**PARASHAT HASHAVUA**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**Parashat Vayishlach**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**In loving memory of**

**Rabbi Dr. Barrett (Chaim Dov) Broyde zt”l**

**הוֹלֵךְ תָּמִים וּפֹעֵל צֶדֶק וְדֹבֵר אֱמֶת בִּלְבָבוֹ**

**Steven Weiner & Lisa Wise**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

In loving memory of my parents:

Shmuel Binyamin (Samuel) and Esther Rivka (Elizabeth) Lowinger z”l

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**In memory of Tzirile bat Moshe z”l**

**whose *yahrzeit* is 11 Kislev**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**The Incident in Shekhem**

**Harav Yaakov Medan**

### I. Introduction

It is in the Shekhem episode that we first encounter Yaakov's sons acting independently, and not merely as "the sons of." Yaakov's sons are not prophets, and God does not reveal Himself to them. They do not meet angels, and with the exception of Yosef,[[1]](#footnote-1) they do not even merit lofty dreams or manifest miracles. In a certain sense, our first encounter with them in our *parasha* is our first look at ourselves, as the people of Israel, in the mirror.

The Shekhem episode raises a grave question about the morality that guides Yaakov's sons when two of them attack the city while its inhabitants are still recovering from the pain of circumcision, after having made a covenant with them. The rest of Yaakov's sons ratify their actions retroactively, when they come to plunder the city following Shimon and Levi's slaying of all the males.

### II. The Two sides to Shimon and Levi's Action

We are filled with mixed feelings as we read the story of the incident in Shekhem. On the one hand, we are inclined to judge the actions of Shimon and Levi, as well as those of their brothers who help them, with harsh criticism. The breaching of a covenant and the wholesale killing of an entire city’s menfolk, without distinguishing between the guilty and the innocent, calls for severe condemnation.

In one place, the Torah does in fact relate to the incident in this fashion:

Shimon and Levi are brothers —   
    weapons of violence are their kinship.  
Let me not enter their council,  
    let me not join their assembly,   
for they have killed men in their anger  
    and hamstrung oxen as they pleased.  
Cursed be their anger, so fierce,  
    and their fury, so cruel!  
I will scatter them in Yaakov,  
    and I will disperse them in Yisrael. (*Bereishit* 49:5-7)

According to the simple understanding, Yaakov is venting his anger at them primarily because of the incident in Shekhem. The Torah does not object to Yaakov's harsh judgment of Shimon and Levi, implying that it agrees with his assessment.

However, there is also a second side. All of Yaakov's sons are chosen as a single unit to be God's people. This did noes happen with the sons of Avraham, nor with the sons of Yitzchak, in which cases God chooses one son and rejects the other(s). God's choice stems, among other things, from the moral path of the chosen party; the fact that God chooses all of Yaakov's sons indicates that what happens in Shekhem is not an unpardonable moral travesty.

Moreover, the need to respond to Dina's rape in a manner different than entering into a humiliating pact with Chamor and the people of his city seems to be pressing. This is all the more true when the pact between the family of the rape victim and the more powerful Chamor and his men appears to follow the many prostrations of Yaakov before Esav when they meet near the Jabbok. Will the children of Israel be able to live in the land of God only by way of forced prostrations and coerced alliances resulting from acts of rape?

Furthermore, despite the harsh words of Yaakov cited earlier, in our *parasha* the story ends with a sharp argument between Yaakov and his sons:

And Yaakov said to Shimon and Levi: “You have troubled me, to make me odious unto the inhabitants of the land, even unto the Canaanites and the Perizzites; and, I being few in number, they will gather themselves together against me and smite me; and I shall be destroyed, I and my house.”

But they said: “Should one deal with our sister as with a harlot?” (*Bereishit* 34:30-31)

From the way the Torah chooses to end the debate, it appears to be giving the last word to Shimon and Levi, not to Yaakov. Yaakov presents an argument based on practical fears, whereas Shimon and Levi put forward a principled claim. This suggests that the Torah justifies their conduct, at least in retrospect. What is more, the Torah even bothers to note that Yaakov's fear is unfounded:

And they journeyed; and a terror of God was upon the cities that were round about them, and they did not pursue after the sons of Yaakov. (*Bereishit* 35:5)

It follows from this that there are indeed two possibilities before us, two sides to the action taken by Shimon and Levi. In principle, our commentators prefer the second approach, which justifies the actions taken by the sons of Yaakov. Nevertheless, the entire matter requires further clarification.

