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Sin Offering and Guilt Offering - For Which Sins?

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A. FOUR TYPES OF OFFERINGS

In the "vidui" (confession) that we recite several times on Yom Kippur, we include, among others, the following categories:

"For sins that obligate us to bring a burnt offering (olah),

And for sins that obligate us to bring a sin offering (chatat),

And for sins that obligate us to bring an ascending and descending offering (oleh ve-yored),

And for sins that obligate us to bring a certain or contingent guilt offering (asham vadai vetalui)..."

We are not always fully aware of which sins are referred to in each of these categories, and what is the nature of the offerings mentioned here. The background to an understanding of this section of the "vidui" is found almost entirely in our parasha.

B. "FOR SINS THAT OBLIGATE US TO BRING A SIN OFFERING"

For which sins are we obligated to bring a sin offering (chatat)? The answer to this is given four times in our parasha (4:1, 13, 22, 27). All four sources mention three elements which define the sin requiring a sin offering:

i. The sin is performed unintentionally. A person who sins knowingly cannot achieve atonement through a sin offering, and he is not permitted to bring one.

ii. The sin involves an act. A sin that does not involve an action does not require a sin offering.

iii. The sin is committed against "any of God's mitzvot, things that should not be done" - i.e., the person has transgressed a negative

command. A sin offering is not brought for failing to fulfill a positive command.

Rashi (4:2) clarifies that the sin offering is not brought for all prohibitions, but only for the most serious:

"Our Sages taught: A sin offering is brought only for a matter whose punishment, if committed intentionally, would be 'karet.'"

It would seem that what underlies this limitation by Chazal is their perception of the atonement achieved by the sin offering. The sin offering is meant to purify the relationship between God and the person who has unintentionally committed a sin so grave that, had it been committed with intention, it would constitute grounds for the most serious punishment that exists between man and God. This punishment is "karet," excision, a punishment that is applied by God. Sins that involve only punishment at the hands of the court, with no karet, are apparently an offense principally against society, and therefore the obligation of atonement through a sin offering does not apply to a person who commits them unintentionally.

[The Sifra here (Chova, 1:7) derives this limitation from a comparison with the slightly different type of sin offering discussed in [Bemidbar 15:22-31](#). The wording of the latter is strikingly similar to that here, though it discusses a different sin, namely, unintentional idolatry, and therefore entails a higher standard of sacrifice. It also explicitly mentions the limitation to that which entails karet when performed intentionally, and states ([Bemidbar 15:29](#)), "One teaching shall be for you, for one who commits a sin unintentionally," from which we learn that this limitation applies to all sin offerings.]

C. "FOR SINS THAT OBLIGATE US TO BRING AN ASCENDING AND DESCENDING OFFERING"

Unlike the broad and somewhat opaque definition of the sins for which a sin offering must be brought, the Torah defines clearly the three sins for which an "ascending and descending offering" is required.

1. Oath of testimony

(5:1) "And if a soul ... was a witness, having seen or been aware, and then he fails to testify - he bears his sin."

The sin addressed in this verse is called by Chazal "shevu'at ha-edut" (the oath of testimony). It is discussed in the Mishna and in the Gemara in the fourth chapter of Shevuot. The Rambam explains (Hilkhot [Shevuot 1:12](#)):

"What is shevu'at ha-edut? If witnesses have testimony to offer in a monetary case, and the person to whom the money is owed demands that they testify on his behalf, and they deny their knowledge and do not testify, swearing instead that they have no knowledge to testify on his behalf - this is called shevu'at ha-edut. And such an oath (i.e., that they are unable to testify) requires an ascending and descending offering, whether they committed this knowingly or unintentionally. As it is written, 'And if a soul sins, and heard a voice beseeching him, and he was a witness....' The Torah does not say, 'and he was unaware' - to obligate equally the person who commits this knowingly and one who does so unintentionally."

