

# **The Season of Our Freedom**

**Rabbi Malchah**

## **Introduction**

What follows are **two** essays that are intended to be read together - *"The Season of Our Freedom. - Who am I to Judge?"* and *The Season of Our Freedom- When Your Enemy Falls...* The insights that I acquired from writing the first article served as my impetus to write the second article. The discoveries implicit in the first article began my 5776 Pesach freedom journey. Freedom comes in varying guises. Freedom can be very visceral and comprise actual physical freedom from the shackles of oppressive bondage as in the case of our redemption from Egypt or our 1863 liberation from American bondage. My journey this Pesach season was not a journey of physical freedom but a mental and spiritual freedom journey that opened my spiritual eyes and freed me from the shackles of an oppressive mental process.

If one lives long enough then they will most certainly experience some unpredicted twist and turns that merely living from one day to the next will present. These past few weeks I experienced such curve-ball events and unlike some of those other disastrous deviations from my well-planned road, I am grateful for these recent ones.

Part One

## **Pesach is the Season of Our Freedom..**

### **Who Am I To Judge?**

**Rabbi Malchah**

The sudden death of Associate Justice Antonin Scalia has affected me in quite an unexpected manner. While relaxing at home while watching CNN there was an abrupt interruption of the usual broadcast. I fully expected news of a terror attack or a bulletin from the Middle East of the capture or death of some ISIS operative or another American killed or taken hostage. The newscaster chimed in that Associate Justice of the United States Supreme Court Antonin Scalia was found dead in his bathroom at a vacation abode in Texas. A smile came to my face and I was elated. Actually if I am honest, I went beyond elated to ecstatic, jubilant and overjoyed. The staunch conservative Antonin Scalia was gone and I felt not even a tinge of regret or sorrow. No, I did not know this man personally but even men of stature of whom I was only aware of their public persona have left me saddened by their deaths.

Scalia's conservative presence has continuously affected Supreme Court outcomes that are important to many people of color and other US citizens and residents. Even now, with his absence from the court, a 4-4 conservative vs. liberal tie will have profound influences on upcoming cases and decisions.

### **Affirmative Action**

*Fisher v. University of Texas at Austin, No. 14-981*

Scalia's rulings in such cases as *Fisher v. University of Texas* in which

he seems to suggest that (African American) students admitted to the University of Texas as a result of affirmative action were being done a disservice. According to Scalia, these students do not possess the requisite academic acumen to succeed in the higher tiered universities and they would be better served by attending a college in which they could do well or excel. He ponders the question of whether the affirmative action admitted students are pawns at the hands of university officials who disregard the student's best interest just to achieve diversity. At no time did Scalia apply this same logic to students who are admitted through university legacy programs. Of course students admitted through legacy programs are overwhelmingly Caucasian.

In truth, the results of numerous sociological studies do not support the theory that the affirmative action students are being harmed. The data suggests affirmative action students who attend first tier schools do less well academically, however, that they are just as likely to graduate as the general school's population. They are as likely to have a satisfactory college experience and as likely, and in many cases more likely to be hired for well paying careers just like their peers whom attended second tier schools.

## **Voting Rights**

### **[Evenwel v. Abbott](#)**

Before his untimely death, Justice Scalia was one of the five conservative justices who are leaning towards dismantling the way that state and local municipalities currently draw their voting districts. Rather than the current system of drawing districts based upon total population, the new system would be based upon eligible voters. Non-citizens, children, ex-felons, prisoners, as well as some people with intellectual

challenges would be rendered invisible. In many instances this would mean more rural and of course more districts composed of a majority of white citizens who tend to vote along conservative and/or Republican lines.

### **Labor Unions**

*Friedrichs v. California Teachers Association, No. 14-915*

The conservative majority court seemed poised to strike down the lower court ruling that employees represented by collective bargaining units who do not agree with union demands must still pay the cost of collective bargaining. If this ruling were reversed, the financial clout of public employee unions would be dealt a substantial blow.

