

SHAMEFUL AMBIVALENCES: DIMENSIONS OF RABBINIC SHAME

by

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“The Other ... is desired in my shame.”¹

INTRODUCTION

According to a ninth-century midrash, God asks the wicked of the world why they did not come closer to God. Each person responds, “I was so steeped in my wickedness that I was ashamed.”² Too ashamed,³ it seems, to muster sufficient courage to admit failures, change behaviors, and move closer—ritually if not spiritually—to God, and so they wallowed deeper into wickedness. Had these people not been so wicked, their shame might have spurred a return to God. A few centuries later, Moses Maimonides prefaces his introductory remarks to the *Mishneh Torah* with a quotation from Psalms: “Then I would not be ashamed when I regard all Your commandments.”⁴ This verse, coming after and completing the psalmist’s prayer, “Would that my ways were firm in keeping your laws,”⁵ suggests that between action and complete lawfulness shamefulness exists. It is unclear whether the shamefulness Maimonides speaks of inspires fidelity to the law or impinges it. Either way, shame precedes (seeing) the law both lexicographically and phenomenologically. Before lawfulness, shame facilitates both regard of self as well as regard of notions of uprightness and of wickedness. At least according to these two sources, shame intertwines self-consciousness with

1. Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority* (Pittsburgh: Duquesne University Press, 1969), 84.

2. Pesikta Rabbati 40.3:4. This is taught by R. Alexandri, a third-century Palestinian Amora.

3. This study focuses primarily on *bushah*, though cognate roots will also be considered. See E. Stolz, “Boš—To Be Ashamed,” in *Theological Lexicon of the Old Testament*, ed. Ernst Jenni and Claus Westermann, trans. Mark E. Biddle (Peabody, MA: Hendrickson, 1997), 1:205; Lyn Bechtel, “The Perception of Shame within the Divine–Human Relationship in Biblical Israel,” in *Uncovering Ancient Stones*, ed. Lewis M. Hopfe (Winona Lake, IN: Eisenbrauns, 1994), 79 n. 3.

4. Psalms 119:6. See MT Hakhdamah. Maimonides does not cite this verse again in either the MT or the Moreh Nebukim.

5. Psalms 119:5.

self-evaluation; it mixes a sense of dark depths with a notion of ascent toward righteousness. Shame breeds inwardness and otherness, and can debilitate as well as empower. In short, shame simultaneously damns and redeems.

Insofar as shame entails these two powerful vectors, it should come as no surprise that the rabbis of old express ambivalence toward it. Rabbinic ambivalence dramatically counters Aristotle's clear abhorrence of shame. To him, shame is no virtue but a feeling of "a kind of fear of disgrace. . . . Indeed, the virtuous man does not feel shame. . . . One never ought to feel shame. Shame is a mark of a base man, and derives from a faulty character."⁶ A base person feels shame because of "bad things"—things that are morally bad, such as lacking what is given to others of a similar station, being subject to dishonor and reproach, and being sexually violated.⁷ Aristotle states that "shame is a mental picture of disgrace, in which we shrink from the disgrace itself and not from its consequences, and we only care what opinion is held of us because of the people who form that opinion, it follows that the people before whom we feel shame are those whose opinion of us matters to us."⁸ As a mental depiction of an emotion, shame is a second-order emotion, and it retracts from its primary cause. Furthermore, Aristotle's notion of shame relies heavily on emulating, if not embodying completely, others' disapproval of the self for these "bad things." The base person thus experiences multiple dislocations from equanimity: first, by the "bad things" themselves; second, by disgrace inherent in those things; third, by fearing the disgrace inhering in those things; fourth, by picturing how others retract from the self for the disgrace inhering in those things and consequently to the self. For all these reasons, "one never ought to feel shame"—lest one suffer quadruple dissociations from oneself, a move that is both the mark of and derives from a "faulty character." Conversely, since a virtuous person never voluntarily does or experiences base things, that person is never ashamed.⁹

6. *Nicomachean Ethics*, IV, 9, 1128b, 19–34. See also the sixth chapter in Aristotle's *On Rhetoric*, trans. W. Rhys Roberts, where shame is defined as "pain or disturbance in regard to bad things, whether past, present or future, which seem likely to involve us in discredit," <http://classics.mit.edu/Aristotle/rhetoric.html> (accessed December 30, 2010).

7. *On Rhetoric*, chap. 6.

8. *Ibid.* Spinoza is not far from Aristotle when he defines shame as "a sadness, accompanied by the idea of some action [of ours] which we imagine that others blame" (Benedict de Spinoza, *A Spinoza Reader: The Ethics and Other Works*, ed. and trans. Edwin Curley [Princeton, NJ: Princeton University Press, 1994]), *Ethics*, 3, Definitions of the Affects, 31, 2/199, p. 193. Sadness "is a man's passage from a greater to a lesser perfection" (*ibid.*, 3, 2/191, p. 188). Spinoza differentiates shame from a sense of shame: "For shame is a sadness which follows a deed one is ashamed of; whereas as a sense of shame is a fear of, or timidity regarding, shame, by which man is restrained from doing something dishonorable" (*ibid.*, 31/Exp. 2/191, p. 194). That is, shame is a *reactive* emotion and a sense of shame is a *proactive* one.

9. See Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1993) for an analysis of ancient Greek notions of shame. As will be seen, though the rabbis and especially Maimonides pick up on this notion of avoiding voluntarily doing that which is considered repugnant, they view shame as more complex than merely a fear of disgrace.

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Unlike Aristotle's strong allergic response to shame, the rabbis are more ambivalent. Their ambivalence toward shame does not emerge *ex nihilo*, however. Biblical notions of shame begin with Adam and Eve, who were not ashamed at being naked.¹⁰ This is one of the earliest sources connecting shame and genitals.¹¹ When Adam and Eve opened their eyes after eating fruit of the tree of knowledge of good and evil, they did not become ashamed of their naked genitals *per se* but could now view their nakedness with sexual overtones.¹² With their new powers to recognize sexiness, Adam and Eve did not opt to shut their eyes or avert their gazes but decided to cover those things that inspired arousal. In this way, the fig leaf became more than mere clothing: It was the marker of the other's privacy as much as the protector against the self being seen in ways one did not desire.

Shame then slips from the Bible for the most part, until late prophets invoke the notion of *bushah* with gusto.¹³ Modern scholarship on these later biblical invocations of shame juxtaposes them to such concepts as guilt, forgiveness, honor, and covenant, and locates shame within both social upheaval and social cohesion.¹⁴ This scholarship demonstrates that already in the biblical corpus shame involves more than just physical exposure or an emotion related solely to nakedness; biblical shame has broader resonances in legal, social, and theological arenas.

10. Genesis 2:25. See Stolz, "Boš—To Be Ashamed," and discussion in J. David Velleman, "The Genesis of Shame," *Philosophy & Public Affairs* 30, no. 1 (2001): 27–52. Lawrence Simmons, however, in "Shame, Levinas's Dog, Derrida's Cat (and Some Fish)," in *Knowing Animals*, ed. Lawrence Simmons and Philip Armstrong (Boston: Brill, 2007), 32, construes this moment as "the origin of original shame"—which mistakes this moment with the later, post-fruit, shame (see below).

11. Etymologically, the term *private parts* which one should be ashamed to uncover comes from the Greek *aidoia* and the Latin *pubenda*—both meaning genitals and shame. The German *Schamteile* and French *parties honteuses* also convey this connection. See Williams, *Shame and Necessity*, 78; and Velleman, "The Genesis of Shame," 31. Stolz, "Boš—To Be Ashamed," 205, says that the Hebrew *mevushim* means "private parts," though this term occurs only once in the Tanakh, in Deuteronomy 25:11. It is therefore difficult to say with certainty that this *hapax legomenon* expresses "body parts about which one should feel ashamed"; it could very well mean testicles, penis, or genitalia generally—all without any emotional overlay. *Ervah* is more often understood to mean genitalia. See Michael Satlow, "Jewish Constructions of Nakedness in Late Antiquity," *Journal of Biblical Literature* 116, no. 3 (1997): 448 n. 78.

12. Velleman, *Genesis of Shame*.

13. Post-eighth-century BCE prophets in particular. Johanna Stiebert, "Shame and Prophecy: Approaches Past and Present," *Biblical Interpretation* 8, no. 3 (2000): 255–75.

14. Lyn M. Bechtel, "Shame as a Sanction of Social Control in Biblical Israel: Judicial, Political, and Social Shaming," *Journal for the Study of the Old Testament* 49 (1991): 47–76; Bechtel, "The Perception of Shame"; T. M. Lemos, "Shame and Mutilation of Enemies in the Hebrew Bible," *Journal of Biblical Literature* 125, no. 2 (2006): 225–41; Margaret S. Odell, "An Exploratory Study of Shame and Dependence in the Bible and Selected Near Eastern Parallels," in *The Biblical Canon in Comparative Perspectives. Scripture in Context*, vol. 4, ed. K. Lawson Younger, Jr., William W. Hallo, and Bernard F. Batto (Lewiston, ME: Edwin Mellen Press, 1991); Margaret S. Odell, "The Inversion of Shame and Forgiveness in Ezekiel 16:59–63," *Journal for the Study of the Old Testament* 56 (1992): 101–12; Saul M. Olyan, "Honor, Shame, and Covenant Relations in Ancient Israel and Its Environment," *Journal of Biblical Literature* 115, no. 2 (1996): 201–18; Stiebert, "Shame and Prophecy."

