



Shaming in Judaism

Past, Present, Future

Tsurriel Rashi, Herzog College and Bar Ilan University

Hananel Rosenberg, Ariel University and Columbia University

Abstract

It is sometimes thought that public shaming is a new phenomenon, only emerging with the advent of the Internet and, in particular, with the rapid growth of social media. Yet, from a historical and religious viewpoint public shaming can be seen as a modern version of legal penal practices that were common in the Middle Ages and occasionally resorted to in subsequent years. In this article, we survey the various modes of public shaming within the Jewish community in the Middle Ages and in modern times. We review whether and how the new practice of communications shaming on social media has been adopted by religious institutions as an extension of communal, traditional shaming, and discuss how rabbis relate to this today.

Keywords: shaming, new media, social networks (SNS), Judaism, Medieval Jewish communities, Rabbinical court

Introduction

One of the most demanding challenges confronting a contemporary society is the need to accommodate its past heritage to its aspirations for the future. To integrate the realities of the past with those of the present successfully, one must view traditional phenomena through the prism of a modern outlook, while at the same time relating to current events with a perspective of traditional thinking.

One of the key realms in which we can see this sort of encounter is mass communication. Although the impact of the media is a crucial aspect of the modern state and modern society,

traditional communities often view it as a cultural threat in that it conspicuously reinforces secular values and encourages a permissive atmosphere. Both characteristics push individualistic values to the extreme and tend to cause communal and religious affiliations to crumble. One effective way of coping with this sense of threat is to foster recognition of the role of the media in raising public awareness about vital issues. Equivalent frameworks reaching toward similar goals are found in traditional societies, but their modes of communication are bound to be premodern. This paper explores the role of modes of communication in instances of public shaming in modern and premodern societies.

Shaming: Definitions, Motivations, and Characteristics

Trying to distinguish among the different types of self-conscious emotions (e.g., embarrassment, shyness, shame, and guilt) is not easy. As Darwin's analysis makes clear, they are all likely to produce blushing. Since Darwin viewed blushing as a human species-specific behavior, he also viewed these emotions as unique to humans (325). For Freud, guilt was a specific and focused response to a transgression that can be rectified by abstinence and penance (Freud). Ericson turned more to the Darwinian view when he suggested that shame arises when "one is completely exposed and conscious of being looked at, in a word, self-conscious" (223-24). He believed that shame is related to specific body acts, particularly toilet functions (see further, Lewis and Barrett: 623-36, 744-55; Heo and Park; Smith et al.).

The shaming phenomenon is defined as the disclosure of personal information about a person, company, organization, or other to shame, deride, or ridicule them or to protest their behavior, to make them the objects of criticism, and to denounce them in public. This practice has been employed over the years by judicial systems, public bodies, communal leaders, social and commercial organizations, private persons, and sometimes even by parents as part of the education of their children (Goldman). Shaming is employed for a range of purposes: *To criticize* a person who has deviated from the accepted norms of his/her society; *to inform and warn the public* of the actions or behavior of someone that is likely to harm others; as part of a *punishment process*, sometimes as an element of an official penal system, and sometimes as a communal tool in cases when the judicial system is perceived as not fulfilling its role; *to deter* someone from acting immorally; *to enforce societal norms*, thereby defining social rules and customs; as a tool *for correcting social wrongs* that have been done to an individual or a group; and *to obtain justice* by creating public awareness of an injustice, so as to apply public pressure that will lead to its correction (Cheung).

The practice of shaming raises complex ethical, social, and political questions. In the legal arena, for example, wide-ranging discussions can be found over the ages concerning the efficacy and morality of shaming and the implications of its use as a mode of punishment. There are those who perceive this practice as an effective and inexpensive legal tool (Litowitz), morally sound (Karp), and suited to the values of Western society; it has the power to deter potential criminals (Morton) and serves as a social and educational tool that enhances the effectiveness of the penal system (Owens). In this spirit, and unlike other punishments, shaming has an ongoing impact, presenting the wrongdoer as an example of the perpetrator of an injustice (Goldman). To this is added the fact that in comparison to other acceptable punishments such as incarceration, the offender is not sent to spend time among other criminals in a negative social climate, which tends to lead to a high rate of recidivism

(Anderson). However, even among those in favor of this sort of punishment, it is argued that shaming is only effective if the public is made aware of the prohibited act and the ensuing punishment. It can then serve as an educational tool or as an alert to be on guard against certain individuals such as convicted pedophiles, the latter being implemented by publicizing names, photographs, and home addresses (Cusworth, Daniels, and Rondi). Either way, it is emphasized that trampling a person's right to respect and privacy must be taken in account with great care (Cheung), so this mode of punishment cannot be perceived as simply a way to cause humiliation (Garvey).

On the other hand, there are those who argue that the efficacy of shaming as an effective deterrent only exists in small communities in which the social cost of being shamed is particularly high (Skeel). Nowadays, it is claimed that, owing to the social conditions of modern society, which do not allow this sort of punishment, shaming is no longer acceptable as a legal tool (Litowitz; Massaro). Other scholars emphasize the lack of morality (Ajunwa), "barbarism" (Whitman), and lack of equality (Kahan) involved in using shaming as a form of punishment. A further argument focuses on the public element of shaming as a punishment, which in fact represents the transfer of the power of enforcement from the courts to the masses by calling on them to carry out a "lynch" of justice (Whitman). Public punishment represents a danger because the inability to forecast and limit the consequences, scope, and strength of the shaming, as well as the psychological consequences for the criminal arising from, among other things, the fact that the punishment of public criticism focuses not on his acts but on his character (Garcia).

One way or the other, the courts continue to make use of a range of shaming strategies as part of the punishment process, even if in a very limited way (Kahan; Whitman). Today these penalties include obliging convicted criminals to acknowledge the crime for which they were convicted on their bodies and/or cars and publicizing in the mass media. Some jurists even recommend that courts use a convicted criminal's personal profile for shaming on social media as part of the punishment process (Goldman).

Many scholars emphasize that shaming as part of the communal process of enforcement and punishment was particularly prevalent in religious communities (Sanders). The strict observance of a lifestyle in line with religious faith leads to the prescription of desired behavior on the part of each member of the community and to public criticism of any deviation from this way of life (Morton). To this can be added that in a society in which the entire community rejects behavior that deviates from the norm, shaming becomes a particularly effective tool (Goldman). Against this background, for example, one can understand the popularity of this penalty among the communities of colonial America.

In the era of the Internet and social media, shaming is made up of two key phases: the first is the publicizing of information or photographs by the shamer, which is sometimes facilitated by communications technology such as a camera, recording device, etc., and of course by social media; the second is the spread of that information by the community of surfers. In this connection, researchers discuss the various motivations of the communications community, which is not directly affected by the case in question, to pass on the story, sometimes in their personal profile on the network (e.g. Skoric et al.) Solove argues that the

shaming phenomenon exemplifies a problematic trend toward diminishing an individual's control over his own reputation.

