

CENTER FOR MODERN TORAH LEADERSHIP



JUSTICE AND DINAH: THE APPROACH OF RAV DOVID TZVI HOFFMAN, AND ITS DISCONTENTS

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The rape of Dinah and the massacre of Shekhem separately outrage us. Yet these reactions of horror are to some degree in tension with each other. For our horror at the massacre to be sincere, we need first to explain what should have happened instead. We need a specific advance answer to the brothers' question: "Should we allow him to treat our sister as a harlot?"

As honest readers, we must also acknowledge that the Torah seems here to carefully distinguish sins from sinners. Shekhem is a rapist, but one who seeks, as best he can within his own frame of moral reference, to make things right. The brothers lie and murder and loot, but not without cause. The apparently least sympathetic character is Yaakov, who fails to deter or restrain evil, or to assume responsibility; and the apparently shallowest character is Dinah.

We must also acknowledge that the text often eschews explicit evaluation. Interpretations therefore necessarily depend on and reveal the interpreter's moral stances, the interpreter's understanding of the author's moral stances, or both. Interpreters with profound moral commitments and also full confidence in the morality of the text and its Author will necessarily seek ways to square the text's commitments with their own. Where our own moral commitments differ, we will likely find their interpretations forced or disingenuous, as they would find ours.

My goal this week is to clearly present and unflinchingly evaluate the interpretations of the great 20th century scholar Rabbi Dovid Tzvi Hoffman.

1.

Rabbi Hoffman begins by wondering why Dinah as a person vanishes from the story. (As with Yosef and his brothers, she is transformed from subject to object by another's gaze. ADK) He responds that Dinah was likely a child of perhaps 8 or 9 – Shekhem speaks of her to his father (34:4) as *hayaldah hazot*, that girl-child – and therefore no one considered her opinions relevant.

I'm not convinced that this significantly mitigates the moral problem. Moreover, the narrator refers to her in 34:3 as a *naarah*, which suggests (as Rabbi Hoffman also acknowledges) that *yaldah* may be a term of affection, like the modern "baby".

2.

Rabbi Hoffman notes that the verbs (34:2) describing Shekhem's taking of Dinah - *Vayishkav otah vayeaneha* are inverted in 2 Samuel 13:14's description of Amnon's rape of Tamar. He then notes that Avot 5:16 uses Amnon's love for Tamar as the

paradigm of *abavah hatehyah badavar*, conditional love, which the Mishnah asserts does not endure, as evidenced by Amnon's love for Tamar turning into greater hatred immediately after the rape. But, Rabbi Hoffman notes, Shekhem's emotional attachment and love come after the rape, and his love endures. Rabbi Hoffman even understands Shekhem "speaking to the heart of the lass" (34:3) as appeasement – perhaps even apology? rather than seduction.

Does Rabbi Hoffman mean to imply that Shekhem's love was genuine and unconditional? Should we care about that so long as it wasn't reciprocated by Dinah? If Dinah did eventually reciprocate, but while still in captivity, should we view her as suffering from "Stockholm syndrome" and therefore disregard her agency, or would that be abusing her further?

3.

Rabbi Hoffman notes that 34:5 reports that Yaakov heard of these events but did not directly respond. He defends Yaakov against the charge of indifference by citing Josephus' position that Yaakov actively sent for his sons, and by claiming that brothers have a primary right of response in such matters, drawing an analogy to Lavan's active involvement in Rivkah's betrothal to Yitzchak (24:50).

This defense contradicts Rashi, who presents Lavan as wickedly usurping his father's role. Halakhah also clearly gives father's primary authority over minor daughters, with brother's playing a formal (*derabanan*) role only if the father dies. Finally, Josephus' report notwithstanding, it seems to me more likely in the text that Yaakov passively waited for the brothers to appear, although he may have assumed they were already on their way.

4.

Rabbi Hoffman contends that 34:7 contains two separable censures of Shekhem's act. First *nevalah asah b'Yisrael*, meaning that Yaakov's family morals were outraged. Second, *vekhen lo yeiaseh* – the rape of unattached women was forbidden by Canaanite law and morality as well (even though it is not obviously forbidden by the Seven Noachide Laws), and therefore, Shekhem's action threatened a total sociomoral breakdown. Rabbi Hoffman contends that this threat provides an element of justification for the brothers' subsequent actions.

He also notes, however, that Shekhem is careful not to mention the rape to his own people, which suggests that they were also horrified by it, or would be if they knew. Shekhem's father Chamor, and Shekhem himself, also make no open mention of the rape when speaking with Dinah's family

(although Rabbi Hoffman suggests that 34:11 may contain a veiled apology), and Shekhem is described shortly after the rape (34:19) as “honored above all his father’s house”.

