

## The Notorious RBG, Prophet of Justice

Rabbi Amy Joy Small      Yom Kippur 5781/2020

Coming of age during the emergence of Jewish feminism, I was alert to role models of accomplished Jewish women. Even as a curious and engaged Jewish learner, I knew almost nothing about the amazing Jewish women whose intelligence, courage, leadership and wisdom had contributed to Jewish life over the ages. As a teen, Golda Meir was my solo, stand-out role model. I aspired to be like Golda.

Then Rabbi Sally Priesand was ordained at Hebrew Union College in 1972, the first woman ordained as a rabbi in America, following the 1936 ordination of Rabbi Regina Jonas in Germany. Rabbi Jonas was murdered in Auschwitz. Rabbi Priesand paved the way for the rest of us.

Coming from a family, and indeed, even a synagogue that rejected feminism and the idea of educated, independent, professional women, I **dissented** -- I and headed off to college and then rabbinical school on my own.

I sometimes wonder how different my own life would have been if I had been raised by a mother like Celia Bader, who secretly saved money for her daughter's college fund and strongly encouraged her learning and academic achievement. She told her daughter, who was called by her middle name, Ruth, that two things were important to her, for her daughter. One was to conduct yourself **civilly**, and the other was to be **independent**. Ruth suffered the tragic loss of her mother on the eve of her high school graduation. By then, she was already well on the path to

becoming the brilliant, extremely dedicated and successful lawyer, judge and then, Supreme Court Justice. Reflecting on her mother as she was nominated for the Supreme Court, Ruth said, “I pray that I may be all that she would have been,” Ginsburg said, “had she lived in an age when women could aspire and achieve, and daughters are cherished as much as sons.”

Seeking role models, I have long gravitated to two of the most powerful women in the Torah -- Miriam and Deborah. Each helped to save and to birth the Jewish people.

The prophet Miriam, Moses’ sister, was the leader of the Israelite women; a beacon of hope during very challenging times. Miriam was granted the unique ability to summon a hidden, God-given healing well of water in the wilderness that sustained the people.

Deborah was “A warrior and prophetess; the only woman in the Hebrew Bible with hard political power who is portrayed positively.”<sup>1</sup> Deborah led the people during another very difficult time under Canaanite rule, which she ultimately defeated. The most compelling image of Deborah is of her as judge, sitting under a Palm tree, hearing the people’s concerns and instructing them.

Countless influential and extraordinary women followed these two great women in the course of Jewish history. But for many generations, influential women were “written out of history.” Even the first woman ordained as a rabbi, Rabbi Regina Jonas, would have been forgotten had it

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<sup>1</sup> From article in MyJewishLearning.com by Ra’anana Eichler

not been for some persistent women who found and published her work. Even a world-renown rabbi who participated in her ordination, upon surviving the Holocaust, neglected to tell anyone about the courageous path-setter, Rabbi Jonas.

Then came Ruth Bader Ginsburg, a shining light, leading the way for Jews, for women, and for all peoples. Justice Ginsburg began her Jewish awakening as a child. With her family attending the Conservative congregation, East Midwood Jewish Center in the mid-1940's, Justice Ginsburg "...wondered as a young girl why boys got to do a bar mitzvah at age 13, while 'there was no comparable ceremony for me,' a struggle that may have shaped her into the gender equality advocate" she became.<sup>2</sup> Yet, while Ruth Bader distanced herself from ritual Judaism, her attachment to the Jewish people's history, culture and human experience was part of the fiber of her being.

At age 13 in 1946, Ruth Bader wrote an essay that was published in her shul's bulletin. Reacting to the devastations of the Holocaust, she wrote:

*"We must never forget the horrors which our brethren were subjected to in Bergen-Belsen and other Nazi concentration camps. Then, too, we must try hard to understand that for righteous people hate and prejudice are neither good occupations nor fit companions... Yet, dare we be at ease? We are part of a world whose unity has been almost completely shattered. No one can feel free from danger and destruction until the many torn threads of civilization are bound together again. We cannot feel safer until every nation, regardless of weapons or power, will meet together in good faith, the people worthy of mutual association. There can be a happy world and there will be once again, when men*

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<sup>2</sup> Josefin Dolsten, JTA. 10/1/16

*create a strong bond towards one another, a bond unbreakable by a studied prejudice or a passing circumstance...”*

Interviewed by Jane Eisner of the Forward, Justice Ginsburg said, “I grew up in the shadow of World War II. And we came to know more and more what was happening to the Jews in Europe. The sense of being an outsider — of being one of the people who had suffered oppression for no ... no sensible reason ... it’s the sense of being part of a minority. It makes you more empathetic to other people who are not insiders, who are outsiders.”