In cultural terms, this phenomenon is from a social point of view a recurring way to enforce social norms and to influence the basic attitudes of society regarding questions of right and wrong. However, other researchers emphasize the shortcomings and dangers inherent in this practice. The principal argument is that an individual's right to respect – which is sometimes arbitrarily trampled on by the shaming – is of primary importance and should supersede any goal that shaming seeks to achieve (Cheung). In this spirit, it has been argued that in countless cases there is a tragic gap between the perception of the seriousness of this practice by the shamer, who considers that he is doing something almost innocent and insignificant, and the way this act can snowball and decisively impact the life of the person shamed (Cheung; Skoric et al).

A comparison of traditional shaming as implemented in judicial systems and shaming on the social media indicates several basic differences. First, most cases of Internet shaming begin with the action of a single individual who wants to achieve a given objective (public criticism, correcting a wrong, deterrence, warning the public, and so on), whereas legal shaming involves an establishment body that sees the process as an additional weapon at its disposal. Second, as was argued above, in the era of social media, the involvement of the public – that is, the community of surfers – is critical for the use of the process, versus its use in the judicial system, where power resides in the institution. Moreover, as against the process that takes place in a court of law, where the accused can defend himself and argue his innocence, on the Internet the person being shamed is totally exposed without a chance to defend himself (Cheung). In Internet shaming the individuals being shamed become social objects, and the public informer, presumably on behalf of the community, speaks out for ethical values that are unfiltered and offer no possibility of a true assessment of the facts. In such cases one is on a slippery slope as this represents a danger not only for the people shamed but for the society which can lose sight of its values if shaming is used as a common method of punishment and to enforce norms (Cheung). In judicial frameworks responsibility devolves upon those judges who elect to use shaming as a punishment to select a penalty that both shames and educates, as compared with Internet shaming, where very often the motive is revenge (Garvey).

The Conflict Concerning Shaming in the Jewish Tradition

Many scholars contend that shaming as part of the communal process of enforcement and punishment was particularly prevalent in religious communities (Sanders). The strict observance of a lifestyle in line with religious faith leads to the prescription of desired behavior on the part of each member of the community and to public criticism of any deviation from the imposed way of life (Morton). To this one can add that in a society in which the entire community rejects behavior that deviates from the norm, shaming becomes a particularly effective tool (Goldman). Against this background, we can understand, for example, its popularity among the communities of colonial America.

In Judaism, the public shaming of an individual involves a serious ethical dilemma: on the one hand, shaming a person is deemed a very serious sin and is prohibited in Jewish law. This interdiction against causing embarrassment or humiliation is only mentioned in the Torah by

the way: “You shall not hate your fellow in your heart; you may surely reprove your neighbor, but shall not incur sin because of him” (Leviticus 19:17).

On this verse the Sages commented in the Midrash, “Can you even upbraid someone and his face changes color? The tradition teaches us and ‘shall not incur sin because of him.’” Notwithstanding the commandment regarding reproof if one rebukes his fellow it must be done in such a way that “he shall not incur sin because of him,” namely by not shaming him. This is the way the great biblical commentator, Rabbi Shlomo Yitzhaki, known as Rashi, explained it in his commentary on the Torah.

The Sages considered this a major prohibition and noted in the Ethics of the Fathers: “Rabbi Elazar Hamoda’i said . . . someone who embarrasses his fellow in public . . . even if he has [the merit] of Torah and good deeds, will not have a place in the World to Come!” (Pirkei Avot 3:11). The Talmud states: “He who publicly shames his neighbor is as though he shed blood,” the reason here being that the face of the person shamed changes color, which is the definition of public embarrassment (Babylonian Talmud, Baba Metzia 58b). From the story of Tamar, who did not shame Judah (Genesis 38) and did not say that he was the one who had slept with her, the Talmud deduces that “It is better for someone to throw himself into a fiery furnace and not to embarrass his fellow in public” (Babylonian Talmud, Berachot 43b).

Slander [*lashon ha’ra* in Hebrew], even if true, is forbidden in Judaism, as defined by Maimonides (Rambam): “One who says things which if heard from one person to another that will harm a person bodily or his possessions, or even cause him distress or scare him, is [engaging in] slander” (Hilchot De’ot 7, 5). And if it is untrue, that is even more serious and is called speaking evilly [*Motzi shem ra*] (Hilchot De’ot 7, 2). Therefore, we can assume that, in principle, the Torah prohibits shaming.

Judaism’s position in this matter can be summarized by several verses in Psalms: “What man is he that desires life, and lives many days, that he may see good? Keep your tongue from evil, and your lips from speaking guile. Depart from evil, and do good; seek peace, and pursue it” (Psalms 34:12-14). Yet we often find shaming things published, even in biblical times.

The objective in publicly denouncing sinners, a practice that actually began in biblical times, was to deter others from sinning and to lead them to think about their own actions and behavior. One of the well-known incidents in which conclusions had to be drawn considering another person’s punishment concerns Miriam. According to some biblical commentators, Miriam was punished after she defamed Moses. One of the claims against the spies that Moses sent into the land of Israel was that they did not derive any lessons from Miriam’s punishment (Midrash Tanchumah [Buber], Parashat Shelach 6). Even so, publicizing Miriam’s transgression and her punishment was not directed solely at the spies, but was intended as a warning to all (Maimonides, Uncleaness of Leprosy 16, 10). This understanding of the episode is based on the religious assumption that a person should mend his ways because of evidence of the punishments of others: “If a man sees that torment is coming his way, he should contemplate his previous actions” (Babylonian Talmud, Brachot 5A).

It appears that the tension noted above between the risk of shaming and its effectiveness underscores the measured and balanced use of the punishment of shaming by Jewish communities and institutions from the Middle Ages until our own days. In the following we

first consider the special characteristics of the medieval Jewish community and its institutions and review the range of ways in which shaming was employed within that society.

Medieval Jewish Communities

During their long exile following the destruction of the Second Temple (68–70 CE), the Jews of the Diaspora led their lives within various communal frameworks. In Ashkenaz (i.e., mostly the regions of France and the Rhineland), this communal framework was influenced by the historical and societal developments that began in the eleventh century. There were also well-established Jewish communities in Muslim and Christian Spain until the Expulsion in 1492.

