



The Divine Honor Roll:

Kevod ha-Beriyot (*Human Dignity*) in Jewish Law and Thought

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Every act of abuse is an affront to the basic dignity with which every human being is entitled to be treated. In this chapter we will examine the nature of human dignity in traditional Jewish sources and the implications of this principle in our religious and social activities.

Historically, it was not always believed that human dignity was a universal concept. Both Aristotle and Plato held that most humans did not have natures worthy of free men and were only suited to be slaves. Aristotle thought that human worth was a function of one's ability to reason. Later, Hobbes denied that humans have any intrinsic worth at all, saying instead, "The value or worth of a man is, as of all other things, his price—that is to say, so much as would be given for the use of his power—and therefore is not absolute but a thing dependent on the need and judgment of another." Today, every human dignity and the rights and freedoms that flow from it are the cornerstones of modern, enlightened societies and every Western democracy has fundamental laws recognizing and protecting human dignity. The Universal Declaration of Human Rights states,

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.¹

Judaism has always ascribed dignity to all human beings: "God cares about the dignity of human beings"² and "*Kevod ha-beriyot* (human dignity) is very precious to God, and there is no value more precious than it."³ The philosopher Hermann Cohen regarded the just society as the ideal society of universal human dignity and freedom.⁴

What is human dignity? Why must we show respect and honor to others? What are the Jewish legal and moral sources of *kevod ha-beriyot* (human dignity)?

¹ The Universal Declaration of Human Rights, 1948, Article 12.

² *Mekhilta de-Rabbi Yishma'el, Mishpatim, Masekhet de-Nizikin, Mishpatim, parashah 12.*

³ *Meiri to Berakhot 19b.*

⁴ *Ethik des reinen Willens* (1904), ch. 15;

What normative obligations does this sensitivity to human feelings mandate? What then do we do when concern for human dignity seems to conflict with other religious or moral values?

***Kevod ha-beriyot* as a function of the Divine Image**

It is often suggested that *kevod ha-beriyot* is a function of man's creation *be-tzelem Elokim* (in God's image).⁵ This means that the respect given to a person is not really meant for him at all but is, rather, deference to God in Whose image he was created. By grounding human dignity in divine dignity, any affront to a human being is an affront to God Himself. This idea is given expression by the Torah's requirement of expeditious burial⁶ when it instructs us not to leave a corpse hanging over night, "for he that is hanged is a reproach to God. (Deuteronomy 21:23)" The Midrash explains metaphorically,

There were once twin brothers who were identical in appearance. One was appointed king, while the other became a thief and was hanged. When people passed by and saw the criminal hanging they exclaimed, "The king is hanging."⁷

The deceased is not buried out of any concern for his own dignity, but, rather, because it reflects poorly on the honor of his identical twin brother.

This concept is alluded to in its very formulation. We speak of "*kevod ha-beriyot*", lit., honor of the created,⁸ and not of *kevod ha-adam* (honor of man), hinting that the honor is due to the created because of the Creator.⁹

⁵ See Genesis 1:26. Nahmanides, elaborating on this idea, cites the verse, "And Thou hast crowned him with *kavod* (honor) and glory. (Psalms 8:6)" He explains that human dignity is rooted in man's wisdom, knowledge and abilities. See Maharal, *Derekh Hayyim* to *Avot* 4:21:

Kavod...relates to man *qua* man and man is that which is stated, "let us make man in our image." Honor and disgrace relate to this image which is the image of God.

⁶ Yehi'el Mikhal Tukczinsky in *Gesher ha-Hayyim*, II, p. 112, quotes the rabbinic idea that cremation is a denial of the belief in bodily resurrection and an affront to the dignity of the human body.

⁷ *Midrash Tana'im* to Deut. 21:23. See also Rashi; *Devarim Rabbah* 4:4:

When an icon [of the king] is paraded in front of people, what do they say?
Give honor to the icon of the king.

Tanhuma, Mishpatim 19; Rabbi Joseph B. Soloveitchik, *Yemai Zikkaron*, p. 9. *Tanh.*, *Pekudei*, 2; Gen. R. 11:2 explain, "in His image" as meaning "with the dignity of his Maker."

⁸ R. Moshe Kordovero, *Tomer Devorah*, ch. 3, states that the use of the term *beriyot* implies all creation, including the animal world.

⁹ Nahum Rakover, "*Gadol Kevod ha-Beriyot: Kevod ha-Adam ke-Erekh-AI*" (*Sifriyat ha-Mishpat ha-Ivri*: Jerusalem, 1998), p. 18.

Yet another source supports this position. R. Akiva explains the biblical verse, “And you shall love your friend as yourself (Lev. 19:18)” by positing, “What is hateful to you, do not do to your friend.”¹⁰ Now, if we were to evaluate this statement carefully we might suggest that one who behaves in less than dignified ways and allows himself to be disgraced by others may, in turn, disgrace others. After all, a corollary to R. Akiva’s aphorism is “what is *not* hateful to you, you *can* do to your friend.” However, the Midrash prohibits such behavior, qualifying the first verse with another,

“This is the book of the generations of Man. In the day that God created man, in the likeness of God made He him (Gen. 5:1).” R. Tanhuma said, “If you do so, know who you are spurning, ‘in the likeness of God made He him’.”¹¹

It is important to note that the dignity offered here to the hanged is not one that he personally deserves. After all, he is a criminal who has essentially forfeited his place in human society, as well as his claim to dignity and respect. Nevertheless, the Torah reminds us that each human being, regardless of considerations of faith, race, station in life, physical or mental capability or even religious or moral standing, is entitled to some basic respect, as everyone is created in God’s image.^{12 13} Even the corpse of an executed criminal is treated respectfully. Furthermore, since all human beings are created in God’s image—“Beloved is mankind who was created in God’s image”¹⁴—all human beings, Jews and non-Jews alike, are worthy of respect.¹⁵

¹⁰ Shabbat 31a.

¹¹ *Bereishit Rabbah* 24:7. See also *Yerushalmi, Nedarim* 9:4 and commentary of *Penei Moshe*, s.v., *zeh sefer*.

¹² Similarly, see *Baba Kama* 79b, where R. Yohanan ben Zakkai explained why there is a five-fold fine for a thief who stole and sold an ox and the four-fold fine for one who stole and sold a sheep. “How great is the honor of a human being! He who had to carry the sheep on his shoulders, being thus humiliated, pays only four-fold, while he who had only to lead the ox pays five-fold.”

¹³ See, however, approbation of R. Abraham Kook to *Mateh Shimon* recorded in *Tehumin*, V, p. 283, that one need not show *kavod* to a criminal during the commission of his crime (based on the exemption of showing respect to a prince who does not *oseh ma’aseh amakh, Baba Batra 4a*). However, after the crime is concluded, respect must once again be shown.

¹⁴ *Avot* 3:14. Many commentators to this Mishneh support this reading, see *Tiferet Yisrael* and *Tosafot Yom Tov*. *Tiferet Yisrael* brings proof from the structure of the Mishneh. After stating that *ha-adam* was created in God’s image, the Mishneh continues to speak about the special status of the Jewish people who are God’s children. This implies that the first statement is not limited to Jews. See, however, *Midrash Shmuel*, in the name of R. Hayyim Vital, who, when asked if Noahides possessed *tzelem Elokim*, maintained that God’s image is not found in *resha’im*

If giving respect to man shows respect for God, then it follows that anything done for the glory of Heaven is not, by definition, an affront to human dignity. Consider King David's celebration of the introduction of the Ark of the Covenant into Jerusalem in II Samuel, chapter 6. When his wife, Mikhal, observed David "leaping and dancing before the Lord (v. 16)," behavior she considered grossly undignified and demeaning, she castigated him,

How did the king of Israel get him honor today, who uncovered himself today in the eyes of the handmaids of his servants, as one of the vain fellows shamelessly uncovers himself! (v. 20)

David responded that by showing honor to God he, in turn, honors himself,

Before the Lord, who chose me above your father and above all his house, to appoint me prince over the people of the Lord, over Israel, before the Lord I will make merry. And I will be yet more vile than this, and will be base in my own sight and with the handmaids of whom you have spoken, with them I will get honor. (v. 21-22)

Rambam points to this episode as proof that "greatness and honor are attained only by rejoicing before God, as it is said, "And King David was leaping and dancing before the Lord (6:15)."¹⁶

(wicked people). This, of course, could apply equally to the wicked of Jews and non-Jews. See also Ramban to Deut. 21:23. See *Tosafot, Yevamot* 61a, s.v., *ve-ein*, that while *adam* may refer specifically to Jews, *ha-adam*, the phrase used in this Mishneh, refers to all humankind. See also R. Yonatan Eibshitz, *Lehem Shamayim* to Avot 1:12.

