YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Halakha in the Age of Social Media**

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**Shiur #22:**

**The Dangers of the Shame Storm**

**Public Humiliation in Halakha**

**Part I**

**The Destructive Power of Social Media: Several Cautionary Tales**

In the last several *shiurim*, we have explored the principles that justify or mandate weaponizing information to solve a social or religious problem. However, while these exceptional cases require more extensive analysis than the standard ones, this does not change the fact that in most cases, sharing negative information about people is prohibited and constitutes a host of biblical violations, whether they be classified as *lashon ha-ra* or more generic prohibitions such as *ona’at devarim* (the prohibition against hurting people with words).

Additionally, *Chazal* have particularly harsh things to say about people who embarrass others publicly. In any case where sharing such information on social media is illegitimate, one can only imagine how egregious *Chazal* would have considered this sin. This is true even in cases in which the information being shared is true, as it is still *lashon ha-ra.* Additionally, as Rav Daniel Feldman points out and we cited, even when a particular fact is technically true, that does not mean that the picture it will cause people to paint is an accurate portrayal of the person’s entire personality. This problem is acutely dangerous on social media.

Recently, several articles have been written which focus on these issues. They have commented on how social media has created a culture which encourages shaming people for indiscretions, real or imagined, often out of proportion to the gravity of the crime; and the consequences are grave. For example, David French recently wrote about one case of social shaming:

When you think of the sheer vindictiveness of what happened to Oklahoma quarterback Kyler Murray, it takes your breath away. On the very night of his greatest career triumph, a reporter dug up his old tweets (composed when he was a young teenager), reported on the most offensive insults, and immediately and irrevocably transformed his online legacy. Now he’s not just “Kyler Murray, gifted quarterback and humble Heisman winner,” but also the man who was forced to apologize for his alleged homophobia. And for what purpose? Which cause did the reporter advance? Where was the cultural gain in Murray’s pain?

And he’s but the latest victim of a malicious online world that seeks to destroy people in the moment of their triumph. It’s happened to athletes, to entertainers, and even to “regular” folks who enjoy the slightest bit of fame or acclaim in the public eye. It’s almost a joke at this point — when are we going to find out that this person who did this wonderful thing is actually terrible on Facebook or dreadful on Twitter?

The incidents happen so fast, and the firings are so quick, that they start to blur together. Can you remember November’s victims? October’s? Who lost their jobs this summer? Who was forced to apologize this spring?

**Well, if you can’t remember, I can assure you that the victims do, and the experience transforms their lives. (Emphasis mine)[[1]](#footnote-1)**

As Rav Feldman notes, even when the information is true, the image that individual facts project to the world, especially through social media, is unfair. Even more so, the “guilty” party may have changed. However, the nature of social-media shaming is that it does not take this into account. It is unforgiving.

Furthermore, the problems French outlines reflect the same sentiments that the *Chafetz Chayim* presents in several of his conditions for *to’elet*: specifically, the consequences of the shaming are out of proportion to the “crime”, the “crime” and its gravity seem to have been exaggerated, there is no justifiable reason for publicizing the indiscretion — and even if there were, I would add, no attempt was made to achieve that goal without the *lashon ha-ra.*

French continues to capture another concern of the *Chafetz Chayim.* The *Chafetz Chayim* argues that one should first rebuke the sinner to see if he or she will change his or her ways. As French notes, in many cases public shaming happens even after the person has repented, which from a halakhic perspective makes the shaming superfluous, meanspirited and forbidden:

Take any given controversy, and you’ll usually find that the person at the center isn’t proud of what they did. They wish they hadn’t done it. At some level, the person at the center of the shame storm is also ashamed of themselves.

But then, in this terrible new world, *you can’t ever shake the wrong thing you did*. Never. It clings to you. It defines you. It becomes, to some people, the entirety of who you are.

French further notes the possibility that the fury and intolerance present in the culture created by smartphones and easy access to social media may have contributed to the increase in teen depression and suicide, a possibility raised by Jean M. Twenge in her provocatively titled “Have Smartphones Destroyed a Generation?”[[2]](#footnote-2)

Helen Andrews recently wrote about her own experiences in an aptly-named article, “Shame Storm.”[[3]](#footnote-3) She describes the beginning of her ordeal as follows:

In October 2010, I appeared on a panel to promote a book of essays by young conservatives, *Proud to Be Right: Voices of the Next Conservative Generation*. The moderator was Jonah Goldberg. One of the other panelists was my ex-boyfriend Todd Seavey. During the Q&A, Todd launched into a rant about my personal failings. He accused me of opposing Obamacare on the grounds that it would diminish human suffering, which allegedly I preferred to increase; of wanting to repeal laws against fistfights for the same reason; of being a sadistic and scheming heartbreaker in my personal life; and of generally living according to a “disturbing” and “brutal” set of values. For three minutes and forty-five seconds, which, unfortunately for me, were captured on film for broadcast two weeks later on C-SPAN2, he made an impassioned case that I was a sociopath.