Within the confines of the non-Jewish state, the autonomous Jewish community managed to sustain a tradition of self-government based on a separation of powers and an intricate set of laws concerning the individual and society. Certain mechanisms regulated the rights and obligations of the individual and balanced them with those of the community. In the absence of national territory and political independence, the Jewish community functioned as an organic entity guided by a policy of collective responsibility. At the local level, there was a tension between the self-consciousness of the community as expressing the entire Jewish collective (*Knesset Yisrael*) and its autonomous workings as a local framework (J. Katz). The medieval autonomous community was, in fact, an unprecedented phenomenon in Jewish history; hence the questions concerning its structure, the sources of its authority, and the obligation to conform to and abide by its institutions were crucial matters, whose examination required a great deal of political understanding alongside expert knowledge of biblical and halakhic literature.

Throughout the Middle Ages the local community functioned as “a state within a state,” gradually undertaking most of the functions of the state. Accordingly, it developed social and economic institutions as well as the obvious religious institutions. The matters it dealt with encompassed the individual’s life in such areas as education, marriage, taxation, welfare, health, and burial (Baron; J. Katz).

The medieval Jewish community developed halakhic tools that would enable it to function in a dynamic way. Among these were halakhically sanctioned customs that emerged from the social reality rather than from the rulings of the great Talmudic scholars. According to Menahem Elon, an eminent halakhic scholar, one of the major reasons for the increased importance of customs in the Jewish religious tradition was the rise in status of the local community. The community introduced local ordinances that were binding upon its members alone (Elon 1994: 895-97).

Shaming as Punishment

Like the legal institutions that surrounded it, Jewish communities in the Middle Ages also made use of shaming as a punishment for criminals and sinners. So, for example, those who departed from the straight and narrow of communal norms and were caught in the sin of adultery, drunkenness, theft, or contempt of the communal court were publicly chastised. We find such an instance in the writings of Rabbi Moshe Mintz, the son of Rabbi Isaac HaLevi Mintz (1415–1485), one of the most important rabbis in the Rhineland, who obliged his community to denounce one of its members who had reneged on a monetary undertaking to

a fellow Jew in the synagogue toward the end of the prayer service (Responsa Maharam Mintz 101). The objective of public criticism of the sinner is both to punish him and to warn the public that he is not trustworthy. Similar practices were effected through placing the names of members of the community who had sinned on the synagogue notice board. In 1804 the community of Fürth, Germany, placed the following notice on the wall of the women's section of the synagogue: "On this tablet will be listed the names of women who dare to dance with men." Similarly, a notice was posted about sixty years earlier in the city of Grodno, Belarus, on which was written: "Here will be recorded the name of anyone who does not wish to take a poor visitor home for a Sabbath meal" (Assaf: 40). In other communities, such as Zolkiew in the Ukraine, such names were listed in the "Community Register" (Buber: 109). These registers (*pinkasim*) were public minutes in which were documented important life-cycle events such as births, marriages, deaths, etc., and communal events such as the construction of communal buildings, disasters, epidemics, and pogroms.

Sometimes shaming was accompanied by a physical act. For example, the "standing in the corner punishment," in which the sinner was publicly denounced on one of the corners leading to the synagogue, usually the largest synagogue in the town. He was bound to the wall of the synagogue by chains on his hands or around his neck, in full view of the congregants as they came for services and then left. A record can be found in the register of the Jewish community of Cracow, where this punishment was meted out to a member of the community found guilty of stealing money from many of his fellows (Assaf: 133).

Shaming as Communal Pressure: Excommunication (*Cherem*)

Another form of shaming was used to pressure someone who refused to conform to the community's code of behavior or to bow to the authority of the communal institutions. The most striking of these was undoubtedly *cherem* (excommunication), which was the public denunciation of a member of the community and his expulsion from the social circle. This punishment was common from ancient times, as there is evidence that it was used among the Dead Sea sects (Weinfeld 1977; 2006). There were two steps in the excommunication process among Jewish communities in the Middle Ages: (1) the announcement of the intent to excommunicate; (2) the act of excommunication itself, which involved declaring that of the person was no longer considered a member of the community and a prohibition on joining with him in prayer, sitting near him, or speaking to him (for further details, see Maimonides, Laws of Talmud Torah 7, 4). Sometimes an excommunication was publicized in the streets of the town and/or in important communities throughout the country (Assaf).

Excommunication was rare, and European rabbis resorted to it as seldom as possible. In general, when it was used, it was with the agreement of the community (Assaf: 34). The rabbi would announce the excommunication in the synagogue, taking out the Torah scrolls with a public proclamation of the sin for which the individual was being expelled from the community. There were two particularly famous instances of excommunication.

Baruch Spinoza (1632–1677), a Dutch philosopher of Sephardi/Portuguese origin, laid the groundwork for the eighteenth-century Enlightenment and modern biblical criticism, including present-day conceptions of the self and the universe, and is considered one of the great rationalists of seventeenth-century philosophy. However, on July 27, 1656, the Talmud Torah congregation of Amsterdam excommunicated the twenty-three-year-old Spinoza on the

grounds that his ideas and writings founded the doctrine of pantheism. According to that belief, all reality is identical with the Divinity, or that everything composes an all-encompassing, immanent god. Pantheists thus do not believe in a distinct personal or anthropomorphic god.

Uriel da Costa (1585–1640), another Dutch philosopher of Sephardi/Portuguese origin, published a book in 1623 entitled *An Examination of the Traditions of the Pharisees*, which questioned fundamental aspects of Judaism regarding the immortality of the soul. He believed that the idea of immortality was not deeply rooted in biblical Judaism, but rather had been formulated primarily by rabbis. He further pointed out the discrepancies between biblical and rabbinic Judaism, contending that the latter was simply a body of ritual and practices, devoid of spiritual and philosophical concerns. His book became very controversial among the local Jewish community and was burned publicly. Costa was called before the rabbinic leadership of Amsterdam for uttering blasphemous views against Judaism, was fined a significant sum, and excommunicated.

As noted, excommunication meant a total ban on the individual from any contact with members of the community, yet there can be no doubt that the shaming was a key component in this punishment. The matter was marked by the public nature of the act of excommunication, including the public setting for the ceremony, in the synagogue, publicly detailing the sin, and the requirement for the attendance of ten men (a *minyan* or quorum, a symbolic representation of the entire community). Furthermore, the ceremony of reversing an excommunication (when the rebellious individual mended his ways) often included specific acts of shaming such as placing the person on the ground at the entrance to the synagogue so that the congregation could step over him, a public confession by the transgressor, and more. In this context it is interesting to see that Rabbi Judah Loew ben Bezalel, known as the Maharal (1520-1609), Chief Rabbi of Prague, renewed an ancient regulation of Rabbeinu Gershom (960-1040), a famous French Talmud commentator. According to this regulation, a person who defamed (living or dead), should be boycotted (Blondheim forthcoming). In other words, the boycott itself is a tool that uses shaming against the sin of illegal shaming.