### III. Shimon and Levi's Motives

The Rambam relates to the motives underlying Shimon and Levi's action in the framework of a discussion concerning the seven Noahide laws, which include six prohibitions (among them stealing/ kidnapping) and a positive commandment to establish courts and enforce laws:

How must the non-Jews fulfill the commandment to establish laws and courts? They are obligated to set up judges and magistrates in every major city to render judgment concerning these six *mitzvot* and to admonish the people regarding their observance. A non-Jew who transgresses these seven commandments shall be executed by decapitation.

For this reason, all the inhabitants of Shekhem were condemned to die. Shekhem kidnapped; they observed and were aware of his deeds, but did not judge him. (*Hilkhot Melakhim* 9:14)

According to the Rambam, the people of Shekhem are punished, not for Shekhem's rape of Dina, but rather for not fulfilling the commandment to establish courts and laws. The people of Shekhem are liable to the death penalty, and Yaakov's sons carry out the sentence due them.

The Ramban (*Bereishit* 34:13) objects to the Rambam's position. For our purposes, the Ramban's own view is that Shimon and Levi were motivated by a desire "to avenge them with a vengeful sword." Consequently, the Ramban is forced to find a justification for Shimon and Levi's conduct.

I would like to propose a third approach, according to which the motive for the act is neither punishment nor revenge, but a rescue operation:

And it came to pass on the third day, when they were in pain, that two of the sons of Yaakov, Shimon and Levi, Dina's brothers, took each man his sword, and came upon the city unawares, and slew all the males. And they slew Chamor and Shekhem his son with the edge of the sword, and took Dina out of Shekhem's house, and went forth. (*Bereishit* 34:25-26)

Not only does Shekhem rape Dina; he also kidnaps her and holds her captive in his house during and even after the negotiations with Yaakov's sons. Shimon and Levi are determined to rescue her from his house.

The sons of Yaakov kill every adult male; what this appears to mean is that they kill all of the available fighters in Shekhem. Any male who could raise his sword against them is killed. Shimon and Levi could not extricate Dina from the house of Shekhem and return to their father's house, without killing Shekhem and Chamor, all of their bodyguards, and the rest of the soldiers who stood in their path. This is what happens in a rescue operation: innocents[[2]](#footnote-2) are killed as collateral damage. Two generations earlier Avraham and his three hundred and eighteen men smote the armies of Kedarlaomer and his comrades. His declared goal was to rescue one man and his family, his nephew Lot, from captivity.

### IV. Breach of the Covenant

Shimon and Levi's actions violate an explicit covenant that has been made with the people of Shekhem:

And the sons of Yaakov answered Shekhem and Chamor his father with guile, and spoke, because he had defiled Dina their sister, and said unto them: “We cannot do this thing, to give our sister to one that is uncircumcised; for that were a reproach unto us. Only on this condition will we consent unto you: if you will be as we are, that every male of you be circumcised; then will we give our daughters unto you, and we will take your daughters to us, and we will dwell with you, and we will become one people.” (*Bereishit* 34:13-16)

This alliance is forced upon Yaakov's family by cause of the circumstances. It should be recalled that Chamor and his son Shekhem do not come to the negotiating table with clean hands. During the negotiations, Dina is held captive in their house against her will and against the will of her father and brothers. Shimon and Levi do not see any moral impediment to violating this pact.

This is the place to ask whether Shimon and Levi act solely on their own initiative or their brothers are in on the plan. The verses cited above suggest that it is a joint plan, as all of the brothers are united in their proposal of the idea of circumcision, which at the end of the three days leads to the killing of the people of the city. The Torah attests that the covenant from its very inception is an act by deception. But if this is the case, why does Yaakov on his deathbed punish only Shimon and Levi?

It seems that the brothers who come in from the field do not know how to respond to Dina's rape and kidnapping. Shekhem tells them that they may name their price and ask for anything. They purposely demand something beyond all reason; would all of the men in the city agree to undergo circumcision merely because the son of their prince wanted to marry a foreign girl? Yaakov's sons answer with cunning, making a demand that he could not possibly fulfill, so that he would be forced to release Dina.

What a surprise then when all of the men of the city undergo circumcision! Yaakov and his sons find themselves in an impossible situation, in which, on the one hand, they have to rescue the sister from captivity, while on the other hand, the pact that they have made explicitly forbids this and leaves Dina in the house of Shekhem. Their two missions contradict each other. What then should they do? Which is the lesser of the two evils? Shimon and Levi have a resolute answer, but the rest of Yaakov's sons are not necessarily consulted on the matter.

