

○ KOL NIDRE

SPEAKING OF THE UNSPOKEN (OF)

Tamara Prosic

Tamara Prosic is a Research Fellow with Monash University, School of Historical Studies, Centre for Studies in Religion and Theology.

Correspondence to Tamara Prosic: Tamara.Prosic@arts.monash.edu.au

This essay is an attempt to view Kol Nidre, the custom of annulling all vows at Yom Kippur, as a result of certain historical developments, certain religious traditions and certain dynamics of the psyche.

There is no other ritual in Jewish liturgy that commands so much awe and that has provoked so much controversy over the centuries as the chanting of Kol Nidre. Performed as an introduction to Yom Kippur (Day of Atonement), the most solemn occasion in the Jewish calendar of annual festivals, a day of forgiveness and repentance, Kol Nidre consists of a very short declaration which grants the congregation an all-inclusive absolution of solemn vows. It is mostly recited in Aramaic, the vernacular of Talmudic times, with the only exception of some Italian and Balkan communities which recite it in Hebrew, the standard liturgical language. The declaration in Aramaic goes as follows:

All vows (kol nidre), issarin, harmin, konamot, kinnui formulae, qonas formulae, and oaths that we have vowed and sworn and declared herem and prohibited upon ourselves – [from the last Yom Kippur until this Yom Kippur, and] from this Yom Kippur until the next Yom Kippur, – we regret them all. They all will be permitted, abandoned, set aside, null and void, invalid and non-existent. The vows are not vows; the issarin are not issarin; and the oaths are not oaths.

The Hebrew version has a somewhat different wording, but without much change regarding its purpose:

All vows, issarin, oaths, qonamot, and haramin that we have vowed and prohibited and sworn and taken upon ourselves from last Yom Kippur until the Yom Kippur that is about to commence – we regret all of them, and we announce before our father in heaven that if we vowed a vow, there is no vow; if we took upon ourselves an issar, there is no issar; if we made a herem, there is no herem; if we swore an oath, there is no oath; if we made a qonam, there is no qonam. The vow is annulled ab initio, the oath is annulled ab initio, and the qonam is annulled ab initio; there is neither vow nor issar nor oath nor qonam, but rather pardon and forgiveness and atonement.¹

The attraction of the relatively brief ceremony is enormous and every year millions of Jews, even those who are not overly religious, flock to the synagogues at the beginning of Day of Atonement to hear the words of Kol Nidre chanted to a traditional, plaintive melody which starts hesitantly, almost as a whisper gradually increasing in volume until it reaches a crescendo of clear and unflinching grandness when the formula is repeated for the third time. ‘Mystery’, ‘emotionally powerful’, ‘spiritual force’, ‘music of the soul’, ‘the most stirring words of Judaism’

are just some of the expressions used to describe the almost mystical atmosphere emanating from the service.

However, among the millions that each year leave synagogues feeling entranced and spiritually exalted by the music of Kol Nidre a very small number is actually familiar with the rite's paradoxical and eventful history and that during the past centuries Kol Nidre was by rabbinical circles more often condemned than encouraged,² that its original words referred to past vows³ and that it was a direct cause of many miseries that befell the Jewish community, among them, the establishment of the notorious Jewish oath.⁴ Even a smaller number is aware that despite formally being a prefatory to a festival, whose roots go back to biblical times, the origins of Kol Nidre itself are veiled in complete mystery and that no one has as yet incontrovertibly established who introduced it into the liturgy of Yom Kippur or when or why the rite first appeared. The author of the words is unknown, we do not know if its original language was Aramaic or Hebrew, nor under which particular circumstances, if any, did it originate.

The most popular explanation, often found in encyclopaedias and articles written on Yom Kippur, is that Kol Nidre originated among the Jews of Babylonia sometime in the 8th or the 9th century in order to annul hastily made vows, a custom allegedly typical for Near Eastern cultures. But this claim is seriously undermined by the very source on which relies, the responsum by rabbi Natronai (8th century) given that the rabbi discusses it as an already existing custom and although he does not specify the region where it is performed it is clear from his words 'other countries' that it is not Babylonia. In recent decades an earlier period has been suggested. According to Moshe Benovitz (1998), Kol Nidre developed in 5th century Palestine from Hatarat Nedarim, the custom of annulling inadvertently forgotten personal vows before Rosh Hashana as a kind of time-saving convenience prayer designed to deal with the overwhelming number of individual petitioners who wanted to be morally pure on Yom Kippur.

In my opinion, however, there is one major flaw in both of these theories. Namely, both take for granted that Kol Nidre is a prayer, which is an interpretation of normative Judaism and which has more to do with Kol Nidre's absence from major written traditions and the unusual historical persistence of the custom despite being subjected to almost unanimous condemnation by very influential rabbis and halakhists, than it has with the character of Kol Nidre. Explaining the declaration as a prayer is a rationalisation, a doctrinally acceptable *modus operandi* for an idiosyncratic custom which does not fit the traditional Judaic system of values and principles and which has proved too deeply rooted among the common folk to be touched by the official guardians of the faith. The very fact that it was the learned circles within Judaism that criticised it argues against the explanation that Kol Nidre is a prayer, which is anyway clear both from the way the formula is structured and its general tone.