### **Abortion**

[\*Whole Woman's Health v. Hellerstedt, No. 15-274,\*](#)

Regardless of a what we may individually or collectively think about abortion, abortion clinics in Texas have challenged a state law that was upheld in the lower courts that imposes tough restrictions on facilities and Providers who perform abortions. Without Scalia and the support of Kennedy or another conservative justice, a 4-4 tie would mean that the lower court's ruling would remain intact.

### **Contraception**

[\*Zubik v. Burwell, No. 14-1418.\*](#)

Some religious and non-profits are seeking an exemption from the Affordable Care Act's requirement that employers pay for contraceptive services as a part of their standard health care coverage. With Scalia on the

court the mandate would mostly be overturned, however without Scalia there would most likely be a 4-4 tie and the Affordable Care Act's contraceptive mandate would remain intact.

## **Immigration**

[United States v. Texas](#), No. 15-674.

President Obama's executive order that will shield millions of undocumented workers from deportation was successfully challenged in appeals court. Without Scalia, Obama would still need the vote of one conservative Justice to win the case. A 4-4 tie would preserve the lower court's decision against the program.

Justice Scalia's voting record, and his probable votes if he had lived are precisely the reason that I do not miss him nor will many other people of liberal persuasions. Upon hearing of his death I immediately thought about what the lawyer George Templeton Strong said of Chief Justice Taney (who presided over and wrote the majority decision in the infamous and dreadful Dred Scott decision). He said at the news of Taney's passing - "the Hon. Old Roger B. Taney has earned the gratitude of his country by dying at last... Better late than never." These were my sentiments exactly as they related to Scalia's death.

I was so offended by his voting record and his judicial decisions that I considered him a 'racist' and no friend of African Americans. I was convinced that he and Chief Justice Taney would be sharing a special horrific and appalling eternal existence together in that abode (Hell) reserved for the particularly unrighteous dead.

On February 20, 2016, I watched the CNN newscast of Scalia's funeral mass and was incensed by all of the pomp and circumstance for an avid intellectual racist. As Clarence Thomas, the only Black Justice on the court, stood up to read, I was annoyed. No, I was irate. It was not that I was not expecting Justice Thomas to be part of the service for I knew that he surely would, since Thomas was securely joined at the hip to Scalia and his court rulings. They were also friends. Thomas' participation incited me because here stood a man who has lost any semblance or recognition that he is an African American and owes a debt of gratitude to the millions who were degraded by white society, sacrificed, prayed and died, all so that he might one day sit on the highest court in the US. It was also angered by the fact that in the ten years prior to Scalia's death Justice Thomas uttered very few words during judicial proceedings although I doubt that his utterances would have affected the outcome of some of the very important legal proceedings anyway. Now, on February 29, 2016 (post Scalia's death) after not uttering a word during court proceedings since February 22, 2006, he suddenly has something that he deems worth saying?

When Scalia's son, the Reverend Paul Scalia spoke about his father, the remembrances and anecdotes that he related softened my heart. I found myself smiling and warmly laughing at his grieving son's remarks. Suddenly Antonin Scalia was not a Supreme Court Justice but a father, husband, grandfather, a person, a human being. He was a man who loved hunting and family gatherings. At that moment Scalia was more than a mere misguided Justice but a person, a human being who had joys, sorrows, aspirations, longings, failures and shortcomings. Scalia took on a human persona and for those few minutes I related to him as *I-Thou* and not *I- It*.

Later that evening as I pondered that experience I came to realize

how contrary to Israelite beliefs my thinking had become concerning Scalia and the after death experience I wished for him. In Judaism, although Hell is not overtly mentioned in most Israelite writing, the Rambam and others allude to it. Hell is not a place that last forever and many Israelite writings suggest that it last for no more than 12 months. Our souls are not punished for eternity. *Gehinnom*, as it is know in Judaism, is more a place for the purification and cleansing of souls (much like the Catholic doctrine of purgatory. Scalia was Catholic). Human existence inevitably taints all of us with *spiritual dirt*. The mistakes, misjudgments, and missteps that we experienced in human flesh have an opportunity to be cleansed in G-d's washing machine. Of course the spiritual dirt that we accumulate and is cleansed in Gehinnom is only the acts that we did that missed the mark or caused a rift between the individual and G-d's relationship. G-d does not expect perfection but rather for us to be "a kingdom of priest and a holy nation." Undoubtedly, some of us have more to atone for and depending on how much one has not atoned for and rectified while in human flesh will determine how much time a soul will spend in Gehinnom. Accordingly, it is not a choice of heaven or hell because most of us will experience both. Only the extremely pious individual who *got it right* or who went to great lengths to "fix" or rectify matters while alive, will skip Gehinnom and be given a spiritual ticket straight to "*heaven.*"