¹⁵ Shetzepansky, p. 324, suggests that further support for the universal application of *kevod ha-beriyot* is found in Rambam's *Mishneh Torah*. In exhorting judges to be circumspect in administering even well-deserved punishment to convicted criminals, Rambam, *Hil. Sanhedrin* 24:10, warns them not be indifferent to the concerns for the human dignity of the convicted. He offers two reasons for this warning: "[if he ignored *kevod ha-beriyot*, the judge] would violate a rabbinic prohibition and even more so would he disparage the dignity of the children of Abraham, Isaac and Jacob who cling to the truthful religion." A close reading of Rambam's words shows that he posits two independent reasons for the judge's need for circumspection: *kevod ha-beriyot* and Jewish dignity. While these principles are complementary, they are not identical and thus, even according to Rambam, *kavod* is do equally to Jews and non-Jews

¹⁶ *Hil. Lulav* 8:5:

...Whoever becomes arrogant and ascribes to himself honor in these matters (i.e., rejoicing on a holiday), is a sinner and a fool. King Solomon warned against this saying, "Do not glorify yourself before the king (Proverbs 25:6)." Whoever humbles himself in these matters is the great, honored one who serves [God] out of love. And thus did David, king of Israel, state, "And I

The commandment to honor God

We have suggested that the *mitzvah* to honor man is a function of a *mitzvah* to honor God. But, is there such a commandment? While we are aware of obligations of *ahavat Hashem* (love of God)¹⁷ and *yir'at Hashem* (reverence for God)¹⁸, where is the obligation of *kevod Hashem* (honor of God)? This is essential to our analysis if, as suggested, we are obligated to treat God's creations as we treat Him. *Kevod ha-beriyot* does not demand love (*ahavah*) or reverence (*yir'ah*), it commands honor. What is the source of our obligation to honor the Creator? While many verses in the Bible acknowledge that God is *melekh ha-kavod* (the King of honor) (Psalms 24:), tell us “the whole earth is filled with His honor (Isaiah 6:3),” and bid us “Give to God the honor of His Name (Psalms 29:2),” is there a normative obligation for humans to extend honor to God?

Such an obligation is assumed by Talmudic statements such as, “It is forbidden to walk for cubits in an arrogant posture, as it is written, ‘the whole earth is full of his *kavod* (honor)’.”¹⁹ Furthermore, the Talmud posits an equivalence between the honor due to parents and that honor due to God, citing the verse, “Honor God with your wealth (Proverbs 3:9)” and places the honor due to parents on a higher level than the honor due to God.²⁰

However, these sources do not offer a normative duty to honor God. Where is the commandment of *kevod Hashem* (honoring God)? One might suggest that while *kevod Hashem* is not articulated or officially prescribed, it is such a fundamental,

will be yet more vile than this, and will be base in my own sight (II Samuel 6:22)” Greatness and honor are attained only by rejoicing before God as it is said, “And King David was leaping and dancing before the Lord (6:15).”

¹⁷ Deut. 6:5: “And you shall love the Lord, your God.”

¹⁸ Deut. 6:13: “Fear the Lord your God.”

¹⁹ *Kiddushin* 31a.

²⁰ Jerusalem Talmud, *Kiddushin* 1:7:

R. Shimon b. Yohai taught: Great is the honor of father and mother for God preferred it to His own honor. It is stated here, “Honor your father and your mother” and it is stated there, “Honor God with your wealth.” How do you honor Him with your wealth? Set aside *leket*, *shikhehah* and *pe'ah*; set aside *terumah*, *ma'aser rishon*, *ma'aser sheni*, *ma'aser 'ani* and *hallah*; make a *sukkah*, *lulav*, *shofar*, *tefillin* and *tzitzit*; feed the hungry and give drink to the thirsty. If you have [the financial means] you are obligated in all of these, and if you do not have [the financial means], you are not obligated in any of them. But, regarding honoring parents, whether you have [the means] or whether you do not have [the means], honor your father and your mother—even if you have to go begging from door to door.

overarching principle that it can be assumed. However, *kevod Hashem* may be a function of another *mitzvah*, that of *kiddush* and *hillul Hashem* (the sanctification and desecration of God's Name).²¹ The essence of these principles is the concern for the positive and negative ways in which God is perceived in the world. They are concerned about His reputation and His honor. Anything that is a *hillul Hashem* impugns the honor of God. Thus, the Talmud is sensitive to the way in which observant Jews are judged by others, especially with regard to their ethical behavior. This is the yardstick by which the value of God and His Torah are judged.²²

That there is an equivalence between *kevod Hashem* (honoring God) and *kiddush* and *hillul Hashem* (sanctifying and desecrating God's Name) is alluded to in a Talmudic qualification of the *kevod ha-beriyot* (human dignity) principle itself: "In any situation in which there is a *hillul Hashem*, one does not show respect [even] to a Rabbi." In other words, when there is a clash between divine dignity (*hillul Hashem*) and human dignity, God's honor takes priority.²³

In fact, the concepts of *kavod* (honor) and *kedushah* (sanctity) are linked elsewhere in the Torah as well. In describing the sanctification of the Tabernacle,

²¹ See my article, "*Kiddush Hashem* and *Hillul Hashem*: The Sanctification and Desecration of God's Name" at <http://jsafe.org/resources.htm>.

²² *Yoma* 86a:

Abaye explained: As it was taught: "And thou shalt love the Lord thy God, (Deut. 6:5)" i.e., that the Name of Heaven be beloved because of you. If someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business, and speaks pleasantly to persons, what do people then say concerning him? "Happy the father who taught him Torah, happy the teacher who taught him Torah; woe unto people who have not studied the Torah; for this man has studied the Torah look how fine his ways are, how righteous his deeds!" Of him does Scripture say, "And He said unto me: 'Thou art My servant, Israel, in, whom I will be glorified' (Isa. 49:3)" But if someone studies Scripture and Mishnah, attends on the disciples of the wise, but is dishonest in business, and discourteous in his relations with people, what do people say about him? "Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah!" This man studied the Torah: Look, how corrupt are his deeds, how ugly his ways;" of him Scripture says: "In that men said of them, 'These are the people of the Lord, and are gone forth out of His land'" (Ezek. 36:20).

²³ Rabbi Dr. Norman Lamm suggested that the interconnection between *kiddush Hashem* and His *kavod* may be reflected in the juxtaposition of two verses in the *kedushah*, the liturgical sanctification of God's Name. After proclaiming God's holiness (*kadosh, kadosh, kadosh*) (Is. 6:3), we recognize His glory, *Barukh kevod Hashem mimekomo* (Blessed be God's *kavod* (honor, glory) from His place) (Ex. 3:12).

God said to Moses, “I shall set My meeting there with the children of Israel and it (the Tabernacle) shall be sanctified (*ve-nikdash*) with My honor (*bi-kevodi*) (Ex. 29:43).” The Talmud, *Zevahim* 115b, informs us that this verse alludes to the deaths of Aaron’s sons, Nadav and Avihu, through which the Tabernacle would be sanctified on the day of its consecration. By “misreading” *bi-kevodi* (my honor) as *be-mekhubadai* (those who honor Me), it suggests that those who honor God are the source of His sanctification.²⁴ The Talmud records,²⁵ “When [Aaron’s] sons died, [Moses] said to him, ‘Aaron, my brother, your sons died in order to sanctify the honor of the Omnipresent upon themselves.’”

Kevod ha-beriyot as a duty to man

Until now, we have suggested that the *kavod* given to a human being is not really due him at all. It is a duty owed to God that is shown to those created in His image. However, other sources suggest that dignity is owed to human beings *qua* human beings. R. Eliezer instructed, “Your friend’s honor should be as dear to you as your own,”²⁶ advising his students before his death, “Be mindful of the honor of your friends.”²⁷ The obligation to love others is rooted in self-love and self-interest, not in love of God: “And you shall love your fellow as yourself (Leviticus 19:18).” Rambam elaborates, “Therefore [one] must speak [another’s] praises and be mindful of his money just as he is careful with his own money and desires his own honor.”²⁸

If *kevod ha-beriyot* is not a function of a person’s *tzelem Elokim* (divine image), from where does it derive? Why do human beings deserve honor?

