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# SHAME, BLINDNESS, AND THE FACE OF THE OTHER: EMOTIONS IN AND OUT OF RABBINIC LEGAL TEXTS

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What do we talk about when we talk about ancient emotions? While the emotional world of the rabbis may bear some similarities to how we today understand feelings in general or specific emotional states, scholars of emotion agree that a great deal of any given culture's understanding of emotion is socially constructed. A crucial task for the study of emotion in antiquity, therefore, is to determine what native theories of emotion, the self, and the mind are at work in ancient texts that use terms we would translate as "love," "shame," "jealousy," or "anger." If pre-modern people considered emotions to be important in their world but did not necessarily subscribe to modern concepts of the self, and certainly not to contemporary ideas about psychology, what did they think those emotions were? Where did they come from, where could they be found in the person experiencing them, and how did they manifest in the world?

While there has not been a great deal of scholarship until now on emotions per se in rabbinic literature,<sup>1</sup> there has been a substantial conversation around rabbinic concepts of the self and their relationship to rabbinic law in particular.<sup>2</sup> In her book *Purity, Body, and Self in Early Rabbinic Literature*, Mira Balberg argued that laws about maintaining a state of ritual purity helped to create a distinctively rabbinic construction of the self, one in which the legal subject maintains a special kind of internal awareness as he or she moves about the world.<sup>3</sup> Balberg's argument connects developments in the rabbinic self to increased attention to the self in the Greco-Roman world, particularly among the Stoics. Ishay Rosen-Zvi responds to this claim by disputing the notion that early rabbinic literature conceives of a separation between the "internal" and the "external."<sup>4</sup> Instead, Rosen-Zvi claims, "The subject seen above as formed by rabbinic halakha is flat; its thoughts and deeds are on the same plane. There is no inner world which is fundamentally different from the outer one."<sup>5</sup> In arguing for a "flat" Mishnaic self, Rosen-Zvi notes: "The

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<sup>1</sup> There has, however, been some degree of exploration of particular emotions, including shame, the central topic of the present essay. See for example Jeffrey L. Rubenstein, "The Bavli's Ethic of Shame," *Conservative Judaism* 53:3 (2001), 27–39; Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: The Johns Hopkins University Press, 2003), 67–80; Jonathan K. Crane, "Shameful Ambivalences: Dimensions of Rabbinic Shame," in *AJS Review* 35:1 (2011), 61–84; Yakir Englander and Orit Kamir, "Body and Shame in the World of the Tannaim and Amoraim," in *Jewish Studies / Mada'ei haYahadut* 49 (2013–4), 57–101; Ari Mermelstein, *Power and Emotion in Ancient Judaism: Community and Identity in Formation* (Cambridge: Cambridge University Press, 2021), 159–175.

<sup>2</sup> In addition to the works cited below, see also Ayelet Libson, *Law and Self-Knowledge in the Talmud* (Cambridge: Cambridge University Press, 2018) and Joshua Levinson, "The Divided Subject: Representing Modes of Consciousness in Rabbinic Midrash," in *Self, Self-Fashioning, and Individuality in Late Antiquity: New Perspectives* (Tübingen: Mohr Siebeck, 2019), Maren R. Niehoff and Joshua Levinson, eds., 169–187.

<sup>3</sup> Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014).

<sup>4</sup> Ishay Rosen-Zvi, "The Mishnaic Mental Revolution: A Reassessment," in *Journal of Jewish Studies* 66:1 (Spring 2015), 36–58.

<sup>5</sup> Rosen-Zvi, "The Mishnaic Mental Revolution," 56.

self created in these sources is intimately connected to the legal discourse, and is formed along with the law.”<sup>6</sup>

Yet normative legal thought can also give us special insight into how the rabbis understood emotions because in order for a particular law about an emotion to apply, the rabbis had to evaluate whether, and possibly to what extent, that emotion had taken place. As legislators, they must define the sorts of acts that might cause the emotion, what types of people may sue for the emotion, and perhaps even whether some people experience a particular emotion more than others. Rabbinic law is also a fruitful source with which to understand ancient Jewish concepts of emotion precisely because emotions in antiquity were not always conceptualized as belonging to the individual self, but rather were often more connected to the operation of larger communal structures. In what follows, then, I will offer an example of what it might look like to reconstruct a native theory of emotion through an exploration of rabbinic legal literature, focusing on one particular emotion term, *boshet*, which is frequently translated as “shame.”<sup>7</sup>

According to rabbinic law, *boshet* is one of five categories of torts for which one can sue in case of physical harm, along with pain, sustained bodily harm, loss of work, and medical expenses. We will focus on one particular question that comes up in the discussion of *boshet* in the Mishnah, Tosefta, and Bavli: can blind people sue for *boshet*? Through a close reading of a passage from the Bavli that attempts to explain this possible exemption by analogy to other legal cases, we will see that the rabbis’ investigation into a connection between *boshet* and blindness is not merely incidental, but rather that it reveals important insights into rabbinic beliefs about what shame is and how it manifests in human beings.