With my wishing Scalia a horrible existence in Hell, thinking that was the most horrid of fates, I forgot that according to our tradition there are worst places to be. *Kaf Hakela* is a spiritual slingshot of sorts that propels souls back and forth across the universe with never a moment of rest. Other unfortunate souls find themselves in "The World of Desolation." Existing in this realm, these souls believe that they are still alive, however, they are pointlessly going through the motions of living until someone

informs them that they are merely wasting their time. Other, even more unfortunate souls must experience perpetually wandering the world as disembodied spirits until they are able to pay down their massive spiritual debt and finally allowed entrance into the Gehinnom way station.

According to Rabbinic tradition, the good deeds of others performed on behalf of the deceased can decrease the deceased spiritual debt so to speak. Therefore every time you donate to a charitable organization, light memorial candles, recite kaddish, sponsor a Torah scholar, perform other meritorious acts and deeds on behalf of the deceased, you are lifting their soul higher in The World of Truth and decreasing their spiritual debt. This all means there is hope for even the worst individual imaginable while alive, and their situation after death can improve. God is indeed *-The Merciful Judge.*

Even more startling than my forgetfulness concerning Israelite teachings about our fates after death is the fact that I, a Rabbi, temporarily forgot a theological perspective that is so central to our faith. A colleague and a friend reminded me of a saying in Pirkei Avot:

*Do not rejoice when your enemy falls and let not your heart be glad when he stumbles; lest the Lord see it and be displeased, and divert His wrath from him to you (Avot 4:19 and Prov. 24:17, 18).*

This perspective will be examined in depth in the second part of this essay entitled “When Your Enemy Falls...”

Will I miss Antonin Scalia on the Supreme Court? The answer is a resounding NO! Although I have to be careful here because as the Yiddish saying goes, “never pray for a new King.” Have I altered my opinion about his judicial practices, opinions and decisions? NO! Do I continue to believe



that Scalia was a misguided perhaps even racist Justice? YES!

The Reverend Peter Scalia, the Roman Catholic priest did me a great service on Feb 20, 2016 as he tenderly and lovingly spoke of his father, the late Associate Justice of the Supreme Court, Antonin Scalia. Father Scalia recounted for the assembled mourners his father's former remarks concerning a funeral that he had attended. As they sat in The National Shrine of the Immaculate Conception to remember his father, Reverend Scalia quoted his father and said "the good that he did can cause us to forget that we are praying for and giving thanks for God's inexplicable mercy to a sinner."

Father Scalia reminded me of my own Israelite roots and that there is good in the worst of us and we all, regardless of how pious we may live, miss the mark from time to time.

### **Scalia - The Good**

When I rid myself of some of my ingrained biases concerning his voting record and odious decisions, I can begin to appreciate some of the more positive aspects of his contribution to American jurisprudence. Scalia's views of textualism and originalism have altered the manner in which we think and talk about law. Scalia has helped to shape another Justice's judicial hermeneutic. Justice Clarence Thomas is the only other card carrying "originalist," and very seldom deviates from the views and opinions of Scalia. With Scalia's death perhaps Justice Thomas will continue the discussion of textualism and originalism and carry it further and finally come into his own right as a memorable Justice. Even Justice Scalia thought that Clarence Thomas went too far with originalism and said "that he was less willing than Clarence Thomas to overturn every precedent

inconsistent with original understanding because I'm an originalist and a textualist, not a nut." Obviously Justice Thomas must realize that he is treading on very tenuous ground with any talk of textualism, for as per the US constitution, people of African descent were three-fifths of a human being for purposes of congressional representation and that many of the framers of the constitution were slaveholders. Could it possibly be that one of the reasons Justice Thomas has not spoken a word in public during oral arguments in over ten years is that he considers himself to be three-fifths of a Supreme Court Justice? With Scalia's absence Thomas may now realize, as others have pointed out, that any *true* constitutional originalist will inevitably write both progressive and conservative decisions.

