

Honoring the Life and Memory of Ruth Bader Ginsburg

When moral giants depart from the world – in Hebrew we call them *tzaddikim*, *tzaddikot* – they leave a legacy of inspiration for us. This year we Americans lost two moral giants, Congressman John Lewis this past July and Justice Ruth Bader Ginsburg on Erev Rosh Hashanah, just 9 days ago. Their lives, what they stood for, their accomplishments and their personal bearing can be our guideposts, our North Star by which we might navigate in this New Year towards a better world.

Tomorrow I will share some inspirational words of John Lewis, as we honor his memory, and take courage from his example. Tonight I want to honor and take inspiration and strength from the life and work of Ruth Bader Ginsburg. You may know that in Jewish practice, when one hears of a death one is meant to utter “*Baruch Dayan Emet*,” which means “Blessed is the true judge.” That is meant to refer to the Holy One, giver of life and of death. But when we learned of RBG’s passing, as Gwen Tapper told me, *Baruch Dayan Emet* took on a whole new meaning, for we were saying it about Justice Ginsburg: Blessed is Justice Ruth Bader Ginsburg, the judge of truth.

Justice Ginsburg reminds me a lot of my own mom of blessed memory. Born in Brooklyn during the Depression, children of immigrants, brilliant and determined, not interested in cooking - giving it up at the earliest opportunity - as they pursued groundbreaking professional careers. As I have pored over Ruth Bader Ginsburg’s tributes and her speeches and interviews I have felt like I am with my *mishpokhe*, my kin. I know I am not alone in this experience. Bret Stephens, a Jewish op-ed writer for the New York Times, commented (9/21/20):

“I never got to personally meet her, but I get the impression that Ginsburg was a lot like so many Jewish women I grew up around, particularly of her generation, which is basically a sum consisting of (1) intimidating brilliance + (2) unyielding hatred of injustice + (3) you’re too skinny, didn’t anyone feed you lunch?”

But Ginsburg really was a Jewish American hero – or “she-ro” as I learned to say from my friend Kim Harris. Think about this: This past Friday, RBG was the first Jew, *and* the first woman ever to lie in state in the United States Capitol Building in Washington DC. Talk about shattering glass ceilings.

So how did RBG change the world? She was called the Thurgood Marshall of women’s rights. Thurgood Marshall became a lawyer and developed a systematic long-game plan to prove that separate but equal treatment of the races – that is, legal segregation – was unconstitutional. His efforts culminated in *Brown vs. the Board of Education*. With that decision, the legal constructs enforcing segregation came tumbling down, allowing the work of desegregation to move forward. Ruth Bader Ginsburg, brilliant and determined, took upon herself the same strategy to prove the unconstitutionality of any discrimination based on gender. She chose her cases

patiently and carefully, and systematically built a legal foundation that would change forever the way our society understands equality under the law.

And it is important to remember that she accomplished this with, as it were, one hand tied behind her back. After graduating first in her class from Columbia Law School, she was unable to get a job in any New York City law firm. As Ginsburg recalled, “I had three strikes against me: One, I was Jewish, two, I was a woman, but the killer was that I was the mother of a 4-year-old child.” This was a time, in many of our living memories, when women could not get a credit card, could not sign on a mortgage, and could be fired for wearing slacks. We have come a long way, thank God, thanks to Ruth Bader Ginsburg and millions of other determined activists for equality.

And from where did Ruth Bader Ginsburg derive her passion for justice? In an address at the United States Holocaust Museum she spoke about how Judaism and Jewish heritage had shaped her:

“My heritage as a Jew and my occupation as a judge fit together symmetrically. The demand for justice runs through the entirety of Jewish history and Jewish tradition. I take pride in and draw strength from my heritage, as signs in my chambers attest: a large silver mezuzah on my door post, [a] gift from the Shulamith School for Girls in Brooklyn; on three walls, in artists’ renditions of Hebrew letters, the command from Deuteronomy: “*Zedek, zedek, tirdof*” — “Justice, justice shall you pursue.” Those words are ever-present reminders of what judges must do that they “may thrive.”