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<sup>6</sup> Rosen-Zvi, “The Mishnaic Mental Revolution,” 45.

<sup>7</sup> *Boshet* is often translated as either “shame,” “humiliation,” or “denigration,” but for ease of understanding, I will be translating it as “shame” here, with the acknowledgment that other words and phrases are also used throughout rabbinic literature to mean shame in other contexts.

## Shame in tannaitic literature

Starting in the tannaitic period, rabbinic literature displays an interest in what we would call shame, and in particular, a concern with discouraging people from producing shame in others.<sup>8</sup> Although shame and honor were live concepts in both biblical and Second Temple sources, the act of harming another person by causing them shame does not receive much attention until it is brought up in particular strands of tannaitic literature.<sup>9</sup> Shame was a central cultural factor in the Roman empire in which the *tannaim* were subjects. As Jonathan Pomeranz has compellingly argued, the emergence of *boshet* as a tort category in the tannaitic period is likely due to influence from Roman law, according to which one could sue for *iniuria*, often translated as something like “shame” or “insult.”<sup>10</sup>

Tannaitic discussions of shaming others address two primary types of situations, only one of which is legally classified as *boshet*. First, tannaitic sources discuss the verbal shaming of another, which according to the rabbis should be avoided at all costs. Though this does not constitute *boshet* and no particular punishment is prescribed for it, the act of shaming another with words is nonetheless clearly portrayed as a type of wrongdoing. It is compared to usury in m. Bava Metzia 4:10, where it is referred to as “verbal wronging,” and in Avot 3:11, R. Elazar Ha-Moda’i declares that one who causes his fellow’s face to blanch in public has no share in the world to come.

The second type of shame is one that occurs in the context of physical, as opposed to verbal, assault. This is our legal category of *boshet*. In this instance, the perpetrator must commit some kind of physical action that,

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<sup>8</sup> For the purposes of comparison, I propose a tentative definition of shame as a painful emotion resulting from a person’s experience of their own powerlessness, inadequacy, or failure. On the complex relationship between shame and power in ancient Jewish literature, see Mermelstein, *Power and Emotion*, 159-170.

<sup>9</sup> See Amit Gvaryahu, “Laws of Injury in Tannaitic Teachings” (M.A. Thesis, The Hebrew University of Jerusalem, 2013), especially 44-49.

<sup>10</sup> Jonathan A. Pomeranz, “The Rabbinic and Roman Laws of Personal Injury,” in *AJS Review* 39:2 (November 2015), 303-331.

as a consequence, results in a shameful or degrading experience for the victim, such as spitting on someone or exposing their body in public. Like the other categories of damages, financial restitution for *boshet* must be made to the victim, and it is discussed primarily in the context of general damages in m. Bava Kamma 8, t. Bava Kamma 9, and also to a much lesser extent in the context of rape in m. Ketubot 3 and 4.

At first glance, shame as a tort seems to be essentially different from “verbal wronging” or “whitening the face.” One is a strictly defined, punishable legal offense that is relevant only in the context of a physical attack; the other is a verbal assault that, though frowned upon and potentially punishable by God, is not a legally prosecutable action. Yet, as we shall see, strong thematic interconnections exist between the two rabbinic frameworks for thinking about shame.

