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WHEN MORAL DISCOURSE BREAKS DOWN

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בראשית פרק לד: לא

ויאמרו הכזונה יעשה את אחותנו:

They said: Shall he make our sister like a harlot?

How does one determine the moral of a story? This question is of more than academic interest for Orthodox Jews, who seek to live in accordance with the message of Torah, and our difficulty in answering it is one reason that many focus on Halakhah rather than Aggadah. If we are willing to submit ourselves to His Will, it seems only reasonable to demand that He state his Will clearly.

And yet – Torah itself is a frequently baffling mixture of narrative and law, and each influences the historical interpretation of the other, so that it is often difficult to tell which genre we are dealing with. For example – is the famous dispute between Rambam and Ramban as to whether it is legitimate to seek the death penalty for Noachides [1] for the crime of failing to establish a viable criminal justice system a consequence of their reading of the story of Dinah, or do they interpret that story in light of their legal positions? Or, for that matter, are both their legal and interpretive stances generated by their ethicopolitical judgment?

The episode at Shekhem – even giving it a title is fraught – is important strategic territory for contemporary visions of Judaism, as it implicates three critical contemporary issues:

1. The proper relationship of Jews and Gentiles
2. The proper use of Jewish power
3. The relationship between gender and power, and more specifically, the extent to which Jewish society has the obligation to enable women to safely participate in a coed society.

I use the metaphor “strategic territory” advisedly, because I think it is essential that advocates of particular positions on these issues develop powerful readings of this text, and seek to make those readings the default community understanding. Perhaps more importantly, we need to exclude those interpretations which we find morally offensive. By exclude, I don’t mean to say that studying them is necessarily not Talmud Torah, but we need to in a sense pasken Aggadah here, i.e. state with absolute clarity that any attempt to justify contemporary action or attitude on the basis of those interpretations is not just wrong but, in our eyes, illegitimate. Some “morals of the story” are immoral.

Orthodox Jews are properly hesitant about saying this about texts that have been part of the Tradition for years, especially if they are found in texts that collectively make up the legacy of “Chazal.” I think it is preferable to seek ways to interpret those interpretations acceptably, to be “dan lekhaif zekhut” and understand such texts as making morally acceptable points, if that is at all plausible.

One interesting example of such a limmud zekhut is found in Sandra Rapoport’s *Biblical Seductions*. Rapoport argues that the Rabbinic statement that Dina ends up marrying Iyov (Bava Batra 15b, Bereishit Rabbah 19) is a recognition that Dinah is an innocent who has suffered unjustly, and thus she marries a righteous man who symbolizes unjustified suffering. This may be – but Bereishit Rabbah derives the marriage from Iyov’s chastisement of his wife for being unwilling to accept G-d’s Will when it causes them harm, and the linguistic connection is between her speech “You speak like one of the *nevalot*” and Dinah’s rape “a *nevalah* was done in

Israel.” These seem more negative than Rapoport, and I think Ishei HaTanakh plausibly understands Dinah marrying a Gentile as a punishment. But I much prefer Rapoport’s moral.

Yalqut Shim’oni Vayishlach 134 contains a story that suggests a similar perspective.

The daughter of Yaakov (like her father) was one who dwelled in tents (indoors). What did Shekhem ben Chamor do? He brought girls to play around her with cymbals, so she went outside to see the daughters of the land, and he captured her and lay with her, and she gave birth to Osnat, and the sons of Yaakov sought to kill her, saying: ‘All the land will say that there is a daughter of harlotry in the tents of Yaakov!’ What did Yaakov do? He wrote a Divine Name on a gold tzitz and hung it around her neck and sent her away. All this was seen by The Holy Blessed One, so the Angel Michael descended and took her down to Egypt, to the house of Potifera, as Osnat was fitting to marry Yosef, and the wife of Potifera was barren, so she raised her as a daughter, and Yosef took her to wife.

Here I think it is clear that the midrashic author sees Osnat as a victim, who is ultimately rewarded. But what are we to do with the depiction of the brothers as honor-killers, whom Yaakov can frustrate but not flout?

I think it is important to note that the brothers in this story have no intention of killing Dinah, but rather Osnat. My suggestion is that this midrash is driven by reading “Hakezonah yaaseh et achoteinu” as follows: Since it is in the future tense – “he will make” – it must refer to an argument about something after the massacre of the Shekhemites. The brothers feel that by allowing Dinah to live, Yaakov is leaving Dinah with a permanent stigma. The midrash has no textual basis in Yaakov’s words; we must guess at his motive for saving her. Perhaps it reads Yaakov as believing that Shimon and Levi would be indifferent to moral arguments, and so he tried to invoke self-interest, but this also failed.

There are Rabbinic readings that seek to magnify the sins of the Shekhemites in ways that make the massacre less troubling. R. Chaim Paltiel, for example, suggests that the circumcision was preceded by a collective

violation of Dinah. Again, this does not seem justified textually, but I appreciate the implicit claim that nothing less could allow us to even discuss the right or wrong of the brothers’ actions – even if we end up agreeing with Yaakov.

The key interpretive questions are generally whether the Torah sides with Yaakov or rather with his sons, and either way, what motivates the sons. But I think one other question also matters. The brothers’ statement is in third person – “shall he make our sister like a harlot.” Ibn Ezra understands the “he” as referring to Shekhem, but the midrash above understands it as referring to Yaakov. If it refers to Yaakov, then it is said in third person – amongst themselves, after Yaakov has gone. It means that they are no longer arguing with him – they have dismissed him, and look only for confirmation within their own moral circle. Yaakov correctly sees them as uninterested in moral arguments – even if his “image” argument at core is accusing them of making a *chillul Hashem*, they can understand it only as a weak and inappropriate concern for Gentile moral opinion.

But Yaakov is at fault for not realizing this earlier. Yaakov waited until his sons came home to react to the initial rape – he did this in the hope that they would engage in serious ethical conversation and arrive at a response that everyone could deliver with integrity. But when moral discourse completely breaks down, at least sometimes one has to act unilaterally.

Yaakov saves the day supernaturally, and gets Osnat safely to Egypt. But when we have such Shimons and Levis among us – and I think we do - we cannot rely on angels to descend and save the innocent victims of their obsessive pride.

Notes:

[1] According to my teacher Rav Ahron Soloveitchik z”l, as I understand his position, it is never necessary to seek the death penalty for Noachides, and it is only legitimate if it will have deterrent value.

This Dvar Torah was originally published in 2011.