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TEXT, TIME, AND TEMPLE  
LITERARY, HISTORICAL AND RITUAL STUDIES  
IN LEVITICUS

edited by  
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and Bryan D. Bibb



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THE HISTORICAL AND LITERARY CONTEXTS OF THE SIN  
AND GUILT OFFERINGS

*James W. Watts*

Leviticus 4 and 5 have preoccupied commentators on the book of Leviticus and interpreters of ancient Israel's rituals. The distinctive blood rites of the חטאת offering and the chapters' association of both the חטאת and the אשם offerings with achieving כפר, 'atonement', have led commentators to find particular significance in these rituals. Yet their symbolic meaning remains debated. Much attention has also been drawn to the names of the offerings, which are homonyms of the Hebrew common nouns 'sin' and 'guilt'. Yet interpreters disagree about how the offering names should be translated. Attention to context can cast light on the significance of these offerings and the meaning of their names.

There are two rather obvious contexts for the book of Leviticus. The first is the historical context of anytime from the eighth through the fourth century BCE. This period in Judea was marked by national catastrophe, forced exile and then a partial restoration as an imperial province. The second is the literary context of the Pentateuch and, eventually, of the rest of Hebrew Bible. The five-book Torah, the Deuteronomistic History and the prophetic books reinforce each others' interpretations of Judea's catastrophic history as the result of divine punishment for the people's sins. These historical and literary contexts can help account both for the names of the חטאת and אשם offerings and for some of the distinctive features of the chapters of Leviticus that describe them.

*Historical Context*

Many interpreters have noted that the common nouns חטאת and אשם carry legal connotations in Akkadian and Hebrew. For example, Baruch Levine found the Akkadian words *hiṭu* and *hiṭūtu* 'in the vocabulary of treaties and

legal documents, as well as cultic terminology'.<sup>1</sup> Bruce Wells observed that the phrase, 'to bear a sin', appears frequently in Neo-Babylonian administrative and, sometimes, judicial documents to describe a person subject to undefined punishment.<sup>2</sup> Jacob Milgrom pointed out the emphasis on monetary restitution in making an  $\text{אָשָׁם}$  in 1 Sam. 6.1-18 as well as in Lev. 5.23-24 (Eng. 6.5-6) and Num. 5.7-8. He found a precedent among the Nuzi texts.<sup>3</sup>

The fact that the offering names evoke the legal spheres covered elsewhere by treaties and administrative documents suggests that they were introduced because the priesthood and temple were playing a larger role in legal and bureaucratic matters, or at least wished to do so. The history of Judea from the eighth through the fifth century provided opportunities for the priests to take on such roles. The destruction of the Judean monarchy, and therefore its legal and bureaucratic functions, due to the sixth-century Babylonian Exile and the rise of the Jerusalem temple as the only durable central institution of Second Temple Judaism, provides one possible context for this development. Earlier events, however, such as the decimation of villages and their legal systems in the seventh-century wars, may also have prompted the Jerusalem temple to take on more legal roles.

The priesthood had an obvious incentive to do so. The imperial wars of the eighth to sixth century and the eventual loss of a royal patron must have had very negative impacts on temple revenues. Furthermore, the seventh-century centralization of worship in Jerusalem (2 Kgs 23.8-9), though probably never complete, increased the number of priests who depended on priestly prebends from the Jerusalem temple. According to Leviticus 4-7, priests received most of the meat from most sin and guilt offerings. Therefore the introduction of these new offerings enhanced the temple's economic stability by supplementing, but not replacing, other offerings from which the priests also derived revenue.<sup>4</sup>

1. Baruch A. Levine, *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel* (SJLA, 5; Leiden: Brill, 1974), p. 102.

2. Bruce Wells, *The Law of Testimony in the Pentateuchal Codes* (BZABR, 4; Wiesbaden: Harrassowitz, 2004), pp. 73-77.

3. Jacob Milgrom, *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance* (Leiden: Brill, 1976), pp. 13-16; the Nuzi text was described by E.A. Speiser, 'Nuzi Marginalia 4: Ceremonial Payment', *Orientalia* 25 (1956), pp. 9-15.