### **Blindness in *boshet* law and rabbinic literature**

Tannaitic literature addresses not just the question of what sorts of actions may be classified as *boshet*, but the issue of what types of people are included under the laws of *boshet* at all. According to m. Bava Kamma 8:1, “One who causes *boshet* to a naked person, a blind person, or a sleeping person is liable. A sleeping person who causes *boshet* is exempt...” The law in the Mishnah, which is also the majority opinion in the Tosefta, is thus that blind people are legally allowed to sue if someone else causes them *boshet*. The Tosefta, however, also includes the opinion of R. Yehudah:

One who causes harm to a deaf person, a mentally incompetent person, or a minor is liable [for the other categories of damages] but exempt from *boshet* because those [categories of people] do not have *boshet*... R. Yehudah says that a blind person does not have *boshet*, and the sages say that [a blind person] does have *boshet*.<sup>11</sup>

Like the Mishnah, the Tosefta here addresses categories of people who are or might be excluded from liability for rabbinic *boshet* penalties. Though I have translated fairly literally the Tosefta’s language of “does/does not

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<sup>11</sup> T. Bava Kamma 9:13 (Lieberman).

have *boshet*," it is important to recognize that "having" or "not having" something is common shorthand in both biblical and rabbinic literature for having *legal standing* about a particular matter. For example, the phrase "he does not have blood," used regarding housebreakers in Ex. 22:1 and in rabbinic explorations of this topic, means that this person's murder is not legally punishable. Thus, the positions in the Tosefta should be read not necessarily as descriptive statements about whether particular people actually have a subjective experience of shame (though it is of course possible that such beliefs implicitly lie behind the toseftan debate), but rather as defining what kinds of victims one is legally liable for shaming. According to R. Yehudah, a blind person may not collect damages for *boshet*, whereas according to the sages, a blind person would be entitled to such damages.

The initial trifecta of categories that the Tosefta lists—the deaf person, the mentally incompetent person, and the minor—is a classic grouping in rabbinic literature of people who are not viewed as full legal actors. It is therefore not entirely surprising that they would be excluded from this realm of law. However, both tannaitic and later strata of rabbinic literature are much more ambivalent about blind people, treating blindness as a liminal category that both is and is not considered to be a disability.

The fact that blindness receives relatively little attention in rabbinic literature compared to other physical differences, and is arguably not entirely treated as a disability, may help explain why scholars of rabbinic literature—even those who consider the treatment of disability in the rabbinic corpus—have by and large not paid much attention to it. As Julia Watts Belser and Lennart Lemhaus point out, "In contrast to deafness and intellectual disability, blindness and physical disability become relevant in rabbinic legal thought only in limited instances when an individual impairment limits a person's ability to perform a specific religious obligation."<sup>12</sup> For example, blind people are prohibited from serving as

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<sup>12</sup> Julia Watts Belser and Lennart Lemhaus, "Disability in Rabbinic Judaism," in *Disability in Antiquity*, ed. Christian Laes (London: Routledge, 2016), 434-435. See also Judith Abrams,

witnesses because the rabbis emphasize the need for sight in the production of eyewitness testimony. This sort of exemption, however, is the exception and not the rule; as Belser and Lehmhaus note, “Rabbinic sources suggest that people with vision disabilities participated in many aspects of Jewish ritual – and could participate fully in the intellectual life of the rabbinic study house.”<sup>13</sup> Indeed, a series of stories in the first chapter of b. Hagiga describe wise blind people who rebuke rabbis for not being sufficiently deferential towards them, and several rabbis quoted in the Bavli are blind, namely R. Sheshet and R. Yosef.<sup>14</sup>

Notably, R. Yosef is even quoted on the topic of blindness itself:

R. Yosef said: At first I would say that if someone said that the law follows R. Yehudah, who said that a blind person is exempt from the commandments, I would make a holiday for the rabbis. For behold, I am not commanded and nonetheless I perform [the commandments]! [But] now that I have heard that which R. Hanina said—greater is the one commanded and performs [the commandment] than one who is not commanded and still performs [the commandment]—on the contrary; if someone says to me that the law does not follow R. Yehudah, I will make a holiday for the rabbis.<sup>15</sup>

This paragraph appears at the end of a sugya discussing R. Yehudah’s possible exemption of blind people from *boshet* laws, a sugya to which we will return in detail shortly, and it highlights several important features of the way blindness is portrayed in rabbinic literature. First, it is noteworthy that we have a statement by a blind rabbi acknowledging a position that deems him outside the framework of commandedness. It is highly unusual in rabbinic literature for someone who might not be considered a full legal actor to be given a voice in a discussion about the quality that

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*Judaism and Disability: Portrayals in Ancient Texts from the Tanach through the Bavli* (Washington: Gallaudet University Press, 1998), 129.

<sup>13</sup> Belser and Lehmhaus, “Disability,” 435.