From the end of the eighteenth century, the use of excommunication was drastically reduced among Jewish communities because the prohibition placed on the practice by European countries, in parallel with the limitation or cancellation of the legal autonomy of Jewish communities. Today it is rare to find an instance of excommunication of a religious person (in contrast to the many books that have been banned), except in extreme cases related to the punishment meted out by rabbinical courts, almost all of which are cases in which men refuse to grant a divorce [*get*] to free their wives from the bonds of marriage, which will be discussed below.

Shaming as a Tool for the Individual to Correct an Injustice: The Custom of Delaying the Prayer – The Right to Shame

On the one hand, the practices noted above were used mainly as tools for community leaders to enforce the society's social norms. On the other hand, "delaying prayer" (*ikkuv tefillah*) is a unique shaming practice that developed during the Middle Ages and was specifically a means by which a member of the community could respond to some personal offense that

had been committed against him. The “delaying prayer” procedure included shaming the person who was the subject of the complaint.

The synagogue was at the center of the communal experience of the covenantal community, as Baron put it: “The medieval and early modern synagogue was much more than a mere house of worship . . . it became for members the scene of all their public and much of their private life. In synagogue, members assembled to debate all matters of communal concern” (144).

During the Middle Ages, a certain custom for calling attention to injustice was widespread within European Jewish communities. Whenever an individual obstinately refused to appear in court, the aggrieved person could place his hand on the cantor’s prayer book and say to the congregants in the synagogue: “I shall not let you pray until you promise me to redress the injustice.” Those present at the service had to remain in their places and assure the slighted individual that the wrongdoing would be remedied. In medieval Jewish literature, this custom was called “the delaying of prayer” or “delaying the reading of the Torah.” By the thirteenth century, the custom was well accepted and left its mark on all important halakhic works in Ashkenaz. Such a striking occurrence was bound to have a strong impact on the congregants and motivate them to raise questions and express doubts (Grossman). Typically, the right to disrupt the prayer service in order to mobilize public support was fully exercised within the socially oriented Jewish community (Elon 1977, 1978; D. Katz).

The uniqueness of this custom derives from the fact that the individual was empowered to interrupt a major form of worship to force the group to relate to his or her personal problem (a woman could stop the service by asking to do so from her place in the women’s gallery or through a representative in the men’s section). Praying in the synagogue was not only a matter of a religious ritual, a divine service, but also of practicing group values at the highest and most public level (Goldin), and any private issue that was raised therein became part of the public agenda. It might well be that this mechanism for promoting issues within the Jewish community, which functioned as a closed society, was no less powerful than present-day exposure of injustice through social media.

The following case in point illustrates how an appeal to congregants not only provided them with food for thought but also directed their thinking. An incident took place in the Lithuanian town of Kovno (Kanaus) in 1851 in the synagogue attended by Rabbi Yisrael of Salant, the founder of the Jewish Mussar movement, which stressed the supreme importance of perfecting one’s moral virtues alongside the study of Torah.

Tsar Nicholas I of Russia issued the infamous “Cantonists” decree in 1827, which ordered that six- and seven-year-old Jewish boys would be chosen to be sent to military schools and then conscripted into the Russian Army for a period of twenty-five years. The children were first sent to military schools, where they were also indoctrinated into Christianity. The leaders of the Jewish community had to decide which of the local Jewish boys would be conscripted. Obviously, no parent wanted his or her child to be chosen, as, apart from any other consideration, the long service deprived the “cantonists” of their faith. Thus those who were rounded up were often the children of the poor, who were less able to oppose the leaders’ decisions. This is how one of R. Yisrael Salant’s distinguished disciples described the Kovno incident:

On Saturday (the Sabbath), a poor woman whose son had been taken went to the synagogue where R. Yisrael of Salant used to pray and halted the reading of the Torah. Some of the congregants tried to push her away from the Holy Ark so that they could take out the Torah scrolls. Rabbi Yisrael became very angry and came to the aid of the woman. He rebuked the congregants, saying that they had hearts made of stone and felt no sympathy for the sorrow of others. Some say that once the Torah scroll was taken out, Rabbi Yisrael left the synagogue in haste and ended his prayers at home in solitude, saying that praying in the synagogue under such circumstances was absolutely forbidden (D. Katz: I, 193-94).

Rabbi Yisrael did not view the woman's conduct as a matter of disrespect toward the Torah or the public; on the contrary, he was angry with the congregation for not being sensitive to the poor woman's plight. A strong advocate of moral behavior, he regarded the delaying of prayer as a legitimate way of rescuing the oppressed from the oppressor (Nitzan: 45-46). In his eyes, the woman, who alerted the congregants about injustice and insensitivity, served as the watchdog of the community's moral propriety.

The delay of prayer is a tool to turn the community's focus from the central stage in the synagogue to a specific person. The focus of attention is about accusation against that person. In fact, during this act, the synagogue is a sort of "town square" of the Jewish community. This act is an implementation of institutionalized shaming regulated by religious authority and permission.

Shaming as Exposure and Public Criticism: *Pashkevilim*

In cases where communal authority did not provide the tools for the rabbinical court to punish the transgressor or when, for whatever reason, the leaders did not want to impose such harsh punishments as excommunication, we find a further practice of public shaming, particularly within the ultra-Orthodox community, that involves a print communications medium: the *pashkevil* (wall poster). Shaming via *pashkevilim* was carried out in the spirit of the edict, "Publicize the flatterers before a defamation of God's name" (Babylonian Talmud, Yoma 86b). The stress here is on sins committed secretly or on people who pretend to be righteous, and the disclosure is designed to warn the public about their actions.

The Yiddish word "*pashkevil*" derives from the name of a citizen of Rome by the name of Pasquino, who used to hang satires and critical comments about the pope on the pedestal of a headless statue. His name was eventually given to the statue and then to the square where the statue stood (Piazza Pasquinate); the initiative taken by one individual evolved into a common practice whereby citizens hung anonymous vilifying signs around the city. The phenomenon spread throughout Western Europe during the sixteenth century as this channel began to accompany religious and social struggles.

Over the centuries, *pashkevil* literature, which avails itself of the cheap and accessible method of dissemination via the printing press, became important socio-religiously and politically. This was and is especially true in societies or subgroups that are subject to a central authority which discourages criticism for nationalistic or religious reasons, but was also used by social and religious institutions.

An example of the use of the *pashkevil* as a method of public criticism can be found in the poster initiated by Rabbi Abraham Isaac Kook, the rabbi of Jaffa (and later chief rabbi of Eretz Yisrael) in 1908, by which he denounced one of the respected members of the community who kept a woman in his home whom he employed as a prostitute:

I hereby announce, openly to this entire holy congregation of Jaffa and its environs, that after a careful investigation I have discovered beyond any doubt that the person [so and so] keeps a prostitute in his home, to the shame and disgrace of the entire House of Israel. We have done everything in our power to excise this evil from our midst, and until we succeed in what we wish to do, we hereby inform everyone for whom the honor of the people and respect for his soul are important to him, should know to keep his distance from him. . . . And God should protect His people and His land (Or-Haorot).

