

Why is there an **זָרַע** sacrifice in Leviticus 14?



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Dates:

Received: 23 Feb. 2023
Accepted: 07 Sept. 2023
Published: 21 Nov. 2023

How to cite this article:

Meyer, E. E., 2023, 'Why is there an זָרַע sacrifice in Leviticus 14?', *Verbum et Ecclesia* 44(1), a2832.
<https://doi.org/10.4102/ve.v44i1.2832>

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This article engages with the issue of the זָרַע sacrifice in Leviticus 14. Firstly, the paper provides an overview of the extensive cleansing ritual in Leviticus 14. Then the issue of the relation between זָרַע and sin is addressed, with some scholars arguing against any causal connection in Leviticus 14. Although the latter argument can be made from a literary perspective, the presence of the זָרַע sacrifice, which is usually linked with sin against the sanctuary and YHWH, spoils the argument. After engaging with the meaning of the זָרַע sacrifice, the article presents another possible solution by arguing that we should distinguish between what the authors of the text thought and how their audience might have understood the relation between זָרַע and sin.

Intradisciplinary and/or interdisciplinary implications: The article makes use of traditional historical-critical insights and consists mostly of an intradisciplinary discussion. The study's conclusions could potentially have implications for disciplines such as ritual studies and pastoral care.

Keywords: cleansing ritual; sin and disease; Leviticus 14; skin disease; reparation offering; reparation.

Introduction

The cleansing ritual in Leviticus 14 prescribed for a person who has recovered from זָרַע is the most elaborate ritual in Leviticus. Of the five basic offerings presented in Leviticus 1–5, four are present in this particular ritual. Cleansing takes place over three phases with a striking combination of an elimination ritual and other sacrifices. One of these sacrifices is the זָרַע sacrifice, and the question that this article focuses on is why there is an זָרַע in Leviticus 14. The article begins with a brief overview of the cleansing ritual that takes place in Leviticus 14 after a person is healed from זָרַע and wants to return to the community. The article then engages with the much-debated question of whether there is any relation between זָרַע and sin. In the third part, our understanding of the function of the זָרַע sacrifice is addressed. Finally, the article attempts to answer the question presented in the title.

The cleansing ritual in Leviticus 14

Most of Leviticus 13 is concerned with diagnosing זָרַע on the skin of a human being or on the surface of a house. The priest plays the role of the modern-day dermatologist. Thus, in verses 3, 8 and 11, the priest pronounces a person unclean after 'diagnosing' זָרַע on him. When a person is pronounced unclean, they should act in the manner described in verses 45–46, going through typical mourning rituals, while shouting 'unclean, unclean' (וְהִמָּאָה טָמֵא), and living outside the camp.

Chapter 14 (vv. 1–32) prescribes the rituals to be performed when a person is healed and wants to return to the community. The priest was not involved in the healing and the text does not say how the person was healed. But the priest plays the role of determining whether the person has been healed or not. Leviticus 14:3 spells out this role of the priest:

Leviticus 14:3 (BHS)

וַיֵּצֵא הַכֹּהֵן אֶל־מִתּוֹחַ לְמַתְנַחַּה וְרָאָה הַכֹּהֵן וְהָיָה נִרְפָּא גִגְעֵי־הַצֹּרַעַת מִיִּהְיֹוֹעַ:

Leviticus 14:3 (NRSV)

3 the priest shall go out of the camp, and the priest shall make an examination. If the disease is healed in the leprous person,

The priest needs to go to the outside of the camp and take a look (qal of רָאָה) to ascertain whether the person suffering from the skin disease has been healed (niph'al of רָפָא). It is not clear how the priest will determine that the person was healed, but presumably, the criteria identified in the previous chapter will play a role.¹ The priest will then preside over the elaborate rituals to be performed next. Scholars have highlighted the social dimension of this text (Gorman 1990:178–179).

1. See, for instance, 13:4 where the hair is white and the disease appears deeper than the skin, or raw flesh is present in the swelling (v. 10).

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It describes a rite of passage that allows somebody who was outside to return to the community (Nihan 2007:279–280). The author initially describes the three phases of this process of social reintegration and mixes in a few diachronic insights where relevant.

Phase 1

Verses 3–8 prescribe the first phase of this rite of reintegration. This phase takes place outside the camp. The priest commands that two living clean birds, cedarwood, crimson yarn, and hyssop be brought to him (v. 5). The latter three ingredients are also found in the ritual of the red cow in Numbers 19, where they are burned along with the carcass of the cow. Hyssop is furthermore sometimes used as a tool to apply liquids. Thus in Exodus 12, hyssop is used to apply the blood of the Passover lamb and in Numbers 19:18 it is used to sprinkle the cleansing water in the tent where a person has died. For Hieke (2014:501) hyssop ‘steht ... symbolisch für das apotropäische Fernhalten der Todesmacht’.