<sup>14</sup> On these stories, see Rachel Rafael Neis, *The Sense of Sight in Rabbinic Culture: Jewish Ways of Seeing in Late Antiquity: Greek Culture in the Roman World* (Cambridge; New York: Cambridge University Press, 2013), 69-74.

<sup>15</sup> B. Bava Kamma 87a; see also parallel at b. Kiddushin 31a.



(potentially) limits them from obtaining full legal status. Second, though R. Yosef acknowledges the possibility that blind people might be exempt from the law, he in the end prefers the option in which blind people are liable, which in fact is the majority opinion and accepted as the law in practice. And finally, this passage makes clear that in the framework of rabbinic values, the most desirable status is that of being commanded—preferable to performing the commandments supererogatorily—and that blind people are ultimately conferred this status.

Nonetheless, R. Yehudah's position in the Tosefta still raises the possibility that blind people might be treated like those with disabilities such as deafness or mental illness, and would perhaps thus be exempt from *boshet* and perhaps even from other legal categories as well. The idea is even raised in the Bavli, though it is ultimately rejected, that R. Yehudah might believe that blind people might be outside the scope of Jews who are obligated in the commandments altogether (as per R. Yosef's statement above). The Bavli quotes three different statements in which R. Yehudah claims that blind people are not only excluded from the laws of *boshet* but are deemed outside the bounds of those who are considered valid legal subjects elsewhere as well. For each statement, the Bavli offers a midrashic explanation for R. Yehudah's claim. We will now turn to each of these passages in detail to see how the explanation of each helps us to understand how the rabbis of the Talmud conceptualize the connection between *boshet* and blindness, and further, how they view the nature of *boshet* as an emotion term and its connection to other types of shame.

### **R. Yehudah's analogies of blindness**

In the first passage, R. Yehudah draws an analogy between the exclusion of blind people from *boshet* laws and the exclusion of blind people from laws regarding manslaughter and forms of rabbinic criminal punishment:

R. Yehudah says that a blind person does not have *boshet*. And thus would R. Yehudah exempt blind people from the liability to be exiled [to

cities of refuge as an unintentional murderer], from the liability to receive lashes, and from the liability to be executed by the court.

What is the reasoning of R. Yehudah [about *boshet*]? He derives [it] from the words “your eyes [shall not have pity]” (Deuteronomy 25:12) [regarding *boshet*] and “your eyes [shall not have pity]” (Deuteronomy 19:21) [regarding false witnesses]. Just as in that case [of false witnesses] blind people are not [included], so too in this case [of *boshet*] they are not included.

Regarding those liable to be exiled [as unintentional murderers], it is taught, “Or with any stone with which one could kill, without seeing, and he cause it to fall upon him...” (Numbers 35:23) – this excludes one who is blind, according to R. Yehudah...<sup>16</sup>

In this passage, R. Yehudah bases his analogies on verses in the Torah that specifically mention “eyes” and “seeing.” Both the verses about false witnesses and the verses from which the laws of *boshet* are derived include the phrase “your eyes shall not have pity”; therefore, just as R. Yehudah exempts blind people from *boshet* laws, he also exempts them from liability as false witnesses. Similarly, because unintentional murderers must commit an act of manslaughter “without seeing,” R. Yehudah draws the conclusion that such actors must have the ability to see in general, and therefore exempts blind people from liability for unintentional murder as well. Further on in the passage, R. Yehudah continues to draw analogies to those liable for execution by the court and those liable for lashes, creating a chain of sets of shared words that allow him to draw his conclusion about the exclusion of blind people from one area of law to another. The word “killer” links accidental murderers (Numbers 35:11) with those executed by the court (Numbers 35:16), and the word “guilty” links those executed by the court (Numbers 35:31) with those liable for lashes (Deuteronomy 25:2).

As we continue to follow R. Yehudah’s logic through ever-widening circles of possible legal exemptions for the blind, it is worth noting that the nature of R. Yehudah’s opinion in these statements is somewhat

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<sup>16</sup> B. Bava Kamma 86b.

different from his opinion as it appears in the Tosefta. The Tosefta addresses the issue of categories of people who might not be able to sue for *boshet*. In that context, R. Yehudah suggests that blind people, like deaf people or mentally incompetent people, might be legally unable to sue for *boshet*. In the Bavli passage above, however, the phrase “a blind person does not have *boshet*” is clearly understood from context to mean that blind people would not be liable if they committed *boshet*, as opposed to not having legal standing if they were to be the victims of *boshet*. Though this is likely a much more palatable position for the modern ethical reader, it is unclear whether or not a moral concern for the treatment of blind people might have motivated the altered version of R. Yehudah’s position. Regardless, the subtle shift between these two types of exemptions is not made explicit in the text, and in fact the classical commentators take pains to elide the incongruity between R. Yehudah’s position in the Tosefta and his seemingly orthogonal position in the analogies that follow. For the sake of our discussion here, we can take R. Yehudah’s positions as a whole as an attempt to remove blind people from the category of *boshet* more broadly, regardless of what exactly their exclusion from that category entails.