This *pashkevil*, as with many similar ones, was signed by the rabbi, but in many cases *pashkevilim* are distributed anonymously as a tool in the hands of persons or religious groups to shame and/or harm those with whom they have a dispute. Anonymous use is often employed out of concern regarding the reaction of the party shamed, who often is a powerful and influential individual, or because it is understood that most of the public will take the shaming negatively, such as in cases when *pashkevilim* are posted denouncing rabbis (e.g., the vitriolic, anonymous *pashkevil* campaign against Rabbi Kook because his religious positions, which were deemed too liberal, such as his attitude toward secular people). Thus, many rabbis have opposed the use of this tool. For example, Rabbi Yisrael Meir Hacoen of Radin (known as the “Chafetz Chaim,” 1838–1933), one of the outstanding leaders of Ashkenazi Jewry at the beginning of the twentieth century, sharply criticized the use of *pashkevilim* and explained the biblical verse “Cursed is anyone who smiteth his neighbor secretly” (Deuteronomy 27:24) as a curse on those who shame a person by writing publicly but anonymously in this manner (Kagan: 28).

In the twentieth century, with the advent of other means of communications, the use of *pashkevilim* around the world generally declined. However, in ultra-Orthodox communities, especially in Israel, they are still widely used, both as a semiofficial channel for the dissemination of ideas, events, and for public criticism of people in the community whose actions are deemed to deviate from accepted norms and threaten its values and beliefs. For example, in recent years there have been several public campaigns using *pashkevilim* in the ultra-Orthodox neighborhoods in Jerusalem directed against certain figures in *Haredi* (ultra-orthodox) society: a lawyer who started a public fight to prevent the separation between Ashkenazi and Sephardi girls in educational institutions; a singer who appeared before an audience of men and women. It is important to point out that *pashkevilim* are often used as a weapon by extremist minority groups within ultra-Orthodox society itself. For example, there was a big campaign by the Eda Haredit, a militant, ultra-Orthodox anti-Zionist group, which publicly and personally criticized Rabbi Yehuda Leib Steinman, one of the leaders of the community, whom they argued supported the recruitment of some ultra-Orthodox young people into the army.

Generally speaking, ultra-Orthodox refuse to join the army because they insist that the conditions in the IDF do not allow it. The army experience is devastating for young men who were educated in Haredi institutions. A boy who had lived all his life in a Haredi atmosphere

suddenly discovers a new world full of challenges, including exposure to girls, after he had been educated only with boys. The atmosphere and the language is secular and the social milieu is different from what he is used to. Those *pashkevilim* were an attempt to protest against those who wanted to join the IDF.

Then and Now: The Shaming Dilemma on Social Media

Nowadays, most of the practices described above (apart from the *pashkevilim* in the closed world of the Haredi community) are no longer part of life in the Jewish religious community, as is the case among other religious communities around the world (Goldman). Delaying prayer, excommunication, public denunciation, and public confession are no longer in the arsenal of the rabbinic courts (excluding a handful of extreme cases of the use of the “Ordinances of Rabeinu Tam,” a reduced level of excommunication).¹ The reasons for change are connected to changes in attitudes toward shaming as an ethical tool for punishment as well as to the loss of effectiveness of this tool in modern times when one can easily move from place to place, from town to town, and from country to country. That being the case, it is interesting to see how we are witnessing the renewed appearance of shaming in religious communities in their use of social media.

As argued above, social media render the practice of shaming accessible to a wide audience and facilitate mobilizing public opinion in an attempt at public criticism, punishment, and enforcement of social norms.

As an example of the development of this phenomenon, there was an instance of Internet shaming in 2015 that aroused a widespread, public storm among the religious community in Israel. A resident of one of the religious areas in the country placed a post on Facebook entitled “Now the people of Sodom were wicked and were sinning greatly against the Lord” (quotation from Genesis 13:13), in which he denounced another resident of the community because that person had been arrested for a serious sexual crime, and despite this was refusing to grant his wife a divorce. Owing to the accusations hurled against him, the one who wrote the post claimed that publication of the name of the offender was done with the approval of the rabbis involved in the woman’s divorce proceedings.

To clarify the matter, we should explain that a Jewish couple can separate in one of two ways: when the husband dies or if he leaves his wife and gives her a termination of the marriage bill, called a *Get*, in a Jewish court in the presence of two witnesses. During the time of Talmudic Judaism, a man could divorce his wife against her will, but, following an amendment by Rabbeinu Gershom, an eleventh-century Jewish leader, which was accepted in almost all the Jewish communities of the time, “over a thousand years a man must not divorce a woman

¹ There are two levels of excommunication exercised by the heads of a community. Apart from the excommunication described above (“*Cherem*”), there is another practice known as the “Expulsions of Rabeinu Tam,” which are a series of social expulsions applied mainly against those refusing to grant their wives a divorce. This ordinance was instituted by Rabbi Jacob ben Meir (1100–1171), known as Rabeinu Tam, one of the greatest rabbinic sages of France of his age and a grandson of the great biblical commentator, Rashi. The expulsions are a series of sanctions including social ostracism of the refuser, a prohibition on calling him up to the Torah, including him in a *minyan*, studying Torah with him, circumcising his son, burying his children in a Jewish cemetery, and other prohibitions.

against her will” (Karo: 1.10-11) In the Jewish religion, if a married woman has a child with a stranger, that child is considered a bastard and may only marry with another bastard. A woman whose spouse refuses to grant her a *Get* is called an *aguna*, a chained woman.

However, using social media for shaming in cases of men refusing to grant a divorce is no longer the action of an individual but has become institutionalized. This breakthrough occurred at the beginning of 2016 as part of legal proceedings of the court of Israel’s Chief Rabbinate. There have already been several hearings in the case of Dr. Oded Guez, a physics lecturer living in Israel, who refused to grant his wife a divorce for many years. Following several futile attempts to persuade the husband to divorce his wife, the rabbinical court published a particularly stinging ruling in which it asks the public to apply the “Ordinances of Rabeinu Tam” against him, in effect, to excommunicate and ostracize him:

It is incumbent on every Jewish man and woman and everyone associated with them not to have any dealings with him, whether in business or monetary matters, not to provide him hospitality, feed him or give him to drink, not to visit him when he is sick, and not to seat him in the synagogue, and all the more so not to call him up to the Torah, and not to let him say *kaddish* [prayer for the departed], and all the more so not to lead the prayer service, not to ask how he is, not to give him any form of respect or honor until such time as he relents from being stiff necked and listens to the words of the teachers, and grants a divorce in Jewish law to his wife, and to free her from her marital chains.