One of the birds is then slaughtered over a pot with ‘living water’ in it. The living bird and the three ingredients are dipped in the blood of the slaughtered bird. This blood is sprinkled seven times on the person who is being cleansed. The living bird is let go in what is usually regarded as an elimination ritual, but not by everyone.² The priest then pronounces the person clean (piel of טהר) and the living bird is let loose (v. 7). After this, the person must wash his clothes, shave off all his hair and wash himself with water. He may then enter the camp, but must live outside of his tent for seven days. This is the end of phase 1.

Scholars who approach the text from a diachronic perspective, such as Nihan (2007:274–275, 278) argue that this first phase of the ritual described in verses 2–8a was the original *Vorlage* inherited by the authors of the Priestly text (P). The two birds obviously also echo the goats of Leviticus 16, but the goats are referred to as a *הקטאת* (a purification sacrifice) in Leviticus 16, while the birds in Leviticus 14 are not given any sacrificial name. Also, note that the ritual with the two birds takes place outside the camp and thus nowhere near the sanctuary. Technically it does not count as a sacrifice.³ Milgrom (1991) thinks that this rite did not originate in Israel:

Indeed, the fact that the bird rite turns out to be extraneous to the rest of the Priestly ceremony proves that it has been borrowed from Israel’s anterior cultures and it was retained not because Israel’s priests wanted it but probably because the people at large demanded it, practiced it, and would not have tolerated its deletion. (p. 838)

Thus, both Nihan and Milgrom think this rite was inherited from somewhere else. One should also note the insight by

2. See the discussion in Hieke (2014:503) who seems to follow Staubli (2002) and reads this ritual as an ‘Analogieritual’. In this case the living bird does not carry away impurities, but rather symbolises the ‘vitality of the healed person’. See the criticism by Nihan (2007:274) of this view.

3. See Milgrom (1991:836) who argues that the fact that ‘the bird is killed by slaughtering and not pinching off its head’ shows that it is not regarded as a sacrifice.

Milgrom that the authors might have kept a ritual in the text for the sake of their audience, who must have believed in the efficacy of this ritual. But to conclude with the diachronic perspective, the Priestly authors then added what now could be called phases 2 and 3 (Nihan 2007:278–279).

Phase 2

In verse 9 we read that on the seventh day the person shall shave, wash his body and launder his clothes, and he will be clean (qal of טהר). Note that the priest does not seem to be involved in this phase, and it is not the priest who declares the person clean. This concludes the second phase.

Phase 3

The third phase is described in verses 10–20. On the eighth day, the person who needs to be cleansed shall bring two male lambs, a female lamb, three-tenths of an ephah of choice flour as a grain offering, mixed with oil, and also a log of oil. This rite of passage now takes place at the entrance of the tent of meeting (v. 11). Scholars agree that verses 11–20 form a ring structure with verse 16 in the middle (Hieke 2014:505; Milgrom 1991:846–847). Verses 12–18 explain what happens to one of the male lambs, which is described as an *אָשָׁם* (guilt offering or restitution offering). Both the lamb and the log of oil are raised as an ‘elevation offering’ (v. 12). The priest then slaughters the lamb in the same place where the *הקטאת* and *עֵלָה* are slaughtered (according to Lv. 7:2 presumably) with the following reminder added:

Leviticus 14:13 (BHS SESB 2.0)

13 וְשָׁחַט אֶת-הַכֶּבֶשׂ בַּמִּקְוֹם אֲשֶׁר יִשְׁחַט אֶת-הַקְּטָאת וְאֶת-הַעֵלָה בַּמִּקְוֹם הַקָּדֹשׁ כִּי כַתֻּשָׁאת הָאֲשָׁם הוּא לַכֹּהֵן קֹדֶשׁ קֹדֶשׁ קְדֹשִׁים הוּא׃

Leviticus 14:13 (NRSV)

13 He shall slaughter the lamb in the place where the sin offering and the burnt offering are slaughtered in the holy place; for the guilt offering, like the sin offering, belongs to the priest: it is most holy.

Verse 13b (in italics in the English translation) is regarded as secondary by Nihan (2007:280) ‘inspired by Lev 7:7’.⁴ The priest then takes some of the blood of the *אָשָׁם* and applies it to the right ear lobe, right thumb, and right big toe of the person who is to be cleansed (v. 14). This application of blood is reminiscent of the ritual in Leviticus 8 (v. 23), where priests are ordained, thus another rite of passage, although there it was the blood of the ram of ordination (*מִלְאִים*) (Nihan 2007:279–280). Verse 15 prescribes that the oil must be poured out in the palm of the priest’s left hand, and then verse 16 adds that he should dip his right finger in the oil and sprinkle the oil seven times before the Lord. This verse stands at the centre of the ring structure mentioned above. The rest of the oil is applied where the blood was previously applied on the right ear lobe, right thumb and right big toe, with everything left of the oil applied to the head of the person (vv. 17, 18). Verse 18 concludes that the priest ‘has made atonement (piel of כפר) for him before YHWH’. This is the first time that the verb כפר is used in this chapter.