In the next passage, R. Yehudah goes a step further, drawing an analogy between the exclusion of blind people from the laws about manslaughter and the exclusion of blind people from all of the legal judgments in the Torah:

R. Yehudah says that a blind person does not have *boshet*. And similarly, R. Yehudah would exempt a blind person from all of the legal judgments [*dinim*] that are in the Torah.

What is the reasoning of R. Yehudah? Scripture says: “And the assembly shall decide between the slayer and the blood-avenger about these laws [*mishpatim*]” (Numbers 35:24). Anyone who is included [as a potential] slayer or a blood-avenger is included in “these laws”; anyone who is not

included [as a potential] slayer or a blood avenger is not included in “these laws.”<sup>17</sup>

According to the Bavli’s logic, because a blind person is not included in the laws of manslaughter, and the discussion of those laws at Numbers 35:24 includes the general phrase “these laws,” R. Yehudah extrapolates to exempt blind people from all possible legal judgments [*dinim*].

In a final passage, R. Yehudah makes one last analogy, between exclusion from all of the judgments in the Torah and exclusion from all of the commandments in the Torah:

Another *baraita* teaches: R. Yehudah says that a blind person does not have *boshet*. And similarly, R. Yehudah would exempt a blind person from all of the commandments [*mitzvot*] that are mentioned in the Torah.

R. Shesha the son of R. Idi said: What is the reasoning of R. Yehudah? Scripture says: “These are the commandments, the laws and statutes” (Deuteronomy 6:1). Anyone who is included in “laws” [*mishpatim*] is included in “commandments and statutes,” and anyone who is not included in “laws” is not included in “commandments and statutes.”

Again, a similar interpretive logic is at play; we now have the words “laws, commandments, and statutes” juxtaposed together in one phrase, and because the previous analogy already concluded that blind people are exempt from the category of “laws,” R. Yehudah derives from Deuteronomy 6:1 that they are exempt from the categories “commandments and statutes” as well.

There are two significant features of this series of midrashically derived statements on the part of R. Yehudah. First, while R. Yehudah’s general position regarding blindness is quoted elsewhere in the Bavli, these particular textual derivations for his position only appear in the context of the Bavli’s discussion of *boshet*. Second, these textual derivations of R. Yehudah’s exemption of the blind rely heavily on verses from the laws in Numbers regarding unintentional murder. Why do these passages turn in particular to the laws of murder, and specifically unintentional murder, in the discussion of laws relating to *boshet*? We should also note

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<sup>17</sup> B. Bava Kamma 86b-87a.

that not only are the prooftexts brought for R. Yehudah's statements based on the laws of unintentional murder, but so too is a prooftext for another feature of *boshet* laws, the requirement that there be specific intent to shame another person. R. Shimon derives this requirement from another passage in the Torah dealing with laws about murder and manslaughter, Deuteronomy 19:

What is the reasoning? It is like murder. Just as [in the case of] murder [one is exempt] unless he intended [to kill] that person, as it is written, "If he lies in wait for him and rises up against him" (Deuteronomy 19:11)—if he intends [to kill] that person—so too for *boshet* he must intend [to shame] that person, as it is written, "And she put forth her hand and grabbed him by the private parts"—if he intends [to shame] that person.<sup>18</sup>

Once again, verses about killing are being used in an argument by analogy to determine what kinds of people and scenarios should or should not be considered valid cases for a *boshet* penalty.

Why the focus on these verses specifically? It could be that verses about manslaughter raise the issue of intent, which is also a crucial component of *boshet* liability and might be related to the issue of sightedness. However, another dimension of the answer becomes clear when we consider that public humiliation outside the context of tort law is compared to the spilling of blood:

A tanna taught before R. Nahman b. Yitzhak: Anyone who humiliates [lit: blanches the face of] his fellow in public is like one who sheds blood.