The rabbinical court did not limit itself to this declaration; it further supported the application of his spouse to publicize his photograph together with the rabbinical court ruling on social media, thereby contravening the original prohibition regarding publicizing Guez’s name and picture. According to Pinchas Tannenbaum, spokesman for the chief rabbi,

The decision was taken with much pain, but there was no other choice. The rabbinical court does not publish advertisements and does not know the word “shaming”; however, in this case the rabbinical judges felt that publicity on social media would be a more effective tool. The wife claimed that from her acquaintance with her husband this was the right tool, and who should know better than her (Malek-Buda).

It transpires that this was not the first time that the rabbinical court was aware of the great power of social media. The director of the *Yad La’Isha* organization that assists “chained women,” clarified that this was a “phenomenon that started in the rabbinical courts in the last year or two,” and she recounted another case of a well-known businessman who fled abroad and left his wife chained to extort money from her family. She noted that the moment the rabbinical court permitted publication of his photograph on social media, intensive negotiations came to a successful conclusion within just a few days (Malek-Buda).

These events have led to disagreements and wide-ranging discussions among rabbis and Jewish intellectuals to map out halakhic rules for the use of shaming in a religious context by both individuals and religious institutions. David Stav, the rabbi of the town of Shoham and chairman of the *Tzohar* rabbinical organization, contends that the decision of the rabbinical

court to permit public shaming on social media of someone who refuses to grant a divorce is a complex decision:

The rabbinical court here took a very high risk by applying such a severe punishment, because embarrassing one's fellow in public is a very serious sin, almost like spilling blood, and he has no place in the world to come, and therefore the rabbinical court is obliged to give a convincing explanation as to why it is taking the step of shaming (*Maariv*).

Rabbi Stav supports the rabbinical court in this specific case, if indeed it is an exceptional case, and then "it is right and proper to respect it and correct to compliment it that it took such steps to reduce instances of refusal to grant divorces. However, in other cases "it would be better to sanction with imprisonment, notwithstanding that in terms of rabbinical court rulings this is the most serious there is." It is interesting that Rabbi Stav's reasoning derives not only from the harm done to the one refusing to grant a divorce, but mainly from a concern that "the moment shaming is used in one case, shaming is likely to be used in 20 more cases over which distinguished rabbis who might think that it is or is not appropriate, are not presiding and thereby each would decide the law for himself" (*Maariv*).

Social media reconstitutes the effectiveness of rabbinical courts' social punishment, but in doing so grants access to such a strong tool to individuals who may not be bound by the seriousness of a rabbinic court, as well as to religious court judges who might be too hasty. In other words, Rabbi Stav's position is that the democratization of shaming obliges the rabbinical court to use the utmost caution in using this tool, even more caution than was necessary in past practices: "I warn against releasing the brakes suddenly, and from here if someone does something we do not like, it is not a reason to embarrass him in public." Rabbi Stav also emphasizes that, "Personally I would not do something publicly until the rabbinical court had handed down a decision" (*Maariv*).

A similar position can be found in the words of Chaim Navon, the community rabbi of Modi'in, who has argued that shaming on social media is simply a return to a modern version of excommunication as practiced by Jewish communities in the Middle Ages:

Once, when communities were communities, this is what excommunication looked like: effective social ostracism. Rabbinical courts made measured use of it against various scoundrels. The weakening of the communities alongside social mobility decreased the effectiveness of this tool. For these reasons, someone ostracized or excommunicated simply showed contempt for the rabbinical court, or at the most moved somewhere else and started over again. Social media in fact have restored the effectiveness of excommunication, and have returned it to what it was meant to be.

However, exactly for this reason, Rabbi Navon stipulates the border between shaming sponsored by the rabbinical court and the personal shaming of Internet surfers, which he considers "*lynchtranel* of someone just because I don't like him, or I suspect him, or I don't like his opinions, or he said something bad – that is a disgrace. Something completely different is to cooperate with a ruling of the rabbinical court, which checked out matters scrupulously, before it determined on such a step" (*Ezra*).

Contrary to Rabbi Navon's position, one can find rabbis who specifically emphasize the responsibility of social solidarity of the individual in enforcement of ethical and religious norms even using shaming on the social networks. A typical example can be found in the words of Rabbi Yuval Cherlow, an Israeli *rosh yeshiva* [head of a rabbinic studies seminary] and a member of the Helsinki Committee for clinical trials on humans and other ethics committees. In his opinion, the ethical decision to use social media to write or share an embarrassing post is given to each person, and not just to religious institutions. Rabbi Cherlow emphasizes that in the age of social media the border between the individual and social institutions has been blurred, and sometimes the power of the individual to correct social wrongs is greater than that of traditional institutions, which accordingly obliges the individual to be part in this objective of fixing the injustice, and that it is the duty of the rabbis to lay down Jewish ethical rules and make them available to everyone.

According to Rabbi Cherlow, the starting point for Jewish ethics concerning shaming via social media is not what is "permitted," but rather what is "obligatory":

Jewish ethics holds that the concept of "the public's right to know" is a distorted one. The public does not have a right to know everything about people's private lives. Jewish ethics does recognize "the public's right to know," namely, those things that the public must know – it is an obligation to publicize them. It is not always easy to differentiate between the two, yet it is important that this be a guiding light for the one publicizing.

In cases of injustice, standing shoulder to shoulder with victims or distributing information that should not be withheld to avoid harming people, there is an obligation to publicize that is incumbent on everyone. However, the risk of using shaming sometimes touches on the laws of life and death. Rabbi Cherlow stresses that "this reminder applies to both sides," namely not just to the one about whom the shaming is publicized. This is true since sometimes an "overdose of harm may lead to actual questions of life and death, and words can kill." Owing to the complexity of the subject, Rabbi Cherlow has drawn up several halakhic rules for writing something that shames someone, as well as joining in shaming spread on the Internet. Concerning the former, he stipulates that four conditions must be fulfilled before one may employ this tool: "truth," "necessity," "proportionality," and "caution." In Rabbi Cherlow's words:

- Truth: The shaming writer must write the truth, only the relevant truth and the whole relevant truth. It is forbidden for a person to write that he does not know (he can write, for example, "I assume"), and he must avoid manipulation and must distinguish between facts and commentary. This halakhic principle is based on the Torah prescription, "Have nothing to do with a false charge," namely, not just "no false charges" but to distance yourself from false charges (this is the only thing that the Torah explicitly commands that one distance oneself from).
- Necessity: If there are other ways to solve the problem with equal effectiveness, you must take that path, and not spread defamation in public; on the other hand, if there is real necessity to publicize, then it is forbidden to remain silent, and the Torah has

commanded us, “Do not do anything that endangers your neighbor’s life” and “You must purge the evil from among you.”

