

פרשת וישלח

ויהי ביום השלישי, בהיותם כואבים, ויקחו שני בני יעקב, שמעון ולוי אחי דינה, איש חרב...ויהרגו כל זכר.
(פרק לד' כה)

And it came to pass on the third day, when (the men of Shechem) were in pain, that two of Yaakov's sons, Shimon and Levi, Dinah's brothers, each took his sword...and killed every male.

ואת כל חילם ואת כל טפם ואת נשיתם שבו... (פרק לד' כט)

All their wealth, all their children and their wives they took captive...

Ramban explains that the intent of the brothers, what the pasuk refers to as their *מרמה/deception*, in telling the Shechemites that for them to keep Dinah, they would have to agree to becoming circumcised, "was unlikely to happen and therefore they would release Dinah. Even if they were to consent, the brothers would be able to seize her and escape while the Shechemite men were ill and in a weakened state. This was the plan of all the brothers, and it was undertaken with the sanction of Yaakov." But Shimon and Levi, acting on their own, carried out a death sentence on all the males of the city. Ramban continues: "Many people ask this question, 'How could the righteous sons of Yaakov do this deed, spilling the innocent blood of the Shechemites?'"

Ramban confronts this issue in *פרק ט' יד* where he outlines the seven laws that all בני נח must obey and whose violators are subject to the death penalty. Concerning one of these laws, דינים, Ramban tells us: "What must (Noachides) do to fulfill their requirement regarding the Law of Justice? They have to set up magistrates and judges in each district to judge the people with regards to the six (other) commandments; and they must issue warnings (about them) to the people. A non-Jew who violates one of the seven commandments is executed by means of the sword. How is this so? Anyone who...stole even less than the value of a prutah...or saw someone else violate one of these and failed to judge and execute him is himself executed by means of the sword. It was for this reason that all residents of the city of Shechem deserved to be executed. For Shechem kidnapped (Dinah) and the rest of the people saw and knew and failed to judge him." Shimon and Levi were therefore enforcing the laws that had been ignored by the entire Shechemite population.

Ramban, quotes Rambam, and takes him to task. Among several difficulties he raises with Rambam, he asks the obvious question: "...if so, our forefather Yaakov should have gone ahead of his children and sought the privilege of killing the Shechemites, rather than becoming angry at Shimon and Levi for doing so? If you should reply that he was afraid (of the people of Shechem) and thought that he would not be able to execute them all, nevertheless, why did he become angry at his sons and (later on) curse their anger...? After all they had the merit to fulfill a commandment; they trusted in Hashem to protect them in the face of the danger inherent in executing all the Shechemites and He saved them!"

Ramban believes that Shimon and Levi, "because the people of Shechem were wicked..., wanted to take vengeance from them with a *חרב הנוקמת*, so they killed the king and all the people of his city, because they were his servants and obeyed his bidding. And the covenant of

the circumcision, which the Shechemites underwent, did not mean anything to Yaakov's sons, for in their opinion it was done only to ingratiate themselves with their master, Shechem." The Chasam Sofer elaborates: Yaakov's children decided that the residents of Shechem deserved the death penalty NOT because of what occurred with Dinah but because they knew that the city was wicked and its inhabitants transgressed the seven Noachide laws. And we know that a נח בן נח can be put to death by the testimony of even one witness, without being given a warning and based on the verdict of a single judge!

The Meshech Chochma, as he does so often throughout his sefer, comes to the defense of his "Rebbe" and explains why he believes Rambam took his approach. He points out that if Ramban is correct, that the destruction of Shechem was due to its being a city of רשעים, similar to Sodom and the other nations of Canaan, then we are left with an inconsistency-destruction of those cities, as we see later with מלחמת מדין, includes in addition to all adult males, כל זכר בטף, *every male among the young children, and every woman fit to know a man..., you should kill*. So that according to Ramban, why did Shimon and Levi spare the male children and wives of the violators? According to Rambam this works out beautifully. The residents of Shechem deserved death for violating דינים. Rambam also rules that Noachide women are absolved from much of this commandment for, as he tells us in הלכות מלכים פרק ט' יד, they cannot testify nor be judges and they similarly would not be held responsible for their counterparts' breaching of דינים.

How do we respond to Ramban's obvious question on Rambam? Radbaz presents a simple answer: Yaakov believed that they would convert in earnest and גר שנתגייר כקטן שנולד דמי. In addition, the גמרא in עא: סנהדרין tells us that a gentile who violated a Noachide commandment and then converts is no longer punished! In Yaakov's mind therefore, after the mass circumcision, Shechem and his city did not deserve to be killed. The Meshech Chochma in a separate piece on פרק לד' כה seems to be alluding to this also as he explains there that after the שבטים's proposal that Chamor, Shechem and the entire city need to be circumcised, which Yaakov had no reason to believe would not be done לשם יהדות, Shimon and Levi overheard their real intentions: *ויבאו חמור ושכם בנו...וידברו אל אנשי עירם לאמר: האנשים האלה...וישבו בארץ ויסחרו אתה...את בנותם נקח לנו לנשים ואת בנותינו נתן להם...מקניהם וקנינם וכל בהמתם הלוא לנו...Chamor, with his son Shechem,... spoke to the people of their city saying: "These people...let them settle in the land and trade in it...Let us take their daughters for ourselves as wives and give our daughters to them...Their livestock, their possessions and all their animals-will they not be ours?"* Their presentation was certainly more businesslike with no hint of any גרות. Therefore, the people of Shechem remained בני נח even after their circumcisions and that is why Shimon and Levi felt justified in putting them all to the death, as violators of the נח שבע מצוות בני נח!

לזכר נשמת אבי מורי ישראל מנחם בן שלום ז"ל

ולזכר נשמת הרב יהודה בן אברהם שמחה (קופרמן) זצ"ל