

then when he becomes aware of it, he shall be guilty in one of these things.

The "Ascending and Descending" Offering

By Rav Amnon Bazak

A. The Problem

As we know, *Parashat Vayikra* describes the various types of sacrifices. First, the Torah presents the three free-will offerings: the burnt offering (*olah*) (chapter 1), the flour offering (*mincha*) (chapter 2), and the peace offering (*shelamim*) (chapter 3). These are followed by the mandatory offerings: the sin offering (*chataf*) and the guilt offering (*asham*).

The unit on the sin offering is divided into two parts. Chapter 4 lists the regular sin offerings – those that are brought for sins committed unwittingly or unintentionally. The offering depends on the identity of the sinner: the *Kohen Gadol*, the entire nation, the *Nasi*, or an ordinary individual. At the beginning of chapter 5, the Torah goes on to discuss specific sins that are subject to the law of what *Chazal* refer to as the "ascending and descending offering" (*korban oleh ve-yored*). In these cases, the Torah takes into consideration the financial situation of the sinner and determines his obligation accordingly. The Torah distinguishes three levels of obligation in these transgressions. The regular obligation is a sheep or female goat as a sin offering (verse 6);^[1] if the sinner is unable to purchase an animal, he may bring two turtle-doves or two young pigeons (verses 7-10); and if even this is beyond his means (a situation referred to by *Chazal* as "dire impoverishment," "*dalei dalut*"), he may bring as his sin offering a tenth of an *efah* measure of fine flour (verses 11-13).

What are the circumstance of the sins for which the Torah permits a poor person to bring a more modest offering, a situation which has no parallel in the case of other transgressions? According to the simple meaning of the text, this provision applies in three cases, all set forth in the first four verses of chapter 5:

And if a person sins, and hears the voice of adjuration ("*alah*"), and is a witness, whether he has seen or known – if he does not say (his testimony), then he shall bear his iniquity. Or if a person touches any unclean thing, whether it be the carcass of an unclean beast, or the carcass of unclean cattle, or the carcass of unclean creeping things, and it is hidden from him that he is unclean, and he is guilty. Or if he touches the uncleanness of man, whatever the uncleanness may be with which he is unclean, and it is hidden from him; and he becomes aware of it, and is guilty. Or if a person swears, pronouncing with his lips to do evil or to do good, whatever it be that a person shall pronounce with an oath, and it is hidden from him,

What is so special about these three particular situations? Why does the Torah provide special consideration for the poor specifically in these instances? In order to answer this question, we must first understand what these cases actually entail. This is not a simple task, since the interpretation of these verses generally accepted among *Chazal* does not, for the most part, follow the simple meaning of the text. We shall therefore first attempt to understand the simple level of the text, and afterwards try to understand why the Torah shows special consideration here.^[2]

B. "If he does not say it, then he shall bear his iniquity"

Let us start with the first case. The commentators explain, in the wake of *Chazal*, that the verse is talking about someone whose friend asks him to testify on his behalf, but he refuses, claiming that he knows nothing about the matter – and he even swears falsely in this regard. This person is required to bring an "offering of an oath of testimony." According to this interpretation, the requirement of the sacrifice arises mainly as the result of the false oath in its specific context – the denial of knowing anything to testify. However, according to the simple meaning of the text, this understanding does not sit well with the words, "*ve-shama kol alah*," "and he hears the voice of adjuration," for two reasons. First, why does the Torah say that an oath is "heard," rather than simply stating explicitly that someone caused him to take an oath? Second, why is the word "*alah*" used for an oath, rather than "*shevu'a*," which would be more consistent with the third case (verse 4)?

It would therefore seem that the simple level of the text suggests a different situation. The key to the matter is to be found in the story of the idol of Mikha (*shoftim* 17), which begins with Mikha's words to his mother:

"The one thousand and one hundred silver pieces that were taken from you, concerning which you pronounced a curse (*alit*), uttering it also in my hearing – behold, the silver is with me; I took it." (*shoftim* 17:2)

When a large sum of money was taken from Mikha's mother, she uttered in his presence an "*alah*" (curse) upon the thief, as well as anyone with any knowledge of the theft,^[3] even though she did not know that her son was the thief (at most, she may have suspected him of knowing the thief's identity). An "*alah*" is a curse that is voiced publicly, demanding a response by anyone who hears it and is somehow involved. This helps us understand the verse in our *parasha*, which requires those who hear the "*alah*" to give evidence and thereby help the person who uttered it, even if the "*alah*" is not directed explicitly towards them. This also explains the expression "the voice of

the *alah*." A "voice" is something that is heard (as in the verse, "Moshe commanded, and a voice was sounded through the camp" – [Shemot 36:6](#)), and the text wants to tell us that even someone who did not actually hear the curse first-hand, but rather only heard reports of it, is required to respond.^[4]

This also helps to explain the words that King Shlomo utters at the inauguration of the Temple:

"If a man sins towards his neighbor, and an oath is laid upon him to cause him to swear, and the oath comes before Your altar in this House; then You, in heaven, hear, and act, and judge Your servants, to condemn the wicked, to bring his way upon his own head, and to acquit the righteous, to give to him according to his righteousness." (*Melakhim* I 8:31-32)

This is talking about a person who utters an *alah* because of an injustice that has been done to him, but no one hears his oath. Shlomo asks that the oath come before God in the Temple, and that God Himself execute justice.