In a quite open contrast to traditional Jewish prayers which usually consist of two essential elements, supplication and petition on the one hand and praise and thanksgiving on the other, the Kol Nidre declaration does not contain any of them. The Hebrew version mentions pardon, forgiveness and atonement,⁵ words which are very often part of prayers, but not as something that is hoped for as a desired divine action, but rather as something already accomplished. Prayers, on the other hand, are inherently expectant; they include an element of insecurity and the position of the supplicant(s) confronting the divine is certainly not one of superiority or domination. Kol Nidre, however, does not petition anyone, neither god nor men in any form; it

does not ask for forgiveness for the failure to fulfil the obligations nor does it ask for permission to annul them. It simply informs that previously undertaken oaths, vows and similar bonds are not valid. The divine side is completely excluded from the process as if it is without any control in the matter and is only served with the already made decision. Even the words ‘we regret them (repent them) all’, which might strike as a kind of a veiled appeal are an addition from the 12th century by Meir ben Samuel who, apparently having trouble with Kol Nidre’s disregard for the divine side, claimed that according to the law repentance is a condition of dispensation. One might even argue that the famous plaintive melody to which the declaration is chanted today seems to serve the same purpose: to soften the sternness of the words and dress them in humility. However, when all the verbal and non-verbal embellishments added throughout history are removed, the message of the original words is one of resolve and firmness, of a dictum which commands submission rather than that of an earnest appeal hoping for forgiveness, and it is precisely this atmosphere of finality and resoluteness with which Kol Nidre faces up to the divine that contradicts the very notion of petitioning or supplication.

Kol Nidre is not a prayer, but a dry, legalistically worded statement, which, taken at face value, by plain necessity dissolves in an ethical conundrum that disputes the inherent sanctity of vows and their coercive binding powers thus bringing into the forefront ideas of their misuse, both deliberate and inadvertent. In other words, what is the purpose of making an oath or taking upon oneself an obligation if it can be renounced by simple declaration, furthermore without even stating the reasons for such an action? Vows, oaths and similar ideas are dynamic concepts which involve the ontological notion that there is an otherness, an alterity, with which the subject can form a certain relation. They rest on the presumption that there are at least two simultaneous existences, two subjects that can enter into an association. Even when a vow is made with oneself, it is made with the view that there is another I with which the primary I can engage. They might be initiated by one side only, but vows are fundamentally bilateral concepts which entail two vested interests. And precisely because of this notion that vows involve two sides, both of which derive some benefit from fulfillment of the vow, they also imply a very strong binding force which can be dissolved only by a mutual agreement of the parties to the vow or through a decision of a third, presumably neutral, party. They cannot be simply annulled, be put back to zero and stripped of their effectiveness on the initiative of only one side and without conferring with the real or, in the cases of religious vows, the presumed other. Otherwise, nullification is not different from an intentional breach of the terms of the vow. The way the words of the formula are structured and chosen might simulate nullification, but the absolution of vows achieved by them, because it is completely oblivious to the interests of the other party to the vow, is essentially achieved through an implicit violation.

For all intents and purposes this might look like an ethical paradox, and Kol Nidre was indeed very often condemned on grounds of implied ethical duplicity, but its nullification of vows is actually more disturbing in terms of the ontological choices it presents to the reason. Nullification, annulment and similar terms signify a symbolic reversal of something back to the point of its non-existence. By annulling the vows Kol Nidre does not make only the vows non-existent, but indirectly challenges the notion that the other, implied by and inherent in the concept of the vow, is existent either. The other thus appears as simultaneously existing, admitted by the mere mentioning of vows, and non-existing, denied by the annulment. God is both present and absent,

acknowledged and renounced. In this sense, Kol Nidre seems like a truly Derridian aporia, an impassable blind alley which puts before the reason possibilities that cannot be resolved into a stable, singular meaning either on a metaphysical or practical level. And in many ways to explain Kol Nidre means to find a solution to this paradox, to find an answer to the question for what kind of reality that can be simultaneously both present and absent the vows stand for.

On first thought that might look like an impossible task, since the main characteristic of aporias, as their name suggests, is their impassability, their inability to come to a logical end. Fortunately, however, Kol Nidre is not an abstraction, a metaphysical argument or philosophical concept where such blind alleys frequently feature and which usually stay unresolved. It is a ritual, or in other words, a set of symbolic actions that despite the apparent paradoxes it outwardly presents is indeed structured in a way that is consequential and meaningful. The point is that to understand the logic behind its organisation we have to take into consideration not just what the declaration explicitly states, but also, and even more so, what it is silent about and what only emanates from its main aspects, its collective nature, its insistence on being all-inclusive, its strange disregard for the divine, and finally also from its quite extraordinary survival despite all the obstacles that were thrown in its way through history. And only when we understand its, in a sense, semantic and psychological meta-language can we hope to understand its true message and offer a consistent and coherent explanation of its paradoxical superficialities. To do that, however, we have to leave the constraints and the rigidity of having only one perspective and embrace interdisciplinarity in the true sense of that meaning, as parallaxic views which only in combination can give a full picture of the investigated question. This essay is a cautious attempt to examine the rite not just as a historical phenomenon, as it has been treated in extant studies, but also as anthropological and psychological. In that sense it is an attempt to view Kol Nidre as a complex web of meanings resulting from certain historical circumstances, certain religious traditions and certain dynamics of the psyche.