- Proportionality: The fact that it is permitted, and perhaps even an obligation, to publicize matters in public, does not relieve the publicizer of doing so only in the required proportion. Facts that are not necessary, even if they are true, and harm someone who does not deserve to be harmed, are forbidden to be publicized.
- Caution: About causing greater harm by publication, and causing much greater harm to the wrongdoer than is his due.

Rabbi Cherlow adds another point that he says is not a halakhic but rather an ethical condition, since alongside the explicit publication of issues, it is right and proper to leave open the opportunity for the person shamed to correct the wrong.

In the publication of shaming material, too, Rabbi Cherlow emphasizes that it is the responsibility of every surfer to carry out a quasi-legal process before taking a decision in the matter:

On the one hand, without dissemination of the required information a tool in this fight has been lost, but, on the other hand, there are many opportunities for manipulation and using the reader’s good intentions for base purposes. Accordingly, it is worth using this tool as seldom as possible. . . . And even so, according to the questions in the Babylonian Talmud concerning slander, several principles can be stipulated for sharing the dissemination of shaming. Firstly, the reader of shaming must internalize that what he reads is not a fact but a story or narrative of someone who is writing him something, of which it is reasonable to assume that part is correct and part unclear. Secondly, the shaming reader must make an effort to hear the position of the other party, the wrongdoer, based on the injunction to rabbinical court judges, “Hear out your fellows and judge them righteously.” Any reading of shaming-type publications is a quasi-judgmental exercise, and requires making an effort to hear what can be known from both sides. Thirdly, the shaming reader must assess the necessity of disseminating these matters. If the things you pass on are not helpful, it is prohibited to convey them; if what you publicized is necessary to deal with wrongdoing, as it appears as far as possible, you are obliged to pass it on, stating: “Be advised that I am conveying information that I do not know to be correct, but it is important to pass it on, decide for yourself” or similar.

It is interesting to note that Rabbi Cherlow does not employ the semantics of “forbidden” and “permitted,” but “forbidden” as against “obligatory.” This principle arises from the way he compares the role of the writer or distributor of the shaming to that of the judges on a rabbinical court; any decision on disseminating such publicity is only a procedural ruling, enforcement and punishment had originally been solely in their hands. It would appear that according to Rabbi Cherlow, this is no case of “ex post facto” from which the surfer must “flee” because a significant risk of harm, like the positions of the rabbis presented earlier, but rather an obligation upon him.

Epilogue

Throughout history shaming has been considered a legitimate tool to publicly criticize someone who deserves it. To strike a balance between slander and damage to a person's good name and the need to publicly rebuke those who are guilty, the public has followed the religious leadership that has defined the limits of action.

From an analysis of the past and looking toward the future, the Jewish attitude is that shaming is a legitimate tool. At times, it is employed because of a religious ruling such as a halakhic decision and sometimes in cases in which the system is unable to achieve justice. For this reason, shaming for personal reasons is prohibited. On the other hand, cooperation with a religious authority, such as a rabbinical court, which has considered and carefully checked out the matter, decided that such a step is required, enlisting social media to attain the objective is likely to prove a blessing.

Acknowledgement

The research was conducted with the financial support of The MOFET Institute.

Bibliography

Anderson, J.

- 2011 "Public Shaming is an Effective Alternative to Prison." *Daily Aztec* (January 23). Available online at <http://www.thedailyaztec.com/2088/opinion/public-shaming-is-an-effective-alternative-to-prison>.

Ajunwa, I.

- 2015 "The Modern Day Scarlet Letter." *Fordham Law Review* 83, 101, 2015; *Columbia Public Law Research Paper* No. 14-455. Available online at SSRN: <https://ssrn.com/abstract=2460898>.

Assaf, S.

- 1924 *Batei ha-Din ve-Sidreihem abarei Hatimat ha-Talmud* (The Rabbinical Courts in the Post-Talmudic Period). Jerusalem: Defus ha-Po'alim. [In Hebrew]

Aviner, Shlomo

- 2016 "Laws of Shaming." Available online at <http://www.news1.co.il/Archive/003-D-110471-00.html>. [In Hebrew]

Baer, Y. F.

- 1989 "The Origins of Jewish Communal Organization in the Middle Ages." *Binah: Studies in Jewish History, Thought and Culture* 1: 59-82.

Baron, S. W.

- 1942 *The Jewish Community: Its History and Structure to the American Revolution*. 3 volumes. Philadelphia: Jewish Publication Society of America.

Blondheim, M.

- forth. "Rabbi Gershom of Mainz' Vision of a Jewish Europe According to Herem de-Raben Gershom." In *Conversations of the Jewish Diaspora: From Antiquity to Post-modernity*. Edited by M. Blondheim and H. Rosenberg. Mamaroneck: Israel Academic Press.

Buber, Shlomo

- 1968 *Lofty Reading*. Jerusalem: Self-Published. [In Hebrew]

Cheung, A. S.

- 2014 "Revisiting Privacy and Dignity: Online Shaming in the Global E-Village." *Laws* 3: 301-26.

Cherlow, Yuval

- 2015 "Shaming – Brief Halachic Guidance." Available online at <http://www.tzohar.org.il/?p=6702>. [In Hebrew]

Cusworth, C., B. Daniels, and E. Rondi

- 1996 "The Ethics of Public Shaming." In *The Ethical Imperative in the Context of Evolving Technologies*. Edited by D. McIntosh. Leeds: Ethica Publishing. Available online at <http://www.ethicapublishing.com/3CH8.htm>.

Darwin, C. R.

- 1965 *The Expression of the Emotions in Man and Animals*. Chicago: University of Chicago Press.

Elon, M.

- 1977 "Authority and Power in the Jewish Community: A Chapter in Jewish Public Law." *Annual of the Institute for Research in Jewish Law* 3/4: 7-34. [In Hebrew]
- 1978 "Communal Government and the Relationship between the Individual and the Community in Jewish Law." *Shanah be-Shanah*: 209-37. [In Hebrew]
- 1994 *Jewish Law: History, Sources, Principles*. Translated from the Hebrew by Bernard Auerbach. Philadelphia: Jewish Publication Society.

Ericson, E. H.

- 1950 *Childhood and Society*. New York: Norton.

Ezra, G.

- 2016 *Srugim* (February 21).

Friedman, M.