Scalia's hermeneutic of separating judicial conclusions from his personal views is admirable and something that all judges should try to emulate. Of course some would argue that he was not successful with this endeavor and merely used convenient legal theory to achieve his ends as in his decision in *Bush v. Gore* in which he blatantly but skillfully ignored states' rights. Scalia and five other Justices essentially awarded the United States presidency to George W. Bush over the objections of numerous Floridians, the Florida court of Appeals, many US citizens and to the chagrin of Vice President Al Gore. Scalia's understanding of the 14th amendment could not justify his conclusion in the *Bush v. Gore* case because consistent with Scalia's previous thoughts, the 14th amendment's "*equal protection*" clause was not intended to apply to voting. Naturally though, as Scalia has demonstrated, ideological objectivity is an impossible task because our thinking and philosophical outlook is shaped by our particular circumstance such as religion, gender, social class and race, etc. It is worth noting that most of Scalia's conclusions were consistent with Catholic practice, theology and doctrine (the one exception being his acceptance of

the death penalty). So he was not entirely successful with his executing his desire to separate personal convictions from judicial practice.

Conceivably that fact that Scalia was able to nurture and sustain enduring relationships with people whose views he seldom agreed with (ex. Justice Ruth Ginsberg) and whose background was immensely different than his (ex. Justice Clarence Thomas), is a testament to his burgeoning ability to begin to look beyond superficial differences and behold those essential characteristics that make us human. Now one can only imagine what judicial surprises may have been in store for America had he lived for as we all know Justices and other humans can and do change. To validate this truism one need only ask President Richard Nixon about his appointment of Justice Harry Blackmun or President Dwight Eisenhower about his appointments of Chief Justice Earl Warren and Justice William Brennan.

### **Scalia - The Bad**

Although *judicial restraint* implies that there is stricter adherence to precedent, perhaps feasibly Scalia would have been better served by realizing that the US Constitution is essentially an economic document that was intended to protect the interest of the ruling, wealthy class. The Constitution is a living document and freezing its' interpretation in a time vacuum will inevitably yield decisions that are stilted, biased, racist, and inescapably just plain and outright wrong. I do not mean to suggest or imply that the Constitution should be held hostage to the whims of the times or contemporary social mores, but it should and must be regarded as a living document and therefore some judicial progressivism will and must occur.

May the next Justice appointed to the highest court in our nation not

possess the Scalia legacy of unwarranted dogmatism and an unyielding philosophical stance. I also pray that the next Justice be a person of conviction and fortitude as was the late Antonin Scalia. It is my firm hope that the new appointee be a person of compassion, mercy and truth. With the ascent to their seat on the bench may he or she and the other eight Justices, as they begin their task anew, may we finally become a nation with *liberty and justice for all*.

As a result of this essay, I have reviewed and correcting my position. Scalia was not my enemy (for more on this point see the next essay "*The Season of our Freedom: When Your Enemy Falls..*"). Justice Scalia, like all of us, was an inexplicable mixture of good and evil. May Antonin Scalia's time in Gehinnom be very short. In fact I have contributed to a charitable organization in his name. for that end. All, yes all of us will one day stand before the judgment seat of G-d and "G-d will have mercy upon whom He will have mercy and G-d will have compassion upon whom He will have compassion" (Shemot 33:19). Although others and myself may well say that Scalia was a misguided judge, when someone dies, it is customary in Judaism to recite, " Blessed be HaShem, The True Judge."

**May G-d, the True Judge continue to have MERCY on us all**

Part Two

**Pesach Is The Season of Our Freedom**

**When Your Enemy Falls...**

Rabbi Malchah

Activities that we perform on a regular basis can become so mundane that we can lapse into performing them robotically, giving the activity very little thought or consideration. I have sat through and/or led so many Shacharit (morning) services that I lost count ages ago. Even though I am cognizant of many of the admonitions concerning proper כַּוְנָה kavannah (intention) with prayer, I had none the less began to allow my mind to wander and go into a daze of sorts when it came to the recitation of זמירות - Zemiroth (or פְּסוּקֵי דְזִמְרָה Pseukei d'zimra). It began..