Kol Nidre explicitly rests on two essential ideas, on annulment and all-inclusiveness. As discussed earlier, the idea of annulment as it is orchestrated by Kol Nidre represents an implicit violation of vows and challenges the inherent notion about the presence and the existence of the other. So, before we can articulate the meaning of the two ideas put together it is necessary to examine the implications of its second concept, the concept of ‘all vows’.

The declaration mentions almost all types of Old Testament solemn commitments. In the Hebrew version they appear as *neder*, *issar*, *herem*, *shavuah* and *qonam*, while in the Aramaic version there are two more, *kinnui* and *qonas*. The first four originate from the Old Testament, while the last three, *qonam*, *kinnui* and *qonas* are substitutes from Talmudic times for *qorban*, yet another votive institution from the Old Testament.⁶ For the purposes of our semantic analysis particularly illuminating is the Aramaic version where the total number of votive institutions is seven, a number which in Judaism is never a simple quantifying unit and which reveals something of the implicit meaning of the mentioned vows.

In the Old Testament seven is pre-eminently the sign of the divine, of divine involvement, completeness and perfection, whether as the seven branched menorah or as the sevenfold curse and revenge,⁷ or as the seven days of creation. There are also seven festivals that Yahweh ordains with one of them even called ‘sevens’ (*Shavuot*). One of commitments Kol Nidre mentions, *shavuah*, comes from the same root as the word seven (*sheva*) and literally means to ‘seven oneself’.

Sevenfold is also the punishment that awaits the Israelites if they break the covenant.⁸ The child for whom the prophet Elisha prays to Yahweh revives by sneezing seven times.⁹

As a sign which is associated with the divine sphere number seven in Kol Nidre implies that the vows, oaths etc, which are to be annulled, are indeed with god and not with other people. On another level, however, involvement of this particular number signifies that in terms of vows and oaths the formula is dealing with perfection, a flawless ideal for all types of solemn commitments. And in Judaism there is only one commitment that can match the perfection symbolised by the number seven and which refers to Israel as a single entity and which in this last aspect matches the collective character of Kol Nidre, where the annulment is done on behalf of all the present which as one participate in it. That commitment is, for a lack of a better word, the covenant, the sacred oath par excellence, which entails allegiance with a particular god and respectively a cultic dedication to that god. That the mentioned individual solemn commitments do not have a meaning on their own and are significant only from the perspective of the votive totality they signify is clear from the fact that the formula includes not just one, but all three substitute words for qorban. Qonam, kinnui and qonas, all serve as replacements for qorban and for that purpose each one is as good as the next one. Since they all mean the same, putting them together, as it is done in the Aramaic version of the formula, is absolutely pointless. Therefore their inclusion is not due to their individual significance and meaning, but because they add to the number seven, the symbolic representation of the totality to which Kol Nidre's implicitly refers.¹⁰

From this perspective and taking into consideration what we have said earlier that Kol Nidre achieves absolution through implicit violation, the formula seems a cryptic way of breaking or violating the covenant, one of the most sacred institutions in Judaism. Although unimaginable from the position of Judaism, in the light of psychoanalytic theory it becomes clear that Kol Nidre, with its differences between the explicit and the implicit, is a result of sublimation, a defence mechanism which the ego engages in order to translate ideas, feelings and desires which are socially/culturally/religiously censurable and harmful into something less harmful and acceptable. In other words, while explicit breaking or violation of the covenant is sanctioned and, even more importantly, harmful given that it is a sin that inevitably ends in divine retribution, the essentially same idea can be exercised as long as it is in a form that is not negatively viewed either by society or god. In the case of Kol Nidre sublimation exchanges the totality that is the covenant for the totality of separate commitments and engages nullification which like violation equally changes the reality of the substituted covenant, but unlike violation does not and actually cannot result in divine anger and retribution because it makes the covenant non-existent.

However, before the Jewish community gets accused of another devious ploy, this time in order to trick the god himself, it should be recalled that sublimation is an unconscious process which means that Kol Nidre's symbolic interplay of ideas is also not an intentionally conceived design. Its author is the unconsciousness from where the deeply distressing and ultimately sinful idea of breaking allegiance with god emerged and which, because of the pressures of the internalised values of Judaism, had to be transformed in order to achieve realisation. In the same manner the repressed pagan consort of Yahweh transformed itself into Shekina, Matronit or Shabbat Hamalka.