He said to the tanna: You have spoken well, for I see regarding him<sup>19</sup> that red [of the blood] leaves and pallor comes.<sup>20</sup>

According to R. Nahman b. Yitzhak's statement, public humiliation, even just through words, which is the only type of *boshet* being considered here, is similar to violent murder. What is crucial here for our purposes is that this is true not just because it is a terrible thing to do that should be

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<sup>18</sup> B. Bava Kamma 86a.

<sup>19</sup> The phrase "I see regarding him" (חזינא ליה) is missing in some manuscripts.

<sup>20</sup> B. Bava Metzia 58b.

avoided, but because both acts cause the blood to visibly drain from someone's body. In the case of murder, the blood actually exits the body, while in the case of *boshet*, blood technically remains in the body but drains from the capillaries in the face, causing the shamed person to look pale.

In fact, this understanding of *boshet* is baked into the language through which the concept of shame is discussed. To return to the seemingly different types of rabbinic shame mentioned earlier, the Hebrew for public verbal humiliation is *halbanat panim*, the "blanching of the face." The Aramaic word for shame, which is used in the Bavli as a translation of the Hebrew term *boshet*, is *kisufa*, which also refers to the whitening of the face (from the word *keseif*, meaning "silver" or "pale"). The rabbis, then, through R. Yehudah's metaphors, are framing shame—whether physically or verbally induced—as something that occurs in the body in much the same way that actual physical harm does. And they are further describing this harm, this blanching of the face, as something that is visible both to the person performing the shaming and to anyone else around who might see it.

We can understand R. Yehudah's approach even better by comparing it with other statements about blindness he makes elsewhere in the Bavli. According to a statement in the name of R. Yehudah, "One who is blind in one of his eyes is exempt from the pilgrimage festival, as it says, 'he shall see' or 'he shall be seen' (Exodus 23:17). Just as one comes to see with his two eyes, so too to be seen with his two eyes."<sup>21</sup> This statement refers to the pilgrimage to Jerusalem, for which R. Yehudah requires a complete bodily seeing apparatus. The verses in the Hebrew Bible that are understood as commanding these pilgrimages require that all males either see, or are seen by, God, depending on how the relevant word is vocalized – *yir'eh* or *yera'eh*.<sup>22</sup> The Masoretes would later establish that the word should be read as "be seen," *yera'eh*. R. Yehudah's read takes both possible meanings together to establish that the seeing must be reciprocal: just as the pilgrim is seen by God who, the rabbis presumably imagine, would

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<sup>21</sup> B. Chagiga 2a.

<sup>22</sup> See also Exodus 34:23 and Deuteronomy 16:16.

have no physical disabilities, so too must the pilgrim be able to look back in a symmetrical way. R. Yehudah's statement also fits with a general attitude towards sight shared by the rabbis and their Late Antique neighbors. As Rachel Rafael Neis has discussed, many late ancients believed that vision is bilateral, that to see something also entails having it "see" back, or otherwise affect, the one who looks.<sup>23</sup>

Ultimately, the codified position in rabbinic law is that blind people are included in *boshet* laws. Nonetheless, by tracing the associations in the Bavli between blindness and *boshet*, we have found that a crucial point of connection between these two concepts has to do with the face. First there is the part of the face that is seen by the public, that is, the pallor in one's cheeks as a result of being publicly shamed. This is clearly a key part of the rabbinic conception of shame, as we have noticed not only from the language of *halbanat panim* and *kisufa*, but also from the striking use of metaphors about fatal loss of blood in the context both of *boshet* and of general verbal humiliation. It seems that this connection is also at play when the rabbis use murder laws as an analogy to demonstrate why blind people might be exempt from *boshet* laws. Then there are the eyes, which both affect by seeing and are in turn affected by what they see. This bilateral theory of sight, along with the idea that *boshet* manifests primarily in the face, which is the part of the human being that is most visible to the world, helps us to understand how the rabbis understand *boshet* and its possible connection to sightedness. The texts here thus suggest that the rabbis conceptualize the emotion of *boshet* as involving a community of faces who both see and are seen by each other. When one is shamed and, so to speak, "loses face," any perpetrator in that community must take responsibility.

## Conclusion

To return to our initial question: what does it mean to speak of ancient emotions? As we have seen from analyzing this material on *boshet* and

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<sup>23</sup> Neis, *The Sense of Sight in Rabbinic Culture*, 45ff.

blindness, one essential piece of this project is to pay attention to how these emotions are portrayed in the body and in the *sensorium*.