All this suggests that everyone around Shekhem acted as if all they knew was that a young woman had appeared in the camp. This might undermine any justification for broad-based retaliation.

Rabbi Hoffman further notes that Chamor and Shekhem present the issue of circumcision as a matter of public good, and ongoing assimilation, without reference to the latter’s desire for Dinah at all. However, it seems to me that the willingness of Shekhem to pay any financial price, and the willingness of all the males of the city to undergo circumcision, suggest a consciousness of guilt. Perhaps the goal for everyone was to restore the honor of Shekhem.

The question then is whether this consciousness of guilt is a mitigating or aggravating factor, and how severely we regard their desire to make everything right rather than punish the guilty. Here one has to wonder what Dinah was saying. But perhaps no one was listening.

5.

Rabbi Hoffman disappointingly draws no connection between 33:20: *Yaakov came shalem to Shekhem* and the statement of Chamor and Shekhem to the men of their city that *These men are shalem with us*. I think the connection is obvious but am not sure what it conveys.

6.

Rabbi Hoffman argues that the shifting epithets for the people of the city – *anshei ir, bnei shaar, and yotz’ei shaar* - are interchangeable variants of one underlying phrase. This places him squarely in the tradition of Rashbam. I however am generally an antisomnificantarian.

7.

Rabbi Hoffman follows Ramban in suggesting that Yaakov and the brothers aside from Shimon and Levi either assumed that their demand for circumcision would be rejected, or else planned only to remove Dinah while the Shekhemites were incapacitated. Shimon and Levi independently planned the revenge killing, and thus earned Yaakov’s anger.

Rabbi Hoffman contends that the Torah sides with Yaakov. But he also cannot refrain from defending Shimon and Levi. “We can therefore explain this action as resulting from the disgust of the two brothers, a deep and burning disgust, to a point that did not allow them to consider how this action would bring them and their entire family into grave danger. They saw a terrible injury to the honor of their father’s house and preferred death to humiliation. In such circumstances a person is not capable of rational thought. Anger pushes him to do deeds for which he is almost not responsible. It is this anger that Yaakov curses on his deathbed. The Torah expresses its verdict via Yaakov’s verdict. Nonetheless, we can perceive in this verdict the ethical height of those judged”. Thank G-d for the “almost”!

8. Rabbi Hoffman distinguishes (following Pseudo-Yonatan) between Shimon and Levi, who kill all the (convalescing) males

and then take Dinah away, and the brothers who follow in their wake. “Because they had defiled their sister. All the inhabitants of Shekhem were considered guilty, not only because not even one voice was raised against the wrong, but also because they had agreed to the circumcision in order to take into their hands later the property of Yaakov’s family. They saw themselves as justified by what was done to Dinah. They did not kill anyone defenseless, but rather took them with them as spoil”. The Torah thus emphasizes that the other brothers had no part in the massacre.

I wonder whether that is a sufficient explanation of why Yaakov does not condemn them.

9.

Rabbi Hoffman notes that Yaakov’s anger at Shimon and Levi mentions only the danger they have brought upon the family, not the massacre. He argues that Shimon and Levi were too enraged to hear any moral criticism. The only hope was that the practical critique would make them realize how out-of-control they were. When they respond “death before dishonor”, Yaakov has nothing left to say to them: “If the lives of their parents and brothers were not important in their eyes, how could one speak to their hearts about the lives of those sinners? It is very likely that Yaakov already cursed their anger in his heart, but he did not see fit to express his feeling in words at that point, but rather preserved the matter until his death”.

Perhaps Yaakov was himself scared by Shimon and Levi. But in this reading Yaakov never condemns the other brothers, which suggests that he condones their actions.

10.

Overall: Rabbi Hoffman recognizes and addresses the depersonalization of Dinah, although his response to the implicit feminist critique requires denying children all agency. He recognizes the wrong of the massacre, but runs the risk of understanding too much and therefore forgiving too much. His failure to condemn the actions of the second wave of brothers is textually reasonable but nonetheless disappointing to this reader.

A traditional reading cannot leave the founding fathers of our tribes utterly without virtue, and at least Levi’s anger seems redeemed by his descendants’ reaction to the Golden Calf (and yet they are given no contiguous land in Israel, lest they unite.) Rabbi Hoffman is noticeably modern in the issues he addresses, and in his disinterest in framing the conversation around technical Noahide law. Yet I am left wanting more agency for Dinah, and a more robust accounting for the dead of Shekhem.

Shabbat shalom!

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