²⁴ See Lev. 10:3, “Moses said to Aaron, Of this did God speak, saying, “I will be sanctified through those who are nearest to Me, thus will I be honored before the people.”

²⁵ *Zevahim* 115b, according to the emendations of *Shitah Mekubetzet*.

²⁶ *Avot* 2:10.

²⁷ *Berakhot* 28b.

²⁸ *Hil. De’ot* 6:3. Similarly, R. Eliezer elaborates in *Avot deRabbi Natan* 15:1:

How is this so? Just as a person regards his own honor, so he should regard the honor of his friend, and just as a person does not want any aspersions cast on his own honor, so he should not want aspersions cast on his friends honor.

A relevant lesson is extrapolated from the verse, “Neither shall you go up by steps to My altar, that your nakedness be not uncovered upon it. (Exodus 20:23)” Rashi explains that if the *kohen*, who is wearing a tunic, would take wide paces as he ascends to the altar, he would be acting in a dishonorable manner toward the holy altar. He argues *a fortiori*: “These stones have no awareness [and are incapable of being] disconcerted about [such] disgrace, nevertheless, the Torah said that since they serve a [holy] purpose, you shall not treat them with dishonor; your friend who is created in the image of your Creator and is particular about his dignity, how much more so [should you not treat him with dishonor].”

One might argue that concern for human dignity is the foundation of all *mitzvot bein adam le-haveiro* (interpersonal obligations), such as returning lost objects; loving one's neighbor; not oppressing, slandering, or striking them, and so many others.²⁹ This means that the Torah is concerned not just for God-directed ritual activities (*bein adam la-makom*), but about interpersonal issues as well. Perhaps this is what Meiri meant when he said, "*Kevod ha-beriyot* is very precious to God, and there is no value more precious than it."³⁰ Unlike the gods of the Greeks who cared only for their own advantage and welfare, the God of the Jews cares passionately about the welfare of His creations.

However, the Torah itself does not invoke this principle. In fact, the terms *kevod ha-beriyot* and *kevod ha-adam* never appear in the Bible. And it appears that, except in limited cases to be discussed later, *kevod ha-beriyot* is not a significant factor at all. The Talmud dismisses concern for human dignity when it conflicts with Torah demands by invoking the biblical verse, "There is no wisdom and no understanding and no counsel against God (Proverbs 21:30)." When there is a choice—the preservation of human dignity or the violation of a biblical commandment—*kevod ha-beriyot* is discarded. "In every circumstance in which there is a desecration of God's Name, we do not show respect [even] to a Rabbi."³¹ God's honor always overrides Man's.

Recognition of *kevod ha-beriyot* as a legal principle seems to have been introduced by the Sages. It was they who identified and privileged concern for human dignity, and it was they who invoked it when formulating their own legislation or exercising their authority.³²

²⁹ Rabbi Joseph Soloveitchik, *Yemei Zikkaron*, p. 9. See, however, *Minhat Hinukh* to *mitzvah* 35, s.v., *u-mitzvat asef hi*, which elaborates on the obligation to request forgiveness from another for an interpersonal infraction before one can achieve divine pardon for that transgression (Yoma 85b; *Hil. Teshuvah* 2:9). He questions whether this is necessary for a violation of the obligation to respect parents. He posits that beyond the general, universal obligation of *kibbud kol adam* (respecting every person) which prevents one from distressing others, there is, by divine decree, an additional, specific obligation to honor parents. To be categorized as a *mitzvah bein adam le-haveiro* an obligation must be universal (*shaveh le-khol adam*). Honoring parents, however, is due to a *gezeirat ha-katuv* (divine decree) and may therefore be a duty owed only to God and not to humans. Thus, according to this analysis, one need not ask parents for forgiveness if the honor duty is violated. However, he allows for the possibility that this is a *mitzvah bein adam le-haveiro* as it is a human being who is the beneficiary of the duty.

³⁰ Meiri to *Berakhot* 19b.

³¹ *ibid.*

³² *Sefer Hareidim* to Jerusalem Talmud, *Berakhot* 3:1. However, *Peri Megadim*, *Orah Hayyim* 12, *Mishbetzot Zahav*, no. 1, states that *kevod ha-beriyot* is rooted in

The very fact that human beings are created by God and are created in His image means that they are special and deserving of particular attention. As is implied in the formulation of the concept, *kevod ha-beriyot* is respect for the *beriyot* (the created) and not for the *Borei* (the Creator).³³ In addition, the Mishnah teaches, "Beloved is Man because he was created in [the Divine] image."³⁴ The object of the adulation is Man, not God. While R. Zerahyah ha-Levi suggests that the *kavod* of the soul emanates from the *kisei ha-kavod*, the Divine Throne of Glory,³⁵ the *kavod* is his.³⁶ In fact, the word *kavod* is used as a synonym for the human soul in such verses from Psalms as "Therefore my heart is glad and my *kavod* (glory) rejoiceth (16:9)"; "So that *kavod* (my glory) may sing praise to Thee, and not be silent (30:13)"; and "Awake *kevodi* (my glory); awake psaltery and harp (57:9).

What is *kavod*?

If the obligation to honor God derives from *kiddush Hashem* (the duty to sanctify His Name), understanding that principle may help us define the nature of *kavod* (honor) itself. In the liturgical expression of *kiddush Hashem*, the *kaddish*, we find a succinct prescription for *kavod*: "*Yitgadal ve-yitkadash shmei rabba* (May [God's] great Name be aggrandized and sanctified)." It is by making God's presence in our world more meaningful, significant and consequential that we honor Him.

The English word *dignity* is rooted in the Latin *dignus*, "worthy of esteem and honor, due a certain respect, of weighty importance." Correspondingly, the Hebrew word *kavod* derives from the word *kaved*, which means heavy, weighty. Thus, acts of *kiddush Hashem* give God *gravitas*: weight, substance and worth; acts of *hillul Hashem* lighten the world of His influence.³⁷ So too, human dignity means that we

the Torah itself.

³³ Rabbi Aharon Lichtenstein, *Kevod ha-Beriyot in Mahanayim*, vol. 5, Iyar 5753, pp. 8-15.

³⁴ *Avot* 4:21.

³⁵ Introduction to his commentary to the Talmud.

³⁶ This is similar to the position of *Kometz Minhah*, *mitzvah* 237, who maintains that a person's soul was gifted to him by God and is in his jurisdiction.

³⁷ See also Rabbi Dr. Norman Lamm, "*Tzeniut*: A Universal Concept", at <http://www.yu.edu/administration/president/tzeniut.html>.

A second dimension of *tzeniut* is connected with the experience of *kavod*, usually translated as "glory," "majesty," "honor," or "respect." But "dignity" is a better translation. *Kavod* conveys a sense of dignity. The word "dignity" itself derives from a Latin root which means value, worthiness. A human being must have a sense of self-respect, an awareness of his own self worth. The source of this human dignity is *Ha-Kadosh Barukh Hu*, with regard to Whom we say *kevod Elokim haster davar* (Proverbs 25:2), the dignity of God lies in hiddenness. Dignity, like *kedushah*, thrives in *haster*

davar, in obscurity, in concealment rather than exposure. This holds true for man as well: his concealment is both cause and effect of *kavod*. If a person possesses *kavod*, a sense of dignity, he is going to deal with it in a manner compatible with *tzeniut*. Modesty will characterize his conduct and personality as a reflection of that inner sense of worth.

It is a matter of everyday experience. You meet a person who is always bragging, always talking about his own achievements, boasting of his attractiveness or intelligence or talent or wealth, and you know intuitively that you have just met a person who despises himself. Such a person will usually compensate for his poor self-image by telling you how great and superior he is. A person who has self-respect has no need to wear his virtues like a badge and broadcast them to the whole world. One who lacks this sense of *kavod*, of inner dignity and worth, will expose himself, as if to say, "Look at me. Am I not beautiful? Am I not smart?. Don't you like me?" If you do not like and respect yourself sufficiently, you will go out of your way to try to get other people to affirm your worth, because you have no appreciation of your own innate dignity. The lack of *kavod* leads to exhibitionism, the opposite of *tzeniut*, whereas a sense of *kavod* will normally result in the practice of modesty or *tzeniut*.