The attempts throughout history to modify the formula demonstrate that intuitively many felt that Kol Nidre in some vague way meant more than it explicitly expressed and that there

was something deeply sinful about it. Both the introduction and the conclusion, which were added over time, revolve around the idea of sin. The introduction allows praying with transgressors¹¹ while the concluding words consist of reciting Numbers 15.26 which refers to sin committed in error.¹² This intuitive feeling that there is something intensely disturbing about Kol Nidre that goes beyond the sin of unfulfilling personal vows found its clearest expression in one of the theories (Bloch, 1927: 172–282) about its origins in which it was claimed that the formula was pronounced by converted Jews to clear themselves of the sin of vowing to another god. In terms of historical truth it has been discredited, but in terms of Kol Nidre's implied violation of a sacred pact the theory certainly strikes into the core of the matter.

The hypothesis that Kol Nidre is actually a cryptic, sublimated, way of breaking a sacred pact with god becomes even more credible when we take into consideration that the formula is recited as a prefatory to Yom Kippur, the festival that was, according to tradition, instituted to atone for the sin of adoring the golden calf, that is, when, according to the well known story from the Old Testament, Israel broke the newly established covenant with Yahweh.¹³ And the coincidences do not end with this thematic parallel. Like in the ritual of Kol Nidre, where we have the congregation as the collective body that is initiating and performing the act of annulment, in the story we have Israel as the collective participant in a drama surrounding the breaking of the covenant with Yahweh. Kol Nidre's very precise time framing also points that the formula is in connection with this particular story. The expression used to denote the period to which the alleged nullification applies, that is 'from the last Yom Kippur to this one', does not just establish the connection with the festival itself, but in terms of keeping religious obligations, it actually perpetually reverses them to this particular point in time, that is the time when according to tradition Israel committed the sin of adoring the golden calf.

From psychoanalytic perspective, this perpetually reversing cycle of Kol Nidre is particularly significant. It implies repetition which is according to Freud (1920) a sign of a repressed, unresolved traumatic experience, which the subject is unwilling or unable to remember, and the associated feelings that are too overwhelming to be integrated into the subject's understanding. It should be noted that Kol Nidre's repetitiveness does not end with its implicitly arrested time point that the formula refers to, but is present explicitly as well, in its performance during which the formula is reiterated three times and in its remarkable historical persistence and resilience in coming back despite being denounced and even proscribed by religious authorities. And perhaps because it was born as an expression of an unresolved trauma the central issue with Kol Nidre, an issue to which even the Jews themselves could not find a satisfactory answer, became the question of its meaning and how to understand the formula. According to Freud, such compulsive repetitive behaviour is a weak and obscure response to the repressed experience, a desperate attempt by the unconsciousness to release the associated anxiety by mastering the loss through the production of controllable representations; the repeater counters his helplessness in object-reality by demonstrating his power to make representations appear and disappear at will. This, however, leads to the question why would Kol Nidre repeat anything from the golden calf episode given that it is not really an experience, but most probably just a story, a kind of biblical 'crime and punishment' fiction about the consequences of the weakness of Israel's faith and its cultic betrayal of Yahweh. But, as much as it is an ideologically underlined didactic story, the golden calf episode is also a narrative about an introduction of a monotheistic worship and expulsion of other gods

from the cult and in this sense it is indeed an expression of a very real experience. In its own pseudo-historical way it actually very successfully conveys the problems fresh converts encounter in accepting and internalising new values, new divine authorities and new cultic practice and the deep desire to go back to the old, which sometimes, as in the golden calf story, indeed ends up in a real return. In this sense it is indeed very truthful both historically and psychologically – historically, in revealing the problems Israelites had in accepting the new faith; and psychologically, in illuminating the traumatic nature of religious conversions which, even when of one's own volition, are never an easy process. And it is in this broad, underlying reality of the story, which is perhaps not historically very credible in terms of details such as places and dates, but because of that not also less truthful reality, a reality which speaks about a clash between new and old worship, about making and breaking cultic allegiances, that we find the possible real, historical circumstances from which arose the traumatic experience that Kol Nidre re-enacts. It is the drama of establishing a single god and removing others from the cult that so painfully and indelibly etched itself on the collective unconsciousness that it subsequently led to both the golden calf story and Kol Nidre.

However, it would be wrong to assume that Kol Nidre's implicit violation of sacred vows replicates the experience of returning to old practices which is in the story represented as the breaking of the covenant with Yahweh. Those kinds of cultic betrayals could not become the source of the unresolved trauma replicated by Kol Nidre because the actual experience that leads to it is never remembered and never explicitly referred to. What Kol Nidre really re-enacts through its unconscious, cryptic, references to covenant breaking, in which quite poignantly Yahweh's name is never mentioned, is the removal of Yahweh's rival, the golden calf, the forgotten god of the story, which under the pressures of the monotheistic ideology was reduced to a mere statue.