2. Defiling the Mikdash and its sacred items

(5:2-3) "Or a soul that touches anything that is impure... and it is hidden from him, such that he is impure, and guilty, or if he touches the impurity of man - of any type of impurity that pertains to man - and it is hidden from him, and he discovers it, and is guilty."

The sin discussed here is committed unintentionally - "it is hidden from him," but what is the actual sin? Is one to be sanctioned merely for touching something impure? The Rambam (Hilkhos Shegagot chapter 10) lists those who are required to bring an "ascending and descending offering:"

"All of these sacrifices (ascending and descending) are discussed explicitly in the Torah, and it is clear who is obligated to bring them, except for someone who is impure and who enters the Mikdash by mistake, or who ate from sacrifices (by mistake)... By tradition we have learned that this person, who is required to bring an offering for having been impure, is SOMEONE WHO BECAME IMPURE AND ENTERED THE MIKDASH OR ATE OF SACRIFICES, UNKNOWINGLY. Even though this is a tradition directly from Har Sinai, it is as if it is written explicitly, for the Torah does explicitly apply the penalty of 'karet' to someone who is impure and who ate from sacrifices ([Vayikra 7:20](#)), or someone who is impure and entered the Mikdash ([Bamidbar 19:20](#))... Since the Torah prescribes 'karet' for defiling the Mikdash and sacred items, it specifies the sacrifice to be brought when transgressed unintentionally."

While the Rambam says that the verse is vague and we learn its true meaning only by tradition, the Ramban ([Vayikra 5:2](#)) believes that the halakha can be derived from the literal meaning of the text itself. He builds his argument that the Torah here "is brief in discussing the obvious" on two proofs - one external, the other internal. The external proof is our knowledge from elsewhere that there is no prohibition against touching

something that is impure, and therefore it is impossible that the sacrifice in verse 2 is for doing so. The internal proof is the comparison between the verses under discussion here (2-3) and the verse that follows, dealing with the third sin for which an "ascending and descending offering" is brought: "Or if a person swears, declaring verbally... and it is hidden from him, and he discovers it, and is guilty." What sin has this person committed? Although the text could be read to indicate that merely forgetting about an oath is culpable, it is obvious that one is culpable only if he forgets it AND VIOLATES IT. So too, one is culpable for becoming impure only if he subsequently enters the Mikdash or defiles a sacred item.

3. Violated oath

(5:4) "Or if a person swears, declaring verbally to do either evil or good - whatever he shall declare with his oath, and it is hidden from him, and he discovers it and is guilty..."

The sin discussed here is called by Chazal "shevu'at ha-bitui:" a person makes an oath of a certain kind, and then unintentionally violates his oath. The Rambam (Hilkhos [Shevuot 1:1-3](#)) defines the act thus:

"Shevu'at bitui'... is divided into four parts: two for the future and two for the past. For instance, if a person swears that he did or did not do something, or that he will or will not do something."

Why do these three specific sins (oath of testimony, defiling the Mikdash, and violating an oath) require atonement through an "ascending and descending offering"? The commentators offer no convincing one, and the reasons they offer are contradictory. (See *Da'at Mikra, Vayikra*, pp. 82-4, for some of these explanations.) We shall therefore leave this question as it stands.

A different question pertains to the order of the sins requiring this sacrifice: why does the Torah separate the "shevu'at ha-edut" (verse 1) and the "shevu'at ha-bitui" (verse 4), placing the person who is impure in between them (verses 2-3), although he seemingly has nothing in common with the oaths that precede and follow him?

It seems that the order here is determined not by the legal character of the sins involved, but rather the nature of the atonement effected by the sacrifice in each instance. What is unique to the instance of "shevu'at ha-edut" is that the sacrifice atones even in a case where the person committed the sin knowingly. By contrast, in the cases of defiling the Mikdash and "shevu'at ha-bitui," the sacrifice atones for one who committed the sin unintentionally - like most sacrifices of atonement. This is expressed stylistically in the three-fold repetition of the words, "and it is hidden from him" in the two latter sins (this expression does not appear regarding the "shevu'at ha-edut"). The order in which the Torah presents these sins therefore highlights this unique aspect of the "shevu'at ha-edut," to which we may not have paid any attention had it appeared at the end of the list, after "shevu'at ha-bitui."