In her piece, Andrews admits that she was less than an ideal girlfriend to Todd. However, his accusations were exaggerated and made from a place of pain. As the *Chafetz Chayim* notes, *lashon ha-ra le-to’elet* should be shared out of a sense of responsibility, not vindictiveness, which was clearly the case here. Andrews then discusses the repercussions of this video, which she describes as a “shame storm”:

I braced myself for the broadcast. Maybe no one would notice? Within minutes, the offending clip had been posted on YouTube, where it got half a million hits in the first forty-eight hours. It made the evening news on Washington’s Fox affiliate. Greg Gutfeld did a segment about it on *Red Eye*. It was written up in Gawker, the *Washington Post*, Talking Points Memo, and a hundred lesser sites, and then written up again when Todd expanded his remarks about me into a ­series of blog posts on his personal website.

Andrews writes that the follow-up was so bad that she accepted an offer from her new boyfriend, now husband, to move to Australia. However, even then, as we mentioned in a previous *shiur*, that was insufficient:

Moving to the other side of the world did not diminish the video’s place in my life as much as I thought it would. It was still the first result when you Googled my name, which presumably is one reason I couldn’t find a job for the first eighteen months. Eventually, I found a position at a think tank. When I released my first report, an Australian MP tweeted a link to the video and asked why anyone should care about this nutcase’s opinions on regulation. Even after I got married and took my husband’s last name, the video still popped up on social media when I did a TV appearance or had an op-ed in the paper. In 2017, when I moved back to Washington, D.C., and started meeting some of the younger writers in town, it took them less than a week to find the clip and ask me about it. Most of them had been in high school when it happened.

Andrews adds one more point that fits with many of the values we have explored in the previous *shiurim*. Deciding what is *to’elet* is difficult. This is especially hard on social media:

The more online shame cycles you observe, the more obvious the pattern becomes: Everyone comes up with a principled-sounding pretext that serves as a barrier against admitting to themselves that, in fact, all they have really done is joined a mob. Once that barrier is erected, all rules of decency go out the window, but the pretext is almost always a lie. Matthew Yglesias once claimed that the reason he mocked David Brooks for his divorce was because Brooks had written columns about the social value of marriage, but I do not believe him. He did it because it’s fun to humiliate your political opponents.

Towards the end of her article, Andrews makes a similar point to that of Rav Stav and Rav Navon: the dangers inherent in using social-media or internet shaming do not make it illegitimate. It just means that this technique should be used as rarely as possible, especially as it is seldom productive, and it remains in the public sphere forever:

The solution, then, is not to try to make shame storms well targeted, but to make it so they happen as infrequently as possible. Editors should refuse to run stories that have no value except humiliation, and readers should refuse to click on them. It is, after all, the moral equivalent of contributing your rock to a public stoning. We should all develop a robust sense of what is and is not any of our business. Shame can be useful — and even necessary — but it is toxic unless a relationship exists between two people first. A Twitter mob is no more a basis for salutary shaming than an actual mob is for reasoned discussion. That would be true even if the shaming’s relics were not preserved forever by Google, making any kind of rehabilitation impossible.

**The Gravity of Public Humiliation in Halakha**

Thus, we must take into consideration that public humiliation, especially in our world connected by the internet and all forms of social media, can destroy lives and, in some cases, literally lead to suicide. This may help us understand some of the sentiments expressed by *Chazal* which equate embarrassing people publicly with murdering them. The central presentation of this law is part of a broader discussion in *Bava Metzia* about the prohibition of hurting people using words, *ona’at devarim.* The specific prohibition to embarrass people is derived from *Vayikra* 19:17:

You shall not hate your kinsfolk in your heart. Reprove your kinsman but incur no guilt because of him.

[Rashi (ibid](https://www.sefaria.org/Rashi_on_Leviticus.19.17.1).) summarizes the interpretation by *Chazal* in several places (*Sifra, Kedoshim*, 4:8; *Arakhin* 16b) that even though offering rebuke is a mitzva, this does not, in most cases, legitimate doing so publicly in a way that embarrasses the sinner:

Though rebuking him you shall not expose him to shame (lit., make his face grow pale) in public, in which case you will bear sin on account of him.