4. Nihan is drawing on the work of Baentsch (1903:373) here. For Baentsch verse 13b is somewhat off the topic (gehört nicht streng zur Sache) in the sense that one does not expect a sudden regulation of the *אָשָׁם* here, a regulation reminiscent of Leviticus 7:1–7.

Whereas the execution of the עֲשֶׂה and the oil is described in seven verses (vv. 12–18), the pericope concludes by briefly mentioning that the הִטָּאָה , עֹלָה and מִנְחָה must also be performed. The הִטָּאָה is conducted (qal of עִשָּׂה) and the עֹלָה is offered (hiphil of עֹלָה) along with the מִנְחָה on the altar. Verse 20 concludes that the priest made atonement (piel of כָּפַר) for the person and that he shall be clean (qal of טָהַר).

When a person is too poor

The next pericope (vv. 21–32) describes what needs to be done when a person is too poor. Then two of the lambs are replaced with doves, but the lamb for the עֲשֶׂה is not negotiable. Verses 24–29 describe the same ritual of the עֲשֶׂה as we just had in verses 12–18 with a few minor differences relating to the fact that the הִטָּאָה and עֹלָה are now doves. This is the ritual in short. It is by far the most elaborate cleansing ritual performed in Leviticus 1–16. Leviticus 16 is also elaborate, but there only two sacrifices are involved. Leviticus 14 provides an avenue for somebody who left the community because of צָרַעַת to return to the community after being healed.

Sin and צָרַעַת

One of the debates among scholars is how this text views צָרַעַת and what the causes of צָרַעַת might be. This brings us to the article by Moss and Baden (2011), who have questioned the more traditional view that the authors of this text understood that there is a link between sin and צָרַעַת , although as we will see there is no consensus. Moss and Baden (2011:643–644) first acknowledge that in many narratives in the Hebrew Bible, including Numbers 12; 2 Samuel 3:29; 2 Kings 5 and 2 Chronicles 26:19–21, there is a clear link between צָרַעַת and sin (Baden & Moss 2011):

These four passages, potentially from four different sources, exhibit a common conceptualization of the origin of sāra'at and, given the divine origin, the necessary measures by which it may be removed. (p. 644)

Yet, the main point that they want to make is that this idea of linking צָרַעַת and sin, or of seeing the former as punishment for the latter, is absent from ‘the Priestly presentation’ in Leviticus 13–14 (Baden & Moss 2011:645). In this regard, they are following in the footsteps of scholars such as Martin Noth, John Hartley, Mary Douglas and Roy Gane, to name just a few, but they attempt to make this argument more explicit than these scholars did.⁵ The two most important features of their argument have been summed up in the following text.

Firstly, Moss and Baden (2011:645–646) argue that there is no explicit link between sin and צָרַעַת in Leviticus 13–14. This is

5. See Noth (1962:92–93) who argues that there is no case for subjective guilt to be made here, but rather ‘objective’ guilt that is the result of the impact of cultic impurity. Hartley (1992:200) points out that there is absolutely no emphasis on the confession of sins in Leviticus 14, which means there is no ‘automatic equation between a person afflicted with a grievous skin disease and that person’s having sinned’. Douglas (1999:185) insists that ‘nowhere does Leviticus say that the disease can be attributed to sin of the victim’. Gane (2005:199) argues that since ‘leprosy’ can affect fabrics and houses, it clearly has a ‘non-moral nature’.

also true of all the impurities found in chapters 12 and 15. These chapters are concerned with childbirth, צָרַעַת , and bodily fluids, and these are natural functions of the human body. In P ‘none of these events is attributed to sin’ (Moss & Baden 2011:645). They then compare Leviticus 12–15 to the abovementioned non-Priestly narratives, but also with Priestly texts about sin such as Leviticus 4 and 5. Compared to Leviticus 4 and 5, where sin is mentioned explicitly, Leviticus 12–15 are quite different. As Moss and Baden (2011) put it:

The rituals prescribed in Leviticus 11–15 as a category, including that for sāra'at , are elaborated precisely because they do not fall into the category of rituals connected with sin, already detailed in chs. 4–5. These impurities result from nonsinful activities and are therefore not assumed in the foregoing Priestly system. (p. 647)