4. Leviticus obscures these economic interests by drawing attention first (in chap. 1) to the  $\text{קָרָבָן}$ , 'rising' or burnt offering, from which priests received almost no revenues (see James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* [New York: Cambridge University Press, 2007], pp. 63-78). Many scholars have argued that sin and guilt offerings were not as old in Israel's religious practice as its other major types of offerings because they appear almost exclusively in P and P-related literature. See, e.g., Jacob Milgrom, *Leviticus 1-16* (AB, 3; New York: Doubleday, 1991), pp. 288-

The destructive history of the eighth to sixth century, however, also presented a stumbling block to the innovation of sin and guilt offerings. The catastrophes suffered by Israel and Judah provided clear disconfirmation of the power of the regular cult to avert national disaster. Despite royal financing of national cults to Yhwh in Israel and Judah, both nations endured repeated foreign invasions before eventually suffering devastating destructions. Combined with prophetic preaching that their destructions were divine punishments for the sins of kings and people, this history presented a *prima facie* case against the effectiveness of ritual atonement (Jer. 7, 26; Ezek. 10).

This situation may account for Leviticus 4's emphasis on atoning for unintentional sins. The chapter reflects a common fear among ancient peoples of accidentally defiling holy places and things and by so doing incurring misfortune.<sup>5</sup> Ignorance of one's sins was a widespread theme in Mesopotamian liturgies and prayers, perhaps because omens might indicate punishment for sins without specifying their nature.<sup>6</sup> But the expiatory rites of other ancient cultures do not usually specify only unintentional sins. The prayers collected by van der Toorn ask forgiveness for conscious as well as unconscious offenses, sometimes juxtaposing them explicitly as 'known and unknown sins'.<sup>7</sup> A Hittite ritual for purifying a house makes no mention of inadvertence, but addressed cases when

either a human has perjured (himself), or he has [shed] blood and has turned [up] his *šekmu*-garment to these houses, or someone has made a threat, or someone has spoken a curse, or someone having shed blood or having committed perjury has entered, or someone has practiced (witchcraft?) and [has] en[ter]ed, or bloodshed has occurred in the house.<sup>8</sup>

Similarly, a Ugaritic ritual to make up for sin (*hī'*) lists a series of moral and cultic transgressions without mentioning whether they were done knowingly or not.<sup>9</sup> Finally, Leviticus itself, in the regulations for the Day of Atonement, claims much broader effects: the sin offering atones for 'their offenses and all their sins' (16.15) and the scapegoat carries away 'all the iniquities of the Israelites and all their offenses for all their sins' (16.21).

89; Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (Tübingen: Mohr Siebeck, 2007), pp. 166-97.

5. Milgrom, *Leviticus 1-16*, pp. 361-63.

6. Karel van der Toorn, *Sin and Sanction in Israel and Mesopotamia* (Assen/ Maastricht: Van Gorcum, 1985), pp. 94-97.

7. Van der Toorn, *Sin and Sanction*, pp. 131-32, 136.

8. Translated by Billie Jean Collins, in *COS* 1.68, 5-6.

9. KTU 1.84, 19-23; Dennis Pardee, *Ritual and Cult at Ugarit* (SBLWAW, 10; Atlanta, GA: Society of Biblical Literature, 2002), pp. 81-82.

Therefore fear of unknown sins alone does not explain Leviticus 4's exclusive emphasis on unintentional wrongs.