This understanding of the *alah* also serves to explain a verse in *Mishlei*:

Whoever is a partner with a thief is his own enemy; he hears the *alah* but will not speak. ([Mishlei 29:24](#))

Whoever hears an *alah* from someone who has had something stolen from him and does not respond to the *alah* even though he knows the identity of the thief is considered as a partner in crime; he brings evil upon himself.

From all of the above it is clear why the severity of this transgression is less than that of regular transgressions. This is not a usual prohibited act (or utterance of a false oath, as *Chazal* interpret this law), but rather the refraining from carrying out a legal and moral obligation. Admittedly, the text tells us that in this instance the person is obligated to bring a sacrifice for his refraining, which itself is a transgression. Nevertheless, refraining from an act is not as severe as taking an action; therefore, the Torah allows for leniency in the sin-offering.

C. "Who touches any unclean thing"

The second instance is treated in verses 2-3, and concerns someone who unwittingly ("it is hidden from him") touches something that is ritually unclean, an animal carcass (beast, cattle, or creeping thing) or one of the forms of human impurity, "that he is unclean, and he is guilty." Here too, there is a real discrepancy between the simple meaning of the text and the *midrash halakha*. According to *Chazal*, the verses are talking about "impurity of the Sanctuary and its sanctified foods" – that is, the person entered the Temple or ate of sanctified food, unaware that he himself was in a state of ritual impurity. Thus, the act requiring a sin offering is the entry into the Sanctuary or the eating. Rashi writes:

"Or if a person touches..." – And following this [contraction of] impurity, he eats of sanctified food or

enters the Sanctuary, this being a transgression punishable by *karet* if it is committed knowingly... "And he is guilty" – for eating sanctified food or coming into the Sanctuary.

Ramban adds:

Since touching a carcass or a creeping thing does not entail any transgression, and even the *kohanim* are not warned against it, therefore it cannot be that the Torah requires a person who touches them to bring a sin offering. Rather, it says that when a person becomes ritually impure and the fact of his ritual impurity is hidden from him... and he transgresses in hiding one of these, then he is required to bring a sacrifice. For we know that the concealment of impurity is not considered a transgression, except in the case of someone who then eats of sanctified food or comes to the Sanctuary.

However, this interpretation fails to conform with the simple meaning of the text, since the verses make no mention whatsoever of the Temple or sanctified food, nor of any act of transgression.^[5]

According to the simple meaning, it would seem that what requires an offering is the very fact of contracting impurity – the very fact of having touched something essentially unclean out of negligence and lack of caution. Indeed, there is no prohibition involved in touching something that is unclean, but if a Jew becomes ritually impure – even if he is not a *kohen* – he is obligated to undergo purification. This obligation is based on the idea that the very presence of impurity in *Am Yisrael* damages the sanctity of the *Mishkan*,^[6] as we are told explicitly in the order of the service of the *Kohen Gadol* on Yom Kippur, which comes to purify the Sanctuary from two sets of transgressions:

He shall make atonement for the Sanctuary, [1] from the impurities of *Bnei Yisrael* and [2] from their iniquities, for all of their transgressions, and so shall he do for the Tent of Meeting, which dwells with them in the midst of their impurity. ([Vayikra 16:16](#))

Here, too, Rashi understands the "impurity" as referring to the context of one who unwittingly entered the Sanctuary in a state of impurity. But once again, only the reality of the impurity is mentioned; there is not a word about entering the Sanctuary. Similarly, in *Parashat Chukat* we are told explicitly:

Anyone who touches the dead, even the body of a man who is dead, and does not purify himself – he has defiled God's *Mishkan*, and that soul shall be cut off from Israel. ([Bamidbar 19:13](#); see also 19:20).

There, too, Rashi understands this as talking about someone who entered the *azara*, but the verse makes no reference to this.^[7]

To summarize, according to the literal text, the Torah requires a person to purify himself of any ritual uncleanness; if he fails to do so, he is considered as having defiled

the *Mishkan*.^[8] This certainly explains the leniency shown by the Torah with respect to the sin offering in this instance. Here too, there is no act of transgression, but rather a state or reality that the Torah regards as negative, even if it is not forbidden. This command therefore represents another unusual example of a sin offering that is brought without any actual transgression having been committed – hence the leniency.