These arguments are sound and a lot has recently been written about the difference between ritual or physical impurity on the one hand and moral impurity on the other. The name of Klawans comes to mind.⁶ Klawans (2000:22–26) argues that one of the characteristics of ritual impurity is that ‘it is not a sin to contract these impurities’ and he includes צָרַעַת in his list of ritual impurities. Similarly, Feder (2015:18) agrees that there is no link between sin and impurity, especially not in texts such as Leviticus 11–15 and Numbers 19. He reminds us that the expiation formulas in Leviticus 11–15 are different from those in Leviticus 4–5 and Numbers 15 (as do Moss & Baden 2011:646–647). Thus, in the latter two texts, one consistently finds references to the fact that the completion of the sacrifice leads to atonement (piel of כָּפַר) and forgiveness (qal of סָלַח).⁷ In Leviticus 11–15 one finds a different combination of atonement and becoming clean (always qal of טָהַר).⁸ Thus in terms of the outcome of the rituals, both processes lead to ‘atonement’ followed by either *forgiveness* in the case of sin or *cleansing* in the case of pollution. Feder (2015) then concludes:

This distinction [between forgiveness and cleansing] supports the conclusion that P sought to view pollution (caused by normal and abnormal bodily conditions) as a ‘natural’ phenomenon, divorced from moral implications. (p. 18)

The point is that scholars such as Feder, Klawans and Moss and Baden agree that in the Priestly worldview צָרַעַת cannot be linked to sin. What tends to favour their point of view is the fact that Leviticus 12–15 is indeed about bodily or physical impurity, and there are no explicit mentions of sin or forgiveness. The outcome of all the cleansing rituals prescribed here is always ‘becoming pure’.

Yet, the main problem with this argument is the inclusion of the עֲשֶׂה sacrifice in the third phase of the cleansing ritual. Neither Feder nor Klawans touches on this issue. Moss and

6. See, Nihan (2013:321), who prefers to talk of ‘physical’ pollution contra to the traditional ‘ritual’ pollution. For a detailed discussion of this debate see Meyer (2019).

7. See Leviticus 4:20, 26, 31, 35; 5:10, 13, 16, 18, 26; Numbers 15:25 and 28.

8. In the qal, טָהַר is found in Leviticus 12:7 and 8; 14:20 and 53. Actually neither כָּפַר nor טָהַר appears in Numbers 19 so Feder’s reference to Numbers 19 is inaccurate.

Baden (2011:649–650) do, but then try to downplay the role of the **עֲשֵׂה**. They make use of the first introduction of the **עֲשֵׂה** in Leviticus 5:14–26 where ‘the offering is to be made upon the Israelite’s realization of his sin, and the guilt is removed from him (i.e., he is forgiven) after the sacrifice is successfully concluded’. They then point out that in Leviticus 14, the **עֲשֵׂה** is only presented after the person is healed. If **עֲשֵׂה** was the result of sin, then how could the person have been healed without sin being removed? This is a good question, but the author engages with the **עֲשֵׂה** in more detail below, and it remains the main weakness of their argument and those who present similar ideas.

The *second* important point that Moss and Baden (2011) make is that reading ideas from non-priestly narratives into Leviticus would not be sound methodology. This argument obviously comes from a historical-critical perspective, but as they put it:

Any use of the non-Priestly texts to explain the meaning of the Priestly legislation – here and elsewhere – is methodologically problematic. (p. 655–656)

This is a good point. We should acknowledge the reality of different worldviews in the Hebrew Bible and the priests had their own unique view of things. But the argument presented later and the many arguments by other scholars are influenced not only by these non-P stories, but also by the presence of the rather elaborate **עֲשֵׂה** ritual in Leviticus 14. Therefore, the strongest point in their argument is the fact that the two chapters on **עֲשֵׂה** are part of a sub-section where sin is not an issue, but physical impurity is. The *literary* context of chapters 13 and 14 thus supports arguments that do not link sin with **עֲשֵׂה**. But let us turn to the **עֲשֵׂה** sacrifice.

The **עֲשֵׂה**

The meaning of the word **עֲשֵׂה**, as with the meaning of the term **קָטַר**, is complicated by the fact that both terms can refer to either a sacrifice or to something else. **קָטַר** can refer to both sin and the sin or purification offering, thus to both the problem and the solution to the problem. The noun **עֲשֵׂה** could also refer to guilt, as it does in the first occurrence of the term in the Old Testament in Genesis 26:10, but in Leviticus (and Numbers) it never has this meaning. Guilt is usually expressed by means of either the verb **עָשָׂה** in the *qal* (Hieke 2014:85),⁹ or by the feminine version of the noun, namely **עֲשֵׂהָ** (Watts 2013:367).¹⁰ But the noun **עֲשֵׂה** could also refer to something other than the sacrifice. Thus, the first occurrence of the noun **עֲשֵׂה** in Leviticus can be found in 5:6:

Leviticus 5:6 (BHS)

6 והביא את־אֲשֵׁמוֹ ליהוה על חטאתוֹ אֵשֶׁר חָטָא וְקָטַר מִן־הַצֹּאן כֶּשֶׁבֶת אֵרֶשֶׁת עֵזִים לְחַטָּאת וְכֹפֵר עֲלֵיוֹ הַכֹּהֵן מִתְּשָׂאוֹ:

Leviticus 5:6 (NRSV)

6 And you shall bring to the Lord, as your *penalty* for the sin that you have committed, a female from the flock, a sheep or a goat, as a sin offering; and the priest shall make atonement on your behalf for your sin.