As was said earlier, dress and the like are an aspect of *tzeniut*, but by no means the whole of it. That does not by any means mean that *tzeniut* requires a kind of concerted attempt to look unkempt or unstylish. *Tzeniut* is not the antonym of attractiveness and pleasantness of appearance; it is the opposite of overexposure which, in turn, is a sign of the lack of *kavod*, of self-dignity.

Tzeniut implies *kavod* not only of oneself but also *kavod* for others. In its broader sense, the concept of *tzeniut* as *haster davar*, as concealment or hiddenness, bears upon interpersonal relationships. A relevant and significant example is *tzedakah*. The highest expression of this *mitzvah*, as is well known, occurs when the donor and the recipient do not know each other or of each other. Here, *tzeniut* ensures that *kavod* is extended not only to one's self but, primarily, to the other, in concern for the dignity of another sentient and sensitive human being. To give someone a handout directly is a good thing, but it is not the ideal way. The far nobler way is that of genuine modesty, where in addition to supporting somebody financially in a time of his need, you also support his personality by respecting his *kavod* and do not make him feel like a beggar.

Rabbi Joseph Soloveitchik, "The Lonely Man of Faith" in *Tradition*, 7:2, Summer 1965, writes that dignity is man's triumph over nature and the feeling of success, as opposed to redemption which is when man is "overpowered by the creator of nature," and is discovered in the "depth of crisis and failure" (pp., 23–24).

are to respect and behave towards others in ways that increase their *gravitas*, their importance, “weightiness,” and significance in their own eyes and in the eyes of others.

Forgiving one’s *kavod*

Perhaps the best measure of whether *kevod ha-beriyot* is the province of Heaven or of human beings is whether a person can be *mohel* (forgive) the respect due to him. If it is the honor of Heaven, by what right can he forgive it? If it is his own, then he may certainly do so.

Consider: *Kavod* (honor) is due to various individuals because of their station or status in the community, or because of their relationship to others. Parents,³⁸ spouses,³⁹ teachers,⁴⁰ rabbis,⁴¹ the elderly,⁴² *kohanim*,⁴³ and the king of Israel⁴⁴ are all due respect. In some cases, as in those of parents, rabbis and teachers, the individuals may forgive (*mohel*) the respect due to them. For instance, parents can permit their children to sit in their chairs and teachers can instruct their students not to stand when they enter a room. In other cases, like that of the king, honor may not be ceded.

Mehilah of honor is possible, of course, when an individual is the *ba’al* (master, owner) of that *kavod*. Since the king’s *kavod* is not personal but is, rather, the *kavod* of his nation, it is not his to dispense with. Parents have the ability to exempt their children from certain acts of deference as they are the ones to whom that honor is owed. That rabbis can forgive the respect due to them is somewhat problematic. At first glance it appears that the *kavod* extended is not for them personally but is, rather, for the Torah that they represent.

[While God can certainly forgive the honor due to Him or His Torah, after all] the world is His and the Torah is His... but is the Torah [the scholar’s]?

Nevertheless, “Rava answered, ‘Yes, the Torah is his, as it is written, “and in his Torah he will meditate day and night”’”(Joshua 1:8).”⁴⁵ Thus, we see that if the

³⁸ Exodus 20:11.

³⁹ *Yevamot* 62b.

⁴⁰ *Hil. Talmud Torah*, chapter 5.

⁴¹ *Hil. Talmud Torah* 5:10.

⁴² *Hil. Talmud Torah* 6:9.

⁴³ *Shulhan Arukh, Orach Hayyim* 201:2.

⁴⁴ *Hil. Melakhim* 2:1.

⁴⁵ *Kiddushin* 32a-b. Rambam, *Hil. Talmud Torah* 5:11, writes that although a rabbi may forgive the honor due to him, “even though [the teacher] forgave [his honor], the student is obligated to revere him [*hiddur*], even at the time he forgave him.” Now, why should this be so? If the teacher forwent any honor, why is this *hiddur* necessary? And why does Rambam seem to add the extraneous phrase “even though [the teacher] forgave [his honor] ... even at the time he forgave him”? One might

individual can forgive the honor only if it is due to him on his own merits, not if it comes to him in someone else's merit.

Can a person waive his own *kevod ha-beriyot*? Rabbi Joseph Soloveitchik, *zt"l*, who argues that *kevod ha-beriyot* is a function of the divine image in which humans are created, says no and warns that one who does so desecrates the *tzelem Elokim* (divine image) in which he was created. It is for this reason, he states, that Jewish law asserts that “disgraced people are disqualified to serve as witnesses”⁴⁶ and “one who eats in the marketplace is likened to a dog.”^{47 48} R. Abraham Isaac Kook also prohibited violation of one's own human dignity, “Protecting [the respect] one rightfully deserves is not a matter of arrogance. On the contrary, there is a *mitzvah* to do so. The opinion of the halakhic decisors is that it is prohibited to relinquish *kevod ha-beriyot* even in the case of a *mitzvah*.”⁴⁹

Nevertheless, from other sources it appears that one does have the right to relinquish the honor due him. If a person comports himself in undignified ways—behaving as if he has forgiven the *kevod ha-beriyot* due him, anyone who fails to show him respect is exempt from any liability.⁵⁰ Likewise, a person who commits suicide, at a time when such an act was considered a rebellion against God, had many privileges of burial and mourning withheld from him. The act of suicide, one brought

suggest that, in fact, there are two objects of reverence, the Torah of the *talmid hakham* and the Torah of God. Thus, although the *talmid hakham* may forgo the respect due to his Torah, he may not forgive the respect due to God's Torah. Thus, there still remains an obligation of *hiddur* “even at the time he forgave him.”

⁴⁶ *Hil. Eidut* 11:5.

⁴⁷ *Kiddushin* 40b.

⁴⁸ Rabbi Joseph Soloveitchik, “The Lonely Man of Faith,” p. 13; and *Yemei Zikaron*, p. 20. This essay is not a halakhic discourse and it is impossible to draw any normative conclusions from this statement.

⁴⁹ *Mussar Avikha* (Jerusalem, 5731), ch. 3, 4 p. 73.

⁵⁰ *Yam shel Shelomo*, Baba Kama, ch. 8, no. 35. See, however, **J**.

It once happened that a certain person uncovered the head of a woman in the market place and when she came before R. Akiba, he ordered the offender to pay her four hundred *zuz*. The latter said to him, ‘Rabbi, allow me time [in which to carry out the judgment];’ R. Akiba assented and fixed a time for him. He watched her until he saw her standing outside the door of her courtyard, he then broke in her presence a pitcher where there was oil of the value of an *isar*, and she uncovered her head and collected the oil with her palms and put her hands upon her head [to anoint it]. He then set up ‘witnesses against her and came to R. Akiba and said to him: Have I to give such a woman four hundred *zuz*?’ but R. Akiba said to him: ‘Your argument is of no legal effect, for where one injures oneself (in this case we are dealing with a case of degradation) though forbidden, he is exempt, yet, were others to injure him, they would be liable.’

about by a person's own hands, is a great affront to his *kevod ha-beriyot* and may be considered as if the suicide forgave any *kavod* due him. Rambam instructs that the only gestures of respect and dignity that are to be shown him are those that impact on the sensitivities of his survivors.⁵¹ Furthermore, even though a prominent person might be exempt from returning a lost object because it is *eino le-fi kevodo* (undignified), Rambam considers it meritorious for him to do so.⁵² According to these sources, it appears, that one has the power to forgive the *kavod* due him and that it is the human being *qua* human being that commands respect.

Are the standards of dignity objective or subjective?

Another consequence of the source of human dignity is whether the standards of respect are objective or subjective. Does a person of a higher social standing deserve more respect? Is his dignity more easily violated? Does a person who is more sensitive than others have a greater claim to *kavod*?

If the respect is due to the individual, then the standards will vary for each and every person, subject to their personal sensitivities and idiosyncrasies. However, if the honor is really God's, then the standard will be uniform.