The rabbis, from the Talmud to modern times, further examine shame and find its presence in many aspects of life. As will be shown, for them shame is paradoxically ineluctable and eliminable, destructive and constructive. Whereas Aristotle discourages shame at most any cost, the rabbis seek to cleave shame *from* and *to* Jewish law, learning, and life itself. Their ambivalence toward shame is ultimately paradoxical.

But why examine shame at all? Shame is a pervasive if not universal human experience. Modern scholars argue that shame plays a pivotal role in personal psychological and character development as well as in differentiating cultures.¹⁵ Something similar could be said of the Judaic textual tradition. Judaic conceptualizations of personal virtue, righteous behavior, and what constitutes a commendable society often invoke shame—yet scant scholarly attention has been devoted to rabbinic deliberations on the subject. The few pieces that do attend to rabbinic notions of shame focus on its legal aspects or on one ethical concern or another.¹⁶ None takes a larger, more complex picture of how the rabbis—from the Talmud to today—conceptualize, appraise, and regulate shame. Nor does any contemporary scholar dealing with rabbinic shame situate it in the contemporary world theologically or philosophically. This paper offers some preliminary efforts toward this larger goal.

As will be seen, the rabbis wrestle with shame in a variety of legal and ethical arenas of human existence. This essay begins with a cursory overview of halakhot pertaining to the injury of shame before focusing on the ethical arenas of rabbinic concern. Even within the context of law, the rabbis view shame as a complex issue. In the nonlegal literature, embodiment poses a particularly challenging arena insofar as the human body is, ultimately, naked regardless of stitches or strictures placed upon it. And because the body must eat, food also appears as an elemental shameful problem. I bring Emmanuel Levinas into the

15. Andrew P. Morrison, *The Culture of Shame* (New York: Ballantine Books, 1996); Ellen Wehner Eaton, "Shame Culture or Guilt Culture: The Evidence of the Medieval French Fabliaux" (PhD diss., University of Toronto, 2000); Herbert Morris, *Guilt and Shame* (Belmont, CA: Wadsworth, 1971); Gerhart Piers and Milton B. Singer, *Shame and Guilt: A Psychoanalytic and a Cultural Study* (New York: Norton, 1971); June P. Tangney and Ronda L. Dearing, *Shame and Guilt* (New York: Guilford Press, 2002); Phillippe Rochat, *Others in Mind: Social Origins of Self-consciousness* (New York: Cambridge University Press, 2009). Williams, in *Shame and Necessity*, is wary of compartmentalizing cultures, especially those of the ancient Greeks, into one or another category like shame or guilt.

16. While Yael Richardson, "Legal Shame: Shame as a Legal Concept of Damage in Roman and Rabbinic Law" (Honors Thesis, Brown University, 2007) compares shame in Rabbinic and Roman jurisprudence, Mordechai Weinstein, in "Towards Understanding 'Boshet,'" *Alei Etzion* 9 (2000): 55–65, examines *boshet* exclusively within a halakhic milieu. Barry Wimpfheimer, "'But It Is Not So': Toward a Poetics of Legal Narrative in the Talmud," *Prooftexts* 24 (2004): 51–86, demonstrates shame's role in a legal narrative. Jeffrey L. Rubenstein studies shame in rabbinic nonlegal literature: Jeffrey L. Rubenstein, "The Bavli's Ethic of Shame," *Conservative Judaism* 53, no. 3 (2001): 27–39 and *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003). Josef Stern examines Maimonides' notions of voluntariness in association with shame; see his "Maimonides' Conceptions of Freedom and the Sense of Shame," in *Freedom and Moral Responsibility: General and Jewish Perspectives*, ed. Charles H. Manekin (Bethesda: University Press of Maryland, 1997), 217–66.

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conversation here to help us appreciate these two interlocking aspects of embodied existence. Levinas's insights about the impossibility of escaping embodiment bear directly on shame and, as will be shown, his analysis helps us transport these ancient concerns into a modern philosophical milieu.¹⁷ Indeed, it is Levinas who has dwelled on the notion of shame more than any other modern Jewish philosopher or theologian.¹⁸ And as will be shown, tropes from Levinas also prove useful in subsequent sections that look at intellectual integrity, substitution, and virtues, all of which take seriously the role of the mind in relation to shame. The conclusion considers paradoxes proposed by rabbinic ambivalence toward shame and offers some theological and philosophical reflections.

SHAMEFUL LAWS

The Tannaim understood *boshet* to be a tortious injury.¹⁹ Compensation for the injury of shame depends on the status of both the offender and the offended.²⁰ As such, *boshet* dwells in two domains simultaneously: the domain of physical injury as well as the domain of personal dignity. Because of this dual nature, *boshet* differs from the more famous injunction about humiliating others in public—*malbin penei ḥavero b'arabbin*—which operates exclusively within the

17. Though other scholars have attended to Levinas's notion of shame, none connects it with rabbinic notions of shame. See Robert R. Ehman, "Emmanuel Levinas: The Phenomenon of the Other," *Man and World* 8, no. 2 (May 1975): 141–45; Leonard V. Kaplan, "Shame: Bergman on Responsibility and Blame," *Brooklyn Law Review* 68, no. 4 (2003): 1159–94; Rudi Visker, "Levinas, Multiculturalism, and Us," in *Whither Multiculturalism? A Politics of Dissensus*, ed. Barbara Saunders and David Haljan (Leuven: Leuven University Press, 2003), 91–104; Ann Murphy, "The Political Significance of Shame," *Borderlands* 3, no. 1 (www.borderlands.net.au/vol3no1_2004/murphy_shame.htm [2004; accessed June 30, 2010]); Simmons, "Shame, Levinas's Dog, Derrida's Cat (and Some Fish)"; and Janeta Tansey, "A Fitting Shame: Intersubjectivity and the Distance It Demands" (PhD diss., University of Iowa, 2008).

18. Only Eugene B. Borowitz and Frances W. Schwartz, *The Jewish Moral Virtues* (Philadelphia: Jewish Publication Society, 1999) offer a few theological reflections on shame. And while Martha Nussbaum reflects philosophically on shame (and law), her work has little connection with Judaism; see Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of the Emotions* (New York: Cambridge University Press, 2001), *Hiding from Humanity: Disgust, Shame, and the Law* (Princeton, NJ: Princeton University Press, 2004), and "Danger to Human Dignity: The Revival of Disgust and Shame in the Law," *Chronicle of Higher Education* 50, no. 48 (August 6, 2004), B6.

19. M. Baba Kama 8.1. *Boshet* is listed alongside four other areas of liability: *nezek* (physical damage), *tza'ar* (pain), *ripui* (medical expenses), and *shevet* (unemployment compensation). In T. Baba Kama 9:1, *boshet* functions among twelve other categories of tortious injury. See also M. Ketubot 3.7. See Richardson, "Legal Shame," for a critical analysis of *boshet* laws in relation to Roman *iniuria*.

20. The Tannaim disagree on this point. While the majority thinks that even slaves deserve compensation for shameful injuries, R. Judah holds that they are not to be compensated for this aspect of the injury. See M. Baba Kama 8.3; BT Baba Kama 88a; BT Sanhedrin 86a. Insofar as R. Judah conceives of a class of people whose indignities are worthless, the status of the offender is irrelevant: Determining compensation is moot.

domain of personal dignity.²¹ While embarrassing another is strongly censured by the rabbis, it does not command pecuniary punishment as does *boshet*.²²

The Tannaim and Amoraim are clear that the offender is to compensate for shameful injury especially if he or she intended to shame the offended.²³ Rashi, along with the talmudic rabbis, understands that this holds also for someone who benefits from an action even though one did not intend to shame the injured.²⁴ Their example is someone falling from a roof: If one conscientiously moves midflight to land on an unsuspecting individual to soften the inevitable landing, one is legally bound to compensate the injured for all five kinds of injury, including shame. This is because the faller benefits from the decision even though humiliating the receiving individual is not intended. In this way, *boshet* is akin to other kinds of physical injury. Other medieval sages disagree with this interpretation. The Rashba holds that insofar as the one landed upon is also injured in terms of *boshet*, the complete range of liabilities for injury apply—regardless of the intent of the offender.²⁵ By contrast, the Maharshah understands that the offender must have intended to humiliate the injured to be liable for *boshet*.²⁶ Either way, *boshet* is more about personal dignity than physical injury per se.