9.The verb is found in Leviticus 4:3, 13, 22, 27; 5:2, 3, 4, 5, 17, 19(x2), 23 and 24.

10.Leviticus 4:3 and 5:24.

Although this verse is actually about the **קָטַר** sacrifice, we do find the noun **עֲשֵׂה** here (and in the next verse), but it is translated as ‘penalty’ in the NRSV and NIV (also by Hartley 1992:45). Other translations include ‘reparation’ (Milgrom 1991:293; Wenham 1979:86), or in *De Nieuwe Bijbelvertaling* ‘genoegdoening’ (satisfaction) or ‘boetedoening’ (penance) in the 2020 Afrikaans translation. German examples include Gerstenberger (1993:51) with ‘Bußgabe’, translated as ‘penalty’ in Gerstenberger (1996:55), and Hieke (2014:233) with ‘Schulddarbringung’, which could roughly be translated as ‘guilt presentation’. In the rest of the verse, we then find the noun **קָטַר** twice, first referring to sin and then to the sacrifice, but this sacrifice functions as reparation (**עֲשֵׂה**). Thus, the **קָטַר** (sacrifice) removes the **קָטַר** (sin) by functioning like an **עֲשֵׂה** (reparation). Later in verse 15, we have the noun **עֲשֵׂה** twice and although the NRSV translates both with the sacrifice, a better translation would be the one by Wenham (1979:103):

Leviticus 5:15 (BHS)

15 גִּפְשׁ כִּי־תִמְעַל מֵעַל הַקָּטָה בַּשֶּׁגֶגֶה מִקִּדְשֵׁי הַיהוָה וְהִבִּיא אֶת־אֲשֵׁמוֹ לַיהוָה אֵיל תָּמִים מִן־הַצֹּאן בְּעָרְפוֹ עֶסְרֵי־שֶׁקֶל־כֶּסֶף לַיהוָה שֶׁלֶם לְאֲשֵׁהָ:

Leviticus 5:15 (Wenham)

15 “If anyone trespasses and sins inadvertently against the Lord’s sacred property, he must bring in *reparation* to the Lord a perfect ram convertible into silver shekels on the sanctuary standard to be a *reparation offering*”

It should be clear that in this verse, as was the case in 5:6, **עֲשֵׂה** can refer to either reparation or to a sacrifice, and in this case the sacrifice also functions as reparation as the **קָטַר** sacrifice did in Leviticus 5:6. This is the first time we find the noun as a ‘sacrifice’ in Leviticus and in the rest of Leviticus, it occurs 25 times.¹¹ Seven of these are in the prescriptions for the **עֲשֵׂה** sacrifice in Leviticus 5:14–26. Another six references are found in the additional regulations of Leviticus 6 and 7. The term is present nine times in Leviticus 14 (which we have just discussed) and a further three cases are found in Leviticus 19. As a sacrifice, it is also mentioned in Numbers 6:12, where a Nazirite has accidentally touched a corpse, as well as in Numbers 18:9. In Numbers 5 (vv. 7 and 8) one finds another example where **עֲשֵׂה** refers to reparation.

Concerning the translation of the sacrificial terms, most scholars would follow Milgrom’s (1991:339–345) example by translating **עֲשֵׂה** as ‘reparation offering’,¹² but there are some dissenters. For instance, Watts (2013:307) thinks that one loses some rhetorical effect with this translation and he mostly sticks to using ‘guilt’ as a translation. As motivation, he quotes Robert Alter in this regard who argued that ‘something is lost by using a designation for this offering that is not cognate with the verb’. Although Watts has a point, he also needs to add the meaning of the noun in brackets in his translation for it to make sense. He translates 5:15 as follows (Watts 2013):

11. See Leviticus 5:15, 16, 18, 19, 25(x2); 6:10; 7:1, 2, 5, 7, 37; 14:12, 13, 14, 17, 21, 24, 25(x2), 28; 19: 21(x2) and 22. These are examples where the noun is usually translated as ‘guilt’ or a ‘reparation’ offering. Two more cases of these translations can be found in Numbers 6:12 and 18:9. There are only three examples where **עֲשֵׂה** refers to reparation: Leviticus 5:6, 7 and 15. Three more are found in Numbers 5:7 and 8(x2).

