzovei'a* on a Torah level...with three [factors that make the halacha] rabbinic as in our topic, for it is *tzovei'a* on human skin, and white onto white, and also is *eino mitkayyem*, if so one should tend in this [to leniency]. However, all of this is with a type of powder whose purpose is only to improve the complexion of the flesh and the look of the face will remain in its form, but powder with which they want to color the face, so that it have a tendency to a different appearance, is certainly prohibited.

Maharam Brisk, writing in pre-war Europe, was likely referring to talcum powder and to women with pale skin tones. Along these lines, Rav Ya'akov Yechezkel Posen permits using skin-tinted face powder on Shabbat when one's intent is to reduce oiliness, and not to color the skin:

## Dayan Ya'akov Yechezkel Posen, Kitzur Hilchot Shabbat, 21:4

We permit her to place that powder on her face because of sweat, etc. (face powder), if the appearance of the powder is equivalent to the appearance of her flesh, for this is not called *tzovei'a*, since her intention is not for any coloring...Note 15: Since they [women] don't intend with this for coloring, but just place it on their faces for another reason. And the fact that they are particular that the powder be the shade of their flesh, is so that the powder not be recognizable on their faces...

In practice, these rulings indicate that skin-colored products should not be used with intent to affect the color of one's skin.

Whereas Maharam Brisk only leaves room for powder, Rav Posen arguably provides a basis for using other tinted products on the skin for purposes other than coloring. For example, Rav Posen's ruling may leave room for someone who needs a liquid sunscreen on Shabbat and only has access to a tinted product to make use of it.

Note that the above discussion does not apply to concealer. Concealer is deliberately used to color the skin. Though it matches one's general skin color, it is designed to color areas of skin that don't match one's general look.<sup>24</sup>

An exception might be someone seeking to cover up a disfiguring skin condition or mark or scar on the skin, for whom appearing without make up might raise concerns of *kevod ha-beriyot*, human dignity. In these cases, rabbinic-level prohibitions may be pushed aside.<sup>25</sup> If coloring the skin is considered rabbinic, *kevod ha-beriyot* might

<sup>&</sup>lt;sup>24</sup> <u>Rav Shlomo Binet, On the Matter of Using on Makeup without Oily Ingredients on Shabbat</u> One should look into this, for it is simple that even when she colors with white color, she intends to color, and she usually wants to cover various blemishes and the like with this, and if so, she is coloring in those places...

<sup>25</sup> Berachot 19b

leave room in some cases for use of even liquid concealers.<sup>26</sup> (Someone in this situation should personally consult a halachic authority to assess how to proceed.) This leaves open the question of whether extreme psychological discomfort with going without makeup could ever merit similar halachic consideration.

## Shine

Some cosmetic products are intended to add shine or gloss, without affecting color. Can these be used on Shabbat?

<u>Elsewhere</u>, we learned that applying an oil or pourable product can be permitted on Shabbat when such products are in common use. Oil typically imparts some degree of shine, but this is not mentioned as a constraint on its use in **any** of the sources that we have seen.

In the responsum that we quoted previously, Maharam Brisk clearly distinguishes between refreshening or brightening the skin with powder, which he permits, and using it to color the skin, which he considers a change to its appearance, and prohibits. This strongly implies that he does not consider a change to the reflective quality of skin (a shinier or more matte appearance) to be an act of *tzovei'a*.

Recent discussions of this issue have looked to a ruling by Mishna Berura regarding oiling shoes on Shabbat. Mishna Berura explains that oiling new shoes is prohibited as a form of the *melacha* of *ibbud*, working leather. He adds that some also prohibit

<sup>26</sup> Out of concern that relevant cosmetic applications would violate Torah-level prohibitions, Rav Bleich permits cosmetic applications in these cases only when done by a non-Jew.

