

Vayikra for Vegetarians



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You do not delight in sacrifice, or I would bring it;
You do not take pleasure in burnt offerings.
My sacrifice, O God, is a broken spirit;
a broken and contrite heart
You, God, will not despise. (Ps. 51:18–19)

Maimonides, *Guide for the Perplexed*

It is, namely, impossible to go suddenly from one extreme to the other: it is therefore according to the nature of man impossible for him suddenly to discontinue everything to which he has been accustomed. ...The Israelites were commanded to devote themselves to [God's] service.... But the custom which was in those days general among all men, and the general mode of worship in which the Israelites were brought up, consisted in sacrificing animals in those temples which contained certain images, to bow down to those images, and to burn incense before them....

It was in accordance with the wisdom and plan of God, as displayed in the whole Creation, that [God] did not command us to give up and to discontinue all these manners of service; for to obey such a commandment it would have been contrary to the nature of man, who generally cleaves to that to which he is used.....

For this reason God allowed these kinds of service to continue; [God] transferred to [God's] service that which had formerly served as a worship of created beings, and of things imaginary and unreal, and commanded us to serve [God] in the same manner.

—Maimonides, *Moreh Nevuchim* III:32

So instead of banning sacrifices, God restricted them by specifying that they could only be offered in one place, the Sanctuary; they could only be offered by one subsection of the population, the priests; and there was a limit as to which animals could be offered and when. The aim was to circumscribe and restrict the practice of sacrifices, while at the same time gradually weaning the people from the idolatrous beliefs they had once held under the influence of the prevailing culture of the time.

That is Maimonides' first point, and the most controversial – introducing a developmental perspective into the commands, by seeming to suggest that what may have been necessary at one time might not be so at a later stage when the Israelites had been fully weaned from their reliance on sacrifice.

—Rabbi Jonathan Sacks

Sotah: Num. 5:12–27

Speak to the Israelite people and say to them:

Regarding anyone whose wife has gone astray and broken faith with him,

in that another man has had carnal relations with her unbeknown to her husband, and she has kept secret the fact that she defiled herself without being forced, and there is no witness against her—

but a fit of jealousy has come over him and he is wrought up about the wife who has defiled herself; or if a fit of jealousy has come over him and he is wrought up about his wife although she has not defiled herself:

That man shall bring his wife to the priest. And he shall bring as an offering for her one-tenth of an *ephah* of barley flour. No oil shall be poured upon it and no frankincense shall be laid on it, for it is a grain offering of jealousy, a grain offering of remembrance that recalls wrongdoing.

The priest shall bring her forward and have her stand before GOD.

The priest shall take sacral water in an earthen vessel and, taking some of the earth that is on the floor of the Tabernacle, the priest shall put it into the water.

After he has made the woman stand before GOD, the priest shall bare the woman's head and place upon her hands the grain offering of remembrance, which is a grain offering of jealousy. And in the priest's hands shall be the water of bitterness that induces the spell.

The priest shall adjure the woman, saying to her, "If no one else has lain with you, if you have not gone astray in defilement while in your husband's household, be immune to harm from this water of bitterness that induces the spell.

But if you have gone astray while committed to your husband and have defiled yourself, if anyone other than your husband has had carnal relations with you”—

here the priest shall administer the curse of adjuration to the woman, as the priest goes on to say to the woman—“may GOD make you a curse and an imprecation among your people, as GOD causes your thigh to sag and your belly to distend;

may this water that induces the spell enter your body, causing the belly to distend and the thigh to sag.” And the woman shall say, “Amen, amen!”

The priest shall put these curses down in writing and rub it off into the water of bitterness.

He is to make the woman drink the water of bitterness that induces the spell, so that the spell-inducing water may enter into her to bring on bitterness.

Then the priest shall take from the woman's hand the grain offering of jealousy, elevate the grain offering before GOD, and present it on the altar.

The priest shall scoop out of the grain offering a token part of it and turn it into smoke on the altar. Last, he shall make the woman drink the water.

Once he has made her drink the water—if she has defiled herself by breaking faith with her husband, the spell-inducing water shall enter into her to bring on bitterness, so that her belly shall distend and her thigh shall sag; and the woman shall become a curse among her people.

Gemara

The mishna states: **One who issues a warning** to his wife. By employing the descriptive phrase: One who issues a warning, and not the prescriptive phrase: One issues a warning, the *tanna* indicates that **after the fact, yes**, it is effective if he issues a warning in this manner, but ideally, **no**, one should not issue a warning to his wife at all *ab initio*. Apparently, **the *tanna* of our mishna holds** that it **is prohibited to issue a warning** to one's wife *ab initio* in a manner that can cause her to become a *sota*, and all the *halakhot* concerning a *sota* are for one who issued a warning when not obligated to do so.