The most influential explanation for it in recent scholarship has been provided by Jacob Milgrom. He maintained that it is a guiding principle of biblical jurisprudence that capital offenses cannot be commuted, though very many crimes, both secular and religious, are capital offenses. He therefore argued that, in Leviticus 5, P uses confession (5.5) to change intentional offenses into unintentional ones, thereby allowing them to be atoned by offerings.<sup>10</sup> In order to atone for any such sins, they must be redefined as less onerous unintentional offenses for which chap. 4's sin offering and chap. 5's guilt offering provide rectification. Though the list of crimes of theft and fraud in 5.20-26 (Eng. 6.1-7) does not mention confession, Milgrom points out that its parallel in Num. 5.5-10 does (5.7 'they must confess their sins which they did'). He thought that P imposes psychological preconditions for cultic atonement: the inadvertent sinner must suffer remorse (אָשָׁם, which Milgrom translated as 'feel guilty') while the flagrant offender must confess publicly. In this way, the offenses listed in 5.1-4, 20-24 can receive priestly atonement just like the inadvertent sins of the rest of chaps. 4-5.

Milgrom's reconstruction fits with rabbinic commentary and has proven useful for theological interpretation of P and of ancient Israel's temple cult.<sup>11</sup> It is not clear, however, that Leviticus 4-5 supports his psychological interpretation of P's language. First, a purely subjective understanding of אָשָׁם does not work equally well in all the word's occurrences in these chapters.<sup>12</sup> When repeated word plays are recognized in chaps. 4-5,<sup>13</sup> the interpretive question becomes what effect the writers were trying to achieve rather than what exact meaning the words carry. After all, word plays depend on hearers and readers recognizing multiple meanings for their effect. As it happens, the English word 'guilt' carries many of the same ambiguities as Hebrew אָשָׁם—subjective and objective guilt, psychological and legal guilt—and is just as pliable to theological interpretation. Second, the chapters do not emphasize the distinction between inadvertent and intentional offenses. As Milgrom himself demonstrates, the distinction between the sin and guilt offerings rests instead on the category of מַעַל, 'sacrilege', offenses directed against Yhwh that therefore require an expensive ram as a guilt offering.<sup>14</sup>

10. Milgrom, *Cult and Conscience*, passim; Milgrom, *Leviticus 1-16*, pp. 373-78.

11. See, e.g., Frank H. Gorman, Jr., *Leviticus: Divine Presence and Community* (ITC; Grand Rapids, MI: Eerdmans, 1997), p. 44; and Samuel E. Balentine, *Leviticus* (Interpretation; Louisville, KY: John Knox, 2002), p. 48.

12. Jay Sklar, *Sin, Impurity, Sacrifice, Atonement: The Priestly Conceptions* (HBM, 2; Sheffield: Sheffield Phoenix Press, 2005), pp. 36-39.

13. Watts, *Ritual and Rhetoric*, pp. 85-96.

14. Milgrom, *Cult and Conscience*, pp. 16-35; *Leviticus 1-16*, pp. 345-56.

Unlike the requirements for a regular sin offering that make allowances for socio-economic factors, sacrilege against Yhwh requires a uniform cultic response. Though P's distinction between intentional and unintentional offenses clearly stands at the head of a long development in legal and moral reasoning about intentionality that spans the prophetic books and rabbinic literature to reach into modern jurisprudence, Leviticus 4-5 does not work out the implications of the distinction.<sup>15</sup>

In fact, Milgrom's explanation that confession allows cultic atonement for flagrant offenses does not require a purely subjective interpretation of the verb אָשָׁם, 'be guilty'. Verbal confession (5.5) and the performative confession manifested by restitution of stolen goods (5.23-24, Eng. 6.4-5) are both public acts that declare objective guilt. They may also testify to subjective feelings of guilt, but they necessarily serve to declare one's guilt for committing the crime. Therefore, chaps. 4-5's play on the multiple meanings of the term אָשָׁם does not need to be restricted narrowly in order to make sense of the relationship between the various occasions for bringing sin and guilt offerings. The sin offering atones for inadvertent offenses while the guilt offering atones for mistaken acts of sacrilege. Flagrant sins of both kinds cannot be atoned for (Num. 15.26-31), but can be brought within the reach of cultic atonement by confession and, where possible, restitution.