Concern for personal dignity arches back to the talmudic consideration of shaming someone who is naked and shaming someone who is sleeping. In regard to the former, the Talmud holds that context matters: Insulting someone in a bathhouse where people are intentionally naked is less injurious than deliberately denuding someone along a stream where people are partially clothed. Even though the offended suffers no physical injury in either case, assault to personal dignity certainly occurs and should be compensated.²⁷ In regard to insulting a sleeping person who dies before learning of the insult, the sages debate whether the offender is liable for *boshet*. They construe the case in such a way that

21. Literally translated as “whitening the face of a fellow in public.”

22. Indeed, publicly embarrassing is tantamount to murder and the offender surrenders any part in the world to come. See, for example, M. Avot 3.15; BT Baba Metzia 58b–59b; BT Sanhedrin 99a and 107a; MT Teshuvah 3.14; MT De’ot 6.8. Many scholars conflate the injuries of *boshet* and *malbin*. See, for example, Joseph Telushkin, *A Code of Jewish Ethics*, vol. 1: *You Shall Be Holy* (New York: Bell Tower, 2006); Borowitz and Schwartz, *Jewish Moral Virtues*; Melissa Weintraub, “Kvod Ha-Briot: Human Dignity in Jewish Sources, Human Degradation in American Military Custody,” *Rabbis for Human Rights—North America*, 2005. Available at www.rhr-na.org/kvod_habriot/treatise (accessed December 30, 2010). By contrast, Weinstein, “Towards Understanding ‘Boshet,’” 56 n. 3 differentiates these injuries clearly.

23. M. Baba Kama 8.1; BT Baba Kama 27a, 86b.

24. Rashi at BT Baba Kama 27a, s.v., *v'im nithapekh* and *hayav 'af al boshet*.

25. R. Shlomo ben Adret (thirteenth-century Spain). BT Baba Kama 27a, s.v., *nafal*.

26. R. Shlomo ben Yechiel Luria (sixteenth-century Poland), *Yam shel Shlomo* 2:39. See discussion in Weinstein, “Towards Understanding ‘Boshet,’” 60ff.

27. BT Baba Kama 86b. See also M. Baba Kama 8.6 in regard to a woman who once uncovered her hair in public; however, when a man deliberately uncovers her hair in public he is liable to compensate her for *boshet*.

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boshet affects the individual's lingering reputation as well as the dignity of the individual's family.²⁸

Insofar as *boshet* refers to damage to one's physicality *and* dignity, it is reasonable to conclude—as does one scholar—that shame, legally speaking, reflects Judaism's insistence on “the indivisibility of the material and the moral, the bodily and the spiritual.”²⁹ This interconnection between legally punishing criminals for material offenses and emotional damage is heightened by a fin-de-siècle rabbi when he says that “all punishment *is* humiliation,” because “the purpose of punishment is humiliation.”³⁰ It is possible to say that this scholar overstates the purpose of all legal punishments, as some punishments are designed to protect the public or an individual from future aggression, or to deter would-be assailants, or to somehow convert an individual from criminality. Nevertheless, he suggests that those who are convicted of crimes are shamed twice over: Once for their crimes being publicly acknowledged when their cases are tried, and again by the punishments meted out to them. This does not mean that Judaism conflates guilt and shame. Guilt is ascertained through the legal system and need not implicate anyone else but the offender. Shame, by contrast, focuses on the *offended* as well as the *offender*, and may extend to others not immediately involved in the incident.³¹ In sum, halakhah considers shame not merely tortious physical injury; it is also tortious injury to personal dignity.

SHAMEFUL ETHICS

Just as halakhah considers *bushah* necessarily involving the physical, emotional, and willful, so too do nonlegal rabbinic texts. In these more ethical tracts, the rabbis discuss shame as it pertains to two major baskets of issues: Embodiment and aspects of the mind. In regard to the first, the rabbis are particularly concerned about shame in relation to nakedness and eating. In regard to the second, they see shame intertwining with intellectual integrity, substitution, and virtue. It is curious that the rabbis do not link shame to other issues, especially to liturgy and ritual. For if shame is so tied with body and mind as this survey suggests, it makes modest sense that some connection between shame and rites also arises. Conversely, this lacuna suggests that shame does not belong in the *beit tefillah* (house of prayer) as it does in the *beit midrash* (house of learning). Though shame may be pervasive in many aspects of life, it appears the rabbis would rather it exist and function in only certain arenas and not others.

28. BT Baba Kama 86b. See discussion in Weinstein, “Towards Understanding ‘*Boshet*,’” 63ff.

29. Weinstein, “Towards Understanding ‘*Boshet*,’” 65.

30. R. Isaac Jacob Reines (1835–1915, Lithuania). *Sefer Ha'arakhim* (New York: Oriam Press, 1926), humiliation, 49–51. Emphasis added.

31. Rashi echoes this point when he comments that no pity should be given to a woman who grabs a quarreling man's *mevushav* (this is usually understood to mean his genitals—see above note 11): she must pay for his embarrassment, and the amount depends on his as well as her social standing. Rashi, Deuteronomy 25:12.

Nakedness

Being naked in the marketplace is perhaps the most shameful of situations.³² But does being naked mean the same thing for women as it does for men, and are all public spaces equally shaming when exposed? According to one scholar, male nakedness refers to exposure of the penis.³³ Remember that while Adam's penis was naked before he ate of the tree of knowledge of good and evil, he was not ashamed.³⁴ Understandably, the rabbis construe male nakedness in holy places to be spiritually repugnant both to humans and to God, while nakedness in open fields is merely humanly distasteful and divinely undesired. Regulating male nudity became a way of protecting the sancta as well as enforcing social hierarchies.³⁵ Female nudity, by contrast, is no affront to God nor does it bespeak social status. Rather, the androcentricity of the textual tradition portrays female nakedness in terms of its capacity to arouse male sexuality and its service as "a marker of moral character."³⁶ In other words, female nudity is powerful precisely through the male social and sexual gaze.

That said, few rabbinic pieces link physical exposure and shame.³⁷ What concerns the rabbis, and especially Maimonides, is unwanted exposure of sexual arousal. Put specifically, the undesired erection becomes a source of shame.³⁸ Insofar as the penis becomes aroused against one's will it is, as one scholar says, "a glaring failure of privacy" because it demonstrates a man's inability to willfully self-present and thus constitutes shame.³⁹ Maimonides concurs: Even though the unwanted erection is natural, it is shameful because it distracts a man from what he ought to be doing, such as studying or praying or engaging in proper business. He encourages the man with the unwanted erection to distract himself through these activities and intellectual exercises so that it deflates and his composure can return. And yet, to the degree that natural nightly erections are not shameful in and of themselves because they are unknown, man's unruly member shames precisely at that moment when its presence becomes cognized.⁴⁰

32. See M. Baba Kama 8.6, noted above; T. Baba Kama 9.12; Sifrei Devarim, *piska* 320.

33. Satlow, "Jewish Constructions of Nakedness in Late Antiquity."

34. Some rabbis construe Adam as created already clothed, however. T. Berachot 2.14.

35. See discussion in Satlow, "Jewish Constructions of Nakedness in Late Antiquity."

36. *Ibid.*, 444.

37. See Jubilees 3:21–22, 30–31 for an early connection between genital nakedness and shame. See also the opinion of R. Yose ben R. Bun, who calls the vagina *beit haboshet* (the shame house) (YT Yevamot 6.1/7b; YT Pesachim 7.11/35a). This term is first used in M. Hullin 9.2, and later linked to the vagina (*beit harehem shel nekevah*) by Rashi at BT Hullin 112a, 56a, *ad. loc.*, and by R. Ovadia Yare of Bartinuro (1440–1530, Italy and Israel) on his commentary at M. Hullin 9.2. The Gemara at BT Nedarim 20a discusses the virtues of shame immediately following the assertion that whoever gazes at a woman's vagina—even his wife's—ultimately comes to sin and will beget children of bad character. On the virtues of shame, see below.

38. *Guide* 3:49/608. Augustine, too, is very concerned about unwanted erections; see Erin Sawyer, "Celibate Pleasures: Masculinity, Desire, and Asceticism in Augustine," *Journal of the History of Sexuality* 6, no. 1 (July 1995): 1–29.

39. Velleman, *Genesis of Shame*, 39.

40. Nightly seminal emissions are, of course, a different matter altogether.

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When the young Levinas asks in *De l'évasion*, “For what is the meaning of shameful nakedness? It is this that one seeks to hide from the others, but also from oneself,”⁴¹ he points to self-consciousness as a necessary component of shame. For it is when we are aware of what our bodies do—even naturally do—that we would rather hide this fact from others as well as from ourselves. No matter how much we would want to hide this fact, to unlearn it and render ourselves blissfully ignorant as was Adam, this is impossible. Levinas continues:

If shame is present, it means that we cannot hide what we should like to hide. The necessity of fleeing, in order to hide oneself, is put in check by the impossibility of fleeing oneself. What appears in shame is thus precisely the fact of being riveted to oneself, the radical impossibility of fleeing oneself to hide from oneself, the unalterably binding presence of the I to itself. Nakedness is shameful when it is sheer visibility of our being, of its ultimate intimacy. And the nakedness of our body is not that of a material thing, antithesis of spirit, but the nakedness of our total being in all its fullness and solidity, of its most brutal expression of which we could not fail to take note.⁴²

The shameful of the recognized unwanted erection, then, is not just the mere physicality of the erection but the consciousness that human existence naturally and necessarily entails the willed and unwilled alike.⁴³ Shame takes note of our binatural nakedness and this intimate self-knowledge constitutes shame: “Our intimacy, that is, our presence to ourselves, is shameful.”⁴⁴ When we are knowingly naked, we know the totality of our existence, and in our search for cover—which even the Tanakh⁴⁵ recognizes as the primal reaction to shame—we seek to excuse ourselves from ourselves. We want to hide our nakedness not only from others but also from ourselves. In the last analysis, shame is, Levinas says, “an existence that seeks excuses. What shame discovers is the being who uncovers himself.”⁴⁶ Put

41. Emmanuel Levinas, *On Escape*, trans. Bettina Bergo (Stanford, CA: Stanford University Press [The original essay, “*De l'évasion*,” was published as a slim volume in 1935 in *Recherches philosophiques*], 2003), 64.