BT Sotah 2a

Some modern scholars assume that the ritual of the sotah disappeared because of the destruction of the Temple. Others argue that the ritual was abolished as a bold rabbinic move, to remove a practice that was seen to be unfair. But when one looks closely at the rabbinic texts, neither of these reasons is found. Rather, the explanation given is that things were getting worse—**either more people were openly committing adultery, or more husbands were sinning in such a way that the sotah ritual did not then work on their wives.** The Rabbis account for these and other examples of decline by claiming that the deaths of certain sages led to the disappearance of certain qualities from the world (see for example, Mishnah Sotah 9:9).

—Lisa J. Gruschkow, *The Torah: A Women's Commentary*

When murderers increased in number, the rite of breaking the heifer's neck was abolished....When adulterers increased in number, the application of the waters of jealousy ceased; and Rabbi Yohanan ben Zakkai abolished them as it is said, “I will not punish your daughters when they commit harlotry nor your daughters-in-law when they commit adultery, for they themselves [their husbands, commit adultery, too].”

Mishnah Sotah 9:9

From the time when adulterers proliferated, [the performance of the ritual of] the bitter waters was nullified; [they would not administer the bitter waters to the *sotah*.]

BT Sotah 47a

This is, it seems to me, a rabbinic cop-out. They can't say, "When they realized that the ritual was cruel and unjust, they stopped performing it." Rather, they cite the proliferation of adultery as the reason – i.e. there were just too many adulterers for us always to be performing this ceremony. But this is not really a logical conclusion; it is, rather, in line with the traditional rabbinic attempt to mitigate the harsh punishments encoded in Torah law. The Talmud often seeks to lessen the severity of the Torah's harshest decrees. We do not put people to death for violating Shabbat in public, or for being disobedient children, both of which appear in the Torah as commandments. Likewise, we do not perform cruel punishments like the ritual of the bitter waters. And we likely never have.

—Seth Adelson

The ritual is not intended to punish the woman if she is guilty. It is to absolve her if she is innocent, and preserve love and trust in her marriage.

The entire point of the *sotah* ritual, in other words, is to convince a husband who has every reason to be suspicious of his wife's fidelity, since she secluded herself with another man. God is involved only to convince the husband that his wife is not adulterous. The husband's jealousy will thus dissolve and allow him and his wife to resume their marriage in trust and love.

—Rabbi Avi Shafran

On moral grounds

When a law of Torah conflicts with morality, when the law is “unpleasant,” we are committed to find a way to address the problem. As a halakhic movement we look to precedent to find the tools with which to shape Torah. For the most part, we rely on the strategies of old. At the same time, we are willing to do explicitly what was largely implicit in the past, namely, to make changes when needed on moral grounds. It is our desire to strengthen Torah that forces us to recognize explicitly the overriding importance of morality, a morality which we learn from the larger, unfolding narrative of our tradition.

We affirm that when mamzerut is applied in our day it fails to meet a goal of deterrence and at that same time leads to an unconscionable hardship on innocent people. We affirm that we will not entertain any evidence of mamzerut and instead judge each Jew who stands before us as a person who is only responsible for his or her own wrong-doings.

Conclusion We render mamzerut inoperative, because we will not consider evidence of mamzerut. We will give permission to any Jew to marry and will perform the marriage of a Jew regardless of the possible sins of his or her parent.

Rabbinical Assembly, CJLS (2000)

https://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19912000/spitz_mamzerut.pdf

An unexpected take

Said Rabbi Elazar: Hannah said before the Holy One, “Master of the Universe, if You take note of my suffering and grant me a child, great. But if not, then You will see! I will go and seclude myself with another man in front of my husband Elkanah. And when I seclude myself, they will give me to drink the water of the *sotah*. And You will not belie Your Torah, for it is stated [with regard to an innocent woman who drinks the sotah waters]: *then she shall be proven innocent and she shall bear seed*” (Num. 5:28) [Berachot 31b]

The rebellious son

If a man has a wayward and defiant son, who does not heed his father or mother and does not obey them even after they discipline him, his father and mother shall take hold of him and bring him out to the elders of his town at the public place of his community.

They shall say to the elders of his town, “This son of ours is disloyal and defiant; he does not heed us. He is a glutton and a drunkard.”

Thereupon the people of his town shall stone him to death. Thus you will sweep out evil from your midst: all Israel will hear and be afraid.

Deut. 21:18–21

With regard to other Ancient Near Eastern laws, there is no parallel legislation.

...

Other law codes have punishments for a disrespectful child, but these also do not include a death penalty.

—Ilona Rashkow

https://jbbqnew.jewishbible.org/wp-content/uploads/jbbq_533_rashkowrebellious.pdf

This is a difficult and problematic law. Gilad J. Gevaryahu and Harvey Sicherman discuss laws that appear totally impractical. They write that “Rabbinic interpretation has served the purpose of clarifying difficult biblical passages. Three instances are collected in the Babylonian Talmud and tosefta of cases “that never were and never will be”, including the rebellious son [ben sorer umoreh] who is to be put to death at the request of his parents (Deut. 21:18-21).”