D. "FOR SINS THAT OBLIGATE US TO BRING A CERTAIN OR CONTINGENT GUILT OFFERING"

Our parasha makes mention of three sins for which the Torah requires a guilt offering (asham). The first and the third are sins that the sinner is definitely aware that he has transgressed, and therefore the guilt offering that he brings is called a "certain guilt offering." The middle sin involves some doubt - the person is unsure whether he transgressed or not - and the offering is therefore called a "contingent guilt offering" - it protects him temporarily from punishment at the hands of heaven, until he clarifies whether he actually committed the sin, in which case he must bring the appropriate sacrifice. Let us examine these three sins briefly:

1. Guilt offering for appropriation of holy things (me'ila):

(5:14-16) "And God spoke to Moshe, saying: A person who commits a trespass and sins unintentionally regarding the holy things of God, he shall bring his guilt offering... And he shall pay for what he sinned concerning the holy things, and he shall add a fifth, and give it to the kohen. And the kohen shall atone for him with the ram of the guilt offering, and he shall be forgiven."

The transgression referred to here is unintentional appropriation of sanctified things. The Rambam (Hilkhos Me'ila ch. 1) teaches:

"It is forbidden for a layman to have benefit from the holy things of God... If he derived such benefit unintentionally, he pays the amount that he benefited plus a fifth, and brings a ram worth two sela'im (at least), offering it as a guilt offering, and it atones for him. This is called a 'guilt offering of appropriation' ... Payment of the capital plus a fifth when he brings the sacrifice is a positive commandment."

2. A contingent guilt offering

This guilt offering is related to the individual sin offering. Let us compare them:

Individual sin offering - 4:27-35:

"And if an individual, of the common people, sins unintentionally

by committing one of God's mitzvot - things that should not be done - and is guilty,

or the sin he committed becomes known to him,

then he shall bring as his offering a female goat kid...

And the kohen shall atone for him, for his sin that he committed

and he shall be forgiven."

Contingent guilt offering - 5:17-18:

"And if an individual sins

and commits any of God's mitzvot - things that should not be done

and he did not know, and he was guilty - then he shall bear his sin.

And he shall bring an unblemished ram...

And the kohen shall atone for him, for his unintentional sin that he committed -

For he did not know - and he shall be forgiven."

A superficial glance would seem to give the impression that these two sacrifices are required in the same circumstances: a sin committed unintentionally, and the performance of an act that transgresses any of the negative mitzvot. Why, then, does the sinner in chapter 4 bring as a sin offering a female goat kid, while the sinner in chapter 5 brings an unblemished ram as a guilt offering?

A closer look reveals that the circumstances in which the two sacrifices are brought are distinguished in one central aspect: in chapter 4, the obligation to bring the sacrifice applies "if his sin that he committed BECOMES KNOWN to him," while in chapter 5 we read the opposite: "HE DID NOT KNOW, and is guilty, and he bears his sin..." If the sinner "does not know" that he sinned, how can he bring a sacrifice? Rashi (5:17) answers:

"This matter refers to someone who is in doubt as to whether he has committed something that is punishable by 'karet'; he is uncertain as to whether he transgressed or not. For instance, someone who had both permitted and forbidden animal fats (shuman and chelev) before him, and he believed that both were permissible to him, and he ate of one of them. Thereafter he was told, 'One was chelev,' and he is unsure whether it was of the chelev that he ate. For this he brings a

contingent guilt offering, and this protects him for so long as he is not certain that he sinned. And if it becomes known to him after some time, he brings a sin offering."