In a debate over the tort payment for *boshet* (embarrassment or degradation) that one who harms another must pay to his victim, we find this very point debated. The Mishnah offers subjective formulae for determining *boshet*: "All to be estimated in accordance with the status of the offender and the offended"⁵³ and "This is the general principle: Everything [depends] upon his dignity."⁵⁴ The amount of compensation varies, depending upon the different and specific circumstances of each case. Yet, this is not so clear-cut. The Talmud records a debate in this matter. According to one authority, all people "should be considered as if they were freemen who have become impoverished since they are all the children of Abraham, Isaac and Jacob." According to another, each person is evaluated based upon his station in

⁵¹ *Hil. Avel* 1:11.

⁵² *Hil. Geneivah va-aveidah* 11:17. See, however, *Piskei ha-Rosh* to Baba Metzi'a, ch. 2, no. 21, who prohibits it.

⁵³ *Baba Kama* 86a:

For it was taught: 'All [sorts of injured persons] should be considered as if they were freemen who have become impoverished since they are all the children of Abraham, Isaac and Jacob; this is the view of R. Meir. R. Judah says that [degradation in the case of] the eminent man [will be estimated] in accordance with his eminence, [whereas in the case of] the insignificant man [it will be estimated] in accordance with his insignificance. R. Shimon says that wealthy persons will be considered merely as if they were freemen who have become impoverished, whereas the poor will all be put on the level of the least among them.

⁵⁴ *Baba Kama* 8:5.

life.⁵⁵ One view is objective, all people are treated the same; the other view is subjective. While the obligations and standards of *boshet* are not identical to those of *kevod ha-beriyot*, they do, nevertheless, inform our discussion.

There may be, however, a third position asserting that *kavod* is rooted in human beings but that it is due not to individuals, but to humanity as a whole.⁵⁶ When showing respect, we respect not one man, but all of mankind. Thus, no individual is the *ba'al* of his own dignity and he may not forgive it. Not only a third party, but not even a person himself, may violate humanity's dignity. It follows from this, as well, that what constitutes disgrace is also a universal standard, i.e., that which society deems unacceptable, and not that which may be embarrassing because of individual idiosyncrasies.⁵⁷ This is the position put forth by R. Naftali Amsterdam of Kovno, a nineteenth century student of R. Israel of Salant, who offered two examples: the *met mitzvah* (unattended corpse whose humiliation results from being left to decompose) and going naked in public.⁵⁸ However, situations that are degrading to a person only because of his personal predilections are not the concern of *kevod ha-beriyot*. Further, Tosafot limit dignity concerns to those matters that constitute *genai gadol* (great disgrace) and do not include those that are less humiliating.⁵⁹

⁵⁵ *Baba Kama* 90b:

This is the general practice, though all depends upon the dignity [of the insulted person]. R. Akiba said that even the poor in Israel have to be considered as if they are freemen reduced in circumstances, for in fact they all are the descendants of Abraham, Isaac and Jacob. It once happened that a certain person uncovered the head of a woman in the market place and when she came before R. Akiba, he ordered the offender to pay her four hundred *zuz*. The latter said to him, "Rabbi, allow me time [in which to carry out the judgment]." R. Akiba assented and fixed a time for him. He watched her until he saw her standing outside the door of her courtyard, he then broke in her presence a pitcher where there was oil of the value of an *isar*, and she uncovered her head and collected the oil with her palms and put her hands upon her head [to anoint it]. He then set up witnesses against her and came to R. Akiba and said to him: "Have I to give such a woman (Who herself, for the mere value of an *isar*, publicly uncovered her own head) four hundred *zuz*?" But R. Akiba said to him: "Your argument is of no legal effect, for where one injures oneself though forbidden, he is exempt, yet, were others to injure him, they would be liable."

⁵⁶ The Jerusalem Talmud, *Kilayim* 9:1, speaks of *kevod ha-rabbim*, respect of the public, rather than *kevod ha-beriyot*.

⁵⁷ See Resp. *Peri Tzaddik*, I, no. 53, who posits that *kevod ha-beriyot* is relevant only to those issues that are universal.

⁵⁸ In *Shabbat* 113a, R. Yohanan refers to his clothing as his "honor."

⁵⁹ *Shevu'ot* 30b, s.v. *aval*. Thus, an important person may have to testify in a lower

***Kevod ha-beriyot* can modify Rabbinic and Torah commandments**

The primary Talmudic source showcasing the clash of Torah law and the demand for respecting human sensitivities concerns someone who, while in a public space, realizes that he is wearing a garment containing *sha'atnez* (a biblically forbidden admixture of linen and wool).⁶⁰ Invoking the biblical verse, "There is no wisdom and no understanding and no counsel against God (Proverbs 21:30)," the Talmud instructs him to remove the forbidden garment immediately, even if this leaves him naked in public.⁶¹ The Talmud dismisses concern for the preservation of human dignity when it conflicts with a biblical prohibition: "In every circumstance in which there is a desecration of God's Name, we do not show respect [even] to a Rabbi."

Rambam records this case differently. He describes a person who observes the *sha'atnez* in another's garment and is required to strip the garment off the other person.⁶²

Despite what appears to be an apparent rejection of any concern for human dignity when it comes up against a Torah commandment, the Talmud quotes a conflicting tradition: "So great is *kevod ha-beriyot* that it overrides a Torah prohibition."⁶³ How do we resolve this striking inconsistency? The Talmud explains that *kevod ha-beriyot* does not override every Torah prohibition, but only one: "You shall not deviate from that which they tell you, to the right or to the left (Deut. 17:11)." It applies only to the obligation to heed rabbinic injunctions.⁶⁴ The dignity of Heaven and the laws of the Torah do not bend in deference to human dignity and the reason is obvious: "All that the Holy One, blessed be He, created in His world was created solely for His honor."⁶⁵ Rabbinic law, however, is overruled. *Kevod ha-beriyot* is thus not a biblical norm, but a rabbinic concern that is a rather narrow and relatively inconsequential legal concept. It seems that it was the Sages themselves who introduced this concern for human feelings and reputations, and it was they who

court despite the slight embarrassment it may cause. See Resp. *Havot Ya'ir*, no. 191.

⁶⁰ *Berakhot* 19b-20a.

⁶¹ "There is no one more *meshukatz* and abominable before the Omnipresent than one who walks naked in the marketplace" (*Yevamot* 63b). See Meiri who suggests that it is the act of undressing in public that is undignified.

⁶² *Hil. Kilayim* 10:29

⁶³ *Berakhot* 19b, *Menahot* 37b, *Shabbat* 81b and 94a, *Megillah* 3b, *Eiruvin* 41a.

⁶⁴ This is according to the Babylonian Talmud. However, it appears that the Jerusalem Talmud's normative position is to permit temporary waiver of biblical prohibitions.

⁶⁵ *Avot* 6:11.

exercised their discretion and compassion in creating and applying rabbinic legislation.⁶⁶

Nevertheless, there are circumstances in which even biblical proscriptions are waived in deference to human dignity. The Talmud describes two specific commandments that are suspended⁶⁷ because of concerns of *kevod ha-beriyot*: the deferment of returning a lost object, if retrieving the object would involve degrading behaviors by the one who must return it (*zaken va-eino le-fi kevodo*), and the ritual contamination of a *kohen* who must tend to an abandoned corpse (*met mitzvah*). However, citing the exegesis that supports this deferment in each of these cases, the Talmud limits the application of this concern solely to those commandments.

Exercising their authority, the Sages allow concerns for human dignity to suspend Torah laws when there is no concern of *hillul Hashem*. Thus, when God's significance in the world is not offended, as when the compromising activities do not actively or intentionally violate biblical commandments, *kevod ha-beriyot* is considered. These situations includes circumstances in which Torah laws are passively unfulfilled (*shev v'al ta'aseh*),⁶⁸ unintentionally violated (*shogeg*),⁶⁹ breached only temporarily (*sha'ah ahat*),⁷⁰ otherwise able to be abrogated in other ways,⁷¹ not universally binding,⁷² or of a financial matter.⁷³

⁶⁶ *Derashot ha-Ran, derush 5, nusah bet*; Yisrael Shepansky, *Ha-Takkanot be-Yisrael*, II, pp. 315ff. However, Ritva, *Hiddushei ha-Ran to Shabbat 94b, s.v. amar lo*, asserts that this dispensation applies only when the act is circumscribed solely by rabbinic concerns. If, however, there is *derara de-isura de-orayta*, a biblical prohibition that is somehow qualified in a way that reduces it to a rabbinic violation (e.g., a non-Jew carrying a corpse on Shabbat in a biblical *reshut ha-rabbim* (public domain) that is prohibited rabbinically as a *shevut*), there is no dispensation for *kevod ha-beriyot*.