אָז יָשִׁיר־מִשְׁחָהּ וּבְנֵי יִשְׂרָאֵל אֶת־הַשִּׁירָה הַזֹּאת לַיהוָה וַיֹּאמְרוּ לְאֹמֶר אֲשִׁירָה לַיהוָה  
כִּי־גָאָה גָאָה סוּס וּרְכָבוֹ רָמָה בַיָּם

Then Moses and the Israelites sang this song to the Lord:

“I will sing to the Lord,  
for He is highly exalted.  
Both horse and driver  
He has hurled into the sea.

Usually when I hear and/or recite שִׁירַת הַיָּם - The Song of the Sea - (Shemot -Exodus 15), I rejoice and feel elated and whenever we sing this song during the Passover season my countenance is uplifted just by the thought that we are embarking on our freedom journey. Then, as now, we all have our small Sea of Reeds to cross but the fact that

during Pesach we embark upon our deliverance as a collective or a community, I find particularly exhilarating.

This day however was different, for when we came to the part of the service for Az Yashir (Shemot 15:1-18), I was a bit saddened, even though I have heard this recited so many times before. I thought to myself that I am tired of hearing about enemies being hurled into the sea and the desolation of enemies. Am I not reading from Siddur Sim Shalom (granting peace)? What is so peaceful about this?

As the recitation continued

מִרְפָּכַת פְּרָעָה וַחֲיִלוֹ יָרָה בַיָּם וּמִבְּחַר שְׁלֵשִׁי טַבְּעוּ בַיָּם-סוּף

תְּהִמֹּת יִכְסִימוּ יָרְדוּ בַמְצוּלָת כְּמוֹ-אֶבֶן

The best of Pharaoh's officers

are drowned in the Sea of Reeds

The deep waters have covered them;

they sank to the depths like a stone.

my level of upset increased. I thought about when does the time come that we pray to G-d to help us to understand our enemies and make peace with them? When do we entreat our Creator for behalf of our enemies (and ourselves) to reach a new level of maturity? Despite of all of the harm our enemies may inflict upon us, is there not a time that we should and must learn measures to turn them into friends and if not friends, then at least people that we can learn to coexist with peacefully? Each weekday and on the 21 st of Nissan do I have to listen to and celebrate the destruction of enemies?

It is not that I am not elated that we Israelites now have one less enemy combatant to deal with and one less oppressor to reckon with

but I wonder if there is not a more humane manner to overcome and vanquish these Egyptian overlords? Granted that the Shemot (Exodus) narrative recounts that Pharaoh was rather recalcitrant (his heart was "hardened") but was there no other way? Even if all the plagues, the parting of the Sea of Reeds and the destruction of Pharaoh's army was all done to show the pure power and majesty of our G-d and there was absolutely no other way to overcome Pharaoh, then every single weekday must I hear this? Is there a way to overcome enemies and oppressor without utterly destroying them? Why should I celebrate the destruction of any of G-d's creation?

In an email exchange I was reminded by a colleague of the dynamic tension in our tradition of celebrating the destruction of enemies that is juxtaposed with the admonition not to rejoice the misfortune of or enemies. This email conversation became the impetus for me to more fully explore this tension so I invite you to Ta' Sh'ma (Come and Hear) with me.

### Mishlei and Pirkei Avot

שמואל הקטן אומר  
בנפול אויביך אל תשמח, ובכשלו אל יגל לבך, פן יראה ה' ורע בעיניו והשיב מעלין  
אפן

**Sh'muel Hakatan would say: When your enemy falls, do not rejoice and let your heart not be glad when he stumbles lest God see and it displease Him and He turn away His wrath from him. (Mishlei (Proverbs) 24:17-18 and Avot 4:19).**

It is interesting to note that unlike other statements in Pirkei Avot, these are not the words of Sh'muel HaKatan, rather he is quoting a verse from Mishlei (Proverbs). Apparently, he would say these words so often and deemed them important enough that he became closely associated with this passage. Why should someone *not* rejoice at the downfall of enemies? Earlier in Mishlei (Proverbs 11:10) we read:

בְּטוֹב צְדִיקִים תִּעֲלֶזְ קְרִיָּה וּבְאַבְדֹת רְשָׁעִים רִנָּה  
When it goes well with the righteous, the city rejoices;  
And when the wicked perish, there is joy.