In *Pirkei Avot* (3:11), we learn that if one does violate this prohibition, despite many merits that the rebuker may have, he or she loses his or her share in the World to Come!

Rabbi Elazar of Modi'in says: One who profanes the *Kodashim* (sacred material); one who desecrates the holidays; one who whitens (embarrasses) the face of another in public; one who nullifies the covenant of Avraham our father, peace be upon him; one who reveals meanings in the Torah that run contrary to the law — even though he has Torah knowledge and good deeds, he has no share in the World to Come.

The Talmud (*Bava Metzia* 58b; *Sota* 10b) outlines how far one must go to avoid the sin of embarrassing others. The framing for the Talmud’s comments is the story of Yehuda and Tamar (*Bereishit* 38). Tamar marries Yehuda’s oldest son, Er. However, Er is evil and God kills him. In an act of proto-*yibum* (levirate marriage), Yehuda’s second son, Onan, marries Tamar to have children to perpetuate the legacy of his brother Er. Onan, however, has no interest in having children who would be the spiritual heirs of Er, so he refuses to consummate his relationship with Tamar, insisting that all sexual relations end with coitus interruptus to prevent her from becoming pregnant. For this sin, God kills him as well. Without understanding the background, Yehuda concludes that it is Tamar’s fault that his sons have died. Thus, he refuses to let her marry his third son, Shela. However, he does not tell her this explicitly. Rather, he stalls and tells Tamar to wait at her father’s home until Shela will be old enough to marry her and carry on the legacy of his brothers.

After a time, Tamar realized that Yehuda is merely stalling. Desiring to carry on the legacy of her husband(s), Tamar disguises herself as a prostitute and waits by the road until Yehuda comes and propositions her. Yehuda does not have the means to provide payment. Thus, Tamar, demanded that he leave collateral: his seal, cord and staff. Yehuda later attempts to pay through a messenger. However, the “prostitute” has disappeared.

Months later, people realize that Tamar is pregnant. Not knowing that she is pregnant from Yehuda, which would be legitimate in the pre-Sinaitic context of levirate marriage, he assumes that she has slept with someone not from the family of Yehuda, which would be a kind of adultery, as she is destined to marry Shela. Yehuda, as leader of the family, sentences her to death. Rather than tell the truth publicly, she sends a message to Yehuda which elicits his admission that she is correct:

As she was being brought out, she sent to her father-in-law, saying: “By the man whose these are, am I with child.” And she added, “Examine these: whose seal and cord and staff are these?”

Yehuda recognized them, and said, “She is more in the right than I, inasmuch as I did not give her to my son Shela.” (*Bereishit* 38:25-6).

The question that bothers the Talmud is the following: why doesn’t Tamar simply tell the truth? Her life is on the line. By putting the ball in Yehuda’s court, she is risking that he may attempt to hide the truth and kill her, burying the evidence of his sin with her. With this background, we can understand the Talmud’s striking conclusion:

The verse concerning Tamar then states: **“She sent to her father-in-law, saying: By the man whose these are, am I with child”** (Genesis 38:25). The Gemara comments: **And let her say to him** explicitly that she was impregnated by him. **Rav Zutra bar Tuviyya says** that **Rav says, and some say Rav Ḥana bar Bizna says** that **Rabbi Shimon Ḥasida says, and some say** that **Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: It is more amenable for a person to throw himself into a fiery furnace** if faced with the choice of publicly embarrassing another or remaining silent even if it leads to being burned, **and not humiliate another in public. From where do we** derive this? **From Tamar,** as she was prepared to be burned if Judah did not confess, rather than humiliate him in public. *(Sota* 10b, Koren translation)

The *Midrash Tanchuma* *(Parashat Vayigash)* expresses similar sentiments, arguing that Yosef refrains from revealing his identity to his brothers while the guards are present, though being alone with his brothers puts him in danger, in order to prevent his brothers from being humiliated.