Yaakov decides against Shimon and Levi. In his opinion, the agreement with the people of Shekhem must not be violated, even though it has been made under coercion and while Dina is being held captive. Were Shimon and Levi not to kill Shekhem and Chamor, Yaakov is prepared, given the circumstances, for Dina to marry the circumcised Shekhem, and he is ready to deal with the challenge of educating the people of Shekhem to serve God. Shimon and Levi think otherwise.

It is possible that Yaakov's sharp response is due not only to the breach of the agreement and the war with Shekhem, but also to his sons' behavior at the end of the battle:

The sons of Yaakov came upon the slain, and spoiled the city, because they had defiled their sister. (*Bereishit* 34:27)

The crime of looting the city is exceedingly serious, and in great measure overshadows the rescue operation, turning it into a breach of the agreement and an act of killing for its own sake. To what extent can the crime of plundering the city retroactively define the rescue operation as an impure and forbidden act? This is a question we leave to the reader's judgment.

### V. Punishing the People of Shekhem

We mentioned above the Rambam's position regarding the judgment that Yaakov's sons carry out against the people of Shekhem. As stated, the Ramban raised objections against the Rambam. His main objection is that a Noahide is liable for the death penalty for a transgression that he commits, but not for negligence in fulfilling a positive commandment. Even though the people of Shekhem were certainly required to establish courts and laws, they should not have been executed for failing to do so.

In my opinion, there are two answers to the Ramban's stricture, both of them being equally necessary:

1. The people of Shekhem actively participate in Dina's kidnapping, when they agree to Chamor and Shekhem's request that they undergo circumcision, so that Chamor and Shekhem can continue to hold Dina against her will and against the will of her father and brothers. Thus, their part in the transgression is not only that they fail to appoint judges to punish the kidnappers, but that they themselves help in the kidnapping with their very hands.

1. The men of Shekhem are not the targets; they are killed only because they might have interfered with Dina's extrication from the house of her kidnappers.

In modern terms, the people of Shekhem should be considered a non-combatant population that cooperates with and protects the enemy. These are people whom the army fighting the enemy does not want to kill, but is ready to kill in order to rescue its people from a clear danger. Were they not cooperating with the enemy, the fighting army might refrain from killing them, even if this involves putting themselves at risk.

This proposal also resolves another difficulty raised by the Ramban: No one appoints the sons of Yaakov as the "judges of Canaan," and just as they do not kill the Canaanites for other offenses (such as idolatry), they have no authority to judge the men of Shekhem for the kidnapping. According to our approach, Yaakov's sons do not go out looking to kill Canaanite sinners, but rather they fight for the protection and rescue of their sister.

### VI. The Disagreement Between Yaakov and his sons

In the end, Shimon and Levi are severely punished and lose their inheritance. However, as we demonstrated earlier, the Torah shows two sides of the Shekhem episode. What is more, the Rambam explicitly justifies their conduct and asserts that they acted properly. If so, the following question arises: Why do they receive such a severe punishment?

The answer lies in a comment that we already hinted at above. The sons of Yaakov reach an impasse following the agreement reached with Shekhem, and an urgent need arises to make a decision. One member of the family should have decided the matter: Yaakov, the father and head of the family. Shimon and Levi take from him the leadership, to which he is entitled. It is possible that his many prostrations before Esav lead to the loss of his natural aura of leadership, or else there may be another reason. Either way, from the moment Shimon and Levi act on their own and not by virtue of his authority, they lose their right to claim the moral or legal high ground. The looting (*biza*)carried out by Yaakov's sons in Shekhem is juxtaposed to the sin of humiliating (*bizui*)their father.

### VII. The Conquest of Shekhem and its Environs

And they journeyed; and a terror of God was upon the cities that were round about them, and they did not pursue after the sons of Yaakov. (*Bereishit* 35:5)

This verse might be interpreted as a manifest miracle: God casts His fear upon the cities that surround Shekhem, and they cause no harm to the sons of Yaakov. However, according to one opinion in the Midrash, cited also by Rashi, the fear that falls upon these cities is not accidental:

Moreover I have given to you one portion (*shekhem achad*) above your brethren, which I took out of the hand of the Amorite with my sword and with my bow. (*Bereishit* 48:22)

When Shimon and Levi slew the inhabitants of Shekhem, all the surrounding nations gathered together to join in battle against them and Yaakov girded on his weapons to war against them. (Rashi, ad loc.)