42. *Ibid.*, 64–65.

43. Philip J. Harold says, “Shame results when we cannot hide this need and our nakedness is exposed. It is not simply a matter of physical nakedness or shame felt over the committing of wrong actions—prior to these is the shame felt over the manifestations of ourselves that we cannot control, in particular the manifestation of ourself in need, the revelation of what Levinas will later call the ‘face.’” See his *Prophetic Politics: Emmanuel Levinas and the Sanctification of Suffering* (Athens: Ohio University Press, 2009), 6.

44. Levinas, *On Escape*, 65.

45. Jeremiah 48:39. See also Kohelet 11:10 and the interpretation at BT Shabbat 152a. See also Velleman, *Genesis of Shame*, 47 n. 25 about the symbolic nature of attempting to hide oneself.

46. Levinas, *On Escape*, 65. The more mature Levinas links themes of shame with freedom: “Thus this way of measuring oneself against the perfection of infinity is not a theoretical consideration; it is accomplished as shame, where freedom discovers itself murderous in its very exercise. It is accomplished in shame where freedom at the same time is *discovered* in the consciousness of shame and is *concealed* in the shame itself,” in *Totipotency and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis

more sharply: Shame discovers—that is, becomes conscious of—the being with a fig leaf who uncovers himself willfully, unwittingly, and unwillfully.⁴⁷

Maimonides agrees, for the most part. He says that “gatherings of naked people with uncovered private parts who excrete in daylight sitting together” are shameful, but less shameful than drinking intoxicants publicly.⁴⁸ In his view, feces are an innately humiliating matter and any action involving them necessarily humiliates.⁴⁹ Yet because excreting is a necessary function of human embodiment, refraining from all excretions is humanly impossible. Choosing to get drunk, by contrast, is a voluntary and intellectual matter; thus, its moral evaluation transcends that which is physically necessary twice over. So while both uncovered genitals and feces are sources of shame, Maimonides views the “gatherings” or public nature of this necessarily naked act to be the more troublesome.⁵⁰ Deliberately and thus knowingly being nude in public humiliates more than merely being nude.

Shame, then, is less about being naked per se than about knowing that one chooses to be or is naked. Knowing one is physically exposed voluntarily or against one’s will—be it caused by nature or by another human—is shameful. For this reason Levinas concludes, “being naked is not a question of wearing clothes.”⁵¹ It is a question of knowing whether one’s clothes cover one’s inescapable nakedness. As Bernard Williams says, shame is a reaction to the consciousness of exposure.⁵² It is the mind’s acknowledgment of nakedness that sparks shame.

Food

Avoiding shame associated with nakedness may be plausible, but this is not so with the shame associated with food. Maimonides, following Aristotle, asserts that even though eating and drinking are necessary for human existence, they should be done privately and with sorrow, and should be controlled by one’s will—for they are inherently disgraceful activities.⁵³

(Pittsburgh: Duquesne University Press, 1969), 83–84. Ehman, “Emmanuel Levinas,” compares Levinas’s notion of freedom and shame with Sartre and, to a degree, Husserl.

47. Nausea, by contrast, may be similarly inescapable but it is unconscious of itself. See Levinas, *On Escape*, 68.

48. Quoted in Stern, *Freedom and Moral Responsibility*, 260.

49. *Guide* 3:8/432.

50. That naked genitals are shameful, see *Guide* 1:2/25 and 3:8/434.

51. Levinas, *On Escape*, 65. See also Williams, *Shame and Necessity*, 221.

52. Williams, *Shame and Necessity*, 220.

53. *Guide* 3:8/432. Aristotle says that things pertaining to the senses and touch are disgraceful (*ar*, in Arabic), that is, they are shameful. *Nicomachean Ethics*, 3, 10, 1118b2 (cf. *Rhetoric*, 1, 2, 1370a 18–25). Back in the *Guide* (ibid.), the knowing understand this obligation because the proper end of humankind is apprehension of God and the angels, which can only be achieved if one’s natural impulses are sufficiently controlled. The unknowing, however, revel in food and drink. For this reason, Maimonides surmises, Solomon railed against fornication and intoxication throughout the Book of Proverbs.

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Maimonides' preference for private dining notwithstanding, it was common for Jews to eat together publicly. A story in the Talmud⁵⁴ describes an incident that occurred with a group of working men who regularly pooled their bread together in a basket and then ate collectively. One day an individual did not have any bread to contribute to the coffers and felt ashamed. A member of the group recognized that man's situation and offered to go about collecting bread, and when he approached the breadless man, he pretended to take from him so that the man would not be ashamed.⁵⁵ Even royalty ate from such a collective pot. A midrash depicts King David eating from a common pot on a regular basis, though he would not eat sacred foods from it lest he become ashamed.⁵⁶ To buttress this position, the midrash invokes verses from Psalms depicting the poor and hungry as objects of scorn and as deserving of divine protection.⁵⁷

Another talmudic story also posits God as integral to both food and avoiding shame.⁵⁸ Rav's son went to R. Simeon ben Ḥalafta for a blessing. R. Ḥalafta said, "Let it be God's will that you shall not shame others and others shall not shame you." When the son related this to his father, Rav explained that this is the same blessing that God pronounced over the community of Israel, as recited by the prophet Joel: "And you shall eat your fill and praise the name of the Lord your God who dealt so wondrously with you—my people shall be shamed no more. And you shall know that I am in the midst of Israel, that I the Lord am your God and there is no other. And My people shall be shamed no more."⁵⁹ These prophetic verses conclude a lengthy argument stating that it is none other than God who replenishes the fields, fruits, and fauna that sustain Jewish existence, and who thus nourishes Jewish shamelessness.⁶⁰

A third talmudic story intertwines God and gender and shame. Rav Ḥanina's wife would make a fire in her home's oven before every Shabbat evening. This would send up smoke and signal to neighbors that she had sufficient ingredients to make ḥallah—the bread required for the Friday night meal.⁶¹ She did this so as to avoid being ashamed of the truth, that is, their family was too impoverished even to make bread. One female neighbor, knowing Ḥanina's poverty, became suspicious of this activity and approached her. When she knocked at the door, Ḥanina's wife became ashamed and hid in another room. A miracle occurred and bread filled her hot oven. When the neighbor saw the bread therein, she called out to the hidden wife to bring a bread-shovel lest the bread burn.

54. BT Shabbat 156b.

55. For a discussion of the context of this story, see Rubenstein, "The Bavli's Ethic of Shame," 29ff, and *The Culture of the Babylonian Talmud*, 69ff.

56. M. Tehillim 119.29. This is a comment on Psalms 119:79–80.

57. Psalms 109:22, 24 are cited. See verses 21–31 for the overall impression. Psalms 51:12 is also cited in the midrash. Levinas links shame, satiety, and desire in *Totality and Infinity*, 84, 117, 129.

58. BT Moed Katan 9b.

59. Joel 2:26–27. Translation from the *JPS Study Bible*. On this last verse, see parallels in Isaiah 45:5, 6, 18.

60. See Joel 2:18ff.

61. Ezra rules that this responsibility falls upon women, at BT Baba Kamma 82a. That ḥallah is to be eaten on Shabbat, see Moshe Isserles' gloss at SA Oreḥ Ḥayim, Hilkhot Shabbat, 242.1.

Ḥanina's wife emerged with the shovel, declaring that she had gone into the next room precisely to retrieve it.⁶² At one level, this story focuses on the shame a woman feels at not being able to provide for her family and the lengths she will go to disguise the truth of the matter. More precisely, she seeks to hide her shame from fellow womenfolk. Does her shame in front of another woman arise because of lack itself or because the missing ingredients signify her husband's poor financial situation—his inability to provide for them both? Would she have acted similarly had a man come knocking? Though these questions remain unanswered at this level, at another level the story undoes her shame through God's miraculous oven-filling intervention. This miracle happened in the instant between the neighbor's knock—which caused the wife to flee the front room where the kitchen was situated—and the neighbor's invasive glance inside the doorway. That moment of human egress and invasion housed God's baking hand. No one witnessed the bread actually arise in the oven; the women could only see that, lo, it was there and needed turning lest it burned. Ḥanina's wife does not seem to be curious about how the bread got there. Perhaps from her perspective the neighbor put it there. If this were the case, her hiding suggests that she was ashamed of receiving *Zedakah* for Shabbat.⁶³ It is curious, then, why she lied when appearing with the shovel. The lie betrayed her shame: She tried to dissimulate the fact that she was ashamed, regardless of how the bread got into her oven. At a third level, a linguistic analysis suggests something else. The above story is in Aramaic, which suggests a late textual provenance, perhaps written by the *stam*, or redactor of the Talmud (more on this below). For immediately following this story is a *baraita*, written in Hebrew, teaching that she really did go to the next room for the purpose of retrieving a bread-shovel because she was accustomed to having miracles occur.⁶⁴ This linguistic difference suggests that an earlier version of this story focused less on her shame than on the miracles showered upon her because of her husband's merit.⁶⁵ Shame around food—or the lack thereof—would thus seem to be a later rabbinic concern. God, nonetheless, remains a potent force protecting one from unnecessary shame associated with food.