Is this to be taken literally? A simple understand of this passage would imply that the prohibition to embarrass others publicly is a cardinal sin. However, this would violate the basic rule established in several places in the Talmud, according to which there are only three cardinal sins:

**Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak:** The Sages who discussed this issue **counted** the votes of those assembled **and concluded in the upper story of the house of Nitza in** the city of **Lod:** With regard to **all** other **transgressions in the Torah, if a person is told: Transgress** this prohibition **and you will not be killed, he may transgress** that prohibition **and not be killed,** because the preserving of his own life overrides all of the Torah’s prohibitions. This is the *halakha* concerning all prohibitions **except for** those of **idol worship, forbidden sexual relations, and bloodshed. (***Sanhedrin* 74a, Koren translation)

Despite this, several Rishonim accept the simple understanding of the Gemara. Tosafot, for example, write that this is a cardinal sin; however, as the prohibition is not explicit in the Torah, it is not counted in the list of three cardinal sins:

It seems that the reason it is not mentioned with the three things for which one gives up his life, idol worship, forbidden sexual relations and bloodshed, is because embarrassing others is not explicit in the Torah, and it only mentions explicit sins *(Tosafot Sota* 10b)

This is surprising, as one would have assumed that non-explicit sins are less, rather than more, severe!

Rabbeinu Yona *([Sha’arei Teshuva](https://www.sefaria.org/Shaarei_Teshuvah.3.141)* [3:141](https://www.sefaria.org/Shaarei_Teshuvah.3.141)) argues differently, reasoning that embarrassing people, which causes the blood to drain from their faces, is a subset of bloodshed; hence, it is indeed among the “big three.”[[4]](#footnote-4)

As surprising as this is, no less an authority than Rav Shelomo Zalman Auerbach (*Responsa* *Minchat Shelomo* 1:7) accepts this position as the majority position in Rishonim and thus binding halakha*.* He even has lengthy discussions why we don’t apply the rules of *rodef,* a pursuer, to one attempting to embarrass someone else; if one sees a would-be murderer chasing a victim, one is obligated to intervene, even if that requires killing the pursuer. Rav Shelomo Zalman thus raises the possibility that one could kill someone to prevent the embarrassment of the “victim”. He similar discusses whether one could violate Shabbat, or other prohibitions, to prevent such humiliation.

Rav Shelomo Zalman claims that the only outlier in Rishonim who does not accept that embarrassing others publicly is a cardinal sin is the Meiri (*Berakhot* 43b, *Sota* 10b) who understands this passage as mere rhetoric. Rav Yehuda Herzl Henkin (*Responsa* *Bnei Banim* 1:41), however, notes that in fact the majority position in Rishonim and Acharonim is that humiliating others is not a cardinal sin and rules accordingly.[[5]](#footnote-5)

However, the very fact that such a conclusion could have been reached points to the strength of the rhetoric that *Chazal* use. Rivash (*Responsa* 171), while explaining why many of the sins which *Chazal* equate with cardinal sins are not in fact on that level, clarifies why *Chazal* use such harsh rhetoric:

They do not say regarding it that one should die rather than violate, as by the three sins. This never entered anyone’s mind, and no person thought it. Rather, it is the ways of Sages to exaggerate the magnitude of sins so people will refrain from stumbling in them.

In other words, even if we rule like Rav Henkin, the strength of the rhetoric indicates that at some level, public humiliation can feel as bad as murder. As we noted, in the world of social media, this is even truer, and in some cases, actually leads to suicide, literally introducing a level of *pikuach nefesh.*

**Conclusion**

Whether or not we accept the most radical conclusions from the Gemara, it is undeniable that *Chazal* understand that public humiliation is one of worse things a person could endure, and the one who would subject others to this is cruel and evil. Their intuition resonates powerfully in the world of social media, and it guides us to use the potentially powerful tool of shaming with a tremendous amount of care. If one miscalculates and uses this weapon when unnecessary or unwarranted, the consequences may be dire.

Next week, we will explore the halakhic perspective on this sin in more detail.

1. <https://www.nationalreview.com/2018/12/kyler-murray-helen-andrews-shame-mob-america-intolerance/amp/?__twitter_impression=true&fbclid=IwAR2CuoqEHfGs5xXuv3GR8JEe9-yCsFNz1bofgFEqdKMvOw8_NIALG3mHQdg> [↑](#footnote-ref-1)
2. <https://www.theatlantic.com/magazine/archive/2017/09/has-the-smartphone-destroyed-a-generation/534198/> [↑](#footnote-ref-2)
3. <https://www.firstthings.com/article/2019/01/shame-storm> [↑](#footnote-ref-3)
4. *Shulchan Arukh* YD 157:1 records the position of the Ran that even the subsidiary prohibitions of the three cardinal sins carry the weight of the primary sins. [↑](#footnote-ref-4)
5. More positions on each side of this debate can be found in the responsum of Rav Henkin cited above, and in Rav Daniel Feldman’s *The Right and the Good* (Yashar Books, 2005)*,* Chapter 1. [↑](#footnote-ref-5)