



Understanding the Abduction of Dina By Rabbi David Silverberg

The Torah in Parashat Vayishlach tells of the unfortunate incident of the abduction and defilement of Yaakov's daughter, Dina, by the prince of the city of Shekhem. Two of Yaakov's sons, Shimon and Levi, violently retaliated against the city by killing its entire male population and looting its property.

Maimonides, in his *Hilkhot Melakhim* (9:14), claims, somewhat surprisingly, that the inhabitants of Shekhem were deserving of the death penalty for failing to prosecute their prince. He writes:

A gentile who transgresses one of these seven laws is executed by the sword...
For this reason, all the people of Shekhem were liable to execution, for Shekhem [the city's prince] stole [Dina, in violation of one of the Noachide laws], and they saw and knew and did not put him on trial.

Shekhem, prince of the city, violated one of the Noachide laws by abducting a girl. The townspeople were obligated under another of the Noachide laws – the law of *dinim*, establishing a judicial system – to prosecute and punish Shekhem. Their indifference to Shekhem's crime constituted a violation of this commandment of *dinim*, thus rendering them liable to execution.

Nachmanides, in his Torah commentary, takes issue with Maimonides' theory on several counts. In his view, the obligation of *dinim* does not require gentiles to prosecute offenders, but rather to abide by the basic guidelines of civil law. Among the more compelling proofs brought by Nachmanides is Yaakov's sharp condemnation of his sons' violence (34:30, 49:5-7). If, as Maimonides claimed, Shimon and Levi's response was halakhically warranted, why did it evoke the ire of their father?

Several different approaches have been suggested to explain Maimonides' position. (See <http://www.mhcn.org/parasha/1008.pdf>.) A number of scholars claimed that even if, in principle, the people of Shekhem were deserving of capital punishment, Yaakov's sons' response, as a practical matter, was unwarranted. For example, Rav David Kviat, in his *Sukat David*, explains that Jewish courts are authorized to punish gentiles for Noachide violations only under the specific circumstance when the violators live in the Land of Israel under Jewish control. This was clearly not the case in the times of Yaakov, and therefore his sons had no authority to administer punishment to the inhabitants of Shekhem.

Regardless, Yaakov's condemnation of his sons' violence demonstrates the complexity of *Halakha* and the importance of careful thought and consultation with halakhic experts before reaching drastic practical conclusions. The process of halakhic decision-making requires taking into account the full range of relevant factors as well as

all potential repercussions of each possibility. Based on a simple halakhic equation, Yaakov's sons rashly concluded that they were entitled – or, more accurately, obligated – to execute the people of Shekhem. Had they first consulted with Yaakov, or, at very least, thought the matter through more exhaustively, they would have realized that other factors are at play that warranted a different course of action.

The halakhic system is a complex one, and decisions – especially on matters of critical import – must be brought before trained and seasoned scholars who are aware of the full range of considerations and issues at hand. Halakhic decisions must not be made rashly, but rather demand slow, patient thought and analysis.