Though God may be the ultimate shield against shame associated with food, humankind also has agency in this regard. Seeds of a more profound attitude toward shame can be found in a discussion ostensibly about class and food. The Amoraim overturned the accepted earlier practice of the wealthy bringing food in silver and gold baskets to a house of mourning and the poor bringing food in peeled willow baskets, because this practice was a source of shame for the poor. Instead, everyone was to bring food to a mourner's house only in peeled willow

62. BT Ta'anit 24a–b.

63. On the legal difficulties of receiving *zedakah* to honor Shabbat, see comments by Magen Abraham, Magen David, Mishbetzot Zahav, and Eshel Avraham on SA, Orech Chayim, Hilchot Shabbat 242.1.

64. BT Ta'anit 24a–b.

65. See comment by the heavenly voice at BT Ta'anit 24a.

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baskets, to protect the dignity and honor of the poor.⁶⁶ Class aside, people were to provide food to each other. But inside class, the wealthy had to adjust their habits to match those of the impoverished. In this way, the poor become the master to whom others must bend and give.

Levinas weaves together these themes when he says “the nakedness of the face is destituteness. To recognize the Other is to recognize a hunger. To recognize the Other is to give. But it is to give to the master, to the lord, to him whom one approaches as ‘You’ in a dimension of height.”⁶⁷ The lowly hungry become masters for whom we are responsible. Acknowledging this responsibility is what Levinas calls remorse, a “gnawing away at oneself” insofar as it is a “responsibility of the ego for what the ego has not wished, that is, for the others.”⁶⁸ This hungry remorse, this gnawing away at oneself, is shame: It is the increasing awareness that one is already obliged to feed the impoverished other. Put differently, we cannot escape food’s shamefulness, for it is only we who can and should pull the bread from our mouths so as to give it to the hungry. Our relations with food are simultaneously a source of shame and ethics. Or, as Levinas suggests later on, consuming is the first morality.⁶⁹ Satiety shames less because of the food per se but because of the other’s hunger it could satisfy: “To give, to-be-for-another, despite oneself, but in interrupting the for-oneself, is to take the bread out of one’s own mouth, to nourish the hunger of another with one’s own fasting.”⁷⁰ Levinas thus links food to Hillel’s famous statement, “If I am not for myself, who will be for me, and if I am only for myself, what am I, and if not now, then when?”⁷¹ What Levinas points to is not an eating disorder but to conscientious eating.⁷² Eating conscientiously differs from eating consciously, which Judaism teaches should be book-ended with praises to God and would prefer if those praises were done with heartfelt sincerity. Overall, these shameful texts suggest that conscientious eating involves ensuring that others have the wherewithal to satiate themselves now, not later.

66. The phrase is *mipnei k'vodan shel 'aniyim*. BT Moed Katan 27a. Many other practices were overturned to protect the honor of the poor and prevent them from being ashamed; these included drinking from clear versus colored glasses for the wealthy and poor, respectively; uncovering the faces of the dead rich but not the faces of the dead impoverished (so as to hide the fact that their faces were blackened by famine); and removing the corpse of the wealthy on a *dargash* (a couch-like bed with ropes holding a mattress upon it) but the poor on a bier. Many other examples of changes to prevent shame are found there. See also Meiri’s commentary: *Beit HaBehira*, Moed Katan 27a.

67. Levinas, *Totality and Infinity*, 75.

68. Emmanuel Levinas, *Otherwise Than Being: Or beyond Essence*, trans. 'Alphonso Lingis (Pittsburgh: Duquesne University Press, 1998), 114.

69. Emmanuel Levinas, *Time and the Other*, trans. Richard A. Cohen (Pittsburgh: Duquesne University Press, 1987), 64. On Levinas’s philosophical relations to food and consumption, see David Goldstein, “Emmanuel Levinas and the Ontology of Eating,” *Gastronomica* 10, no. 3 (Summer 2010): 34–44.

70. Levinas, *Otherwise Than Being*, 56.

71. M. Avot 1.14.

72. See Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law*, 202, on the relationship between eating disorders and shame.

Intellectual Integrity

Rabbinic concern for intellectual integrity dwells a great deal on shame as well. Jeffrey Rubenstein has demonstrated that late Babylonian sages were more concerned with maintaining intellectual integrity among their peers than were their predecessors or colleagues in Palestine.⁷³ This may be true, but Rubenstein fails to illumine adequately the anticipatory nature of rabbinic shame and its deflection. Four stories demonstrate these details.

In response to R. Simeon ben Eliakim's difficult question, R. Eleazar says, "Do you ask me in the study house about a matter which former scholars did not explain in order to shame me?"⁷⁴ We do not know whether Eleazar answers Simeon's question correctly, incorrectly, or at all. Yet Eleazar's rhetorical response suggests not only that asking provocative questions was fraught if not dangerous in intellectual environs; it also suggests that the question did not actually shame him, for had he been ashamed, he—like most other humans—would have opted to hide intellectually by masking his ignorance through obfuscation or digression. Rather, he confronts his interlocutor with a metaquestion about intent that inspires a sense of self-regard in the interlocutor.⁷⁵ Eleazar's response bespeaks of anticipated public shame resulting from unwillingly exposed ignorance.

Similarly, R. Ḥiyya rebukes Rav for asking Rabbi Judah HaNasi a difficult question by saying, "Did I not say to you that when Rabbi is occupied with one tractate you should not ask him about another tractate. Perhaps he will not be acquainted with it. Were Rabbi not a great man, you would have shamed him, for he would have taught an incorrect teaching. In this case, however, he taught you correctly."⁷⁶ Again, shame is not actually experienced but anticipated, or more precisely, projected. Whatever shame Rabbi might have experienced from a particularly difficult question is hereby deflected onto Rav by Ḥiyya. This occurs with Ḥiyya's opening rhetorical question: "Did I not say to you ... ?" Like Eleazar's retort, this rhetorical device shoves shame back toward the provocateur.

A third story depicts R. Shimon ben Gamliel defending himself against rabble-rousing members of the academy, who want him deposed as the Nasi. They plot to ask Shimon about a tractate he has not studied. A colleague overhears their plot and realizes that their intention is to shame Shimon publicly in the academy. He sets about that night teaching Shimon the tractate in question, and Shimon, surprised to hear Talmud being taught aloud behind him while at home, realizes that something is afoot and concentrates on what is being taught. The next day the rabble-rousers ask their question and, to their surprise, Shimon deftly answers. Shimon then concludes by saying, "Had I not familiarized myself with this material, you would have shamed me!"⁷⁷ Again, shame is

73. Rubenstein, "The Bavli's Ethic of Shame"; *The Culture of the Babylonian Talmud*.

74. BT Baba Batra 81a–b. The parallel in the Yerushalmi lacks the element of shame (YT Bik-kurim 1.8/64d).

75. On self-regard, see Nussbaum, *Upheavals of Thought*, 196.

76. BT Shabbat 3b. Translation by Rubenstein, *The Culture of the Babylonian Talmud*, 74.

77. BT Horiyot 13b–14a.

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anticipated but not experienced by the target of the plot. Rather, shame is deflected back upon the provocateurs insofar as they are the ones who are removed from the academy, not Shimon. What this story adds is that solid knowledge can protect against shaming attacks.⁷⁸

Conversely, mastery of material is not always sufficient to protect a sage from shame. Rava's students interject against his ruling on a particular case and thereby shame him.⁷⁹ As Barry Wimpfheimer astutely argues, Rava is ashamed not because he is wrong and made aware of this error, but because his students recognize the reasoning behind his error and have made him aware of his now legal antiquation.⁸⁰ Wimpfheimer concludes that "Rava has knowledge, but does not know what he knows—he has knowledge that he does not master." Knowledgeable as he is, Rava is nevertheless unable to hide his incomplete mastery from his students. He fails to sustain the facade of an unblemished scholar and legist, and he knows it. Thus, Levinas's definition: "shame arises each time we are unable to make others forget our basic nudity. It is related to everything we would like to hide and that we cannot bury or cover up"—now seems apt.⁸¹

A strong rabbinic preference to anticipate shame and hide intellectual limitations certainly exists.⁸² Rubenstein is thus right to identify in rabbinic culture the practice of squelching difficult questions. This observation points to the underlying inclination to avoid unearthing ignorance and, as in Rava's case, the explicit reluctance to become a legal relic before one is ready. And yet for the most part the shame the rabbis construe in these texts is not that of the to-be-exposed sage but that of the interlocutor. The interlocutor is repeatedly met with rhetorical questions about intent, suggesting that in the rabbinic mindset the one who seeks to shame ought to be ashamed. The rabbis do not think shame is so horrendous that none should experience it; indeed, the interlocutor confronts shame in the rhetorical mirror. Rather, the rabbis' view is that shame is such a powerful injury, tool, and emotion that inflicting and deploying it must be carefully executed by rightful authorities for proper intentions. For the most part, shaming backfires: The emperor's new clothes are not found lacking on the master but on the uppity provocateur.