Abraham Joshua Heschel wrote, “Others have considered history from the point of view of power, judging its course in terms of victory and defeat, of wealth and success; the prophets look at history from the point of view of justice, judging its course in terms of righteousness and corruption, of compassion and violence.” Ruth Bader Ginsburg, a prophet in our time, viewed the world, and her role in shaping our future, in terms of *justice* and *righteousness*.

Daniel Shapiro, former US ambassador to Israel, reflected that, “She understood the obligation to use her time to good effect. She spoke movingly of the Jewish values she was raised with — the pursuit of justice, caring for those in need, setting right what is wrong in the world — as ideas that inspired her work.”

Justice Ginsburg never gave up -- five times she powered on through cancer and the loss of her beloved husband Marty. She used each and every moment to write and to pursue her ideals. To mere mortals like us, Ruth’s resilience seemed even superhuman. So, she became the *Notorious RBG*,

an inspiration to millions across the generations. As Shapiro reflected, “Her untimely death leaves all of us bereft of a woman of valor, wisdom, courage, humility, decency and genius.”

Ruth’s legal and strategic brilliance, extraordinary dedication, and legendary fearlessness led her to effectively shatter barriers to equality for women. With her characteristic modesty and passion, she pursued her mission of extending rights and freedoms to all. Her calling was accomplished with unparalleled skill that enabled Justice Ginsburg to succeed on behalf of us all. And especially women.

During her 1993 Senate confirmation hearings, Ginsburg told of how her father’s family came to America partly because Jews were not allowed to attend high school in the part of Russia he came from.

In 2004, in a speech at a Holocaust Remembrance Day event held in the Capitol rotunda, she declared that her “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, 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.’”<sup>3</sup>

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<sup>3</sup> “Why Ruth Bader Ginsburg had an intimate, yet ambivalent, relationship with Judaism and Israel.” Allison Kaplan Sommer. Ha’aretz. September 19, 2020

A New Yorker tribute recalled that Ginsburg sometimes said that tackling gender discrimination, case by case, was like “knitting a sweater.” ... Ginsburg advocated, vehemently, for the ratification of the Equal Rights Amendment, which had been passed by Congress in 1972; she argued that it looked “toward a legal system in which each person will be judged on individual merit and not on the basis of an unalterable trait of birth.”

... “Ruth Bader Ginsburg’s pioneering career as a scholar, advocate, and judge stands as a monument to the power of dissent.” It took centuries, and tens of millions of women, to dismantle the nonsensical notion that women were too timid and delicate for “occupations of civil life...And no single one of them was more important than Ginsburg, warm-hearted, razor-sharp, and dauntless.”<sup>4</sup>

In late 2018, Justice Ginsburg made her final visit to Israel to collect a lifetime achievement award from the Genesis Prize Foundation. In her acceptance speech, Ginsburg said she was “a judge, born, raised and proud of being a Jew.”

Julie Cohen, co-director of the 2018 documentary “RBG,” told Haaretz in 2019 that Ginsburg had always been “very aware of what her father was limited from achieving because he was Jewish, and her mother

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<sup>4</sup> “*Ruth Bader Ginsburg, the Great Equalizer*” Jill Lepore. New Yorker. 9/18/20

from doing because she was Jewish and a woman. I think she feels like she was someone who was able to realize the dreams of previous generations.”

As a young woman, she felt she had to make a choice between her religious observance and her growing feminist awareness. ... she couldn't make peace with the deep gender inequalities built into her parents' Orthodox practice. She had been particularly alienated by the idea that women didn't count in a minyan. “It made her feel like women really didn't count,” Cohen explained. “{it} felt supremely unjust and made it hard [for her] to feel deeply part of the religion.”