Although never seen as such because of the secondary role the other god plays in it, the narrative about the golden calf is a story about two gods and two covenants. Yahweh's covenant is represented by the instructions he gives to the Israelites, while the other by the golden calf statue. And both of these covenants get broken, Yahweh's by the act of making and adoring the statue, the other god's by Moses' destruction of the same statue. However, between these two violations only the latter is irreversible which also makes the covenant with the other god to be lost forever. And it is the ontological drama related to this other god and his cultic loss that Kol Nidre in its obscure ways re-creates, which was left without resolution and was so overwhelmingly painful that could not be consciously mastered and for which the only solution was to be repressed, to be pushed into the depths of the unconsciousness. In the story the ontological displacement of the old god from cultic reality and therefore also from consciousness to the seemingly oblivious sphere of the unconscious is symbolised by internalising the remains of the golden calf which Moses, in contrast to the usual practice in the Old Testament when someone or something is to be utterly destroyed without any hope of return, does not scatter, but mixes with water and forces on the people to drink, thus only hiding him from sight, but without actually destroying every trace of him. And it is this hiding from reality that resonates in Kol Nidre's paradox of absence/presence, acknowledgement/renunciation.

Lost from official theology and cult, but nevertheless still existing through the repressed traumatic experience of his removal, the old god resurfaced during temple times in the scapegoat ritual,¹⁴ the focal point of the temple observance for Day of Atonement, where the old god ap-

peared disguised as Azazel. The ritual, which like Kol Nidre has always been hard to interpret, revolved around two identical goats. Casting of lots decided which one would belong to Yahweh and which one to Azazel. Yahweh's goat was slaughtered and presented as an offering, while Azazel's was driven into the wilderness. Apart from the role he plays in the context of this ritual, Azazel is nowhere else mentioned in the Old Testament and there are many, both ancient and modern, interpretations of the meaning of the word, but the identical nature of the animals and the arbitrariness in differentiating between them clearly indicate that the name hides another god. Moreover, given that both are taken within the parameters of the sacred space, the tent of the meeting (Lev.16.7), it seems that he was of an equal status as Yahweh and respectively required the same level of attention in the sacrificial practice. Some of the early Christian writers, for example, believed that both goats were types of Christ.¹⁵

When we put aside the biblical instructions regarding the meaning of the ritual and follow only the sequence of the performed acts it becomes clear that the ritual for Azazel repeats the golden calf episode in that it reinforces Yahweh as the only cultic figure through ceremonial expulsion of the other god. The whole ritual actually resembles a performance of a banishing act. The goats are taken before the tent of the meeting where the casting of lots takes place after which Aaron performs an introductory ritual during which he sacrifices a bull and purifies the mercy seat, more generally known as the holy of the holies, with smoking coal, sweet incense and sprinkling of the bull's blood seven times. However, instead of subsequently having both animals sacrificed, only Yahweh's goat is sacrificed and its blood taken within the inner sanctum. Azazel's goat is left alive and driven into the wilderness. In symbolic language, the old god begins as an equal to Yahweh and is acknowledged at the beginning of the ritual as one who is also partaking in the sacrificial cult, but after the lottery, only one god is honored between the two who are waiting for their respective sacrifice. Only Yahweh's goat is ritually killed and presented on the altar thus becoming a proper sacrifice. The same cultic status and the inherent honour of being a god's offering is denied to Azazel's animal; it is left alive and banished into the wilderness, the symbol of non-habitable spaces, where there are no altars and no worshippers and where it can never become a sacrifice. Azazel, although admitted initially by bringing his would-be sacrifice within the sacred space, is denied proper worship, the allegiance to him is abjured, and he is step by step removed from the cult and pushed into a symbolic void. On its journey without return his goat is taken by an ordinary person which is another symbolic representation that the official cult is now dedicated to one god only and that the loyalty of the priests, of the ones who are entrusted with the cultic practice, from this point onwards also lies with Yahweh alone. The final act in this micro ritual drama, which nevertheless speaks about very big changes in Israel's religion, consists in the removal of the last residues of the old god. The priest and the men, who were in physical contact with Azazel's goat, wash their bodies in water. While the man's clothes are also washed, Aaron's are left untouched, which again symbolises the cultic allegiance to Yahweh since it is he who ordains the special robe. The remains of the animals offered before the banishment of Azazel's goat, which for that reason represent the previous state of a divided cult, are also taken outside the camp and burned, thus symbolically ending the time when Yahweh had to share the devotion of the people with another god. Finally, the person who burnt those, washes his clothes as well, thus ultimately removing the very last traces of Yahweh's rival both from tradition and sacrificial practice.

On the other hand, Yahweh becomes the only god to whom worship and sacrifices are due. Before he takes that position, which is represented by the killing and presenting of his animal, the inner sanctum has to be purified which implicitly indicates that the most sacred space until that point was a shared space. Only after that act is complete, which symbolises removal of a shared cult, can the blood of his goat be taken there thus establishing Yahweh as the only holder of the mercy seat.

Even today, one of the themes of Yom Kippur service is elevation of Yahweh to the position of the only god and Israel's declaration of faith and pledging of allegiance to him. Some of the recitations which refer to these motives are the Psalms 24 or 29 in both of which Yahweh is glorified as the one to whom worship is due,¹⁶ a slightly changed shema (Hear Israel, one is our god, great is our Lord, holy and awesome is his name), the prayer 'there is none like you...', and various statements such as 'magnify god with me and let us exalt this name together', 'Yours, O Lord, is the greatness and the might', 'Blessed be the name, the glory of his kingdom forever and ever', 'Magnified and sanctified above all things be the name of the king over all kings' and 'The Lord, he is god'.