⁶⁷ *Gilyonei ha-Shas to Berakhot 19b* discusses whether it is *dehuyah* or *hutra*.

⁶⁸ *Berakhot 20a*. Rashi, s.v., *shev v'al ta'aseh shani* explains that this falls within the authority of the rabbis to control behavior.

⁶⁹ Rosh to *Berakhot 19b*. *Bah to Yoreh De'ah 303*, no. 2, suggests that a responsibility of *lifnei iveir* that is rabbinic in nature is nullified because of *kevod ha-beriyot*. Rambam, *Hil. Kelayim 10:29*, does not make this distinction. *Sha'agat Aryeh*, no. 58, cites Rashi, Rambam, Ramban and Tosfaot as rejecting this opinion. See, however, Resp. *Noda be-Yehudah, Mahadura Kama, Orach Hayyim*, no. 35, s.v. *ve'adayin yesh makom* and Resp. *Devar Yehoshu'a*, I, no. 21, 1 and 11.

⁷⁰ Jerusalem Talmud, *Kilayim 9:1*; Resp. *Noda be-Yehudah*, I, *Orach Hayyim*, no. 35.

⁷¹ *Tosafot, Berakhot 20 a*, s.v. *shev v'al ta'asheh*, as in the case of a Nazirite who may be relieved of his restrictions through formal application to a court. Since the restrictions can be waived in one way, *kevod ha-beriyot* may also waive them.

⁷² *Tosafot, Berakhot 20 a*, s.v. *shev v'al ta'asheh*, as in the case of a *kohen* whose restrictions against becoming impure apply only to his caste and to no others. See

Rosh, for example, in his comments on the Talmudic passage concerning the wearing of *sha'atnez*, maintains that one is obligated to remove a prohibited *sha'atnez* garment only if he himself is wearing it. If, however, another person is wearing such a garment and the wearer is oblivious to that fact, the observer is under no obligation to unclothe him and need not inform him until the garment can be removed without offense, discreetly and appropriately. Since he is wearing the prohibited garment unintentionally (*shogeg*), we are to be sensitive to his dignity.⁷⁴ This position is put forth in the Jerusalem Talmud, which describes two cases: a *kohen* sitting in a study hall, unaware that a corpse is present, and a person unknowingly wearing *sha'atnez*. In both cases, the Talmud rules that one may not inform him of the circumstances that may lead to his embarrassment.⁷⁵

Rambam would disagree with the leniency that results from this analysis. As noted above, he records the case as one in which one strips another of his forbidden garment, making no allowance for the wearer's awareness or intention.⁷⁶

While *Shulhan Arukh* records Rambam's position as the normative law, Rema adds that one may withhold information in these cases, as well as when a sleeping *kohen* is unaware that there is a corpse in his house. If faced with such a circumstance, one may call him out of the house on another pretext, thus enabling him to dress properly before leaving his residence.

Resp. *Tuv Ta'am va-Da'at*, *Mahadura Gimel*, II, no. 211, in which R. Shelomo Kluger allows a cantor to remain in a synagogue and lead the service when a corpse is in another room—even if the *kohen* is aware of its presence. He invokes the principles of *kevod ha-tzibbur*, *kevod ha-beriyot* and the disgrace to God and a community that prayer services cannot be held. *Even ha-Ozer* adds this reason of *Tosafot* to allow the *kohen* to complete his task as *hazan*.

⁷³ *Raviah* to *Berakhot* 20a, arguing that in monetary matters *kevod ha-beriyot* can override a Torah prohibition even in an active (*kum ve-asei*) manner. This is because money is *nitan le-mehilah* (a debt which is otherwise able to be forgiven outside the context of the Torah's requirement of payment). Similarly, see Resp. *Sha'agat Aryeh*, no. 58.

⁷⁴ *Piskei ha-Rosh*, *Nidah* ch. 9, *Hil. Kela'ei Begadim*, no. 6. Resp. *Noda be-Yehudah* suggests that the reason that *shogeg* is considered is that the unintentional violator is considered to be acting passively (*shev ve-al ta'aseh*).

⁷⁵ Jerusalem Talmud, *Kilayim* 9:1. *Terumat ha-Deshen*, Responsa, no. 285.

⁷⁶ This, in fact, is how *Tur*, *Yoreh De'ah* 303, understands Rambam's opinion. See also *Tumim*, no. 28:12; *Tzlah* to *Berakhot* 20a; Resp. *Peri Tzaddik*, I, no. 26. *Bah*, 303:2, however, maintains that Rambam does distinguish between intentional and unintentional violations. See also *Peri Megadim*, *Shoshanat ha-Amakim*.

R. Yehezkel Landau, author of *Responsa Noda be-Yehudah*, considered this principle when discussing a rather bizarre case. A young yeshiva student who boarded in a private home had an illicit relationship with the married woman of the house. He subsequently married her daughter. When seeking instruction from R. Landau for how to repent for this grievous sin, he asked whether he had to inform his father-in-law of this affair which, due to her infidelity, made his mother-in-law forbidden intimately to her husband.⁷⁷ It was feared, however, that revealing this illicit relationship would harm the reputation of this heretofore prominent, well-respected family. R. Landau ruled that the husband must be told of the illicit affair because, among other reasons, he might engage on a regular basis in intimate relations with a woman who is now forbidden to him. However, if the couple would no longer be intimate with each other, he would allow them to conduct themselves publicly as husband and wife, thus saving them from public embarrassment. Other authorities dealing with similar circumstances ruled otherwise, permitting the illicit affair to remain undisclosed, invoking, among other arguments, sensitivity to *kevod ha-beriyot*.⁷⁸ R. Landau also ruled that a woman does not have to reveal to her husband that she was not a virgin when they were married.⁷⁹

If, indeed, “There is no wisdom and no understanding and no counsel against God (Proverbs 21:30),” how can the Sages suspend Torah laws when faced with *kevod ha-beriyot*? A careful analysis will show that in each of the cases in which the Torah ignores concerns for *kevod ha-beriyot*, there is a *hillul Hashem* involved and God’s dignity trumps Man’s. However, in situations in which there is no active transgression or in which the infraction is unintentional, there is no rebellious violation of God’s law and there is no *hillul Hashem*.⁸⁰ In addition, the Sages asserted their authority and extended their application of the *kevod ha-beriyot* principle, exercising their powers to limit fulfillment of Torah law by *shev ve-al ta’aseh* (passivity) and *sha’ah ahat* (temporary decree).⁸¹

However, even when there are criteria that may allow a *mitzvah* to be suspended in consideration of *kevod ha-beriyot*, there are other limiting factors. The threat to one’s dignity must be immediate; anticipated future debasement is irrelevant.

⁷⁷ A married woman who engages in an illicit relationship with a strange man becomes forbidden to them both, her husband and her lover (*ehad la-ba’al ve-ehad la-bo’el*). See *Sotah* 26b.

⁷⁸ Resp. *Rav Pe’alim*, I, *Even ha-Ezer*, no. 1; Resp. *Divrei Hayyim*, I, no. 35.

⁷⁹ Resp. *Rav Pe’alim*, I, *Even ha-Ezer*, no. 2.

⁸⁰ Resp. *She’eilat Ya’avetz*, II, 134; Resp. *Peri Yitzhak*, I, no. 26. For a discussion of the parameters of *Hillul Hashem*, see my...

⁸¹ Yerushalmi (Rakover, p. 60) Resp. *Noda be-Yehudah, Mahadura Kamma, Orah Hayyim*, no. 35, permits the suspension of laws in the interest of *kevod ha-beriyot* on a temporary, but not an ongoing, basis.