When our enemies falls (Proverbs 24:17-18) we are enjoined not to rejoice, however we read in this passage that when the wicked perish we can be joyful? מאי נפקא מינה (mai nafka mina?)- How do they differ?

Perhaps the difference should be sought in the concept of or our understanding of an *"evil or wicked" person* (Mishlei -Proverbs 11:10) and *"your enemy"* (Mishlei 24:17-18). An evil person is one who inflicts maximum harm on a multitude of people. An evil person is someone like Hitler, Chief Justice Taney or the architects of the Atlantic slave trade. In contradistinction, our individual biases and personal grudges can determine whom we count as or consider an enemy. Whom we deem to be an enemy can be subject to individual vicissitudes, misinformation or even subjective whims. We can erroneously judge our enemies, therefore it is preferable not to be joyful when they suffer misfortune. The wicked having done so much harm and



inflicted so much ill will on so many, that there can be no doubt about their evilness or wickedness. The qualitative difference in how we are enjoined to react lies in the distinction between a personal enemy and a genuine evil individual or group.

### ברכת המינים Birkhat haMinim

In the twelfth blessing (in this case berakhot is an euphemism for "curse") of the weekday Amidah we pray for the downfall of our enemies.

וְלַמְלָאִיְנַיִם אֵל תְּהִי תִקְוָה. וְכָל הָרָשָׁעָה כְּרָגַע תֵּאבֵד. וְכָל אוֹיְבֵי עַמֶּךָ מְהֵרָה יִכְרֹתוּ.  
וְהַיְזוּדִים מְהֵרָה תַעֲקֹר וְתִשְׁבֵּר וְתִמְגַּר וְתִכְנִיעַ בְּמַהֲרָה בְּיָמֵינוּ. בְּרוּךְ אַתָּה ה', שׁוֹבֵר  
אוֹיְבִים וּמְכַנִּיעַ יְזוּדִים:

Let there be no hope for informers, and may all the heretics and all the wicked instantly perish; may all the enemies of Your people be speedily extirpated; and may You swiftly uproot, break, crush and subdue the reign of wickedness speedily in our days. Blessed are You L-rd, who crushes enemies and subdues the wicked.

Whether or not this berakhah originally referred to Christians or other non-Pharisees and whether it was utilized as a tool to identify heretics is debated. Here, as in Pirkei Avot, the emphasis seems to be on the wickedness of the enemies and not simply those with whom we have individual disagreements. It also makes reference to the enemies of "Your people," thus implying that this enemy is global and not simply an individual one. So, as in the example in Mishlei (Proverbs) 11:10 previously cited, we are allowed to rejoice at the downfall of people identified as not just wicked, but also inciting a "reign of wickedness."

It is noteworthy that according to Berakhot 28b, R. Gamaliel searched widely for someone to compose this berakhah. This was a difficult task because a prayer for destruction of others can easily invite violence, hatred and ill feelings that would not be worthy or befitting of an Israelite. Sh'muel haKatan was eventually selected to compose this particular prayer. Why was Sh'muel haKatan chosen? In Pirkei Avot Sh'muel admonishes us not to rejoice at the destruction of our enemies, so perhaps it took a special person, a person filled with compassion and humility (thus hakhtan) and who identified with suffering to write this berakhah. It would be difficult to imagine someone who gleefully recounted an execution of an enemy combatant, even if it is deserved or one who bragged about their enemies falling, to possess the necessary sensibilities to construct this particular berakhah. Naturally, those who perpetrate evil deserve just retribution but exhibiting hearty elation is a risky and treacherous undertaking even for the spiritually healthy and mature individual.

