

Vigilante Justice in the Bible

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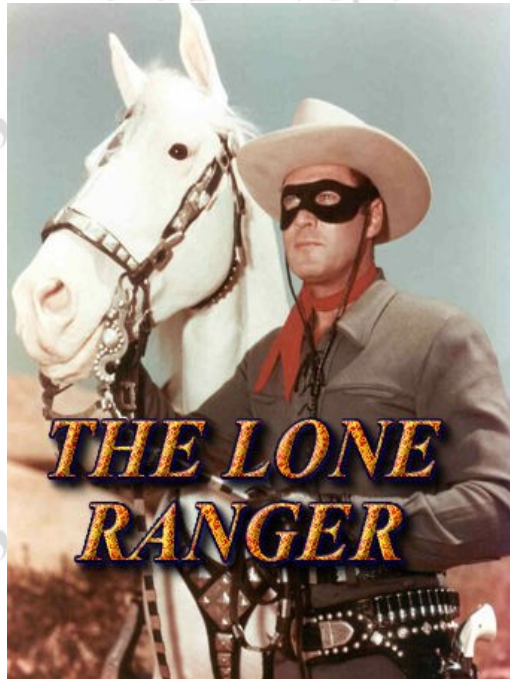
When is vigilante justice the right thing to do? The Bible does provide us with a clear and definitive answer to this question.

Genesis 34 relates the episode how Dinah, the daughter of Jacob, was kidnapped and raped by a man named Shekhem son of Hamor. After committing this terrible crime, Hamor, Shekhem's father approaches Jacob's family to discuss the issue, trying to "white-wash" the incident, with the surface excuse that Shekhem actually loves Dinah and now desires to marry her.

What was there to discuss? Is it ever right to down-play how serious a specific crime is? A crime has been committed, was there not going to be any arrest of the perpetrator, no prosecution and no punishment? If the perpetrator was anyone less than the prince of the land, son of its chief, would justice then not had been swift? But Shekhem was a prince, his father Hamor was the "chief of the region." In other words, as the governing authority, law and order fell into Hamor's hands and his son had now committed a terrible crime, which in those days was punished by death. What kind of chief of the region raises a son to commit a capital crime? What kind of honest and righteous chief of the region perverts and denies justice? Something is very wrong here!

Hamor's approach to Jacob requesting marriage for Shekhem and Dinah was only a trick to avoid having Shekhem being prosecuted for his crime of kidnap and rape. For in ancient days, a man could not kidnap and rape his wife, even if the crimes happened before the marriage. Once she became his wife, his prior criminal activity towards her would have been ignored and considered acceptable behavior. Hamor knew this well and his deception here is clear. His approach to Jacob proclaiming Shekhem's love for the victim was a clever ruse to bury the crime and thus have the perpetrator avoid punishment. After all, if Shekhem had any real love for Dinah, he would have gone through the normal social procedures to acquire her hand in marriage. His own actions reveal his true intent.

By colluding with Shekhem to cover up the crime of kidnap and rape, Hamor became an accomplice to the crime, a co-conspirator. As such, Hamor became subject to the same rule of law that would have applied to his son Shekhem. Now Hamor was chief of the region, he was the law. When the enforcer of law himself (itself) becomes a violator of the law, then who is there to prosecute violators and to bring justice to the victims?



Here is a point about Biblical justice that clearly separates it from modern standards and definitions. In Biblical times, laws were established to regulate behaviors between independent individuals. If a crime was committed, it was a crime perpetrated by one individual against another. It became the duty of the wronged party to take the offender before a judge to demand justice. Both civil and criminal cases were private affairs. There was no government to get involved. Indeed, the concept of government representing the wronged party as in the phrase, “the people of so and so against so and so” is unheard of in the Bible. No one represented the victim, no one had that right, other than an immediate family member whose honor was equal to that of the victim. Therefore family was considered equal victims to the criminal behavior perpetrated against one of its members.

According to Biblical law, in every legal procedure regarding criminality, one party was always the actual victim and the other the actual offender. Justice and judgment were individual and personal. What is never mentioned and what is never involved is the government or the nebulous mention of government representing “the people” to prosecute an offender.