Substitution

The provocateur is not always denuded publicly. In a fascinating *sugya*, the great sage Shemuel HaKatan ascends to an upper chamber when Rabban Gamliel asks for colleagues to assist in intercalating the calendar. Although Gamliel

78. A possible exception suggests the rule. Solid knowledge may not always anticipate or deflect shame, as depicted in the story of David being embarrassed by his study partners who asked him about the laws of punishing adulterers and he responds accurately. Yet this story refers to *malbin pnei haveru b'arabbin* (see above), not *bushah* or its cognates. See BT Sanhedrin 107a and discussion in Rubenstein, *The Culture of the Babylonian Talmud*, 77ff.

79. BT Baba Mezia 97a.

80. Wimpfheimer, "'But It Is Not So,'" 67.

81. Levinas, *On Escape*, 64.

82. This might be akin to Williams's notion of proactive shame.

requests seven scholars to join him, eight arrive. He asks, “Who is it that came up without permission? Let him go down.” Shemuel HaKatan arises and says, “It was I who came up without permission; my object was not to join in the intercalation but because I felt the necessity of learning the practical application of the law.” Gamliel urges him to sit and stay because he is indeed a great sage and worthy to participate in such deliberations. The Babylonian *stam* adds, “But in reality it was not Shemuel HaKatan but another [who was uninvited]; he only wished to save the intruder from shame.”⁸³

The *stam*’s late moral aside, it appears that Shemuel stands to assume responsibility. His intelligible explanation for his presence—to learn how the law is applied—fails: Gamliel does not want him merely to observe the group’s deliberations but to be an active contributor therein. This disagreement flusters neither man; indeed, they know each other well and are familiar with the other’s eminent qualifications.⁸⁴ Both Shemuel and Gamliel know that Shemuel belonged in the chamber; thus both know that the real culprit has yet to identify himself. Insofar as the text does not say if Gamliel waits until the interloper descends, it is reasonable to assume that he begins the group’s calculations with all eight guests.

Shemuel’s failed explanation yet successful diversion is nothing but a lie, and he and Gamliel both know it. Shemuel lies so as to prevent the real intruder from identifying himself to the group and being publicly shamed. This incident becomes a proof-text for a medieval midrash permitting lying to save another from shame.⁸⁵ Even though Shemuel’s well-intentioned dissimulation saves the true interloper from public shame, it nonetheless does not prevent that person from experiencing private shame. Surely the intruder knew his ascent to the chamber was unwelcome, and now he witnesses the great Shemuel lie on his behalf. Whatever his original intentions might have been in joining the group can now only appear bizarre if not unjustifiable in the light of Shemuel’s generosity of spirit. Aware of his new indebtedness to Shemuel for taking the heat, the intruder probably burns inside with shame because he all but causes a sage not only to lie but to lie among such esteemed peers.

We may be tempted, then, to read the *stam*’s blatant moral, “Shemuel only wished to save the intruder from shame,” as saying that Shemuel felt shame in lieu of the true culprit. That is, Shemuel voluntarily took on shame rightfully belonging

83. BT Sanhedrin 11a. See a parallel version, without the concluding moral, at YT Sanhedrin 1.2/18c. See analysis of this *sugya* in Rubenstein, “The Bavli’s Ethic of Shame,” 27ff and Rubenstein, *The Culture of the Babylonian Talmud*, 67ff.

84. Each was a first-century Palestinian sage and famous for his mastery of Jewish law. In the Soncino manuscript of the Talmud, after Shmuel admitted he was the interloper only to learn law, Gamliel replied, “O Eldad and Medad [Numbers 11:26, who were worthy of God’s spirit alighting upon them], all Israel knows that if I had ordered that only two should enter, you would have been one [of them] to enter.” BT Semahot 47a/8.6 (Soncino edition).

85. R. Yehudah ben Shmuel HeḤasid (1140–1217), *Sefer Ḥasidim*, 642. BT Yevamot 65b says that it is permissible, and even a commandment, to modify a statement in the interest of peace (*leshanot bidavar hashalom*).

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to another, but this misses the target. The intruder probably did feel shame, especially private shame, the shame that burns through any attempt to hide from oneself, to excuse oneself from one's being. He cannot separate himself from that self who earlier justified his presence where uninvited and, moreover, did not take responsibility for his presence. He cannot but stand in solidarity with his earlier self, a self he would rather cover up or deny: He must stand in his own private shame.⁸⁶ If, conversely, one reads in this story that the culprit felt no shame whatsoever, then it is plausible to argue that he acted out of shamelessness.⁸⁷ Were the culprit truly shameless, nothing Gamliel or Shemuel could have done would have shamed him. His indifference to the opinion of others and also of himself would protect him from any semblance of shame. If this were the case, the *stam*'s moral would be moot. But since the *stam* felt it necessary to add the moral about protecting another from public shame, it is reasonable to conclude that the *stam* understands that the culprit feels shame privately.

The *sugya* continues with two further illustrations of attempted substitution. As he lectures one night, Rabbi Judah haNasi smells garlic and asks the malodorous individual to leave. R. Ḥiyya arises and leaves, and then all the other disciples leave. The rabbi's son confronts Ḥiyya the next day to inquire if he indeed had eaten garlic and displeased his father. Ḥiyya retorts, "Heaven forefend that such a thing should happen in Israel." Next, a woman comes to R. Meir's *beit hamidrash* and says, "Rabbi, one of your school has taken me to wife by cohabitation"—implying that she desired a *get* (a divorce document). Meir arises and gives her a *get*, after which all the other students provide her *gittin*. The *sugya* asserts that Ḥiyya learned to voluntarily take on another's shame from Meir, and Meir from Shemuel HaKatan, and Shemuel from Shecaniah the son of Jehiel in the Book of Ezra, and Shecaniah from Joshua, and perhaps even as far back as from Moses himself.⁸⁸ At one level, all these incidents valorize voluntarily protecting others from public shame, yet at another level they suggest that true offenders rightfully suffer private shame for voluntarily doing something

86. "It is not merely that I have seen myself, or that my own licentiousness comes home to me at last, but that in that event—as the very possibility of having seen this about myself—I am exposed to the other, to what I cannot incorporate into myself or account for, and without possibility of either covering myself up or denying that it is me": Jeffrey Bloechl, *Liturgy of the Neighbor: Emmanuel Levinas and the Religion of Responsibility* (Pittsburgh: Duquesne University Press, 2000), 115–16. "Shame is founded upon the solidarity of our being, which obliges us to claim responsibility for ourselves": Levinas, *On Escape*, 63.

87. Spinoza and Aristotle consider shamelessness an indignity the obverse of modesty, and it is not an emotion per se. See Spinoza, *Ethics*: E3P30N. In the sixth chapter of *On Rhetoric*, Aristotle defines shameless as "contempt or indifference" in regard to bad things that spark shame. The rabbinic term for shamelessness would probably be *azut panim*—arrogant-faced people—which would appropriately be a converse to the notion of shamefacedness. Indeed, R. Judah ben Tema juxtaposes such people to those who are *boshet panim*, and asserts their ends are Gehinom and Gan Eden, respectively. M. Avot 5.20.

88. BT Sanhedrin 11a.

that they know, especially retrospectively, is inappropriate.⁸⁹ In this way, the offender becomes ashamed of his shame.⁹⁰

Put in Levinasian terms, no matter how hard one tries, substitution ultimately fails. This is because one can never completely abscond from oneself. Nor can one completely stand in lieu of another who is not just an other but an other even to himself for he desires but is not able to escape his shame.⁹¹ In this way, private shame reflects upon and reinforces the fact of personal solidarity. Put differently, public attempts to save another's face may prompt internal defacement, an internal sense of defilement.

Shame's Virtues

Intertwined within these legal and ethical rabbinic perspectives on shame are reflections on shame's virtues. For example, the Talmud imagines King David telling the Gibeonites just how special Jews are. He says Jews are distinctive because they are merciful, ashamed, and benevolent—traits given to them by God.⁹² Furthermore, he says, only those who cultivate these three characteristics are fit to join the nation. While this assertion has implications for conversion, it nonetheless points to the fact that the rabbis view shame as a virtue, albeit one among many, and a virtue necessary for Jewish membership.

Elsewhere, talmudic sages assert that there is a substantial difference between shaming oneself and being shamed by others.⁹³ In this view, shame can be self-activated and others need not be involved at all. This view is reinforced by Rav's teaching, "If one commits a transgression and is ashamed of it, all his sins are forgiven him."⁹⁴ No one else must be aware of one's transgression or shame. Furthermore, such private shame is so efficacious that all one's other sins are pardoned as well. Does shame redeem even as it damns?

