

THE FORMULARY OF ATONEMENT  
(LEV 16:21) IN PENITENTIAL PRAYERS  
OF THE SECOND TEMPLE PERIOD

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The confession of iniquities, transgressions and sins on the Day of Atonement was documented by the author of Leviticus 16 at a very ancient point in Israel's history (Milgrom 1976, 122). His report of Aaron sprinkling blood on the gold covering of the ark (the mercy seat or הכפרת) leads into Lev 16:16a, which in the JPS translation reads, "Thus he shall purge the shrine of the uncleanness and transgression of the Israelites, whatever their sins" (וכפר על-הקדש מטמאת בני ישראל ומפשעיהם לכל-). (חטאתם). The references to various types of sin recur in Lev 16:21, where Aaron lays his hands on the head of the live goat and "confesses over it all the iniquities and transgressions of the Israelites, whatever their sins, putting them on the head of the goat" (והתודה עליו את-כל-עונות בני ישראל) (ואת-כל-פשעיהם לכל-חטאתם ונתן אתם על-ראש השעיר). Found at the center of the confession in the Day of Atonement ceremony, the terms חטא פשע עון conjoined to ידה in *hitpa'el* form a lexical combination in the Priestly tradition. This paper studies the history of this penitential expression with a focus on the transformative properties of such language in the traditions of Jewish prayer.

Subsequent to Leviticus 16, the confession was reconstituted by later generations to recall the ritual and augment it with new theological meaning. In the course of time, the confession of iniquities, transgressions and sins functioned as a formulary for the confession of sin. The use of this formulary decreased decisively with the Babylonian exile, an event which dismayed its victims, the Judeans, and led them to rearticulate first reluctantly and then quite carefully any sense of their own sinfulness. In the postexilic period penitential prayer enunciated with the formulary "we have committed iniquity, we have transgressed, we have sinned" resurged and became a prominent aspect of communal prayer as it is attested in certain biblical books from this time (Bautch 2003, 146–147). חטא פשע עון are key expressions in the prayers of Ezra 9:6–15 and Neh 9:6–37, and as well in the later prayers of Dan 9:4b–19a and Bar 3:1–8. In each text these three lexemes (along with synonyms such

as אשמה and טמא, cf. Rendtorff 2003, 256) are declined variously, and the syntax is never identical, but despite the lack of a verbatim match to Lev 16:21, this portion of the Torah echoes in the postexilic penitential prayers. To explore this development, this paper takes up the form and function of the formulary of atonement in the first two penitential prayers of significance in the Second Temple Period, Ezra 9:6–15 and Neh 9:6–37.

In the Priestly literature, the tripartite confession of “iniquities, transgressions and sins” found in Lev 16:21 acts as a formulary for the admission of sins, but additionally it coheres with other literary elements to form a larger structure, a motif. Among certain scholars, most of whom tend to work from the insights of Jacob Milgrom, this is referred to as a cultic confession motif. What distinguishes this motif is the confession of sin working together with sacrifice to atone for deliberate sins against God, sins which are otherwise unforgiveable. To convert the deliberate sin to an inadvertency, the prayer invokes a form of ידה in *hitpa’el*, and following this confession a sacrifice is offered to atone for the sin (Milgrom 1976, 119). Typically, a penitent confesses iniquity עון or a transgression מעל and offers an animal for sacrifice. In contrast, on the Day of Atonement the unintentional sin or חטא that is cleansed from the people includes “expiable, non-defiant sins that are already expiated through noncalendric sacrifices (Gane 2005, 293).” Thus, the confession with ידה in *hitpa’el* atones for the sin that is purposeful and unforgiveable, except for this rite at the center of the cultic confession motif.

Daniel Falk has suggested that there are grounds for associating the Priestly cultic confession motif with the penitential prayers of the Second Temple Period (Falk 2007, 127–157). The suggestion has a basis in the biblical texts, but it leaves questions unanswered as to the exact relationship between the motif and the prayers. Is it a relationship of literary dependence, or something less, such as a verbal echo? Have the authors of the prayers adopted the cultic confession motif in its entirety, or do they use parts of the motif selectively and apply them freely? Do the authors combine the cultic confession motif with materials from other traditions, such as that of the psalms of communal lament? These and related questions take us beyond Falk’s suggestion and require our attention.

The initial goal of this paper is to engage this notion of a cultic confession motif originating with the Priestly writers and subsequently influencing penitential prayers of the Second Temple Period. Toward this end, it begins with a brief study of the cultic confession motif in Num