- 1991 *The Haredi Ultra-Orthodox Society: Sources Trends and Processes*. Jerusalem: The Jerusalem Institute for Israel Studies. [In Hebrew]

- 2005 *The Pashqevil (Pasquinade) and Public Wall Poster/Bulletin Board Announcements in Haredi (Ultra-Orthodox) Society: The Exhibition Catalog in the Eretz-Israel Museum (June-July 2005)*. Tel Aviv – Jerusalem: The Eretz-Israel Museum and Yad Ben-Zvi. [In Hebrew]
- Freud, S.
- 1935 “Three Essays on the Theory of Sexuality.” In *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. Edited and Translated by J. Strachey. London: Hogarth Press.
- Garcia, D. S.
- 1999 “Three Worlds Collide: A Novel Approach to the Law, Literature, and Psychology of Shame.” *Texas Wesleyan Law Review* 6: 105-29.
- Garvey, S. P.
- 1998 “Can Shaming Punishments Educate?” *The University of Chicago Law Review* 65, 3: 733-94.
- Goldin, S.
- 1997 *Uniqueness and Togetherness: The Enigma of the Survival of the Jews in the Middle Ages*. Tel-Aviv: Hakibbutz Hameuchad. [In Hebrew]
- Goldman, L. M.
- 2015 “Trending Now: The Use of Social Media Websites in Public Shaming Punishments.” *American University Law Review* 52:415-51.
- Grossman, A.
- 1983 “The Origins and Essence of the Custom of ‘Stopping the Service.’” *Milet: Everyman’s University Studies in Jewish History and Culture* 1: 199-219.
- Harlap, L. R.
- 2010 “The Pashkevillim Culture through the Mirror of Language: Studies in Phenomena of Text Syntax and Discourse Style.” *Iyunim Besafah Vebevera* 3, 1: 104-21. [In Hebrew]
- Heo, M., and J. Park
- 2017 “Shame and Vicarious Shame in the News: A Case Study of the Sewol Ferry Disaster.” *Journalism*. Available online at <http://journals.sagepub.com/doi/abs/10.1177/1464884916688928>.
- Hirsch, A. J.
- 1992 *The Rise of the Penitentiary: Prisons and Punishment in Early America*. New Haven: Yale University Press.
- Kagan, Israel Meir
- 1999 *Sh’mirat HaLashon*. Jerusalem: Merkaz Hasefer. [In Hebrew]

- Kahan, D. M.
1996 "What Do Alternative Sanctions Mean?" *The University of Chicago Law Review* 63, 2: 591-653.
- Kantor, H., and M. Muchnik
2004 "Unique Linguistic Usages in Ultra-Orthodox Announcements." *Mebkarei Morashteinu b-c*: 239-49. [In Hebrew]
- Kaplan, K.
2007 *The Secret of the Ultra-Orthodox Discourse in Jerusalem*. Jerusalem: Mercaz Zalman Shazar leToldot. [In Hebrew]
- Karo, Joseph
2010 *Shulchan Aruch, Even Ha'ezer*. Bnei Brak: Idan. [In Hebrew]
- Karp, D. R.
1998 "The Judicial and Judicious Use of Shame Penalties." *Crime and Delinquency* 44, 2: 277-94.
- Katz, D.
1975 *The Musar Movement: Its History, Leading Personalities and Doctrines* 1. Tel-Aviv: Orly Press. [In Hebrew]
- Katz, J.
1993 *Tradition and Crisis: Jewish Society at the End of the Middle Ages*. Translated by Bernard Dov Cooperman. New York: New York University Press.
- Lewis, M., J. M. Haviland-Jones, and L. Feldman Barrett.
2008 *Handbook of Emotions*. New York: Guilford.
- Litowitz, D.
1997 "The Trouble with Scarlet Letter Punishments." *Judicature* 81: 52-57.
- Maariv*
2016 "Rabbi Stav: It Would Be Better to Put the Refusenik in Jail." *Maariv* (February 21). Available online at (<http://www.maariv.co.il/news/israel/Article-527203>). [In Hebrew]
- Massaro, T. M.
1991 "Shame, Culture, and American Criminal Law." *Michigan Law Review* 89, 7: 1880-1944.
- Morton, B. C.
2001 "Bringing Skeletons Out of the Closet and into the Light: Scarlet Letter Sentencing Can Meet the Goal of Probation in Modern America Because It Deprives Offenders of Privacy." *Suffolk University Law Review* 35: 97-124.

- Malek-Buda, R.
2016 "Shaming for Those Who Refuse to Grant a Divorce." Available online at <http://www.nrg.co.il/Scripts/artPrint/artPrintNew2015.php?filename=/online/11/ART2/757/329.html>. [In Hebrew]
- Nitzan, H.
2005 Stopping the Service: Its Use in the Middle Ages and the New Age. M.A. Thesis, Bar-Ilan University. [In Hebrew]
- Or-Haorot
n.d. Website at <http://www.orhaorot.022.co.il/BRPortal/br/P100.jsp>.
- Owens, J. B.
1999 "Have We No Shame: Thoughts on Shaming, White Collar Criminals, and the Federal Sentencing Guidelines." *American University Law Review* 49, 5: 1047-58.
- Sanders, S. E.
1997 "Scarlet Letters, Bilboes and Cable TV: Are Shame Punishments Cruel and Outdated or Are They a Viable Option for American Jurisprudence." *Washburn Law Journal* 37: 359-82.
- Shapira, Z.
2005 *The Language of the Pashkevillim from N. Babrozi-Baroz* (Curator): *Pashkevillim: Wall Posters and Polemic Announcements in the Ultra-Orthodox Street*. Tel Aviv: The Eretz Israel Museum and Yad Ben-Zvi. [In Hebrew]
- Skeel, D. A.
2001 "Shaming in Corporate Law." *University of Pennsylvania Law Review* 149, 6: 1811-68.
- Skoric, M. M., J. P. E. Chua, M. A. Liew, K. H. Wong, and P. J. Yeo
2010 "Online Shaming in the Asian Context: Community Empowerment or Civic Vigilantism?" *Surveillance and Society* 8, 2: 181-99.
- Smith, R. H., J. M. Webster, W. G. Parrott, and H. L. Eyre
2002 "The Role of Public Exposure in Moral and Nonmoral Shame and Guilt." *Journal of Personality and Social Psychology* 83: 138-59.
- Solove, D. J.
2007 *The Future of Reputation: Gossip, Rumor, and Privacy on the Internet*. New Haven: Yale University Press.

Weinfeld, Moshe

- 1977 "Organizational Prints and Punishment Ordinances of an Individuals Regulations Scroll." *Annual of the Bible and Research into the Ancient East* B 30: 60-81.
- 2006 "The Covenant in Qumran." Pp. 59-69 in *The Bible and the Dead Sea Scrolls. The Second Princeton Symposium on Judaism and Christian Origins*. Volume II. Edited by James H. Charlesworth. Waco: Baylor University Press.

Whitman, J. Q.

- 1998 "What Is Wrong with Inflicting Shame Sanctions?" *The Yale Law Journal* 107, 4: 1055-92.