

Parsha Ponders

Vayishlach | Dec 13, 2024 | 12 Kislev 5785

Capital conflict and circumcision¹

ויהי ביום השלישי בהיותם כאבים ויקחו שני-בני-יעקב שמעון ולוי אחי דינה איש חרבו ויבאו על-העיר בטח ויהרגו כל-זכר: ויאמר יעקב אל-שמעון ואל-לוי עכרתם אתי להבאישני בישב הארץ וגו'

And it was, on the third day, when [the residents of Shechem] were in pain, the two sons of Yaakov, Levi and Shimon, the brothers of Dina, each one took their sword and went to the city, confident. They killed every male. Yaakov said to Shimon and to Levi: "You have disgraced² me, causing enmity between me and the dwellers of the land"³

The tragic episode of the violation of Dina is unfortunately well known. Shechem, a prominent Canaanite, kidnapped Yaakov's daughter after violating her, intending to marry her. He tried to convince Yaakov's family to accept this opportune arrangement. The sons of Yaakov cunningly demanded that the entire city of Shechem first circumcise themselves, and then they can discuss. The inhabitants agreed, and on the third day of their recovery, when they were in the most pain, Shimon and Levi killed all those in the city. They rescued their sister Dina, and Yaakov rebuked them. What were Shimon and Levi thinking? How was it justified to kill everyone? Why didn't Yaakov agree?

Although not commanded to keep the Torah, non-Jews are bound by what are known as the "Seven *Mitzvos* of *Benei Noach*". All descendants of Noach are (1) forbidden from idol worship, (2) cursing G-d's name, (3) stealing, (4) murder, (5) adultery or incestuous relationships, (6) eating a limb torn from a living animal, (7) and are obligated to establish a court system⁴. In discussing these laws, the Rambam explains⁵ what the sin of the inhabitants of Shechem was, and why they were liable to capital punishment. Shechem stole Dina from her family and violated her, and they did nothing. Shimon and Levi executed the inhabitants for failing to follow through on their obligation of establishing a court system which punishes such criminal acts.

The Ramban doesn't like this approach⁶. If the above was true, not only should Yaakov not have rebuked his sons, but he should have been the first to join their plan! As well, capital punishment can only be given for violating a prohibition. In this case, they simply failed to establish a court system. This would not warrant their execution⁷. Instead, he suggests that the inhabitants were known thieves and murderers. Shimon and Levi took it upon themselves to judge the city and to execute them all. Yaakov's argument was that that was in the past, and perhaps they repented⁸. They didn't need to get involved.

¹ Based on a *shiur* delivered by [Rav Asher Weiss](https://minchasasher.com/shiur/parsha-shiurim/simeon-levi-people-shechem-5773/) in 5773, accessible at <https://minchasasher.com/shiur/parsha-shiurim/simeon-levi-people-shechem-5773/>

² [Rav Asher Weiss](#) translated this word this way, but I didn't find a source for this translation

³ [Genesis](#) 34:25,30

⁴ [Sanhedrin](#) 56b; [Mishneh Torah Hilchos Melachim](#) 9:1

⁵ [Ibid.](#) § 14

⁶ [Ramban](#) to v. 13

⁷ I didn't see the [Ramban](#) giving this second point, but [Rav Asher Weiss](#) suggested that this was his dispute with the [Ramban](#). The latter understood from [Sanhedrin](#) 58b,59a that the *mitzvah* of *Dinim* contains within it active and prohibitive components, warranting a death penalty. The [Ramban](#) agrees that this allows it to be included in the seven *mitzvos*, which only include prohibitions, but this doesn't elevate the lack of positive action to be a capital crime

⁸ Listen to the *shiur*, where [Rav Asher Weiss](#) discusses why repentance should be relevant, when normally the court doesn't take people's sincerity into account

How did the Rambam understand Yaakov's objection to Shimon and Levi's actions? The Radvaz suggests⁹ that we have a concept that a convert is like he is born anew¹⁰. When the inhabitants of Shechem circumcised themselves, perhaps it was for the purpose of converting to Judaism. As such, Yaakov argued that even if they were guilty of not creating a court system, their conversion would absolve them of prior crimes¹¹. They were no longer liable to the death penalty¹². Shimon and Levi seemingly understood that the inhabitants of Shechem had zero intention of converting, and their circumcision was simply to make Shechem happy. Another possibility is that Shimon and Levi held that before the giving of the Torah, whatever conversion was possible did not attain the level of a convert being considered born anew¹³.

According to this latter approach, Rav Asher Weiss suggested a new understanding of what Yaakov meant when he said that Shimon and Levi "disgraced him". We are taught that the forefathers observed the entire Torah before it was given¹⁴. We know that the Torah prohibits marrying two sisters. How then did Yaakov marry two sisters, Rochel and Leah? This is a question the commentaries all discuss. One simple approach given is that Rochel and Leah converted to Judaism, making them considered born anew¹⁵. If so, they were no longer considered sisters on a *halachic* level. This gave Yaakov permit to marry them both.

However, according to Shimon and Levi's actions, this approach unravels. Shimon and Levi held that before the Torah was given, conversion doesn't create such a status of being born anew. The inhabitants of Shechem, even if they converted, were still guilty of failing to create a court system. If so, their judgement implies that Rochel and Leah, despite converting, are still considered sisters. That would reopen the question on Yaakov, why did he marry two sisters. This was the disgrace that Yaakov was referring to, that his sons' actions threatened to ruin his reputation.

Good Shabbos

⁹ *Ad. loc.*

¹⁰ Yevamos 22a, 48b, 62a, 97b, Bechoros 47a

¹¹ This is a difficult approach, for even if they intended to convert, they didn't go to the *mikvah* yet, as that occurs after their circumcision heals. As such, their conversion was still incomplete

¹² This is a hotly debated topic in the *Achronim*, if conversion can undo a non-Jew's liability to the death penalty

¹³ See Parshas Derachim, which devoted an entire section of this *sefer* to the topic of whether the *Avos* were considered Jews or non-Jews at this point in history. See also Chemdas Yisroel Sheva Mitzvos Benei Noach, Lamed s.v. איברא and Toras Moshe I parshas Vayishlach s.v. רמב"ם

¹⁴ Kiddushin 4:14; Yoma 28b; Tanna D'Vei Eliyahu § 6; Genesis 26:5 and 32:5 with Rashi; Bereishis Rabbah 64:4; Midrash Tanchuma Behar § 1; Midrash Tehillim 1:11

¹⁵ Moshav Zekeinim to Genesis 29:28; Yefeh Toar, brought by Parshas Derachim; Maharsha to Yoma loc. cit.