Shame is not the only rabbinic emotion that is expressed using language etymologically tied to a color.<sup>24</sup> The word *kin'ah*, which can mean either jealousy or anger, is etymologically related to the color red, though the rabbis may not have been aware of this connection. This is, of course, not a solely rabbinic phenomenon; the word “livid” is etymologically related to the color blue, and English has many colorful idioms for emotions such as “green with envy,” “feeling blue,” and “seeing red.” Other words are not color-related per se but still conjure powerful visual or sensory images, such as an Aramaic word for anger, *ritha*, that has to do with boiling, or the word *samah*, to be joyful, which is related to a similar root in Ugaritic and other Semitic languages meaning “to shine.”<sup>25</sup>

Whereas the rabbis associate the results of *boshet* with the face turning white, Western readers today would more likely associate the experience of shame with the face turning red. In fact, in the Roman world, blushing was likewise strongly connected to the idea of *pudor*, the word for “shame” in the sense of “to have a sense of shame,” or to be “shameless.”<sup>26</sup> In the Roman world, if one has *pudor*, and therefore blushes when one ought to, that means that one has a sense of what is socially proper. *Pudor* is, however, entirely different from the closest Roman parallel to the rabbis’ *boshet*, that is, *iniuria*, and it has an entirely different set of connotations—most obviously, positive rather than negative ones (it is good to have *pudor*, whereas it is not good to experience *iniuria*). Nonetheless, *pudor* and *boshet* do share an important set of commonalities. Each is associated with

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<sup>24</sup> It should also be noted that in Palestinian rabbinic texts, shame is sometimes described using language referring to faces that turn the color of saffron or sand. See Catherine Hezser, *Rabbinic Body Language: Non-Verbal Communication in Palestinian Rabbinic Literature of Late Antiquity* (Leiden: Brill, 2017), 210-217.

<sup>25</sup> Jonas C. Greenfield, “Lexicographical Notes II:IX The Root שמה,” in *Hebrew Union College Annual* 30 (1959): 141-51. I am grateful to Erez DeGolan for pointing me to this source.

<sup>26</sup> See Robert Kaster, “The Shame of the Romans,” in *Transactions of the American Philological Association* (1974-), Vol. 127 (1997), 1-19.



a visible change to the color of the face, and, I would argue, each is also associated with a strong sense of sociality. To be a person who experiences *pudor*, or who is subject to or liable for *boshet*, is to have an awareness of one's role vis-à-vis others. The importance of this awareness manifests in the emphasis on the face as a signal of emotion that is visible to one's community.

For the rabbis and the Romans to focus on the face in this way is, as Ruth Padel has discussed in her treatise on emotions in Greek tragedy, simultaneously a literal and a metaphorical description of what they think shame is and means. As Padel argues, ancient texts' "imagery for inner experience indicates implicit beliefs abroad in the culture about what is in people, how it gets there, and how it interacts with the world outside."<sup>27</sup> We thus see a complex relationship in rabbinic legal texts between the world of emotion and the internal self and the world of laws and actions. Descriptions of outer appearances and physical acts in these texts can reveal a great deal about how their writers conceptualize affects such as shame, and can even help us to make connections between emotion concepts that appear primarily in legal contexts (e.g., *boshet*) and those that appear outside the explicit context of rules and norms (e.g., *halbanat panim*).

This is not to say, however, that there is no tension between the realm of laws and the realm of subjective feelings. After all, the former still operates on the level of abstract principles that may miss important facts about real human experience. The Bavli's discussions of who is included in the laws of *boshet* are, arguably, hypothetical reflections about what is at stake in those laws—an understanding of how one's actions affect the other, and an awareness of the serious damage done through the "draining of blood from the face"—more than they are a serious consideration of whether or not actual blind people should be legally liable (after all, we already know that R. Yehudah's position is the minority position and is not the one codified in the Mishnah). This may

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<sup>27</sup> Ruth Padel, *In and Out of the Mind: Greek Images of the Tragic Self* (Princeton: Princeton University Press, 1992), 43-44.

seem problematic to the extent that blind people are used here to “think with” rather than treated as real-life legal subjects whose experiences need to be taken seriously on their own terms.