Justice Ginsburg continues: “The Passover story we retell is replete with miracles. But unlike our ancestors in their Exodus from Egypt, our way is unlikely to be advanced by miraculous occurrences. In striving to drain dry the waters of prejudice and oppression, we must rely on measures of our own creation — upon the wisdom of our laws and the decency of our institutions, upon our reasoning minds and our feeling hearts. And as a constant spark to carry on, upon our vivid memories of the evils we wish to banish from our world. In our long struggle for a more just world, our memories are among our most powerful resources.”

I watched Justice Ginsburg’s funeral ceremony on TV, held in the arching lobby of the United States Supreme Court building. In attendance were RBG’s fellow justices and her own family members. Rabbi Lauren Holtzblatt of Congregation Adas Israel of Washington DC officiated, and I want to quote at length from her eulogy:

“To be born into a world that does not see you, that does not believe in your potential, that does not give you a path for opportunity or a clear path for education, and despite this, to be able to see beyond the world you are in to imagine that something can be different — that is the job of a prophet. And it is the rare prophet who not only imagines a new world, but also makes that new world a reality in her lifetime. This was the brilliance and vision of Ruth Bader Ginsburg.

“The Torah is relentless in reminding, in instructing, in commanding that we never forget those who live in the shadows, those whose freedom and opportunity are not guaranteed. 36 times we are taught that we must never forget the stranger. 12 times we are told to care for the widow and the orphan. This is one of the most important commands of the Torah. It is the Torah’s call to action.

“And it is also the promise written into our constitution. As Justice Ginsburg said and I quote: ‘Think back to 1787. Who were “We, the people?” They certainly weren’t women; they surely weren’t people held in human bondage. The genius of our Constitution is that now over more than 200 sometimes turbulent years, that “we” has expanded and expanded.’ This was Justice Ginsburg’s life’s work: to insist that the Constitution deliver on its promise, that “we, the people” would include all the people... Nothing could stop Justice Ginsburg’s unflagging devotion to this project, not even cancer. Justice Ginsburg, *mi’dor l’dor*, from generation to generation, we promise to carry forward your legacy. May you rest under the wings of the Shechinah.”

Then, Rabbi Holtzblatt chanted the *El Malei Rachamim*, and the sounds of Hebrew echoed off the walls of the Supreme Court.

Here are some lessons that RBG’s life and example can offer to us. These thoughts are in no way intended to be exhaustive, and I hope you will add your own:

It doesn’t matter what kind of package you come in. Ruth Bader Ginsburg was 5’1”, and 100 pounds if she remembered to eat. She was soft-spoken and reserved. Yet she was a giant. Our inner qualities outshine our outward size or appearance.

The ethical imperatives of the Torah and of the United States Constitution inform and strengthen each other. Being an American and a Jew can be an inspiring and empowering combination, if we take these values fully to heart.

As Reb Zusya taught when he got stuck despairing because he was comparing himself to Moses: God doesn’t want you to be more like Moses, God wants you to be more of yourself. Do not compare your accomplishments to RBG, and then despair, for every person truly has their own calling, their circumstances and their own challenges. Most lives are not lived in the public eye, yet we can also feel ennobled by our quiet contributions to kindness and to justice. Let me try to model myself after Ruth in my own commitment to be the best Jonathan I can be.

Finally, honor the memory of Ruth Bader Ginsburg by committing yourself to her holy project, the fundamental goal of true equality. In an interview a few years ago with the Stanford University student newspaper, the young reporter asked Justice Ginsburg, “At what point does a people know that its citizens exist on the same playing field...?” Ruth Bader Ginsburg replied,

“When every boy and every girl in our land grows up thinking that he or she could be whatever his or her God-given talents enable that child to be and not be held back by any artificial barriers.”

Zecher Tzadeket Livrachah זכר צדקת לברכה. The memory of the righteous is a blessing.
Rabbi Jonathan Kligler, Kol Nidre 5781/September 27, 2020