Insofar as privately constructed shame is preferable to public shame, might the rabbis hereby imply that the psyche incorporates an aspect that reflectively evaluates the self? This proposal is taken up in earnest by a midrash that says, "It is the heart which puts a man to shame because the heart knows what it has

89. As noted above, Aristotle says that shame is caused by voluntarily doing something such as a base action. Sometimes private shame is insufficient. In its discussion about parental duties to support one's children, the Talmud depicts R. Hisda calling for a mortar to be overturned in public upon which a father who refuses to support his children must stand and declare, "Even a raven cares for its young, but I do not care for my young" (BT Ketubot 49b). According to Telushkin, *A Code of Jewish Ethics*, 296, Hisda "reasoned that a father who refuses to support his children forfeits his right to be treated as a normal human being. Rabbi Chisda also hoped that this threat would motivate the man to do his duty and provide for his children."

90. See Virginia Burrus, *Saving Shame: Martyrs, Saints, and Other Abject Subjects* (Philadelphia: University of Pennsylvania Press, 2008), 1.

91. More on desire and shame below.

92. BT Yevamot 79a; YT Kiddushin 4.1/2a; YT Sanhedrin 6.7/23d. See also Devarim Rabbah, 3.4; Bamidbar Rabbah, 8.4.

93. BT Ta'anit 15b–16a; BT Sanhedrin 42a. A tradition in *Derekh Eretz Zuta* 2 says that it is better to be put to shame by oneself than it is to be put to shame by others.

94. BT Berachot 12b.

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done and is ashamed of itself.”⁹⁵ In rabbinic literature, the heart serves as the source of intellection; here, the reflective heart is both subject and object of shame. The reflective heart simultaneously shames as well as serves as the source inspiring that shame. Insofar as the self-critical heart knows itself, shame too is aware of itself, and being self-aware, reifies itself.⁹⁶ In a sense, shame learns from itself.

As every human intellect is the agent and provocateur of shame, shame is inescapable. According to Maimonides, when the self recognizes its inescapable embodiment, it struggles against self-repugnance and seeks to diminish this feeling of self-shame.⁹⁷ The self chafes against itself in its very learning of why it rightfully deserves shame.⁹⁸ This reflexive intensification of shame teaches the self both *that* it deserves shame and *how* to avoid its shame. Even as shame shames the self, shame teaches and learns its own undoing.⁹⁹ As the Talmud says, “every person who is ashamed will not quickly sin.”¹⁰⁰ Shamefulness may decrease the propensity for wrongdoing, but does not eliminate it completely. The self, even the ashamed self, ever retains the capacity to deserve shame. Even as shame tries desperately to disassociate itself from its materiality or whatever it was, is, or will be that inspires shame, shame further entangles itself with that which is shameful. Shame cannot escape itself, nor can the self escape shame.

Shame’s self-entrapment, or as Levinas might say, its being hostage to itself, leads Maimonides and other scholars to assert that shame involves an internal evaluative audience—over and above the obvious external evaluating audience.¹⁰¹ This internal moral gaze evaluates and elevates that which should be aspired to and, conversely, demotes that which should be avoided. The perfect man, Maimonides says, understands that this internal moral gaze watches eternally and, to

95. M. Tehillim 119:29.

96. This differs dramatically from guilt, which is not self-aware. See discussion in note 1 in Williams, *Shame and Necessity*, 219ff. Nausea, too, is not self-conscious. See Levinas, *On Escape*.

97. “Whenever the impulses of matter impel such an individual toward the dirt and the generally admitted shame inherent in matter, he feels pain because of his entanglement, is ashamed and abashed because of what he has gone through, and desires to diminish this shame with all his power and to be preserved from it in every way,” *Guide*, 3:8/432.

98. “Following from the shame that confronts me with myself such that I cannot escape or deny it, there can ensue a struggle with that identification, or rather within it... Without the possibility of either escape or acquiescence, I am, most profoundly, an antagonism. I chafe at my own profile.” Bloechl, *Liturgy of the Neighbor*, 117.

99. Hunt argues that this self-reproaching aspect of shame ultimately debilitates. He concludes that shame, in a way, is self-defeating. See Lester Hunt, “Nussbaum on the Emotions,” *Ethics* 116 (April 2006): 562.

100. BT Nedarim 20a. Repeated in Yalkut Shimoni, Yitro, 301, and in R. Abraham ben Isaac’s (Narbonne, twelfth century) *Sefer HaEshkol*, *Hilakhot Tzniyut* 35b. See also *Mekhilta d’Rebbi Ishmael*, Yitro 9; *Mekhilta d’R. Shimon Bar Yoḥai* 20:17. Conversely, M. Shemuel 28.7 says the sign of shamefulness is that one does not sin (at all).

101. On Maimonides, see Stern, *Freedom and Moral Responsibility*. See also Williams, *Shame and Necessity*. Bloechl, *Liturgy of the Neighbor*, 118, says, “feeling ashamed means having to accept a self one would otherwise not have seen (and now would no doubt like to forget).” The internal audience not merely gazes upon the self, but simultaneously rejects (i.e., evaluates negatively) that which is seen.

avoid self-loathing, comports himself so that there is consistency between his private and public affairs. Hence Maimonides considers that shame is coincidental to humility, as well as to other virtues such as awe, fear, and reverence of God.¹⁰²

Shame is lauded for its personal virtues as well as for its public value. When the rabbis brainstormed reasons why Jerusalem was destroyed, Ulla opined: “Jerusalem was destroyed only because [its inhabitants] were not ashamed of each other.”¹⁰³ He cites Jeremiah’s prophecy that God will destroy Jerusalem because of the people’s insolence, violence, and indifference to divine instruction. “Are they ashamed of their loathsome actions?” Jeremiah inquires. “No, they have no shame at all. They do not even know how to blush. So they will fall among the fallen, and they will be brought down when I punish them, says Adonai.”¹⁰⁴ Had the Jerusalemites demonstrated sufficient shame for their own and each other’s waywardness, God might have relented from destroying the city. Unlike the idea of a communal gaze shaming individuals, here the internal evaluative gaze functions collectively. Ulla’s opinion suggests that shame has social value beyond personal improvement; it can build social cohesion and orient a community toward sufficient uprightness to deserve protection.

SHAMEFUL PARADOXES

Rabbinic ambivalence about shame is now readily apparent. The rabbis understand shame to be simultaneously personal as well as communal. It can be legally enforceable and ethically transgressed. Shame has procedural implications and character applications.¹⁰⁵ It can promote social cohesion, just as it can further divisiveness, marginalization, and isolation. For better and for worse, life is embroiled in shame and shame in life. This observation fuels rabbinic opinion that shame deserves avoidance even though shame is ultimately inescapable.

Shame is at once instilled in Jews as a gift from God and is also something that only God can erase. Recall R. Simeon ben Ḥalafta’s blessing, “Let it be God’s will that you shall not shame others and others shall not shame you.”¹⁰⁶ Just as a *shameful* life—that is, a life full of reverence for God—is a divine gift, so too is a *shameless* life: A shameless life is one granted by God. Indeed, in the *Ahavah Rabbah Ahavtanu* prayer recited many times daily, Jews seek divine intervention so that “we never be shamed.”¹⁰⁷ Human agency appears irrelevant insofar as God is the sole agent granting and relieving shame. The human pursues shamelessness

102. *Guide*, 3:52/629. He returns to the theme of excrement: such men strive so that “their secret conduct with their wives and in latrines is like their public conduct with other people.” See also Stern, *Freedom and Moral Responsibility*, 263.

103. BT Shabbat 119b; Yalkut Shimoni, Yermiyahu, 276.

104. Jeremiah 6:15.

105. See Jonathan Wyn Schofer, *The Making of a Sage: A Study in Rabbinic Ethics* (Madison: University of Wisconsin Press, 2005) for another study of the interrelationship of procedural and character ethics in Judaism.

106. BT Moed Katan 9b.

107. The prayer welcomes divine instruction (“open our eyes to Torah”) so that *ule’olam lo nevosh* (“we are never ashamed”). In *Siddur Rav Amram Gaon*, one admits that one is like a vessel

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in paradox. On the one hand, a completely shameless or blameless life is a divine gift and is commendable, but it is, as such, unnatural. On the other hand, a life so devoid of shame—a *shameless* life in which one does not care about the ramifications of one's actions—is a life so wicked that it cannot be transformed through the self-conscious self-transcendence that shame brings about. Such a shameless or wicked life is, for the most part, natural and condemnable. Pursuing shamelessness is a paradoxical task that navigates between natural impulses toward wickedness and unnatural aspirations toward righteousness. Achieving complete shamelessness is therefore found only at the extremes, in either the absolute rejection of God in favor of humus, or earthy materiality, or in the absolute rejection of all physicality in favor of purely humble, or ethereal, spirituality.¹⁰⁸ Regardless of which end of the proverbial shameless spectrum one pursues, it is human agency and not God that inspires and deserves shame and through shame is transformed toward one end or the other. God may be the source and *telos* of shame, but shame functions in and through the human.