Rabbi J. David Bleich, "Cosmetic Powder on Shabbat" Contemporary Halakhic Problems IV ch. 5 Shabbat Sefaria edition

Come and learn: *Kevod ha-beriyot* is great, for it pushes aside a Torah level prohibition. And why? Let us say, "there is no wisdom and no understanding and no counsel against God!" Rav bar Sheva defined it before Rav Kahana as the prohibition of "*lo tasur*" "not straying [from the words that they (the sages) tell you]" (*Devarim* 7:11). They laughed at him: The prohibition of *lo tasur* is on a Torah level. Rav Kahana said, A great man said a matter, don't laugh at him. [The rabbis] supported all rabbinic matters on the prohibition of *lo tasur* and because of [a person's] *kavod*, our sages permitted it.

<sup>...</sup> There may be grounds for permitting the use of cosmetic agents designed to hide a disfiguring birthmark or skin blemish when the cosmetic is applied by a non-Jew. Tosafot, Shabbat 50b, declares that a condition which causes a person embarrassment of a magnitude such that the individual is ashamed to appear in public constitutes a form of grave pain. Thus, the psychological anguish which may result from not being able to engage in normal social intercourse is halakhically regarded as a form of severe pain. A person experiencing such pain is, arguably, in the category of a patient afflicted by a "sickness of the entire body" on whose behalf a non-Jew may be directed to perform an otherwise forbidden act as recorded in Shulhan Arukh, Orah Hayyim 328:17. Indeed, were the remedy to involve an act forbidden only by virtue of rabbinic edict, the act might be performed even by a Jew provided that it is performed in an unusual manner, e.g., by use of the left hand. However, as stated by Mishnah Berurah 328:54 and 328:57, only rabbinically proscribed acts may be performed in an unusual manner under such circumstances. Therefore, since cosmetics generally utilized for such purposes require use of substances involving the biblical prohibition of memahek, they may be applied only by a non-Jew. A liquid substance which does not involve the prohibition of memahek is, minimally, a davar she-eino mitkayyem, the use of which, for some authorities, as indicated earlier, entails a biblical prohibition of "dyeing" and, if designed to adhere for a significant period of time, the use of such a substance constitutes a biblical transgression according to other authorities as well. In light of those considerations, a substance designed to cover a disfiguring blemish should be applied only by a non-Jew.

oiling old shoes as a stringency, especially if the oil is meant to refresh the black color of the shoe:

## Mishna Berura 327:12

If one softens the [shoe] leather with oil, it is also a matter of *ibbud* and he is liable [on a Torah level], and therefore, for this reason, one needs to take care not to apply oil to a new shoe [on Shabbat]...and there are those who prohibit also with an old shoe, and especially nowadays when there are many unlearned people and they will come to be lenient also with new ones, one should certainly be stringent in all cases, and how much more so if his intention in applying the oil is so that the shoe be black, it seems that one should prohibit according to everyone out of concern for *tzovei'a*... [*Sha'ar Ha-tziyyun* 16: As it is known that this blackens it, and the way of craftsmen is to do thus]...

If spreading colorless oil on a shoe to bring out its color really presents an issue of *tzovei'a*, then that could be analogous to applying a clear nail polish or lip gloss. Indeed, based on this ruling, Rav Shlomo Zalman Auerbach prohibits both. Since nail polish can be applied in a lasting way prior to Shabbat, it comes up practically less often.

## Shemirat Shabbat Ke-hilchetah 14:63-64

It is prohibited to put polish on the nails, whether colored or clear polish...Note 167: For in any case the polish is inherently shiny, and also with this there is a prohibition of *tzovei'a*, for what is the difference between color or shine, I heard from Rav Shlomo Zalman Auerbach. And the proof is from oiling shoes, that this entails a prohibition of *tzovei'a*, Mishna Berura 327:12 and Sha'ar Ha-tziyyun 16...and also imparting a shine is itself considered a change in color, end quote. 64: It is prohibited to color the lips and the like on Shabbat and on Yom Tov...and even use of clear lip gloss is prohibited. Note 170:...For it has an element of *tzovei'a*...