Many interpreters have tried to avoid this conclusion by claiming that P posits three categories of faults. Adrian Schenker and Roy Gane describe the categories as either unintentional sins or deliberate but not defiant, or defiant to Yhwh.<sup>16</sup> By this interpretation, Lev. 5.5 and Num. 15.26-31 address different kinds of deliberate sins. Non-defiant deliberate sins may be atoned by confession and sin or guilt offerings, but not defiant sins. This solution is logical, but does not account for P's failure to make it explicit. P's rhetoric instead emphasizes atonement only for unintentional sins while simultaneously making provisions for at least some other kinds of offenses as well.

I suggest that Leviticus 4-5 provides a sophisticated response to difficulties presented by its original historical circumstances. In almost all the time periods to which modern scholars date part or all of Leviticus (ninth to fourth century BCE), except perhaps the earliest, the priesthood's claim to be able to forgive sins by means of cultic atonement would likely have received a skeptical response. The writers of the HB, including Leviticus itself (26.14-39), interpret the course of events from the eighth to the sixth

15. Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law* (trans. A.W. Mahnke; Edinburgh: T. & T. Clark, 1996), pp. 318-22.

16. Adrian Schenker, 'Once Again, the Expiatory Sacrifices', *JBL* 116 (1997), pp. 697-99; Adrian Schenker, *Recht und Kult im Alten Testament* (OBO, 172; Freiburg: Universitätsverlag, 2000), p. 121; Roy Gane, *Cult and Character: Purification Offerings, Day of Atonement, and Theodicy* (Winona Lake, IN: Eisenbrauns, 2005), pp. 207-13.

century as divine punishment for Israel's sins. Though they depict these sins as including ritual misconduct of various kinds (e.g. 1 Kgs 12.25-33; 2 Kgs 21.2-9; Isa. 65.2-12), several also deny the possibility of ritual resolution (e.g. Amos 5.21-27; Isa. 1.11-17; 66.2-4; similarly Ps. 51.16-17). The book of Kings emphasizes that even the cultic reforms of pious kings such as Hezekiah and Josiah could not avert catastrophic punishment (2 Kgs 20.16-19; 23.26-27). Therefore, to claim power to atone ritually for flagrant sins would have flown in the face of a theological interpretation of Israel's and Judah's histories that seemed confirmed by the destruction of these kingdoms and their national temples—an interpretation furthermore that dominates biblical literature. This unrelenting attitude toward intentional wrongdoing is also adopted within priestly traditions themselves: Num. 15.26-31 contrasts the inadvertent (בשגגה) sinner for whom priests atone with the offender who acts flagrantly (ביד רמה 'with a high hand') and so must be 'cut off' (כרת).

This historical situation of national catastrophe confronted temple priests with the need to increase revenue from common worshipers whose faith in the efficacy of the cult was undermined by those same circumstances. Leviticus engages this problem with a rhetoric that builds its claims for priestly atonement gradually over the course of many chapters. It focuses first (chap. 1) on the *עלה* offering to emphasize selfless (i.e. economically unprofitable) devotion to God. The *מנחה* and *זבח שלמים* offerings that follow in chaps. 2-3 showcase the ideal relationship of exchange between Yhwh as overlord and Israelites as faithful vassals. Leviticus avoids addressing the national history in chaps. 4-5 by offering forgiveness through *חטאת* and *אשם* offerings only for inadvertent offenses and those mitigated by confession or restitution. Nothing in the following texts about priestly prebends (chaps. 6-7), the inauguration of priests and cult (chaps. 8-10) and purity regulations (chaps. 11-15) evokes the national history, but the chapters progressively deepen concern for cultic purification. When Leviticus 16 then combines forgiveness and purification in its sweeping statements about correcting 'all' of Israel's transgressions, that rhetoric sounds like an appropriate summary to what has gone before rather than the dramatic extension that it really is. The rest of the book focuses on maintaining the holiness of the community both inside and outside the sanctuary. When chap. 26 then narrates proleptically the story of national punishment, it does not explicitly evoke the cult to resolve the issue. It rather continues the book's emphasis on the ideal divine-human feudal relationship with the promise of an enduring covenant beyond even national destruction (26.42-45).