12. Milgrom’s arguments go back to 1976 when he published a monograph in which he argued for translating **עֲשֵׂה** as ‘reparation offering’. Scholars who followed him in this translation include Wenham (1979), Hartley (1992), Sklar (2013) and recently also Kamionkowski (2018). The NBV’s translation and the 2020 Afrikaans ‘hersteloffer’ also follow Milgrom.

When someone commits sacrilege and sins by mistake against YHWH's holy things, they (ms) must bring as their guilt (offering or payment) to YHWH a perfect ram from the flock assessed in silver shekels by the holy shekel for a guilt (offering). (p. 367)

Using the term 'guilt' here just sounds strange because guilt is the problem that should be removed, while this verse presents the solution. This is one fundamental difference between the *תאשׁוּבָה* and the *עֲשׂוּתָהּ* (in the books of Leviticus and Numbers). Where the term *תאשׁוּבָה* can refer to both the *problem* of sin and the *solution* of the sin or purification offering, *עֲשׂוּתָהּ* refers only to the *solution*. As we said before, the *problem* is expressed by means of the verb or the feminine noun. The male noun either refers to reparation or to a reparation offering, but both are solutions to the problem of guilt. Reparation usually takes the form of a sacrifice, either the *תאשׁוּבָה* (Lv 5:6) or the *עֲשׂוּתָהּ* (Lv 5:15), but it does not have to be a sacrifice. According to Numbers 5:7–8, it could simply entail monetary restitution. The author then argues (contra Watts) that the translation should also reflect that *עֲשׂוּתָהּ* here is presented as a solution to a problem and not the problem itself.

The above reference to Leviticus 5:15 also introduces us to the question of what kind of sin or trespass requires the *עֲשׂוּתָהּ* sacrifice. We should note that verse 15 follows a new speech by YHWH to Moses in verse 14. Another speech follows in verse 20 introducing more reasons for presenting an *עֲשׂוּתָהּ*. In both verses one finds the verb *מָעַל* (*qal*) as well as the noun *מַעַל*. As we saw with Watts above, these terms are often translated as committing 'sacrilege', or as Gorman (2009:26) puts it: 'to address trespass (*ma'al*) against Yahweh'. Drawing on the work of Milgrom, Watts (2007) formulates this kind of trespass as follows:

Milgrom's extensive reviews of ancient Near Eastern as well as biblical evidence (1976:16–35; 1991:345–356) demonstrated that sacrilege takes two forms: trespasses against sacred things or spaces and oath violations. The latter counts as sacrilege because a false oath is an offence against YHWH's sacred name, which presumably was employed in saying the oath. (p. 367)

Thus, although verses 21–26 describe offences against fellow Israelites, these still count as sacrilege because oaths were taken, meaning that YHWH's name was dragged into the equation.

The animal to be used for the *עֲשׂוּתָהּ* sacrifice is always a ram (*אֵיִלִּים*) without blemish (5:15, 18, 25), which is the one animal that cannot be used as a *תאשׁוּבָה* sacrifice, but could be used as an *עֲשׂוּתָהּ* or *עֲשׂוּתָהּ* (Watts 2013:368). The *עֲשׂוּתָהּ* is the only sacrifice where 'monetised values' come into play (Watts 2013:369). Also, in 5:16 'restitution is made for the object of the sanctuary which has been desecrated' (Nihan 2007:245), and a fifth is added to the value of this restitution. This added fifth in the silver of the sanctuary is to be given to the priest. Watts (2013:369) points out that some scholars (e.g. Noth, Elliger and Rendtorff) have argued that 5:14–26 should be dated later because of these references to the added fifth. The fact that references to *כֶּסֶף שֶׁקֶל* and silver shekels are found only here

and in chapter 27 supports this view, as chapter 27 is usually regarded as the latest chapter added to Leviticus. Watts (2013:369) does not agree with these arguments but rather follows Levine (1974:99–101)¹³ and Nihan (2007), claiming that:

[T]he guilt offering was originally a votive donation of precious metals or other objects of value. P converted it into an animal offering but retained the older reference to a payment of fixed value associated with guilt offerings. (p. 246–247)

We thus have a typical diachronic argument here, but the point is that, however the *עֲשׂוּתָהּ* developed over time, when we get to Leviticus 14 it had clearly developed into a sacrifice and of the original 'donation of precious metals' nothing is left. We do not even find mention of adding a fifth to its value, or any of the typical language associated with the *עֲשׂוּתָהּ* in Leviticus 5. Still, as pointed out earlier, of the 11 verses used to describe the third cleansing phase, three verses are used exclusively for the *עֲשׂוּתָהּ*, not to mention the fact that the *עֲשׂוּתָהּ* cannot be replaced with a dove in the case of a poor person. The *עֲשׂוּתָהּ* sacrifice seems to be an integral and crucial part of the cleansing rituals of Leviticus 14.