In our modern court systems, we have instituted man-made laws that have elevated the government to a self proclaimed role as the defender of the people. Therefore criminal behavior is defined as a violation of government law as opposed to a violation against the victimised person. Thus the government arrests and prosecutes the offender in the name of the people (of the state or country). The state also makes plea bargains and considers all other types of irrelevant garbage lessening and lessening the rightful punishment a perpetrator should rightfully receive. In this way, government has become the agent to pervert justice and to thwart judgment. Government has become the opposite of what it is supposed to be. Instead of safeguarding the rights of the victimised individual, it disregards them totally. In every case, this is always very wrong!

In Biblical times, such a disregard for individual rights and responsibilities did not exist. Laws were enacted to maintain balance and justice between individuals. If an individual was wronged he could take the offending party before a judge to have his case heard and decided. The rights of the individual reigned supreme. And it was justice for the wronged individual that was sought.

We have the example of the famous Biblical case of the two prostitutes that was brought before King Solomon (ref. 1 Kings 3). Each of the women had an infant son. One of their infant sons was accidentally killed. One woman claimed that her son was the living one, even though that living son was now in the hands of the other woman. She claimed that the living son was exchanged for the dead one while they slept. We all know the famous ending how Solomon was able to ascertain the identity of the true mother by feigning to split the child in half to give each woman half. When the one woman spoke out against killing the child, Solomon recognized a mother's true love.

Judgment here was not based upon any law book. There were no “people of the State” involved here. There was no prosecutor demanding the letter of the law be followed. There was no jury to manipulate, no government involvement whatsoever. This was not a case of law, this was a case of justice. There was only one judge who instead of seeking to follow some nebulous “letter of the law” defined by man-made government, the wise judge Solomon chose instead to pursue justice and the outcome provided just that.

Biblical court systems and jurisprudence philosophy was all about providing justice for the individual and had nothing to do with prosecuting violators in the nebulous name of the people of the State. The State could not be an offended party, only individuals could be. There had to be a individual offended party. Claiming prosecution in the name of the people was not good enough. It is inconceivable under Biblical law for such to exist. One cannot commit a crime against the entire people, although one could very well “piss-off” the government. Yet, when a government official was so offended he usually did not have to go through the procedure of law to vanquish the offending party. In ancient times a simple beheading or hanging was always in order.

Hamor knew very well that his son Shekhem had committed a capital crime. Shekhem did not act to offend the people of his region, he acted and offended Dinah. It was then the obligation of Jacob as father of the minor girl to enter into judgment with Shekhem for justice. Hamor intervened for his son and upset the entire balance of justice. For as the chief of the region, Hamor would have had to sit as judge over his own son. The criminal activity was clear, undeniable and uncontested. Shekhem's guilt was clear as was the penalty for his actions. Yet, Hamor, his father, the chief of the region corrupted justice by taking his son's side over the side of justice. By doing so, he became a co-conspirator with equal guilt.

Who then could Jacob now turn to for justice for Dinah? The court and the magistrate himself had become corrupted and denied the wronged individuals proper and swift justice. Under such circumstance, the choices left to Jacob were few.

Jacob apparently was not a man who sought confrontation. Hamor had convinced his people to conspire with him to bury Shekhem's crimes and to cover them up with his plot to intermarry with Jacob's family and thus let "by-gones be by-gones." Although Jacob did not seem too comfortable with this miscarriage of justice, scripture does not record him having any other plan in mind to solicit justice in a now growing conspiracy.

Scripture then records, that now enter Shimon and Levi, two of Jacob's older sons. They saw through Hamor's malicious intents and deceptions. They saw that justice must prevail. They concluded that if Hamor was to use subterfuge and deception to cover Shekhem's crimes (and by extension, his own crime of perverting justice), then they were properly justified in like-kind to use subterfuge and deception to punish Shekhem, Hamor and the people of city who had all become co-conspirators in their mutual attempt to pervert truth and deny justice.

