

Magic and Ritual on Yom Kippur

Perry Dane

A strange and stunning ritual—the purification of the tabernacle and the dispatch of the scapegoat to Azazel—comprises the Torah reading for Yom Kippur. Through that goat, with that ritual, atonement “shall be made for you to cleanse you.”

The maftir reading of every holiday focuses on the ritual of the sacrificial system, what we call the “cultic practices.” But on Yom Kippur, the *principal* reading is about the cult, and about this annual moment of cultic observance.

Most striking about the ritual of the scapegoat is that it is an act of magic. By speaking of magic, I do not intend to emphasize the mysteriousness or sacredness of the ritual, but something very different—its mechanical, impersonal efficacy. Magic is a form of technology. Magic follows a recipe and produces a predicted, known result.

The ritual of the scapegoat had to be done right, to be sure, but if done right, its outcome was automatic. Note the tone, which is both emphatic and absolutely passive: “Of all your sins you shall be clean before Adonai.” The High Priest did not beseech God, or reconcile with neighbors, or feed the hungry, or seek self-awareness. Instead, he plugged into a cosmic mechanism, and turned on the switch. Nor should we think of the ritual of the scapegoat as merely symbolic. This was not like the High Holiday rituals of *tashlikh* or *kappores*, which are self-consciously metaphorical dramatizations of the discarding of sins. The scapegoat was the real thing.

It might seem that whatever discomfort we feel with this magical ritual is a product of our modern, desecralized age. But that is not true. The idea of magic is not only in tension with a secular, scientific, spirit. It is equally troublesome to any theology in which God has volition and human beings seek

to relate to God *panim el panim*—face-to-face. Religion and magic have long been competing, antagonistic, expressions of the human transcendent impulse.

So it is not surprising that the Yom Kippur liturgy, apart from the Torah reading, focuses so little on magic, and so much on the spiritual, the sacred, the transformative. The liturgy depicts God as the righteous judge of our past deeds. But God can also be moved by *teshuvah u-tefillah u-tzedakah*—penitence, prayer, and good deeds—to mitigate the severity of the decree. Nowhere in this set of dialectics, however—between justice and mercy, divine will and human pleas, predestination and decision—do we see magic: the mechanical, efficacious act of wiping the slate clean.

Even the *Avodah* service, which offers a more elaborate account of the cultic ceremony of Yom Kippur, radically mutes the magic. The highlight of the *Avodah* service is not acts of magic, but moments of mysticism and worship—the High Priest uttering the ineffable name of God and the people prostrating themselves in awe. *Baruch shem kevod malkhuto l'olam va-ed. Blessed be the glory of God's kingdom forever.* As presented here, the Temple ritual ends, not with a mechanical affirmation of efficacy, but with a prayer. *Yehi ratzon milfanekha. May it be your will, Hashem.* A prayer uttered by a beseeching priest to a loving and listening God.

And yet the magical account of Yom Kippur is not entirely cut out of the Jewish imagination. In some respects, the halakhah—Jewish law—recognizes the ethical and spiritual difficulties of magic. It insists that the automatic character of the cult extends forgiveness only to certain inadvertent sins. For other sins, *teshuvah*, the unmagical, hard work of repentance and return, is essential.

Nevertheless, halakhah also enlarges the magical impulse of our Torah reading. What do we do now that the ritual of the scapegoat is gone? The halakhah states that *the day itself* can plug into the cosmic machinery for the cleansing of sins. To be sure, *teshuvah* is crucial. But for certain types of sins, *teshuvah* is insufficient. It is the day of Yom Kippur itself, the mere coming and going of the day, that completes the act. This is even more magical than the cult of the scapegoat—more automatic, more impersonal, more passive, and more emphatic. *The day itself.*

In a sense, Yom Kippur becomes the scapegoat. Arnold Jacob Wolf, my rabbi when I was a student, gave voice to that image in a Yom Kippur

sermon. He spoke of Jews alienated from their Jewishness, who come to shul once a year. They come for the hardest, least digestible, service of the year. The crowd is overwhelming and depersonalizing. The words are unfamiliar and seem to go on forever. The stomach rumbles, the head aches. These Jews leave, more alienated than when they came in, and it takes a year for them even to think of coming back again. Rabbi Wolf urged these once-a-year Jews to pick another day—an ordinary Shabbat with smaller crowds and a bite of herring. His audience thought he was berating them for coming that day. But his words suggest that Yom Kippur itself functions as a scapegoat—the day onto which even those of us who do come more than once a year can load our own various forms of alienation, the day designed to receive our sins and take them to Azazel.