Why the *עֲשׂוּתָהּ* in Leviticus 14?

The question remains, namely why a sacrifice that takes away guilt and that presumes some kind of compensation or reparation for a trespass (*מַעַל*) is required in Leviticus 14, which is concerned with *צָרַעַת*, and thus ritual or bodily impurity and not sin? For Nihan (2007) the answer is simple:

Yet this should apparently be explained by the specific meaning of this disease which, in Israel as elsewhere in antiquity, was typically believed to be a sanction of the deity for a major offence. Because the *עֲשׂוּתָהּ* is an offering serving for the reparation and the compensation of sacrileges specifically (cf. Lv 5:14–26, and on this above, § 3.5), its specific role in the context of Lev 14 is therefore fitting. (p. 279)

Thus, for scholars such as Nihan, and Hieke (2014:507) and Milgrom (1991:856–857), the *עֲשׂוּתָהּ* is used when *מַעַל* occurred, which we just saw is some kind of trespass against the sanctuary. Note that Nihan commits the methodological sin that Moss and Baden complain about by also referring to Israel and even 'elsewhere in antiquity' thus mixing Priestly and non-Priestly texts. But Nihan does this to answer the question of what the *עֲשׂוּתָהּ* is doing in this ritual. The *עֲשׂוּתָהּ* brings restitution or reparation. Milgrom's (1991) understanding of the purpose of the *עֲשׂוּתָהּ* reads as follows:

Thus, it is imperative for the person who has been healed of his scale disease, as part of his ritual of rehabilitation with his community and his God, to bring an *עֲשׂוּתָהּ* to cover the contingency that the disease has been caused by some unwitting sacrilege. (p. 856–857)

This seems to be the ritual equivalent of wearing a belt and suspenders, just to ensure you did nothing wrong. In support

13. See Levine (1974:99), who argues that it 'is probable that the *'asam* was not originally an altar sacrifice, and originally no part of it was placed on the altar or consumed by the fire. It was originally a cultic offering presented to the deity in the form of silver or other objects of value in expiation for certain offenses'.

of this conclusion, Milgrom (1991:856) refers to 2 Chronicles 26:16–19, where King Uzziah became arrogant and trespassed (מעל) against the Lord by burning incense on the incense altar, something a king is not supposed to do. Hieke (2014:507) makes the same argument. The verb מעל is also used, and Uzziah ends up with זָרַח. For Milgrom this understanding of trespass against what is sacred might still linger in Leviticus 14 and, therefore the need for an עֹשֶׂה. Moss and Baden (2011:657) are very critical of Milgrom and argue that מעל is a frequent term in Chronicles and is linked with זָרַח only on this occasion. They add that even if the Chronicler made a link here between מעל and זָרַח, 'it does not mean that Leviticus 13–14 has מעל in mind'.

Be that as it may, from a historical-critical perspective, the story about Uzziah in 2 Chronicles bears witness to the fact that some people in the late Persian period still linked זָרַח with מעל. This is usually where scholars such as Jonker, Knoppers and McKenzie would date the finalisation of Chronicles.¹⁴ In the author's view, the completion of Leviticus should also be dated to the late Persian period, although Leviticus 1–16* was probably completed in the first half of the Persian period and is thus a slightly earlier text.¹⁵ But the point is that in the Persian period, it is clear that the idea of linking זָרַח with sin was still present in Yehud. (Milgrom would not agree with this argument as he is a member of the Kaufmann school and dates Leviticus to the late monarchical period).

But to return to Leviticus 14, one wonders whether this elaborate עֹשֶׂה ritual was not in a sense catering to the 'pastoral' needs of ordinary Yehudites. Could it be possible that Moss and Baden (and quite a few others) are right in the sense that the priests who wrote these texts did not really think that there is a link between sin and זָרַח, and that is after all why this chapter is part of a larger collection on ritual or physical impurity? Yet, they knew that many ordinary Yehudites believed that there is a link between זָרַח and sin, or even מעל. Therefore, they invented this elaborate third phase of the ritual. As many scholars have pointed out, there are a lot of elements from other rituals, especially the inauguration of the priests in Leviticus 8, which are reused here. Although most of these elements fit into the priestly worldview, would it be possible to argue that some did not and were included for the sake of the worldview of the larger Persian-period audience?

Milgrom (1991:838) has already opened up the possibility of such an argument, even if he would not argue for the Persian period when he said above about the two-birds ritual of the first phase that 'it was retained not because Israel's priests wanted it but probably because the people at large demanded it'. It can be argued in the same vein that the authors of Leviticus 14 did not think that there was a link between sin and זָרַח, but they knew that their audience believed there might be. For the sake of the audience, the עֹשֶׂה was included;

14. See Jonker (2013:8), Knoppers (2006:624), McKenzie (2004:29–31) etc.

15. In this regard, I follow Nihan (2007:574), who argues for the late 5th century.

an audience who would have wanted to make extra sure that those who suffered from זָרַח and were healed did not, by any chance, commit מעל. For the sake of the audience, they kept the ritual of the two birds and added the עֹשֶׂה to the third phase. This could be why even for a poor person, the עֹשֶׂה could not be replaced with a dove. But there might also be another motive.