As the Biblical story relates the brothers had the men of the city circumcise themselves as a deceptive ruse to physically weaken them enabling justice to be executed. They were justified in this deception based upon the deception being used against them by these same people. The Bible then states that, "Shimon and Levi, Dinah's brothers took their swords. They came into the city without arousing suspicion and killed every male" (Gen. 34:25). The Bible refers to Shimon and Levi as Dinah's brothers. They are identified as the proper next-of-kin who had the right to seek justice for their violate sister.

Shimon and Levi, in place of Jacob who abrogated action and justice, took the law into their own hands and acted righteously and properly against an unrighteous and corrupt criminal conspiracy. They killed Hamor for his complicity. They killed Shekhem for his crimes and they killed all the males of that place who co-conspired with Hamor to cover up the crimes. All in all, justice was served. Now, it did not have to come to this. The entire male population of the city did not have to be killed. But because they denied justice and conspired together to thwart justice, thus justice and judgment fell swiftly on their heads. Everything that Shimon and Levi did was in complete accordance to the law.

Vigilante justice had its place then, when justice is denied through the proper channels of courts of judges. The rights of the individual reign supreme and the right for individual justice reigns supreme. There is no such concept that one who violates the law is prosecuted by a government who is representing "all of the people." No! When one kidnaps and rapes, the state does not prosecute such an individual for violating state law. It is the wronged party him/herself that seeks justice for the offense made against him/her personally.

Justice is a personal thing. It is the role of government to provide righteous judges between offended parties. It is not the role of government to define itself as the offended party as de facto representative of a true offended party. The state does not prosecute the rapist, the victims family does. This is how justice is achieved Biblical style. Any other form, such as the modern forms are therefore, by Biblical law, not pursuing justice.

Thus according to Biblical law, in the absence of proper justice and proper courts of justice, righteous individual citizens can rightfully take the law into their own hands to protect their individual rights and to right the individual wrongs committed against them. Biblical law is clear on this matter. It is even enumerated in the Law Code of Maimonides (Laws of King 9:14). Vigilante justice is mandated when the established courts fail to provide righteous justice and or when they fail to uphold the natural common law (sheva mitzvot) incumbent upon all men.

The Law of G-d is supreme and overrides the laws of man in every contradictory instance. This does not mean that individuals are free to violate man-made laws. Such senseless violations are as wrong as they are foolish. We still have to stop at red lights and pay the parking meter. Laws such as these do not violate any Biblical principles or commandments and therefore we are obliged to observe them. This is what the edict of the Sages of Israel meant, when they said, "dina d'malkhuta dina," (the law of the land is the law). However, when man-made laws are instituted that violate Biblical principles or seek to invade private individual rights, it can be argued that, according to the Bible, the right thing to do is to defy them.

Righteous men live by righteous principles. Evil men live in accordance to their evil. This is no great revelation, but rather an uncomfortable truth with which we have to live. When right and wrong collide, the law and the courts are supposed to uphold what is right and good. But today, instead of doing this, the courts seek only to uphold the law, regardless of whether the laws are moral or righteousness. With courts of such a nature, more concerned about the letter of the law than they are about the right for justice of the individual citizen, we have no courts of justice at all. We only have courts of law. These courts judge the law but they do not bring justice to the individual. They punish an offender based upon the law and how it can be manipulated. They do not seek true and honest justice. Again, this is no great revelation, but rather another uncomfortable truth.

Today, we do not have any Shimons and Levis to defend their sister Dinah. Yet, today we have an overwhelming number of Dinahs who are kidnapped raped and left bereft of justice, simply because there are no modern day Shimons and Levis. Today we have no justice and almost everyone knows it. Everyone tries to hide under the cloak of man-made law proclaiming adherence to them to be the right, moral thing and just thing. Yet, in so many instances, laws are passed which are inherently wrong and unjust. Government steps in to enforce its morally wrong laws thus establishing government enforcement of what is wrong, immoral and unjust. Government then beomes the agent for injustice, a co-conspirator in crime, just as was Hamor, Shekhem's father.

Modern government has become a modern Hamor who seeks to pervert justice by hiding crimes and reinventing circumstances on the ground to allow the criminal to get away with kidnap and rape. Jacob was afraid then and he is still afraid now. We await a future Shimon and Levi. Who will become the next Vigilante, the next Lone Ranger, the next Abraham, Moses or Maccabee?