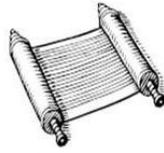


**Center for Modern Torah Leadership**



חרות ואחריות

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**"Taking Responsibility for Torah"**

By Rabbi Aryeh Klapper, Dean

Much of Sefer Vayikra is devoted to an exposition of the laws of sacrifices, generally animal sacrifices. The Beit HaMikdash served primarily as the locus of such sacrifice. Nonetheless, animal sacrifice seems to have aroused deep religious ambivalence from the very beginning of Judaism. Prophetic denunciations of Temple-focused religion are plentiful, and even within the Torah, such sacrifices play a very prominent role in the episode of the Golden Calf.

The traditional text generally cited to express this ambivalence is Maimonides' Guide for the Perplexed 3:32. Maimonides seems to argue there that sacrifices were included within Torah ritual as a concession to the religious state of the Jews in the immediate post-Exodus era. Under the influence of the pagan Ancient Near East, they saw animal sacrifice as the quintessential act of serving the divine. The Torah thus maintains sacrifices to make the new religion psychologically and intellectually recognizable to them, but with the goal of slowly easing them into verbal service of G-d, i.e. prayer. This task is accomplished entirely in our day, and it seems to follow that animal sacrifice will not be revived in the Third Temple, a position articulated by R. Kuk in one of his writings, which he unsurprisingly contradicts elsewhere.

Nachmanides rejects this explanation utterly in his commentary to Vayikra 1:9, pointing out that Kayin, Hevel, and Noah all bring animal sacrifices in a pre-pagan era. He offers a variety of alternative rationales, but seems to believe most strongly in a kabbalistic rationale that, as per his usual practice, he makes little or no effort to make intelligible to his non-initiate readers, among whom I count myself. Maimonides himself in his Code (Laws of Meilah 8:8) emphasizes that apparently reasonless ritual should not be rejected, specifically mentioning animal sacrifice as a ritual whose reason is not readily apparent, and his Code treats the laws of animal sacrifice exhaustively.

Note that a close reading of Guide 3:32 shows that Maimonides is in principle no less ambivalent about prayer than he is about animal sacrifice, believing that prayer is also a concession, to those who are incapable of attaining proper concentration via silent meditation.

My preferred position is that Maimonides does not mean that animal sacrifices were a concession to a culturally contingent human frailty, but rather to an intrinsic human drive. That drive can be culturally contained, but not without cost. This perspective is rooted in Talmud Yoma 69 which, as I read it, sees the Temple ritual as the positive religious expression of an innate "Evil Inclination Toward Idolatry", in the same way that creativity is a positive expression of eros, which we can also call the "Evil Inclination Toward Sexuality". Rather than presenting my own view in detail this week, however, I'll present the somewhat parallel, and ingeniously developed, position of the Meshekh Chokhmah.

Meshekh Chokhmah focuses on the halakhic attitude toward sacrifices brought outside the Temple. These are permitted prior to the Temple's construction (so long as the Tabernacle is not in a fixed place), but forbidden thereafter, at least while the Temple stands. The failure to effectively enforce this prohibition is a constant prophetic complaint against the monarchy in II Kings, although the dramatic impact of Eliyahu's sacrifice-off with the prophets of Baal on Mount Carmel, which is regarded halakhically as a one-time emergency suspension of the law, may have made it practically impossible to convince the people that such sacrifices were wrong.

The Talmud on Megillah 10a seems to say that whether the prohibition against sacrificing outside the Temple applies when no Temple stands depends on whether or not one believes that the ritual sanctification of the Land of Israel, and by extension of Jerusalem and the site of the Temple, accomplished by Joshua's conquest continued in effect after the new Jewish commonwealth was itself conquered. (We

hold halakhically that it did not, but that the second sanctification effect by Ezra's settlement of the land is permanent.) The Tosafist R. Chaim Cohen, however, argues that in fact everyone must agree that it remains in effect. Why, if the Temple site is no longer ritually sanctified? Meshekh Chokhmah suggests that sacrifice outside the Temple was permitted as a concession, whereas sacrifice in the Temple has a positive purpose. Yoma 69 teaches that the inclination to idolatry was abolished by the Men of the Great Assembly at the outset of the Second Temple. Accordingly, there is no longer any reason to permit sacrifices outside the Temple regardless of the sanctity of Jerusalem.

Meshekh Chokhmah points out that an ambivalent attitude toward animal sacrifice which nonetheless maintains its ultimate value is modelled in Psalm 51:17-21. (51:17 is the verse with which we open the amidah, and I think seeing it in context helps explain why.)

My Lord, if You open my lips, my mouth will tell your praises.

For You would not favor a sacrifice, and were I to give a burnt offering, You would not accept it

The sacrifices of G-d are a shattered spirit; a shattered and downcast heart, G-d, You will not despise.

By Your Will do good to Zion, build the walls of Jerusalem.

Then you will favor the sacrifices of righteousness, burnt and wholly-burnt offerings; then bulls will go up on Your altar.