Ginsburg recalled that, as a girl, she was “jealous” of a male cousin who had a Bar Mitzvah when “there was no Bat Mitzvah back then,” noting that her colleague on the Supreme Court, Elena Kagan, was the first girl to have a Bat Mitzvah in her Manhattan synagogue.

Ginsburg shared that she was “proud” that Judaism in the United States had evolved when it came to institutionalizing equal status for women. She said,

“...I'm proud that in both Reform and Conservative synagogues, women are rabbis....I remember, in the 1970s, meeting with the heads of the Jewish theological seminaries,” she added. “The Reform [movement] had already admitted women to the Rabbinate. And so the seminary asked me, ‘We admit women to the cantorial program, isn't that enough?’ And my answer was: ‘It's not enough if you want to keep young people involved with the synagogues.’ Because young

people growing up now don't understand that people should be excluded simply because they are female – or male.”

Still, Justice Ginsburg was a proud cultural Jew. When she was awarded the Gilel Storch Award from the Jewish Culture Organization in Sweden, she donated her award to three organizations. One was an organization we have supported, the **Hand in Hand** network of bilingual Hebrew and Arabic schools where Arab and Jewish Israeli children learn side-by-side, taught by both Arab and Jewish teachers. Ginsburg noted that it was in keeping with Jewish tradition that she was granting the prize money to organizations that upheld values that she shared and worked to advance throughout her long life: Seeking to “repair tears in our societies, reduce intolerance and promote understanding.”<sup>5</sup>

Ruth Bader Ginsburg was a *tzaddeket*, a truly righteous person. As Molly Conway of the Forward commented, she “worked tirelessly to create a more just world. One that would perpetuate equality and access...without the expectation of praise or fame. *That* is what it means to be a *tzaddeket*, and I can't think of anyone who better embodies the pursuit of justice.”<sup>6</sup>

In 1973 Justice Ginsburg famously quoted the nineteenth century abolitionist and suffragette, [Sarah Grimke](#) in her 1973 first oral argument to the Supreme Court: "I ask no favor for my sex. All I ask of our brethren is

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<sup>5</sup> “Why Ruth Bader Ginsburg had an intimate, yet ambivalent, relationship with Judaism and Israel.” Allison Kaplan Sommer. 9/19/20)

<sup>6</sup> “May Ruth Bader Ginsburg’s memory be ‘for a blessing.’ What exactly does that mean?” Molly Conway. Forward. September 20, 2020



that they take their feet off our necks."<sup>7</sup> (She later shared this quote again in the movie, *RBG*.) She certainly fought to remove those feet. She advised young women today, "Fight for the things that you care about, but do it in a way that will lead others to join you."<sup>8</sup>

When I think back on my own journey as a Jewish woman entering a very male and not very Jewish world, I am deeply grateful and indebted to the courageous and accomplished women who paved the way for my generation of Jewish women, and for all of us. For me, this is personal. I pray that my daughter's and granddaughters' generations will no longer face the boundaries we have faced, knowing they can devote their talents to tikkun olam/repair of the world in so many other ways. But I also know that, as Justice Ginsburg opined, "Real change, enduring change, happens one step at a time."<sup>9</sup>

That's why I chose to honor Justice Ginsburg on this holy night of Kol Nidre. As we all grapple with our deeds and misdeeds and promises made then neglected during the year, there is no better way to begin to step into the New Year than by following in the footsteps of righteous role models like Justice Ruth Bader Ginsburg. Justice Ginsburg's contributions to equality for men and women, and her pursuit of justice for all, have surely

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<sup>7</sup> As quoted in the documentary "RBG" -- quoting Sarah Grimke to the Supreme Court. (Sarah and her sister Angelina were well off slave-holding southerners in the 1800s who hated slavery and moved up north and became radical abolitionists who had a big impact. After the civil war they became activists for women's suffrage.)

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<sup>8</sup> "Ruth Bader Ginsburg Tells Young Women: 'Fight For The Things You Care About'" Alanna Vagianos. Huffington Post. June 2, 2015

<sup>9</sup> *ibid*

shown us how real, enduring change can and does happen. Now the task is ours.

*Gemar Chatimah Tovah.* May you be inscribed and sealed in the book of life for good.