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 לעילוי נשמת ר' יצחק מאיר בן אליהו ובריינא בת אברהם ע"ה ור' גדליה בן אברהם מנחם הכהן ומרים בת ישראל ע"ה

## Ona'as Devarim Part 2 by Rabbi Mordechai Fleisher

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CLEAN SPEECH  
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In loving memory of Ruth and Warren Toitz

***Must one actually give up his life rather than publicly embarrass another person?  
 May one refer to another person by a nickname?***

The previous article on *ona'as devarim* focused on the basic situations that would be considered *ona'as devarim*. This article will discuss several broader subcategories that fall under the umbrella of *ona'as devarim*: Embarrassing someone publicly, calling someone by a nickname, and obtaining honor through the shame of another.

**Embarrassing someone publicly:** The Mishna (Pirkei Avos 3:15) states that one who publicly embarrasses another person has no share in the World to Come. The opinion of the Rambam (Hilchos Teshuva 3:14) is that only one who makes a habit of doing this suffers this consequence. The Gemara (Bava Metzia 58b) states that there are three groups of people who descend to *gehennom* and do not ascend, and one of those is one who publicly embarrasses another person. The Gemara also says that such an act is akin to murder, and explains that when one is very embarrassed, the blood rushes to his face and then drains, leaving his face white, as if he is lifeless. Rabbeinu Yonah (Sha'arei Teshuva 3:139) provides a second reason, explaining that public shaming is more bitter than death itself.

The Rambam (Hilchos De'os 6:8) states that the "embarrassment" discussed in this context means that the victim's face changes color. It should be noted that while embarrassing another person to this degree in private is not as severe, it is a transgression of a negative commandment in the Torah. The Torah states, "You shall reprove your fellow, and you shall not bear a sin because of him." The Gemara (Erachin 17b) interprets the latter part of the verse as saying that when offering rebuke to another, one must be careful not to embarrass him to the point where his face changes color. The Rambam (ibid.) understands this as a general prohibition, and not limited to situations of reproof.

The Gemara (Sotah 10b) states that it is preferable for one to be thrown into a fiery furnace rather than embarrass another publicly. The Gemara infers this from the story of Tamar and Yehuda. Tamar had been sentenced by Yehuda and his court to death by burning for an alleged forbidden relationship. Unbeknownst to Yehuda, he was the one who had been

with her<sup>1</sup>, which was a permissible relationship. Tamar did not announce this fact, as she preferred to die than publicly embarrass Yehuda. She instead made an announcement that only Yehuda would understand, relying that he would admit his guilt (which he did)<sup>2</sup>.

There is a great deal of debate as to whether the ruling of the Gemara is literal and one must actually sacrifice his life rather than publicly embarrass another. Taking the ruling literally raises the question that there are only three cardinal sins for which one must sacrifice his life - idolatry, illicit relationships, and murder. However, Rabbeinu Yonah (Commentary to Pirkei Avos 3:15 s.v. *vihamalbin* and Sha'arei Teshuva ibid.) states that embarrassing another publicly is akin to murder, and is thus included in that cardinal sin. Tosafos (Sotah 10 b s.v. *no'ach*) also take the ruling literally, explaining that it is not included in the cardinal sins since it is not explicitly mentioned in the Torah.

However, the Meiri (Brachos 43b) does not take the Gemara's words literally, nor is this halacha cited by the Shulchan Aruch when discussing scenarios where one must give up his life rather than transgress (see Shulchan Aruch Yoreh De'ah 157). Practically, there is debate even among contemporary authorities regarding whether one must, indeed sacrifice his life rather than publicly embarrass another (see Shu"t Binyan Tzion 172-173; Shulchan Shlomo 1:7:5). Whichever side one chooses, the severity of publicly embarrassing another is quite clear.

**Using nicknames:** As mentioned earlier, the Gemara (Bava Metzia 58b) states that there are three groups of people who descend to *gehennom* and do not ascend. One of these groups are those who call another by a demeaning nickname. The Gemara continues that this is true even if the name is already

<sup>1</sup> Tamar had disguised herself at the time of their meeting, so Yehuda did not know it was her.

<sup>2</sup> The story of Yehuda and Tamar is complex and is (rightfully) the subject of huge amounts of discussion. Only the barest details are mentioned here, as the subject is obviously well beyond the scope of this discussion. See Bereishis Ch. 38 and commentators there.

commonly used and the victim is thus not embarrassed by its use. The Rambam (Hilchos Teshuva 3:14) says that one who is accustomed to calling others by such nicknames loses his share in the World to Come<sup>3</sup>.