Despite the consensus of science and theology to the contrary, this continuing presence of magic is a good thing. The magic that comes with Yom Kippur emphasizes something crucially important about God's universe. The cosmos is ordered, and that order includes a knowable means by which to plug into God's mercy. Judaism speaks of the duality in God between justice and mercy. Often, we think of justice as the mark of order, proportion, and balance, and mercy as disorderly, out of proportion, imbalanced. But Yom Kippur casts a different light on the matter. On Yom Kippur, the orderly machinery of the universe dispenses both justice *and* mercy. Mercy, too, is part of the architecture of the cosmos, natural and balanced. It can be invoked by means that are automatic and efficacious. The high priest does his job, and once a year, sends a poor goat to Azazel.

The magical layer of Yom Kippur is not unlike what philosophers call a “performative:” a set of words or gestures that does not so much convey a thought, as do a thing. The marriage ceremony, for example, is a performative. It not only symbolizes love and union, it actually establishes that union. To think of Yom Kippur rituals as performatives helps us to reconcile the religion of magic with the religion of spirit and ethic. For every performative has a context, and is the culmination of a process. Although the performative, magical moment of Yom Kippur cleans the slate, it does so in a context, and as the culmination of a difficult spiritual, moral, and psychic trial. And—like a wedding—Yom Kippur is also a beginning. Because it cleans the slate, we can continue writing, freshly and joyously.

Our tradition compares the examination of the soul that occurs in the weeks before Yom Kippur to the cleaning of the house to rid it of hametz in the weeks before Passover. But where, in this parallel, is Yom Kippur itself? It is not in the Passover seder, by which time our hametz is history. The real analogy to Yom Kippur is, instead, in the ritual of *bitul hametz*—the nullification of hametz performed after the cleaning, but well before the seder. *Bitul hametz* is a legal formula: “All hametz in my possession, which I have not seen or removed, or of which I am unaware, is hereby nullified and ownerless as the dust of the earth.” A magical, automatic, efficacious performative act. And on Yom Kippur, we say, in effect, “All sins in my possession, whether I have seen them or not, which I have not seen or removed, or of which I am unaware, are hereby nullified and ownerless, as the goat sent to Azazel.”

But there is a key difference between the two rituals. In the spring, the magical, performative, nullification of hametz is kept very much in perspective and in bounds. It is an indispensable but little ceremony, coming at the end of a long, hard effort to get rid of hametz. The legal formula serves as a final, emphatic, and official preparation for the celebration to come.

Yom Kippur, on the other hand, we dare not keep “in perspective.” After all, Yom Kippur, unlike *bitul hametz*, is a time of doubt, anxiety, and terror—the holy of holies, the Shabbat of Shabbats. Yom Kippur stands for itself and by itself. The trick is to know the terror, but also let the magic work—to take a deep breath, listen to the deeper breath of the shofar blowing at dusk, and trust in the power of the day and the mercy of God.



Perry Dane is Professor of Law and Director of Faculty Development at the Rutgers School of Law, Camden. He clerked for Justice William J. Brennan of the United States Supreme Court and also served on the faculty of the Yale Law School. His teaching and research interests include Constitutional Law, Jurisdiction, Conflict of Laws, American Indian Law, Religion and Law, and the Jurisprudence of Jewish Law.

This *dvar Torah* is based on one delivered at Lower Merion Tribute House, Merion, Pennsylvania, on September 23, 1996.