### **Other Tanak Passages**

#### **Yehezkiel (Ezekiel) 18:23**

הֲחִפְּץ אֶחְפֹּץ מוֹת רָשָׁע נְאֻם אֲדֹנָי יְהוִה הֲלוֹא בְּשׁוּבוֹ מִדְּרָכָיו וְחָיָה:

Do I take any pleasure in the death of the wicked? declares the Sovereign Lord. Rather, am I not pleased when they turn from their ways and live?

Here we need to follow the lead of HaShem and be more joyful when one does teshuvah, repents and turns away from evil and not rejoice when the wicked are destroyed. Why do this? The destruction of one evil individual, group or nation does not mean that other

threats just as vile or menacing do not exist. Evil can lurk in many different arenas of our lives and we must be ever diligent to that possibility. There is also the recognition that even when our enemy falls, this does not signal an end to all our troubles. We must not let our guards down or become oblivious to the evil and threats of evil in our midst. On the other hand, if a person or group repents of their evil deeds and tendencies, then they become less of a threat to G-d fearing individuals.

God destroyed Pharaoh and his army not because of our own merits because we did nothing to deserve it. With the destruction of Pharaoh G-d desired to demonstrate His wonder and His saving power. Most of us are probably not truly worthy or deserving of the good fortune that we have received therefore our celebratory attitude may very well tempt G-d or remind the death angel of our own defects, errors, sins and shortcomings.

### Pidyon haben פדיון הבן

#### **The redemption of the first born**

Shemot (Exodus)13-16

וְכָל בְּכוֹר אָדָם בְּבִנְיָהּ, תִּפְדֶּה  
-בְּחֹזֶק יָד הוֹצִיאָנוּ יְהוָה--לֵאמֹר מֵה-זֹאת: וְאִמְרַתְּ אֵלָיו-וְהָיָה כִּי-יִשְׁאֶלְךָ בְּנֶךָ, מִמָּצָרִים, מִבֵּית עֲבָדִים  
וְהָיָה, כִּי-הִקְשָׁה פְרַעְזָה לְשַׁלְּחָנוּ, וַיַּהַרְגֵם יְהוָה כָּל-בְּכוֹר בְּאֶרֶץ מִצְרַיִם, מִבְּכוֹר אָדָם וְעַד-  
בְּכוֹר  
בְּהֵמָה; עַל-כֵּן אֲנִי זֹכֵחַ לַיהוָה, כָּל-פֶּטֶר רֶחֶם הַזְּכָרִים, וְכָל-בְּכוֹר בְּנֵי, אֶפְדֶּה  
וְהָיָה לְאוֹת עַל-יְדְכֶם, וּלְטוֹטְפֹת בֵּין עֵינֶיךָ: כִּי בְחֹזֶק יָד, הוֹצִיאָנוּ יְהוָה מִמִּצְרַיִם

Redeem every firstborn among your sons. 14“In days to come, when your son asks you,

‘What does this mean?’ say to him, ‘With a mighty hand the Lord brought us out of Egypt, out of the land of slavery. 15When Pharaoh stubbornly refused to let us go, the Lord killed the firstborn of both people and animals in Egypt. This is why I sacrifice to the Lord the first male offspring of every womb and redeem each of my firstborn sons.’ 16And it will be like a sign on your hand and a symbol on your forehead that the Lord brought us out of Egypt with his mighty hand.”

With G-d's execution of the tenth plague, the Egyptian firstborn child died for our freedom and the Tanak instructs us that as a consequence of their deaths we have an obligation to give our firstborn sons to the service of the Temple, thus they essentially become servants of God. So even with the immense joy of a newborn son, we are non the less entreated to remember the suffering of others.

### **Passover Traditions**

Our Rabbis taught that as the children of Israel were crossing the sea and the army of Pharaoh was drowning, God had to rebuke the angels for showing excessive joy. Even our liturgy reflects a similar attitude by intentionally limiting the psalms of joy that we can recite to commemorate the Passover, a foundational event in our collective history and memory.