D. "Or if a person swears, pronouncing with his lips"

The third case is the simplest to explain. A person swears to do a certain thing – "to do evil, or to do good" – but ultimately, "it is hidden from him" – the matter slips his mind and he forgets to fulfill his oath. Here again, it is easy to understand why the Torah allows leniency in his sin offering. Once again, he has not committed any active transgression, but has rather refrained from fulfilling his oath. As we explained concerning the first case (failure to respond to an *alah*), here too the very fact that his omission – rather than any actual action – requires an offering is itself the message that the Torah is conveying; hence the leniency in this regard.^[9]

Thus, we conclude that these three instances share an obvious common denominator: the absence of an active transgression. In two of these cases (the first and the third), the sin offering is required because of one's passive behavior, while in the case of impurity the problem is a spiritual state that is not defined as an act of transgression. Therefore, the Torah differentiates between these instances and regular unintentional transgressions, providing a measure of leniency in the sin offering brought in their wake.

Translated by Kaeren Fish

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^[1] All references are to *Vayikra* chapter 6, unless otherwise specified.

^[2] Any interpretation must proceed from the assumption that these transgressions are less severe than those discussed in chapter 4, as evidenced by the fact that the Torah allows for greater leniency in the sin offering. This assumption also sits well with the structure of the *parasha*. Chapter 4 lists the people who might bring the offering, from the most important (*Kohen Gadol*) to the most common (a regular person); similarly, the text now presents a downward progression from regular transgressions to those that are of lesser severity.

^[3] The word *alah* appears in other verses, with the same meaning: "Then all of the curse that is written in this book will lie upon him" (*Devarim 29:19*); "I shall pursue them with the sword, with the famine, and with pestilence, and will make them a horror for all the kingdoms of the earth, to be a curse and an astonishment and a hissing and a reproach among all the nations where I have driven them" (*Yirmiyahu 29:18*).

^[4] As to the *midrash halakha*, it is possible that its intention is to prevent a situation whereby anyone can utter a curse on his own initiative, and thereby cause harm to others. In order to prevent this, the Oral Law stipulates that only an official oath witnessed by the *beit din* is binding on those who hear it.

^[5] It should be noted that even Rashbam, who is known as an interpreter of the *peshat* school, understands the verse here as Rashi does, applying it to impurity in the context of the Sanctuary and the sanctified foods.

^[6] The fact that the very presence of impurity is itself the problem arises clearly from the repeated emphasis in these verses on the root *t-m-a*: "...or if a person touches any unclean thing (*kol davar tamei*), whether it be the carcass of an unclean beast (*chaya teme'a*), or the carcass of unclean cattle (*behema teme'a*), or the carcass of unclean creeping things (*sherez tamei*), and it is hidden from him that he is unclean (*tamei*), and [or then] he is guilty; or if he touches the uncleanness of man (*tum'at adam*), whatever the uncleanness may be (*le-khol tum'ato*) with which he is unclean (*asher yitma ba*)..."

^[7] The same arises from *Vayikra 17:15-16*: "And every person who eats of an animal that died itself or was torn by beasts, whether [he is] native born or a stranger, shall wash his clothes, and bathe himself in water, and shall be unclean until the evening; then he shall be clean. But if he does not wash them or bathe his flesh, then he shall bear his iniquity." Here, too, the simple meaning indicates that the "bearing of the iniquity" refers to the fact that this person did not purify himself of his uncleanness. Yet here again, Rashi writes: "'Then he shall bear his iniquity' – If he eats of the sacred foods, or enters the Sanctuary, then he is guilty concerning this impurity, just as in all other types of impurity."

^[8] It seems that this demand is too stringent to be practically applicable, and therefore *Chazal* interpret the verses as explained above – that there is no obligation to bring a sin offering unless there is an actual act of transgression: entering the Sanctuary in a state of impurity or eating of the sanctified food in such a state.

^[9] *Chazal* refer to this obligation as an "oath of expression." According to the simple level of the text, the obligation applies only when a person swore to do something at some point in the future and did not end up doing what he had sworn to do. Indeed, this represents the view of R. Yishmael (*Shevu'ot 3:5*), who usually adheres to the literal sense of the text, in accordance with his principle that "the Torah speaks in the language of human experience." R. Akiva (*ibid.*) maintains that the obligation of bringing a sin offering applies even in the case of an oath pertaining to the past, such as an oath, "I gave" or "I did not give." According to R. Akiva's view, this is a regular transgression that is committed unwittingly. From this point of view, it is difficult to distinguish this instance from the regular transgressions committed unwittingly as set out in Chapter 4, although there is still room to differentiate between a transgression that involves action and one that involves only speech.

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