In this way, Leviticus creates rhetorical space for the role of atoning offerings within a worldview shaped by the expectations and experiences of exile. Chapters 4-5's emphasis on unintentional sins avoids confronting the problem that sin and guilt offerings could not stave off national catastrophe.

It rather focuses on those inadvertent sins of which even the most conscientious worshipers might be guilty. But at the same time, it opens the way for cultic atonement to reach further by means of confession (5.5) and restitution (5.23-24, Eng. 6.4-5). Leviticus carves out a place for sin and guilt offerings without challenging the dominant narrative of national punishment due to flagrant and unrepented sins against Yhwh.

### Literary Context

Another kind of context may also have encouraged the innovation of sin and guilt offerings and provided a rationale for their startling names, namely, the literary context. The location of P's ritual instructions within the whole Pentateuch places them together with a variety of legal, moral and religious prescriptions, as well as narratives and sanctions. The narrative framework that unites the whole composition is invoked three times in Leviticus 4-5 by the comment that Yhwh spoke to Moses (4.1; 5.14, 20).<sup>17</sup> More than that, the emphasis in these chapters on the situations that require a sin or guilt offering evokes the larger context with the repeated phrase 'any of Yhwh's commandments that should not be done' (4.2, 13, 22, 27; prohibitions in the Torah outnumber positive commandments approximately three-to-two by the traditional rabbinic count, *b. Mak. 23b*). Chapter 5 adds offenses of omission and negligence that also echo the wider legislation—failure to testify (5.1; cf. perjury, the equivalent sin of commission, in Exod. 20.16; 23.1-3; Lev. 19.12; Deut. 5.20; 19.15-21), uncleansed pollution (5.2-3; cf. 11.8, 24-28, 31-40; 12.4; 13.45-46; 15.5-12, 19-27; 16.30; Num. 5.1-4; 35.33-34; Deut. 23.10), unfulfilled oaths (5.4; cf. Exod. 20.7; Num. 19.1-6; 30.2; Deut. 5.11; 23.22-24) and sacrilege (5.14; cf. 7.20-21; 22.3; Num. 18.22)—before returning to the overarching formula of 'one of any of Yhwh's commandments that should not be done' (5.17). Its final paragraph turns to specific criminal behaviors denied by false oaths (5.21-23, Eng. 6.2-4).

These internal references to the literary context of the Pentateuch point out the place of the instructions for sin and guilt offerings within a larger rhetorical program. The Torah emphasizes drastic consequences if divine laws are not obeyed. Therefore disobedience requires quasi-legal ritual rectification. The sin and guilt offerings fill that need, ritually in temples during

17. See Helmut Utzschneider, 'Vergebung im Ritual: Zur Deutung des *ḥattā't*-Rituals (Sündopfer) in Lev 4,1-5,13', in *Abschied von der Schuld? Zur Anthropologie und Theologie von Schuldbekennnis, Opfer und Versöhnung* (ed. Richard Riess et al.; Stuttgart: Kohlhammer, 1996), pp. 96-119 [100]; James W. Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (The Biblical Seminar, 59; Sheffield: Sheffield Academic Press, 1999), pp. 62-65, 93-102.

the Second Temple period and literarily in the Torah in that period as well as later.

As the Torah became increasingly authoritative in the Second Temple period, increasing numbers of Jews and Samaritans must have felt compelled to fulfill its stipulations by bringing sin and guilt offerings to the temples. I say 'must have' because the extant narratives about this period rarely mention these offerings explicitly. They instead refer more generally to purification and sanctification by offerings. Thus, the account of the rededication of the Jerusalem temple in 164 BCE refers to it being purified and sanctified by priests 'devoted to the law' (1 Macc. 4.42-43, 48). Acts 21.23-26 describes Paul and his companions undergoing purification after seven days in the temple culminating in offerings and head shaving, a clear reference to the Nazirite ritual that requires a sin offering among others (Num. 6.13-21). Luke 2.22-24 tells how Mary, after giving birth to Jesus, went to the temple to be purified by offerings in compliance with 'the law of the Lord', and quotes the instructions for the sin offering from Lev. 5.11. Only 2 Macc. 12.43-45 mentions sin offerings explicitly when it describes Judas Maccabee raising funds for an offering to atone *post mortem* for those who died in battle, a practice that has no clear justification in the Pentateuch.