To some extent, the Bavli itself also recognizes this tension. For example, one passage earlier in the same chapter of the Bavli describes the real-world stakes of attempting to apply some of these abstract assessments:

There was a certain donkey that cut off the hand of a child. [The case] came before R. Pappa b. Shmuel... He said to them: Go appraise his damages.

But it is necessary to appraise him as a slave [in order to calculate the value]!

He said to them: Go appraise him as a slave.

The father of the child said to them: I do not want [this], for this thing is humiliating [*zila*] to him.

They said to him: But you are acting to the disadvantage of the child!

He said to them: When he grows up, I will repay him from my own [funds].<sup>28</sup>

This legal anecdote reveals how shame can actually result from the application of rabbinic tort laws, rather than being ameliorated by them.<sup>29</sup> The rabbis’ method of calculating payment for physical damages is to evaluate how much a person would be worth on the slave market before and after the damage (e.g., loss of a hand) was sustained. Yet for the father in this story, to perform this act on his actual child would be more harmful than helpful, since it would humiliate his child to be evaluated as a slave. He therefore chooses to bypass the legal system entirely and compensate

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<sup>28</sup> B. Bava Kamma 84a.

<sup>29</sup> Though the word for “humiliating” that appears here is not the same as any of the terms that we have translated as “shame” thus far, it does seem to be closely connected with *boshet*/shame in the minds of the Bavli’s rabbis. See for example a discussion at b. Bava Kamma 86b that considers whether the *boshet* payment is meant to compensate for *kisufa*, which seems in this context to mean something more like subjective shame, or for *ziluta*, which seems to mean something more like humiliation in the eyes of the public.

the child himself later, a resolution which neither penalizes the donkey's owner nor entirely guarantees the child's restitution, as the father is now solely responsible for ensuring that he saves those funds and follows through on his promise. Nonetheless, it is clear why such a decision could still seem best for the child. Since the anecdote ends here, it seems to imply that even the legal authority, R. Pappa b. Shmuel, allows this alternative resolution to the case. Here, then, the law is portrayed as completely failing to address a person's experience of shame, showing that the rabbis' awareness of the ways in which emotions can sometimes disrupt the rabbis' normative frameworks.

Rabbinic law thus builds a world of subjects and objects, actions and reactions, that tells us about where in the body the rabbis thought emotions such as shame resided, how those emotions could be detected, and who could experience them. Rather than conceptualizing emotions as operating within a self that is internal to and separate from the body, the rabbis understand emotions to reside in and on the body.<sup>30</sup> As we have shown, the rabbis—along with other ancient societies—associated shame with the face, which sees and is visible to the other faces it encounters. The rabbis thus viewed the realm of emotion as essentially connected to the realm of the communal and, hence, as a legislatable domain. At the same time, rabbinic texts also show the rabbis' awareness that emotions exist

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<sup>30</sup> This claim is distinct from Englander and Kamir's argument about the connection between shame and body in rabbinic literature (Englander and Kamir, "Body and Shame"). Englander and Kamir propose that shame in tannaitic literature is caused by a failure of the "outer body" to remain covered or to function as it ought (6-7). They argue that blindness is a source of shame in the rabbinic world because it represents a failure of the external body to properly mediate between the "soul" and the outside world. The fact that the blind person is already in a state of shame is what, for them, explains the possibility that this person would not be included in the *boshet* laws. Englander and Kamir also acknowledge a connection between shame and the face. However, as with their explanation of the relationship between shame and blindness, they view the face as a *cause* of shame. They argue that here too, shame is connected to the failure of the outside body, as blanching is a visible indication that the face does not contain the proper amount of blood. In contrast to this portrayal of the external body as the reason for shame, I have attempted to show that the face is the organ of the body through which the emotion of shame manifests, whatever its cause may be.

beyond the plane of the normative and can disrupt the boundaries of the very laws that attempt to define and contain them, as demonstrated by the legal anecdote above. To read for emotions in rabbinic legal texts, then, does not reveal solely an external and normative world, but rather offers a crucial access point in the development of a theory of emotion that engages with the rabbis' own terms and concepts.<sup>31</sup>

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<sup>31</sup> In further research I hope to construct a broader rabbinic theory of emotion as revealed through legal texts. See for example my forthcoming article "The Language of 'Kinnui': The Spirit of Jealousy and its Rabbinic Reception," in *Making History: Studies in Rabbinic Literature, History, and Culture in Honor of Richard L. Kalmin* (Brown Judaic Studies, anticipated 2023).