It was mentioned earlier that verse 13b is often regarded as a gloss.

Leviticus 14:13 (BHS SESB 2.0)

13 וְשָׁחַט אֶת־הַכֹּבֵשׂ בַּמִּקְוֶה אֲשֶׁר יִשְׁחַט
אֶת־הַחֲטָאת וְאֶת־הַעֹלָה בַּמִּקְוֶה הַקֹּדֶשׁ כִּי־כַחֲטָאת
הָאֵשֶׁם הוּא לַכֹּהֵן קֹדֶשׁ קֹדֶשִׁים הוּא׃

Leviticus 14:13 (NRSV)

13 He shall slaughter the lamb in the place where the sin offering and the burnt offering are slaughtered in the holy place; for the guilt offering, like the sin offering, belongs to the priest: it is most holy.

Nihan (2007:280) thought that verse 13b was inspired by Leviticus 7:7.

Leviticus 7:7 (BHS SESB 2.0)

7 כַּחֲטָאת כָּאֵשֶׁם תַּגִּיר אֶת־הָאֵת לָגֶם הַפָּתוּחַ אֲשֶׁר
בְּכַפֵּר־בּוֹ לַיהוָה׃

Leviticus 7:7 (NRSV)

7 The guilt offering is like the sin offering, there is the same ritual for them; the priest who makes atonement with it shall have it.

This latter verse spells out priestly privilege, which in this case includes the right to live off these sacrifices, sacrifices that people bring to repair their relationship with God, to remove guilt and sin, even if done unintentionally. We might recall the older arguments that the עֹשֶׂה initially might have been a monetary offering, and even in Leviticus 5:16 there is still mention of adding a fifth in monetary value. There is no mention of this fifth here in Leviticus 14, but there is a reminder that the animal's carcass belongs to the priest. This could also be a reason why even a poor person could not exchange this lamb for a dove – priests need to meet their own needs.

If the author's interpretation is correct, then it means that the priests created a ritual here that fitted mostly with their view of how a cleansing ritual should work. At least one has the combination of חֲטָאת and עֹלָה, found also in chapters 12, 15 and 16, as well as all the washing and laundering.¹⁶ Regarding the combination of חֲטָאת and עֹלָה Nihan argues as follows (2007):

In all the instances mentioned above, the combined offering of a חֲטָאת and עֹלָה for an individual is never connected with a case of sin, whether deliberate or unwitting, but always for his (or her) ritual purification only. (p. 182)

The ritual of Leviticus 14 thus takes care of ritual cleansing, but also has other objectives in mind. In a sense, the priests manage to hit two *further* birds with one stone, by adding the עֹשֶׂה sacrifice to the ritual. They helped ordinary Yehudites who still thought that there might be a link between זָרַח and מעל and then they also helped themselves to some more meat.

Conclusion

This study attempted to reconcile two opposing views of the prescribed ritual in Leviticus 14. On the one hand, you have

16. See the overview in Nihan (2007:172–186).

those scholars who argue that what is prescribed in Leviticus 14 is a cleansing ritual that takes away impurity and allows a person who suffered from נִשְׂרָף to return to the community. For these scholars, sin is not an issue in this text. The main strength of their argument is the literary context of Leviticus 11–15, which is usually regarded as being about physical impurity. But, the proverbial spanner in the works for these scholars is the presence of the נִשְׂרָף. On the other hand, you have scholars who take the presence of the נִשְׂרָף seriously and believe that this prescribed ritual must have had some kind of sin in mind. The author's solution is to argue that one should distinguish between the worldview or theology of the Priestly authors and the worldview of their audience. The contradiction in the text is the result of the Priestly authors trying to cater for the needs and beliefs of their audience, which would also have been beneficial for the priests themselves. This is not an entirely new argument. Milgrom has already made it regarding the two-birds ritual. This view was used to explain why the נִשְׂרָף sacrifice is present.

Acknowledgements

Competing interests

The author declares that they have no financial or personal relationship(s) that may have inappropriately influenced them in writing this article.

Author's contributions

The author declared sole authorship of this research article.

Ethical considerations

This article does not contain any studies involving human participants performed by any of the authors.

Funding information

This research received no specific grant from any funding agency in the public, commercial or not-for profit sectors.

Data availability

The author confirms that data supporting the findings of this study are available within the article.

Disclaimer

The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of any affiliated agency of the author, and the publisher.

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