Rashi (ibid. s.v. *didash*) explains that although the victim is not shamed, since the person using the nickname intends to embarrass the victim, he is culpable. The implication of Rashi's words is that if a person is commonly addressed by a demeaning nickname and is not embarrassed by it, and someone calls him that name merely as a way of referring to him, without any intent to shame him, this ruling would not apply. Indeed, this is the ruling of the Shulchan Aruch (Yoreh De'ah 228:5).

Tosafos (Pesachim 112a s.v. *tziva*) indicate that it is permitted to refer to another by a nickname if it is being done in jest. This would seem to mean that the person being referred to is not embarrassed by this name, nor does the person using the nickname intend to cause any embarrassment. One must, of course, exercise caution, as often a person is indeed embarrassed but will not express his discomfort and will play along as if it is perfectly fine.

However, the Gemara elsewhere (Megillah 27b) relates that the students of Rabi Zakai asked him why he merited a long life. He responded with several areas of piety he was particular about, among them that he never referred to another with a nickname. Tosafos (ibid. s.v. *vilo*), wonders why this is considered pious when, as per the aforementioned passage in Bava Metzia, it is clearly a severe infraction. Tosafos explain that Rabi Zakai would not even use a non-demeaning nickname. It is thus clear that it is admirable, though by no means obligatory, to avoid referring to another by any nickname whatsoever.

It seems, however, that referring to someone by a diminutive form of his or her name – for example, calling someone named Avraham by the name “Avi” or “Avromi” or someone named Tziporah by the name “Tzippy” is not problematic, unless the person is particular not to be called by that name. The latter scenario may occur when a person was referred to by a diminutive name as a child, but, as the person grows older, he prefers not to be called by that name, which he now regards as childish (see Sefer Lire'acha Kamocha 3:2:11,17).

**Obtaining honor through another's shame:** The Talmud Yerushalmi (Chagiga 2:1) states that Rabi Yosi said that one who obtains honor through another's shame has no portion in the World to Come. The Rambam (ibid.) says that this

<sup>3</sup> The source of this ruling is unclear; see Kesef Mishna ibid.

applies to one who is accustomed to doing so.

The Gemara (Megillah 28a) relates that Rabi Nechunye ben Hakaneh's students asked him why he merited a long life. One of the acts of piety he told them of was that he never obtained honor from the shame of another. This is puzzling, as this is not an act of piety, but a serious transgression. The answer lies in the Gemara's illustration of obtaining honor through the shame of another. The Gemara relates that Rav Huna was carrying a shovel on his shoulder. Rav Chana bar Chanila'i, wishing to show respect to Rav Huna, attempted to take it and carry it for him. Rav Huna said to Rav Chana, “If you are accustomed to carrying shovels in your hometown, then you may carry it now. Otherwise, I will be obtaining honor through your shame.” It is difficult to surmise that had Rav Huna allowed Rav Chana to willingly carry the shovel, he would have been fully guilty of obtaining honor through his fellow's shame; Rav Chana willingly offered to do so! Rather, in such a case, it is considered an act of piety to avoid even such a type of honor (Maharsha Chiddushei Aggados Megillah ibid. s.v. *miyamai*).

However, obtaining honor through another's shame when the shamed person was not interested in being embarrassed is problematic even if the perpetrator did not do anything wrong toward the shamed person. For example, if a boss criticizes Employee A and Employee B expresses satisfaction that he is not guilty of such wrongdoing, Employee B has just elevated his status through the shame of his colleague. This is true even if the shamed person is not present as he is being shamed! For example, in the aforementioned scenario, if Employee A is not present to hear the boss's dissatisfaction with his performance, Employee B is still guilty if he elevates himself through the boss's criticism (Mishpitei Hashalom 7:15).

Although one who is accustomed to transgressing in any of these three areas will suffer severe consequences, one who has erred can do *teshuva*. Although sins between man and his fellow require forgiveness from the victim for full atonement, Rabbi Chaim Kanievsky is quoted as saying that it is logical that even repenting to G-d without obtaining forgiveness from the wronged party is sufficient to annul the loss of one's share in the World to Come.

It should be clear from the above discussion that *ona'as devarim* is not a simple transgression. Being mindful of what one says, does and how one interacts with others will certainly go a long way in helping a person avoid the pitfalls of *ona'as devarim*.

## ***Points to Ponder:***

***How many people must be present to be considered “in public”?***

***May one refer to another by an endearing nickname?***

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*Please consult with a qualified halachic authority for all practical questions of halacha*

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