Rav Auerbach's position was reportedly shared by Rav Moshe Feinstein. It is not universally accepted.<sup>27</sup> For example, Rav Moshe Nosson Nota Lemberger, Makova Admor, argues that deliberately adding shine to the body, even to the lips or hair, is not considered a form of *tzovei'a*, because there is no dye there to strengthen.

### Responsa Ateret Moshe OC I:94

It is astonishing in my eyes what *Shemirat Shabbat Ke-hilchetah* (14:57) brought in the name of Rav Shlomo Zalman Auerbach...And even placing a clear color onto hair and parts of the body that have natural coloring does not make it [the action] worse [halachically], for this [clear color] does not mix with that [natural color]. And if the base color is not a dye, how would the clear paint make it worse [halachically, from the perspective of *tzovei'a*]?...One should only consider whether the [clear] color[ed product] or the oil has substance such that it would be *memarei'ach*.

<sup>27</sup> <u>Rabbi Dovid Heber, The Kashrus, Shabbos and Pesach Guide to Cosmetics, Star-K, note 46</u> Lip Gloss – This product may not be used on Shabbos (tzovaya). This is true even if one applies untinted/clear lipgloss, as the Poskim consider this a form of tzovaya. Note 46: Shmiras Shabbos K'hilchasa 14:58 in the name of Rav Shlomo Zalman zt"l. This is also stated in the name of Rav Moshe Feinstein zt"l. (These opinions are different than those who are matir.) Rav Lemberger's only real concern with clear products is the potential for <u>memarei'ach</u>, which is not at issue with many such products (e.g., lip oil). Rav Shlomo Zalman Auerbach himself reportedly permitted women to place brillantine on the hair, which is a product designed primarily to add shine.

# Shemirat Shabbat Ke-hilchetah 14:57

A woman is permitted to put hair oil (brillantine) on her hair.

To summarize, using oils (or halachically equivalent products) for skincare that happen to add shine is clearly permissible. Using clear oils or glosses deliberately for their shine is subject to halachic debate, and easier to permit when there is no other makeup already on the face.

# Concluding Thoughts

We've seen that the Torah and rabbinic sources repeatedly emphasize the importance of makeup, in the context of relationships and for a woman's own pleasure and selfesteem. We've also seen that there are significant limits to the use of makeup on Shabbat, and explored the options that remain open. These options are not suitable for all women or in all situations.

Even when a woman wishes to avail herself of these options, she might not be able to, as when, in a pre-Shabbat rush, there isn't enough time to apply long-lasting makeup. In these cases, Rav Mordechai Eliyahu returns us to where we began, appreciating inner beauty as an expression of the soul that comes through, unadorned:

# Responsa Ma'amar Mordechai IV:51

Our sages say that there is a special light to the face on Shabbat, and therefore at a *Sheva Berachot* meal one can recite the *berachot* even when there is no "new face," because Shabbat is called a "new face." Therefore, there is an extra soul on Shabbat and a woman, too, has an extra soul on Shabbat! And a wise woman said: That extra soul, that Shabbat light to the face, lights up a woman's face without kohl and without *sarak*.

In our next installment, we discuss makeup removal and mikveh on Shabbat.

# Further Reading

- Rabbi J. David Bleich. "Cosmetic Powder on Shabbat." Contemporary Halakhic Problems IV, ch. 5 Shabbat. Sefaria edition. Available here: <u>https://www.sefaria.org.il/Contemporary Halakhic Problems%2C Vol\_IV%2C</u> <u>Chapter V Sabbath Questions.59?ven=Contemporary halakhic problems</u> %3B by J. David Bleich, 1977-2005&lang=he&with=all&lang2=he
- Rabbi Dovid Heber. "The Kashrus, Shabbos, and Pesach Guide to Cosmetics." Star-K.org
- Rav Yehoshua Neuwirth. *Shemirat Shabbat Ke-hilchetah*. Jerusalem: Feldheim, 2011.
- Dayyan Ya'akov Yechezkel Posen. *Kitzur Hilchot Shabbat*. New York: Z Berman Books, 1984.
- Rabbi Dovid Ribiat. *The 39 Melochos*. New York: Feldheim, 1999.