Embedded in the paradox of pursuing *shamelessness* is the paradox of inculcating the virtue of *shamefulness*. In these and other texts the rabbis, following prophetic models, rail against individuals who demonstrate hubris or engage in wayward behavior. They even criticize those who are not sufficiently shameful. Take, for example, the uninvited interloper. Shemuel HaKatan's deception may not have publicly shamed the individual in question, but it assuredly inspired private shame. Shemuel's action covertly shamed the one who was not sufficiently ashamed. That is, inculcating the virtue of shamefulness sometimes—or perhaps all the time—requires filling someone or oneself with shame. Becoming appropriately and sufficiently shameful, and thus knowing and doing what is necessary to avoid shame (that is, to be *shameless*), paradoxically involves being shamed and ashamed. Pedagogically speaking, shame simultaneously teaches the ashamed individual what caused shame in the first place, and shame learns from its self-consciousness how to avoid exacerbating or inspiring shame now and in the future. Or, as Aristotle (or Levinas) might say, self-conscious shame finds itself allergic to itself and in its growing self-awareness becomes sick of or embarrassed about its very existence; it seeks its own demise. Shame shames itself to undo itself.

Shame seeks its own end even as it breeds its own beginning. The rabbis interpret the biblical verse, “that the fear of God may be before your faces,” to mean that the Israelites at Mount Sinai were shamefaced.¹⁰⁹ The verse continues,

full of shame and humiliation: *v'harei ani lefanekha k'khlei malei bushah v'khlimah* (found in the section *Seder Tefillah* for a new month).

108. Moshe Halevi Spero, *Judaism and Psychology: Halakhic Perspectives* (New York: Ktav 1980), 196, in a Freudian move, claims that “neurotic shame ... [is] often rooted in unresolved adolescent rebellion in which the authority of the father, earthly or divine, is rejected in all its manifestations.” Yet Spero does not see any way for shame to have either prosocial or proreligious aspects.

109. Exodus 20:17. BT Nedarim 20a. See also M. Tehillim 1.10. The term *shamefaced* is used here to echo the Exodus verse that speaks of God being before the people's faces. See commentary by Ran, BT Nedarim 20a, s.v., *melamed shebushah*.

“so that you will not sin,” which to the rabbis means that shamefulness leads to fear of sin. Indeed, an old saying goes, “It is a good sign when a man is shame-faced.”¹¹⁰ Fear of sin differs from Rav’s teaching that shame pardons one’s sins. Whereas Rav believes that shame retroactively redeems one from the repercussions of one’s waywardness, this talmudic text construes shame as a prophylactic: Shame proactively keeps waywardness at bay. By learning how to fear sin, we become increasingly empowered to identify that which is or should be inappropriate.¹¹¹ Because shame sharpens our moral sensitivities, it is necessary and beneficial for righteous living.¹¹² Shame makes us morally savvy so that, by avoiding sinfulness, we rely less upon it—hence shame’s self-producing and self-eliminating dynamic. This is perhaps one reason why the wicked could not escape their downward trends: Diminished senses of shame breed insufficient fear of sin that would protect against further transgression. Conversely, excessive shamefulness—being too afraid to do anything untoward—undermines attempts toward righteousness: Being too ashamed can debilitate as much as being too shameless.

Levinas similarly connects shame and righteousness or ethicality, but he does so by challenging the notion that the susceptibility to sin or a morally bad act is shame’s foundation.¹¹³ When he says that “the Other ... is desired in my shame,” he means that desire conditions shame.¹¹⁴ Desiring an Other is “the welcoming of the Other, the commencement of moral consciousness, which calls in question my freedom.”¹¹⁵ Insofar as desire—by definition and by experience—can never be satiated¹¹⁶ or fulfilled, welcoming the Other, who can never be completely recognized, remains an ever uncompleted task and condition. Attending to the Other’s incomprehensible presence is thus an infinite and infinitesimal obligation in each and every moment, and this immense responsibility uncovers to me my role as “usurper and murderer”—for I am not fulfilling my obligations and it “provokes my shame.”¹¹⁷ For this reason, Levinas says “the Other measures me with a gaze incomparable to the gaze by which I discover him,” as ultimately, “the Other is metaphysical.”¹¹⁸ This metaphysical Other, “a privileged heteronomy,” thus invests my freedom with shame, for it is when I stand in solidarity with my being that I claim responsibility for myself.¹¹⁹ My shame, then, is my experience of my moral responsibilities toward the Other and for myself,

110. BT Nedarim 20a; Yalkut Shimoni, Yitro, 247.

111. This corroborates Spinoza’s definition of a “sense of shame.” *Ethics*, 3, Definitions of the Affects, 31/Exp, II/191, p. 194. See reference to Spinoza at note 8, *supra*.

112. Richardson, “Legal Shame,” 9, says that the human struggle is “to maintain the status of one with the capacity to feel shame, but to behave in such a way so as to avoid feeling shame.”

113. See Levinas, *On Escape*, 63.

114. Levinas, *Totality and Infinity*, 84.

115. *Ibid.* And a bit further on, “The welcoming of the Other is ipso facto the consciousness of my own injustice—the shame that freedom feels for itself” (86). See discussion in Ehman, “Emmanuel Levinas,” 142.

116. See Levinas, *Totality and Infinity*, 117, 129.

117. *Ibid.*, 84.

118. *Ibid.*, 86–87.

119. *Ibid.*, 88. See also Levinas, *On Escape*, 63.

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responsibilities that I can never fully complete but nonetheless am obliged to.¹²⁰ And insofar as God—the ultimate Other (*illeity*)—is inescapable, my shameful-ness is also inescapable.¹²¹

As Levinas construes shame to be necessarily ineliminable, so too do the rabbis understand shame to be quintessential to Jewish existence. The *sugya* mentioned just above continues to say that in regard to “the one who is not shamefaced, it is certain that his ancestors were not present at Mount Sinai.”¹²² The fourteenth-century legist R. Nissin ben Reuven of Gerona links this idea with the Deuteronomic¹²³ insistence that those who stood at Sinai included all subsequent generations, meaning that anyone born from someone who is not shamefaced also lacks shame.¹²⁴ A generation later, R. Simeon ben Zemeḥ Duran added that anyone who was insolent did not stand at Mt. Sinai.¹²⁵ This line of reasoning does more than reinforce David’s assertion that shame is a necessary virtue for membership in the Jewish community. Indeed, as Jews and Judaism hearken to Mt. Sinai as the pivotal moment in Jewish moral and spiritual maturation, shame is the hinge upon which all turns. What action might have brought shame to the ancient Sinai community? Could it have been the golden calf? If so, the shameful-ness produced by this egregious act of idolatry is paradoxical—less than precluding the ancient community from revelation, it prepared them for it.¹²⁶ Insofar as all subsequent generations, including the rabbis of old and today, venerate that ancient ashamed community as much as the traditions they transmitted forward in time, might we say that the rabbis are proud of their shameful heritage? Could it be that Judaism generally cannot but take pride in shame?¹²⁷

This perhaps surprising paradox is less revolutionary than redemptive. It does not claim that Judaism was or is a tradition that revolves solely around shame. Rather, this study strives to demonstrate that rabbinically construed shame has both legal and ethical dimensions, personal and communal applications, intellectual and spiritual implications. Perhaps alongside other elements of human existence, shame is that which connects the totality of Jewish life. Judaic ambivalence toward shame reflects and reinforces the rabbis’ inability to conceive of a life—righteous or wicked or anywhere in between—that does not relate to shame in some way or another. Whereas Aristotle encourages the erasure of shame altogether, rabbinic ambivalence about the inescapable

120. It is curious that Levinas links morality with emotion and not cognition when he says, “Morality begins when freedom, instead of being justified by itself, *feels* itself to be arbitrary and violent.” Levinas, *Totality and Infinity*, 84; emphasis added. Pirke Avot 2:16 also teaches that though a task is great, one is not free to abscond from responsibility for it.

121. Levinas, *Otherwise Than Being*, 128.

122. BT Nedarim 20a. See also YT Kiddushin 4.1/65b. This phrase is repeated more than twenty times in rabbinic literature.

123. Deuteronomy 29:14.

124. Ran, BT Nedarim 20a, s.v., *lo amdu avotav ‘al har sinai*.

125. *Magen Avot L’Rashbaz*, 5.27.

126. Recall Maimonides’ MT Hakdamah epigraph that shame precedes “regarding all Your commandments.” See note 4, *supra*.

127. Obviously, it is possible to be shamefully proud, that is, to manifest hubris.

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prevalence of shame suggests both that shame is ineliminable and that it invests life with purpose, with meaning. It would be a disservice, then, to contemporary Jews, and it would be dishonest to the Judaic textual tradition were we to put aside, belittle, ignore, or erase these shame-full texts or their overarching concerns. The fact that the rabbis understand shame to be integrated into most every aspect of human existence, and that they consider shame so critical to Jewish spirituality as to ensconce it in daily liturgy—bespeaks of a humble acknowledgment, a pride even, of shame’s importance to meaningful Jewish life.

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