Thus, *Or Sameiah* comments on the prohibition⁸² of sewing special clothing on *hol ha-mo'ed* (the intermediate days of a holiday during which such activity is prohibited) for an infant who will celebrate his circumcision. Although *kevod ha-beriyot* is a factor to be considered, since the prohibited act of sewing is not simultaneous with the act of respect, i.e., wearing the garments, the prohibition is not suspended.⁸³

Examples of *kevod ha-beriyot* in halakhic literature⁸⁴

Defective tallit: It is permissible to refrain from informing someone that the fringe (*tzitzit*) on one corner of his garment has torn away, rendering that garment forbidden to wear, if removing it will be an affront to his dignity. In Talmudic times, unlike today, people wore *tzitzit* on garments that served as their shirts that, in fact, covered their nakedness. Removing this garment in public would have been a source of great embarrassment to them. This dispensation is granted, even if wearing this garment involves the violation of the Sabbath according to rabbinic law. (Donning such a garment in a public domain would constitute the forbidden act of carrying and not the permissible act of “wearing”. The Talmud restricts this dispensation to a *karmelit*, a semi-public space in which carrying is restricted by rabbinic enactment.) Similarly, it is permissible to put on a defective *tallit* in the synagogue on Shabbat morning if there are no other *tallitot* available and the individual would be embarrassed if he sat in the synagogue without one.⁸⁵

Moving a corpse on Shabbat: The talmudic sage, R. Nahman bar Yitzhak, permitted the transfer of a corpse from a private domain to a *karmelit* (semi-public domain) on the Sabbath, despite the rabbinic stricture against such activity, in order to prevent the degradation that would be caused when the survivors were exposed to the foul odors of a decomposing body.⁸⁶

Personal hygiene: R. Hisda permitted a person, after having relieved himself, to use rocks on Shabbat, despite their *muktzeh* status, in order to clean himself.⁸⁷ R.

⁸² The prohibition is found in Resp. *Rivash*, no. 226.

⁸³ *Or Samei'ach*, *Hil. Yom Tov* 6:14.

⁸⁴ For other examples, as well as a historical approach to this topic, see Ya'akov Blidstein, “*Gadol Kevod ha-Beriyot*” in *Shanaton ha-Mishpat ha-Ivri*, IX-X (5742-5743), pp. 128-185.

⁸⁵ Rema, *Orah Hayyim* 13:3, quoting *Teshuvah Ashkenazit* brought in *Beit Yosef*. During the week, however, since he can fix

⁸⁶ *Shabbat* 94b. See also *Sefer Ravi'ah*, I, no. 391, which permits the transfer on Shabbat of a corpse from a boat to a private home because doing so was more dignified for the corpse.

⁸⁷ *Shabbat* 81b.

Nahman permitted a person to construct a seat of rocks on Shabbat in order to facilitate evacuation.⁸⁸

Met Mitzvah: An unattended corpse that requires burial has priority over the reading of the megillah on Purim.⁸⁹

Greeting others: The Sages required people to invoke God's Name when greeting others.⁹⁰

Deceiving: It is permissible to deceive another person if in doing so one enhances the deceived's honor.⁹¹

A Mourner shaving: At the moment a person hears that a close relative has died, it is prohibited for him to shave his beard or to cut his hair. The Jerusalem Talmud describes a case in which a person, after having shaved only half his beard, received news that his parent had died. According to the strict letter of the law, he should stop immediately and remain half shaven, half unshaven. Nevertheless, in deference to his sense of dignity, the rabbis allowed him to complete shaving.⁹²

Religious stringencies: It is prohibited to publicly engage in stringent religious behaviors not required by Jewish law that may cast aspersions on the religiosity of others. This may cause unnecessary anguish to others.⁹³

Wedding on Shabbat: Although planned to take place on Friday afternoon, as was customary, financial disputes and other delays prevented the ceremony from being performed on time. Out of sensitivity to the feelings of the bride, Rema performed her wedding on Shabbat.⁹⁴

Mentioning the name of a heretic: It is common practice to announce the name and father's name of a person (so-and-so, the son of so-and so) when he is called to the Torah to recite a blessing. This practice is somewhat problematic if the one called is

⁸⁸ *Beitzah* 32b. See also *Eiruvin* 41b: a person who had been kidnapped and left, on the Sabbath, outside of the city limits (*tehum*), may walk more than the otherwise permitted four cubits in order to relieve himself. See also Resp. *Rema*, no. 98, regarding the permissibility of an incontinent person to pray in a synagogue because of his need to be part of a community.

⁸⁹ *Megillah* 3a.

⁹⁰ *Berakhot* 54a.

⁹¹ *Hullin* 94a.

⁹² Jerusalem Talmud, *Shabbat* 1:2; *Shulhan Arukh*, *Yoreh De'ah* 390:2.

⁹³ Jerusalem Talmud, *Berakhot* 2:9; *Sefer Hareidim* to Jerusalem Talmud, *Berakhot* 3:1.

⁹⁴ Resp. *Rema*, no. 125; Gloss to *Shulhan Arukh*, *Orah Hayyim*, 339:4.

the son of a heretic, as it is customary not to mention the name of a heretic. *Terumat ha-Deshen* ruled that in such a case, he should not use the name of his father but, rather, the name of his grandfather. However, if the son would be embarrassed by the failure to mention his father's name, it is permissible to do so.⁹⁵

Family of a suicide: Even though mourning was not observed for one who committed suicide,⁹⁶ if refraining from the usual mourning practices would cause great distress to the surviving members of the family, mourning may be observed. *Hatam Sofer* pointed out that “even though the law conforms with the lenient opinion in matters of mourning (which would argue against observing mourning practices in this case), regarding matters of shame to the family, the law is not lenient in matters of the honor of the children of Abraham, Isaac and Jacob.”

Informing a husband of a prior pregnancy: A woman, having become pregnant prior to meeting and marrying her present husband, had had an abortion. Now that she has given birth to their first child, a son, her husband is preparing to perform a *pidyon ha-ben* for a child that he believes is a first-born. Is it permissible for her to withhold the information about her prior pregnancy, which obviates the need for a *pidyon ha-ben*, from her husband or must she inform him in order to prevent him from reciting a blessing in vain? While considerations of *kevod ha-beriyot* and *darkei shalom* may justify silence in this case, Chief Sefardic Rabbi Bakshi-Doron has another considerations: the *hillul Hashem* that will be caused by her wanton deception of her husband and community in circumstances that will inevitably be exposed. He suggested to her that she should find some discreet way of informing her husband of her history and, that her husband should perform the *pidyon ha-ben* without reciting a blessing. Unable to follow this advice out of fear of her husband's reaction, R. Bakshi-Doron told her to feign sickness and not attend the ritual, thus lessening her responsibility to prevent the recitation of a blessing in vain.⁹⁷

Honoring a king: In the nineteenth century, a non-Jewish king was set to visit a European Jewish community on the second day of a biblical holiday. Protocol demanded that he be greeted with ceremonious music played by a band. Despite the rabbinic prohibition on playing music on *Yom Tov*, R. Simha Meir of Dvinsk endorsed the decision of another rabbi to permit Jewish musicians to play in honor of the king.⁹⁸

Abortion of an illegitimate fetus: To prevent the embarrassment of a woman and her family who is pregnant as a result of an illicit relationship or of rape, R. Eliezer

⁹⁵ Resp. *Maharm mi-Padua*, no. 87; Resp. Rema, no. 41; Rema's gloss to *Shulhan Arukh, Orach Hayyim* 139:3.

⁹⁶ *Hil. Avel* 1:11; *Shulhan Arukh, Yoreh De'ah* 345:1.

⁹⁷ Resp. *Binyan Av*, II, no. 55.

⁹⁸ *Or Sameiah, Hil. Yom Tov*, 6:14.