These stories nevertheless confirm the general situation that rabbinic literature and the New Testament postulate: in the late Second Temple period, that the Torah's rhetoric of obligations to the divine commandments was being heard and acted upon ritually. People were being guided by its instructions to make sin and guilt offerings to receive atonement and forgiveness for sins.

The literary influence of the rhetoric of sin and guilt in Leviticus 4-5 is easier to document than its ritual effects. A wide range of Second Temple literature attests that many Jews internalized the Torah's rhetoric of divine commandment and of Israel's need for atonement. That rhetoric became even more determinative of rabbinic discussions of religious obligations and early Christian appropriation of atonement language to interpret the death of Christ. The rabbis make explicit the claim that studying Torah earns the same benefits, that is, atonement and forgiveness of sins, as does making the offerings (*b. Menah.* 110a-b). Wesley Bergen argues that this claim is implicit in the existence of the text itself: 'in so far as the goal of the ritual is the forgiveness of sins, . . . the reader/listener must to some extent believe that reading the text also causes the same outcome, the forgiveness of sins. Or at least the reader/listener must believe that participating vicariously is as effective as participating in person.'<sup>18</sup> Bergen overstates his case: the text's exhortations to do the rituals as instructed need not be understood

18. Wesley Bergen, *Reading Ritual: Leviticus in Postmodern Culture* (JSOTSup, 417; London: T. & T. Clark, 2005), p. 35.

any other way by readers and hearers who have the ability to act as they are instructed. However, readers who do not have that ability, either because of their distance from the temple or because the temple has ceased to exist, find themselves in a different rhetorical position. For the text to be normative for them, it must be understood as mandating some different but related actions. Bergen describes their situation very clearly. The associations and emotions produced by the ritualized text most likely do not work at the level of consciousness. People are not expected to articulate the dissonance between what they are reading and what they are doing. . . . Yet . . . the text does work. We know that it does work because millions of people have participated in the ritual in which the text is read yet sacrifice is not performed, and they do not understand the new ritual to be inadequate to address the problem the sacrifice ritual is meant to address.<sup>19</sup>

The problem the ritual is meant to address, the failure to comply with divine commandments, has been defined by the Pentateuch as a whole. Leviticus 4-5 offers a solution that readers have been utilizing in one way or another for more than two millennia. Bergen points out that, as a result, the text enculturates readers to identify themselves as one of the 'Israelites' addressed in the text (4.2), whether they find themselves in a religious or educational setting.<sup>20</sup> It also urges them to identify themselves 'as deeply concerned with sin and its effects'.<sup>21</sup> As a result, Leviticus 4-5's instructions for the sin and guilt offerings have played a central role in Jews' and Christians' self-understandings, both as individuals and as communities.<sup>22</sup>

The use of the terms חַטָּאת, 'sin, sin offering', and עֲשׂוֹן, 'guilt, guilt offering', with their legal and emotional overtones thus evokes the literary context of the larger Torah that describes social norms and ritual instructions as divine mandates enforced by sanctions on individuals and on the people as a whole. The literary form of P and of the whole Pentateuch was, of course, influenced by the same historical forces described above. The influence of the literary context reinforced impulses from the social context to advocate these offerings and their instructions and provided additional motivation for calling them חַטָּאת, 'sin', and עֲשׂוֹן, 'guilt'.

19. Bergen, *Reading Ritual*, pp. 35-36.

20. Bergen, *Reading Ritual*, p. 38.

21. Bergen, *Reading Ritual*, p. 40.

22. Watts, *Ritual and Rhetoric*, pp. 79-80.