Who was this god that was Yahweh's rival and whose real name constantly escapes us and seems even more ineffable than Yahweh's, and who appears only under disguises like 'molten calf' or Azazel or the only implied but never named god of Kol Nidre. H. Tawil (1980: 44–59) renders the word Azazel as 'fierce god' and associates it with the well known, pre-Yahwistic god of death and the netherworld, Mot, whose name literally means death. Given the historicised context of the golden calf story, that the Israelites come out of Egypt, it is possible that the golden calf is also a representation of the most famous bull in Egyptian iconography, Apis, the symbol of Osiris, the Egyptian god of death.

There are instances in which death is personalised in the Old Testament,¹⁷ but the strongest support that this enigmatic deity is indeed the god of death comes from Isaiah 28 where the prophet speaks how Yahweh will win over death¹⁸ as if death (or is it Death) were not under his control as yet and even accuses Jerusalemites of making a covenant with death¹⁹ which undoubtedly demonstrates that some kind of divinised death played a role in the old cult. In this context it is not superfluous to add that apart from the covenant, the only type of solemn vow Kol Nidre avoids to mention is the nazirite vow which might be because Nazirites are dedicated solely and completely to Yahweh and as such are excluded from interaction with any other god, in particular with a god of death given that one of the restrictions of this vow was a ban on getting in contact with dead bodies.

Yahweh, himself, although he can cause death, very much shies away from it and there are many restrictions and purification rites and periods he requires both from priests and ordinary people if they were in touch with dead bodies.²⁰ Death is regarded as the ultimate defilement²¹ and not following the prescribed cleansing procedures results in cutting off from Israel, one of the most severe punishments in Yahwistic theology. The taboo on being in physical contact with death applies most strictly to Yahweh's chief priest who cannot pollute himself in that manner even when the dead person is his mother or father.²² Death and anything that has been in close contact with it can approach neither Yahweh nor his sanctuary without being previously purified.²³ Furthermore, nowhere in the Old Testament does Yahweh directly prescribe the mourning rites and which we find only indirectly, in the context of activities that are forbidden to priests. Sheol,

the Israelite netherworld is also out of his bounds and in the Old Testament ideas related to death never have a definite form and meaning.

Such a strongly negative disposition towards death indicates that before he became the omnipotent god of the Old Testament Yahweh was mainly perceived as the god of life. In the Bible he is very often described as ‘the living god’²⁴ and people swear using the phrase ‘as the lord Lives’.²⁵ These phrases on the other hand reveal the cultic and mythological tradition to which Yahweh was associated before he was elevated to the status of the only god. Against the background of exclusive Yahwism the mentioned phrases are utterly meaningless given that a god who is one and eternal is by definition a living one as well. However, their true meaning becomes transparent when they are viewed against a religious tradition in which Yahweh or his predecessor was one of the cyclic living/dying gods representing a particular seasonal aspect of nature and who depending on the season was either active/living or passive/dead. In that context the phrases do have a meaning, they reinforce the living part in the cycle. And it is not hard to conclude that such a god stands in a dialectical opposition to death, which is undoubtedly perceived as his main adversary, but without which the natural cycle in which they both participate as its reinforcing powers becomes unbalanced and chaotic. Their equally essential roles in maintaining the equilibrium between seasonal phenomena would as a consequence require an equal cultic status and treatment, as Azazel and Yahweh have at the beginning of Yom Kippur ritual. From this perspective it even becomes clear that a removal of either of them from worship could indeed lead to a deep existential anxiety associated with the perceived danger from disbalancing of the natural cycles, especially in agriculturally dependent cultures, as was the early Jewish culture.

The mythological texts of Ugarit, with which the biblical texts have numerous parallels, demonstrate that such tradition was part of the intellectual heritage of pre-Yahwistic Israel. In these texts we find Mot, divinised death, not just in a direct conflict and competition with Baal, the rain god, but also as a divinity with seasonal manifestations. They both die and their deaths signify the respective change in seasons. The removal of Baal marks the beginning of the dry, summer season and the period of Mot’s reign. Shamash, the sun god burns bright and hot, the soil is parched and everyone begins to worry at the prospect of a drought. But his rule soon ends when Anath, Baal’s advocate and ally kills him, in a manner that very much resembles harvesting activities, after which Baal revives. And we find a direct parallel to these ideas in Isaiah’s verses 28.15-18 in which he does not just accuse the Jerusalemites of making a covenant with death (*berit at mut*), which points to a cultic allegiance with death, but also speaks about their mistrust in Yahweh’s powers during summer season and finally threatens them for their apostasy with Yahweh’s revenge that involves hail and raising waters, quite clear depictions of an angry rain god.²⁶