Waldenberg endorses the position of those authorities who permit the abortion of the fetus.⁹⁹

Hair dyeing: The rabbis extended the Torah's prohibition for men to dress in women's clothing (Deut. 22:5) to include a restriction on men dyeing the hair of their heads and beards. Nevertheless, because of concern of *kevod ha-beriyot*, R. Shaul Nathanson permitted a man whose beard was half black and half white to dye his hair.¹⁰⁰

Repaying debts: Although a lender has the right to confiscate the property of one who owes him money, even to the point of taking the shirt off of the debtor's back, he may not do so if the debtor has no other clothes to wear.¹⁰¹

Rabbinic enactments meant to prevent shaming others

Financial disparities in a community can be the basis for the "have-nots" to be embarrassed by the actions of the "haves". Our Sages, sensitive *she-lo levayeish et mi she-ein lo*, not to shame those who are less financially capable than others, instituted many legal enactments in order to prevent such insensitivity, whether intentional or unintentional:

- On Yom Kippur and the 15th of Av, young women of marriageable age would dance in the vineyards, hoping to attract the eye of a suitor. So as not to embarrass those who did not have fancy dresses, the women would wear only borrowed dresses.¹⁰²
- Uniform funeral and mourning practices were adopted, creating common standards of burial of the dead and comforting the mourners so as not to disconcert the poor.¹⁰³
- The manner in which the declaration was made when a farmer brought his fruit to the Temple in Jerusalem was changed out of sensitivity to those who could not recite the words. Everyone, regardless of ability, was instructed to repeat the declaration after the *kohen*.¹⁰⁴
- In the same way, the institution of the Torah reader was established. Originally, each person called to the Torah during the public reading would read from the Torah himself. So as not to embarrass those who could not read, another person would read for all who are called up.¹⁰⁵ Similarly, a rabbi recites the blessings of

⁹⁹ Resp. *Tzitz Eliezer*, IX, no. 51, *sha'ar* 3; *She'eilat Ya'avetz*, I, no. 43; Resp. *Rav Pe'alim*, I, *Even ha-Ezer*, no. 4.

¹⁰⁰ Resp. *Sho'eil u-Meishiv*, *Mahadura Kama*, I, no. 211.

¹⁰¹ Resp. *Maharam bar Barukh mi-Rutenburg*, no. 400.

¹⁰² *Ta'anit* 31a.

¹⁰³ *Mo'ed Katan* 27a-b.

¹⁰⁴ *Bikkurim* 3:7.

¹⁰⁵ *Tosafot*, *Mo'ed Katan* 27b, s.v. *ba-kelikha*; *Tosafot*, *Baba Batra* 15a, s.v. *shemoneh*; *Tosafot*, *Menahot* 30a, s.v. *shemoneh*.

betrothal at a wedding ceremony so as not to embarrass those grooms who are unable to do so.¹⁰⁶

The Rest of the Story

Despite the grand proclamations in Jewish literature about the significance of *kevod ha-beriyot*, its appearance in halakhic literature is relatively limited and its application nearly insignificant. While human dignity is a principal concern of Western Democratic countries and is at the heart of their legal systems, it is not the primary concern of a deocentric legal system like Jewish law. The *kavod* of God is at the core of religious law. Most of the cases cited in halakhic literature, while legally interesting and meaningful, seem mostly to diminish the significance of this principle. True, our Sages deferred their own enactments in the face of challenges to *kevod ha-beriyot* and they extended this sensitivity to Torah law, albeit in limited circumstances, however, after completing this study, does one really get a sense that “*kevod ha-beriyot* is very precious to God, and there is no value more precious than it”?

But our study, until now, has not told the rest of the story. Traditional rabbinic and responsa literature is limited in its scope because it deals with actual cases, clashes of law and competing claims, and does not consider the wide ranging scope and significance of *kevod ha-beriyot*.¹⁰⁷ It does not spell out the reach of this principle in domain of *reshut* (discretionary, noncompulsory activities). In this area, “*kevod ha-beriyot* is very precious to God, and there is no value more precious than it.” In this area, respect for the Divine Image and the uniqueness of God’s creations demand great sensitivity and respect.¹⁰⁸ And it is specifically in this area that a legal code cannot regulate all interpersonal interactions. It does, however, call for discretion, compassion and sensitivity to be taken into consideration when responding to the nuances of feelings, circumstances and personalities of people with whom we

¹⁰⁶ *Orhot Hayyim*, II, *Hilkhot Kiddushin*; *Beit Shemuel*, ch. 34, no. 2.

¹⁰⁷ *Yad Ketanah*, *Hil De’ot* 7:34 explains why some commandments are left unelaborated, while others are codified with every detail and nuance explicated, [Because there is great subjectivity with regard to these commandments,] according to the breadth of his intelligence, and according to his disposition and the capacities of his heart and soul. Therefore, the Torah did not explain the details and particulars, but Moses was given the essence and intention of the matter... So too, the Sages that followed Moses, did not speak about these things, except for their essences and their purposes and to explain the essence of the obligation... so that the one who hears them will not assume that it is only in those details and particulars that he is obligated. In reality, another individual may be obligated in different aspects of the obligation.

¹⁰⁸ *Hazon Ish*, *Yoreh De’ah*, no. 210 and *Ohalot*, no. 22:36.

interact.¹⁰⁹ At best, we are offered guidelines and attitudes that paint, in broad strokes, approaches to this fundamental moral value. We are urged to be kind and sensitive to others and their feelings. We are reminded that those on the margins of society need to be related to sympathetically, people's individuality needs to be valued, and common courtesies and pleasantries need to be extended.¹¹⁰

In a seminal article on this topic, Rabbi Aharon Lichtenstein adds another vital dimension to our discussion. He records a conversation with his father-in-law, Rabbi Joseph Soloveitchik, *zt"l*. The Rav told him that he very often bases his own halakhic decisions on concerns of *kevod ha-beriyot*. However, when he shares the

¹⁰⁹ *Yevamot* 62b:

Rabbi Akiva had 12,000 pairs of students. All of them died in one short period between Passover and Shavuot, because they did not respectfully toward each other (*lo nahagu kavod ze la-zeh*).

¹¹⁰ *Ta'anit* 20a-b:

Our Rabbis have taught: A man should always be gentle as the reed and never unyielding as the cedar. Once R. Elazar son of R. Shimon was coming from Migdal Gedor, from the house of his teacher, and he was riding leisurely on his donkey by the riverside and was feeling happy and elated because he had studied much Torah. There chanced to meet him an exceedingly ugly man who greeted him, "Peace be upon you, sir." He, however, did not return his salutation but instead said to him, "Good for nothing! How ugly you are! Are all your fellow citizens as ugly as you are?" The man replied, "I do not know, but go and tell the Craftsman who made me, 'How ugly is the vessel which You have made'." When R. Elazar realized that he had done wrong, he dismounted from the donkey, prostrated himself before the man and said to him, "I submit myself to you, forgive me." The man replied, "I will not forgive you until you go to the Craftsman who made me and say to Him, 'How ugly is the vessel which You have made'." [R. Elazar] walked behind him until he reached his native city. When his fellow citizens came out to meet him, greeting him with the words, "Peace be upon you O Teacher, O Master," the man asked them, "Whom are you addressing thus?" They replied, "The man who is walking behind you." Thereupon he exclaimed, "If this man is a teacher, may there not be any more like him in Israel!" The people then asked him, "Why?" He replied, "Such and such a thing has he done to me." They said to him, "Nevertheless, forgive him, for he is a man greatly learned in the Torah." The man replied, "For your sakes I will forgive him, but only on the condition that he does not act in the same manner in the future." Soon after this R. Elazar son of R. Shimon entered [the *Beit ha-Midrash*] and expounded thus, "A man should always be gentle as the reed and let him never be unyielding as the cedar." And for this reason the reed merited that of it should be made a pen for the writing of a Torah scroll, *tefillin* and *mezuzot*.

reasoning of his *pesak*, he attributes it to other factors. Rabbi Lichtenstein wrote that he suspects that many other *poskim* operate in the same manner. He suggests that *poskim* (halakhic decisors) refrain from invoking the *kevod ha-beriyot* principle, even though in many cases it would be most appropriate for them to do so, out of their conservative fear of the “slippery slope.” They are concerned, he says, about opening up the possibility that it will be invoked too often and too liberally, changing the face of Jewish law and practice.¹¹¹

Concluding Thoughts

We have seen that *kevod ha-beriyot* is a central theme in Jewish thought and that indeed “God cares about the dignity of human beings” and, in most cases, “*Kevod ha-beriyot* is very precious to God, and there is no value more precious than it.” How we treat others reflects on our own characters as well as our relationships with God, humanity, and ourselves. There is no better way to respect the divine image in which all humans are created than by respecting them. Abusive behavior—physical, sexual and emotional—are assaults on their innate holiness and infinite worth. And there is no better way to express our own *tzelem Elokim*, and to show reverence for it, than to respect those created in the image of God.

¹¹¹ <http://www.vbm-torah.org/archive/halak63/01kavod.rtf>