According to this, the "terror of God" that falls upon the cities is not an abstract matter, but rather real fear in the wake of a war waged by the cities in the vicinity of Shekhem against Yaakov and his sons after what has happened in Shekhem. Yaakov and his sons win this war with their swords and bows, and conquer the area around Shekhem and all the land of Shekhem. Before he dies, Yaakov gives Yosef not only the city of Shekhem,[[3]](#footnote-3) but also the entire heart of the Shomeron, from Beit El in the south to the Gilboa in the north. This is the greater land of Shekhem that Yaakov takes out of the hand of the Amorite with his sword and his bow.

It is possible that in the wake of this great victory, the sons of Yaakov force the region's inhabitants to make a covenant with them. It is not inconceivable that this covenant as well includes circumcision. The new allies of Yaakov's sons also resettle the city of Shekhem.

If this is what happens, we can understand what is found in ancient sources,[[4]](#footnote-4) that when Yehoshua conquers the land from the Canaanites, the king of Shekhem cooperates with him, and the king of Jerusalem complains to Pharaoh the king of Egypt about this.

Indeed, the king of Shekhem does not appear among the thirty-one kings that Yehoshua defeats in the Land of Canaan. What is more, the people of Israel come to Mount Gerizim and Mount Eival in the Shekhem region shortly after their entry into the land, unchallenged and without war. It can be assumed, therefore, that Yaakov's sons settle their allies there,[[5]](#footnote-5) and they later help Israel conquer the land.[[6]](#footnote-6)

The land of Shekhem and its allies reach Binyamin in the south. Chamor, the prince of Shekhem, is a Hivite (*Bereishit* 34:2), and so too the Gibeonites who collaborate with Israel in the days of Yehoshua are Hivites (*Yehoshua* 9:7). They may well have been descendants of those who had been forced to make a covenant with the sons of Yaakov following the war in the land of Shekhem.

Translated by David Strauss

**Visit our website:** [**http://vbm-torah.org**](http://vbm-torah.org)

1. Yosef is the father of two tribes, Menasheh and Efrayim, and thus he is at an intermediate level between the patriarchs and the tribes. [↑](#footnote-ref-1)
2. Is it morally justified to kill so many people in order to rescue a single captive? This is a difficult question. It may be assumed, arbitrarily, that in Shekhem there were several hundred males/ fighters. Let us try to remember for a moment our national mood when Gilad Schalit was held captive by Hamas terrorists in Gaza. Had a military operation been carried out to rescue him, in the course of which several hundred passive terror supporters, who cooperated at one level or another with the kidnappers, were killed, would this have been morally unacceptable? I surmise that there is no uniform answer to this question among those reading these lines.

   It should be mentioned that the Trojan War in Asia Minor was fought in order to rescue a single woman who had been taken captive, Helena, the wife of Menelaus, king of Sparta, and tens of thousands of soldiers were killed. *Mutatis mutandis*, the direct cause of World War I was the assassination of one man (the heir presumptive to the Austro-Hungarian throne). That war left about twelve million fatalities. Again *mutatis mutandis*, the First Lebanon War broke out in the aftermath of the attempted assassination of one man, Shlomo Argov, Israel's ambassador to the United Kingdom. [↑](#footnote-ref-2)
3. We are working on the assumption of the Midrash and some of the commentators that "*shekhem achad*" is a reference to the city of Shekhem. Others understand the phrase to mean "one part," without any connection to the city of Shekhem. [↑](#footnote-ref-3)
4. *Le-Melekh Adoni* – *Mikhtavei Al-Amarna* [Heb.] (Jerusalem-Beersheba: 2005), Letters 289-290. Al-Amarna was a village built on the ruins of the city Akhatetan, on the east bank of the Nile River, south of the city of a-Minya. In 1887 clay tablets dating from the fourteenth century BCE were uncovered there and identified as the archive of the Egyptian Pharaoh Akhenaten (Amenhotep IV). In 1891 the Pharaoh's "Bureau of Correspondence" was excavated and a wealth of letters were found. These include many letters that were sent to the king of Egypt from kings and other important people in the land of Canaan. For our purposes, we find explicit letters of complaint on the part of the kings in the land of Canaan about Libayu the king of Shekhem, who cooperated with the people of Habiru, i.e., the people of Israel (Hebrews). [↑](#footnote-ref-4)
5. It follows from our *parasha* that the inhabitants of the land of Shekhem were Hivites. So too Givon, the city of the Hivites, cooperates with Yehoshua in his conquest of the land. [↑](#footnote-ref-5)
6. After the land is conquered, it is necessary to ascertain that these allies, who are not part of the exodus from Egypt and are not descendants of the Patriarchs, indeed view themselves as part of the people of Israel and do not practice idolatry. For this purpose, Yehoshua arranges for the assembly that is described in *Yehoshua* 24. [↑](#footnote-ref-6)