During the Passover seder as we retire the ten plagues, with each plague we dip our finger in our glass and remove a drop of wine. Wine is a symbol of joy and therefore as we remove those drops of wine, we are symbolically lessening our joy at the suffering and plight of our enemies.

## Purim

The holiday of Purim is celebrated in the synagogue with a public reading of Megillat Esther. This scroll relates the story of how Mordecai and his cousin Esther foil the plans of Haman, (the Prime Minister of Persia) to exterminate all of the Jews in Persia. In contemporary times the celebration of Purim is a rather rowdy affair and each time the name of Haman is invoked there is a rambunctious outcry of boos. To the uninformed outsider (or even some insiders) the booing of Haman may seem as though we are celebrating the fact that Hamon was hanged. In fact, Hamon is symbolic of the oppressors of our people wherever they may be found. Throughout rabbinic literature Haman is considered the personification of evil **המין הרשע**. Rabbinic tradition is rich with examples of what befell Hamon, from his being forced to sell himself into slavery (Meg. 15a), to the fact that the Rabbis make him a descendant of the Agag (Targum Sheni), to no tree desired to be utilized for the hanging of evil Hamon (Esther R. ix). Purim is not so much a celebration of the death of Haman as it is a rather joyous affirmation of the survival of the Israelite people against all odds.

After this thoughtful analysis should we be happy or celebrate the destruction or downfall of our enemies? Despite the very human inclination to do so, for Israelites, the answer is a resounding NO. If not rejoice then what should be our attitude when our enemy falls? We should and must praise G-d for his wondrous and magnificent deeds in rescuing us;

מִצִּיל עַנִּי מִחֲזָקָה מִמָּנוּ וְעַנִּי אֶבְיוֹן מִגְזֵלוֹ  
rescuing the poor from those too strong for them,  
the poor and needy from those who rob them (Tehillim- Psalm 35:10)

and for:

בְּיַד חֲזָקָה וּבִזְרוּעַ נְטוּיָהּ כִּי לְעוֹלָם חֶסֶדּוֹ

with a strong hand and outstretched arm (G-d rescued us) for his mercy  
endures forever

As we embark upon the Passover season, even while we rejoice at G-d's saving power, may we remember with not only words but also with our deeds those less fortunate and as we sit down to recite the Passover Haggadah and partake of the festive Pesach meal may we all be hungry and needy for the eternal words of Torah.

**"All who are hungry, come and eat; all who are needy come and celebrate Passover."**

This Passover season may both you and I be mindful of these words of Torah:

בְּנֶפֶל אוֹיְבֶיךָ אַל תִּשְׂמַח, וּבִכְשֵׁלוֹ אַל יִגַּל לְבָבְךָ  
**When your enemy falls, do not rejoice and let your  
heart not be glad.**

## Conclusion

### **The Season of Our Freedom**

**Rabbi Malchah**

This year as I celebrate Pesach, it is my hope that as a result of *The Season of Our Freedom: Whom am I to Judge* and *The Season of Our Freedom: When Our Enemy Falls...* that I am a more compassionate human. As I recite or sing שִׁירַת הַיָּם (Shirat haYam -The Song of the Sea), may I remember those ancestors who have given their lives and as a consequence of their immense sacrifices that I now enjoy my freedom. On seder night as I release the drops of wine may I be more yielding in my opinions concerning those with whom I strongly disagree. It is my hope that when I complete my 5776 Pesach freedom journey that I have left behind the oppressive thought patterns that have held me hostage concerning those with whom I strongly disagree and those who are enemies. It is also my desire that as you embark upon your Pesach freedom journey that you also be freed from whatever demons enslave and hold you hostage.

אָז יִשִּׁיר—מֹשֶׁה וּבְנֵי יִשְׂרָאֵל אֶת—הַשִּׁירָה הַזֹּאת לַיהוָה וַיֹּאמְרוּ לְאָמֵר  
אֲשִׁירָה לַיהוָה כִּי—גָּאָה גָּאָה סוּס וְרֹכְבוֹ רָמָה בַיָּם

Then Moses and the Israelites sang this song to the Lord:

“I will sing to the Lord,  
for He is highly exalted.  
Both horse and driver  
He has hurled into the sea.



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