New religions usually quite successfully incorporate important old elements into the new theology and worship. Those old elements, although given a new interpretation and integrated into a new cultic practice, serve as a bridge, which on one side alleviates the distress in facing the new, while on the other satisfies symbolically the urge for the old. Without their mediating role the experience of adopting new faith is much more traumatic, in particular when those elements are missing from ritual worship which is the main outlet for the majority of people to express their religiosity. For the most part the monotheistic Yahwism fashioned its god after the figure of the rain god which is clear not just from the mentioned phrases ‘the living god’ and ‘as

the god lives' but also from other representations of Yahweh in the Old Testament. His anger mainly results in storm, hail and deluge²⁷ and his favourite way of appearing to the Israelites is in the form of a cloud.²⁸ During Yom Kippur he also supposedly descends on the mercy seat as a cloud.²⁹

However, the other fundamental element from the old cult, the god of death in his seasonal manifestation, with which the rain god stood in a balanced dialectical unity, was never successfully integrated into Yahwistic theology and, what is even more important from the perspective of common people, into ritual worship. The above-mentioned Isaiah verses testify that in time of increased existential anxieties, and as it seems especially in order to ensure a timely change of seasons, people did go back to the old god of death in a hope that they would escape drought.

The god of death never managed to find its place in the new religious order, but his role in keeping the balance in nature was too important to be simply left behind and forgotten. Together with many other elements, it became part of the repressed past of Israel. And while the temple was standing, both the old god and the trauma associated with his removal still had an outlet through the ritual for Azazel. With the destruction of the temple, the ritual for Azazel disappeared from practice, but the trauma remained, ultimately transforming itself into a new ritual, Kol Nidre, which, albeit in a different form, continued to re-enact the same experience of breaking the bond with the old god. In this light it becomes clear that the main idea of Yom Kippur, the idea of collective atonement of sins, could be a twofaced Janus. One face atones for the sin of worshipping another god, the other for the sin of breaking the ties with the old god, in ignoring him and refusing him his due honour.

According to Cathy Caruth (1996, 4) trauma is always a wound that cries out, that addresses us, in the attempt to tell us of a reality or a truth that is not otherwise available. In the case of Kol Nidre's traumatic recall that reality is the absence of another god.

ENDNOTES

- ¹ The Hebrew translation is from Benovitz (1998: 166–167).
- ² First in the long line of those who strongly opposed the custom was rabbi Natronai from 8th century Babylonia in whose responsum we find the first written reference to Kol Nidre. In the following centuries many other eminent names would join him in protesting against Kol Nidre, questioning it on ethical grounds, challenging its underlying principle, the blanket absolution of vows and issuing warnings regarding its openness to potential misunderstanding and misemployment. The list is very long and includes names such as Hai bar Nahshon (9th century) who wanted to forbid it, Amram (9th century) who called it a foolish custom, the Karaite Judah Hadassi (12th century), Judah ben Barzillai (12th century) who claimed that Kol Nidre is unjustifiable and misleading, Isaac ben Sheshet Barfat from Spain (14th century), Jeroham ben Meshulam from Provance (14th century) who proclaimed that people taking part in Kol Nidre are incapable of giving testimony, Yom-Tob ben Abraham Isbili (d. 1350), Isaac ben Sheshet, rabbi in Saragossa (d. 1406), the author of the ‘Kol Bo’ (15th century) and Leon of Modena (d. 1648). Some, like Isaac Alfasi (11th century) and Maimonides (12th century), chose to completely ignore it thinking probably that it was best not to mention it at all.
- ³ In the 12th century, the original phrase ‘from past Yom Kippur to this one’ was changed to ‘from this Yom Kippur to the next’ by Meir ben Samuel who wanted to harmonise the declaration with the words ‘And he who desires that none of his vows made during the year shall be valid, let him stand at the beginning of the year and declare “Every vow which I make in the future shall be null”’ (from the Tamudic book on vows, Nedarim). The attempt ended in an unfortunate grammatical paradox in which the period now referred to the future, but all the verbs (which we have vowed, etc.) to the past. He also added the words ‘we regret (repent) them all’ claiming that, according to the law, repentance is a condition of dispensation. Ben Samuel’s version was accepted in German, northern French and Polish ritual, but rejected in Spain, Provence and Italy, where the communities continued to recite the old version. In the 18th century rabbi Jacob Emden suggested yet another change. He suggested that the formula should contain references both to future and past vows. Today, the most frequently heard one is the curious version of Ben Samuel, but the other two can also be heard. Over time, another custom developed, which is attributed to Meir of Rothenburg (13th century). This involved recitation of an introductory formula which allowed transgressors of the law to pray with the congregation.
- ⁴ The ‘Jewish oath’ was one of the measures designed by Christian courts and governments to prevent the abuse of Kol Nidre. It required from any Jew who was to swear an oath in court or before a government official to first stand in a synagogue holding a Torah scroll wearing tellit and tefillin and there swear that his civil oath will not be revoked by bet din or Kol Nidre. In some countries the Jewish oath institution existed as late as the beginning of the 20th century (Romania).
- ⁵ ‘there is neither vow nor issar not oath nor qonam, but rather pardon and forgiveness and atonement’
- ⁶ Neder is mostly translated as vow, issar is mentioned only in Numbers and is translated as bond, herem is translated differently depending on the context, but essentially it signifies an irredeemable grant to god, shevuah is mostly translated as oath and finally qorban is translated as offering.
- ⁷ Gen 4:15.
- ⁸ Lev 26:18-28.
- ⁹ 2 Kings 4:34-35.
- ¹⁰ Benovitz (1998: 122–125) tries very hard to demonstrate that the word qonam is not a mere substitute and that it has definite meaning. However, while his final conclusion that the word is a mixture of Hebrew vocalization imposed on a Greek word koinon (common) referring in the post temple era to