By adopting the “never was and never will be” rule, a major issue was raised: could the Torah contain instructions that were in fact impossible to execute? As a consequence, modern commentators in particular have tended to view this as a case where the rabbis “humanized” the Mosaic law, the passage of time having changed the social mores.

Rashkow

Our sages were also troubled by this passage, and more than four folios of Talmud (Sanhedrin 68a–72a) are devoted to these four verses. As is often the case when the Torah imposes the death penalty, the rabbis went out of their way to interpret the Biblical text so as to impose conditions that make the sentence impossible to carry out.

Did it ever take place?

R. Simeon said: “Just because their son gorged on meat and Italian wine, would the father and mother have him stoned? Rather, there never was and never will be such a thing; so why was it written? Seek and ye shall find!”

R. Jonathan said: “I witnessed such a son and sat on his grave.”

BT Sanhedrin 71a

For instance, the parents in the biblical text must come together to bring the child to the elders, and declare “he does not hear **our** voice” (Deuteronomy 18:20) and so the sages concluded that not only must both parents want to bring the child to judgment — they must also be evenly and properly matched, and they must have similar voices. The verse continues by requiring the parents to declare “our child is a glutton and a drunkard,” and so the sages understand this to mean that the child cannot be considered a “*ben sorer u’moreh*” until he steals a certain quantity of meat and wine from his parents’ home, and eats it elsewhere.

There are deeper questions, as well. If the child is still a minor, how can he be held responsible for his actions? Conversely it is true that the obligation to honor one's parents extends throughout life, but once a child is legally an adult, what standing do his parents have to bring him before the court? The sages conclude that there is only a brief period in a boy's physical development — perhaps not even three months long — when this law might be applied. This age specification sharpens the question: how could such a young child be subjected to such terrible consequences?

There are two intertwined responses to this fundamental question, and both have in common a faith in the power of human prediction. One thread justifies the law, by declaring of the rebellious son “*al sofo neherag*” — he is to be put to death for what he will certainly eventually do. A child who would steal from his parents at such a young age is destined to exhaust his parents’ resources, break out of their control and become a threat to the larger world, a mugger and a murderer. Better, the argument goes, that he die before taking another innocent life. This thread reflects the belief that we really can determine in advance who should rightly be scrutinized, or even penalized, because of what we anticipate they might do.

The second thread suggests that in fact, the question is moot, because the rebellious child “never was and never will be” (*Sanhedrin* 71a). The plain sense of the talmudic argument is that the stipulations of age and behavior surrounding this rule are so detailed that no such case could ever be prosecuted successfully. Rather, the thread continues, these four verses were included in the Torah “for the reward of studying them” (*drosh v’kabel skhar*). One can see this on an intellectual level — that the project of study, and analysis of Torah is of value in and of itself, even when there is seemingly no practical implication. Alternatively, one could see the explanation on a practical level — that each new generation of pre-teens will encounter this passage and be duly chastened to listen to mom and dad and eat their vegetables, lest they suffer a terrible fate.

What both threads have in common is a faith in the power of human prediction. One side would tell us that human behavior is predictable.... As a result of that faith, there are times when one must protect society at the expense of the individual.

The other side puts its faith in the integrity of the law, and its ability to protect the individual from the larger society. It declares that systemic checks and balances must be instituted so that such a law, even though on the books, would never be carried out, because of the great potential for injustice if they were to be applied to even one innocent person.

Joshua Heller

<https://www.jtsa.edu/torah/the-trouble-with-the-rebellious-child/>

Prospective punishment?

Ishmael was the first stubborn and rebellious son, rejected by his parents (father Abraham and step-mother Sarah) for what he might become (“a wild donkey of a man; his hand will be against everyone, and everyone’s hand against him”). Yet the Torah, as interpreted by the Midrash, rejects the argument of Rabbi Jose in favour of the logic of Rabbi Shimon. Punishment as deterrence against future crimes is not Divine justice. God does not judge people for what they might become. He judges them as they are now.

Beneath this principle of justice is a deeper idea still: the principle of human freedom. Only the certainty that a juvenile delinquent will grow into a murderer can justify punishing him now to prevent acts he may commit in the future. But because we are free, and because even the most hardened criminal can repent and change, there is and can be no such certainty in human affairs. A stubborn and rebellious child can grow into a responsible adult. (Indeed, according to the Talmud, Ishmael repented in the lifetime of Abraham.)

Rabbi Jonathan Sacks

<https://rabbisacks.org/covenant-conversation/ki-teitse/stubborn-and-rebellious-sons/>

Responses to objectionable texts

- Justify it
- Assert that it never happened
- Explain it away
- Argue that Judaism, and human consciousness, evolve (“That was then, this is now.”)
- Set it aside.
- ???

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