3. Guilt offering for theft

(5:20-26) "And God spoke to Moshe, saying: If a person sins, and trespasses against God, and lies to his neighbor concerning a deposit left with him, or a loan, or something that was stolen from him, or in having wronged his neighbor; or if he found a lost item and lied concerning it, and made a false oath... Then if he sins and is guilty, he shall return the stolen thing which he stole... and he shall pay both the capital and an additional fifth... And his guilt offering shall he bring to God... and he shall be forgiven..."

The Mishna ([Shevuot 5:2](#)) describes thus the circumstances requiring a guilt offering for theft:

"An oath as to a deposit - how does he become obligated to bring a guilt offering? He says to him: 'Give me my deposit, which I have in your possession.' The other one answers [falsely], 'I swear that you do not have it in my possession.' ... In this instance he is obligated [to atone for his sin by bringing a guilt offering after returning that which he must return]."

[To the list of sins for which the Torah requires a guilt offering, we must add one who has relations with a "shifcha charufa," a Canaanite woman slave who has been designated to another man. This law appears later in Sefer Vayikra - 19:20-22.]

Why is it specifically these instances that require a guilt offering, and is there any common denominator that would explain why their atonement is through the same sacrifice, or does each sin have its own special reason for requiring the guilt offering?

Here, too, the commentators offer no convincing answer, and we leave the question as it stands. But concerning two of the sins (the first and the third), the style of the Torah and its halakhic content demonstrate that some common denominator does exist:

Guilt offering for appropriation (14-16):

(14) And God spoke to Moshe, saying:

(15) A person who appropriates property (tim'ol ma'al), thereby sinning - unintentionally - from God's holy things...

(16) and he shall pay for what he sinned from the holy things

and he shall add a fifth to it

and shall give it to the kohen."

Guilt offering for stealing (20-26):

(20) "And God spoke to Moshe, saying:

(21) If a person sins and trespasses against God (ma'alah ma'al) ...

(24) He shall pay both the capital

and an additional fifth

to the owner he shall give it..."

This similarity shows that the guilt offering atones specifically for the sin of trespassing against God's property (me'ila). It also teaches us that if a person denies his neighbor's monetary claim against him and makes a false oath in this regard, although this is a sin "between man and his fellow man," there is aspect that resembles appropriation of God's prop. (The extra fifth is a standard law when appropriating something designated to God - see [Vayikra 27.](#))

This parallel between the first and the third sins highlights the question of their order: why does the Torah separate appropriation of God's property from the other sin comparable to it - denial and false oath concerning a monetary claim? Why place the contingent guilt offering between them, although it seems to have nothing in common with the sins that precede and follow it?

Again, it is not the legal nature of these sins that determines their order, but rather the nature of the atonement achieved by the sacrifice in each instance. Atonement for the sin of swearing falsely as to the deposit, through the guilt offering, is achieved even in the case of one who commits this sin knowingly. In this sense, the false oath as to the deposit is similar to the "shew'at ha-edut," and our path for deriving the law is similar in both cases: in both cases we are not told "it is hidden from him," nor is there any mention of it being "unintentional."

The other two sins for which the guilt offering atones - appropriation of God's holy things and a questionable transgression of a sin involving karet - are atoned for only where the transgression is unintentional, as stated explicitly in both cases.

From this perspective, the oath concerning the deposit should rightly be separated from the two other sins - and this is achieved by means of the intentional separation between the

two "appropriations" both by a different law and by a new speech of God to Moshe.

Thus the two parashiot - the "ascending and descending offering" and the guilt offering - have a relationship of chiasmic correspondence, as two equal halves (each consisting of thirteen verses) of the same unit:

Ascending and Descending:

- Even if committed knowingly

1. Shevu'at ha-edut

- unintentional

2. Defiling the Mikdash and its sacrifices

3. Shevu'at bitui

Guilt offering:

- unintentional

1. Appropriation of God's holy things

2. Contingent guilt offering

- even if committed knowingly

3. "Appropriation of God's property" by falsely swearing about a deposit

(Translated by Kaeren Fish.

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