charitable offerings might be true, that still does not explain why the Kol Nidre includes the other two substitute words, kinnui and qonas.

11 'In the tribunal of heaven and the tribunal of earth, by the permission of God – blessed be he – and by permission of this holy congregation, we hold it lawful to pray with the transgressors'. The introduction was instituted in the 13th century by Rabbi Meir of Rothenburg.

12 The verse makes provision for atonement in case of unintentional failure to offer the required sacrifice (Num.15.26). And all the congregation of the people of Israel shall be forgiven, and the stranger who sojourns among them, because the whole population was involved in the error.

13 Exod 32.

14 Lev 16.7-28.

15 Tertullian and the author of Epistle of Barnabas. Tertullian, *Adversus Marcionem*, edited and translated by E. Evans. Oxford University Press. 191. Epistle of Barnabas, <http://www.earlychristianwritings.com/text/barnabas-lightfoot.html> 7.7.

16 Ps 24: 7: 'Lift up your heads, O gates! and be lifted up, O ancient doors! that the King of glory may come in. 8. Who is the King of glory? The LORD, strong and mighty, the LORD, mighty in battle! 9. Lift up your heads, O gates! and be lifted up, O ancient doors! that the King of glory may come in. 10. Who is this King of glory? The LORD of hosts, he is the King of glory!'

Ps 29:1: 'Ascribe to the LORD, O heavenly beings, ascribe to the LORD glory and strength. 2. Ascribe to the LORD the glory of his name; worship the LORD in holy array. 10. The LORD sits enthroned over the flood; the LORD sits enthroned as king for ever'.

17 Job 28:22; Ps. 18:4; 49:14.

18 Isa 28:8.

19 Isa 28:15-18.

20 Num 19:11-22.

21 Lev 21:1.

22 Lev 21:10.

23 Num 19:13.

24 Deut 5:26; Josh 3:10; 1Sam 17:26, 36; 2Kgs 19:4, 16; Ps 42:2; 84:2; Isa 37:4, 17; Jer 10:10; 23:36; Dan 6:20, 26; Hos 1:10.

25 The phrase is used by different biblical characters to emphasise the truthfulness of their words. Judg 8:19; Ruth 3:13, 39, 45; 1Sam 19:6; 20:3, 21; 25:26; 26:10, 16; 28:10; 29:6; 2Sam 4:9; 12:5; 14:11; 15:21; 1Kgs 1:29; 2:24; 22:14; 2Kgs 2:2, 4, 6; 4:30; 5:16, 20; 2Chr 18:13; Jer 4:2; 5:2; 12:16; 16:14, 15; 23:7,8; 38:16; Hos 4:15.

26 Isa 28:15. Because you have said, 'We have made a covenant with death, and with Sheol we have an agreement; when the overwhelming scourge passes through it will not come to us; for we have made lies our refuge, and in falsehood we have taken shelter'; 16. therefore thus says the Lord GOD, 'Behold, I am laying in Zion for a foundation a stone, a tested stone, a precious cornerstone, of a sure foundation: 'He who believes will not be in haste'. 17. And I will make justice the line, and righteousness the plummet; and hail will sweep away the refuge of lies, and waters will overwhelm the shelter'. 18. Then your covenant with death will be annulled, and your agreement with Sheol will not stand; when the overwhelming scourge passes through you will be beaten down by it.

27 Isa 28:2; Jer 23:19; Ezek 1:4;13:11, 13; Nah 1:3.

28 Ex 13:21; 14:19; 16:10; 19:9, 16; 33:9,10.

29 Lev 16:13.

REFERENCES

- Benovitz, Moshe. 1998. *Kol Nidre: Studies in the Deveelopment of Rabbinic Votive Institutions*. Atlanta: Scholars Press, Brown Judaic Studies 315.
- Bloch, Joseph. 1927. *Israel and the Nations*. Berlin: Benjamin Harz Verlag.
- Caruth, Cathy. 1996. *Unclaimed Experience: Trauma, Narrative and History*. Baltimore: John Hopkins University Press.
- Freud, Sigmund. 1920. 'Beyond the Pleasure Principle'. *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. XVIII: 7–66.
- Tawil, H. 1980. 'Azazel the Prince of the Steepe: A Comparative Study'. *Zeitschrift fur die Altestamentliche Wissenschaft* 92. 44–59.

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