There is a powerful Jewish value found in the Talmud near the end of a conversation regarding transgressions of Jewish law. The passage states: *Kol Yisrael averim zeh ba’zeh*, all of Israel is responsible for one another.[[1]](#footnote-1) In this version the Talmud is teaching us that we are all responsible for preventing the sins of our fellow Jews to the best of our ability. If we fail to do so, we are all to be held accountable.

However, the tradition of *Kol Yisrael averim zeh ba’zeh* was expanded over time. It came to embody the idea of communal responsibility to mean that we Jews are responsible for one another and to one another.

This tradition is why well-established German Jews in the United States created the Hebrew Immigrant Aid Society to assist their fellow Jews immigrating from Eastern Europe. It is also why we celebrate the accomplishments of fellow landsman like Albert Einstein and Sandy Kofax, who embody some of the best of our tradition, even if we did not know them personally. It is also why we feel a sense of collective shame of over the crimes of fellow Jews like Bernie Madoff. *Kol Yisrael averim zeh ba’zeh*, all of Israel is responsible for one another and to one another. This is also why, we, as a Jewish community, have mourned the deaths of luminaries in our community like Rabbi Adin Steinsaltz whose English translations of the Babylonian Talmud have made this epic work of rabbinic thought accessible to so many. And for Rabbi Sam Karff, the past rabbi of Beth Israel who was a giant in the Reform movement. And so too, we in the Jewish community also mourn the death of Justice Ruth Bader Ginsburg.

As we began our erev Rosh Hashana service ten days ago, word began to circulate of the death of Supreme Court Justice Ginsburg. This was one time I was envious of my colleagues on the West Coast who had time to prepare thoughts and even an azkara, a memorial to her. Here though, with our services live via zoom, there just simply was no way. And there was not time enough to write a whole new sermon and record it for Rosh Hashana morning. Hence, this is part of the reason why we are speaking about her here tonight.

When reflecting upon the life of Justice Ginsburg, it is hard not to contemplate the battle over the next nominee with an election just around the corner. Her death creates the potential for an even larger imbalance on the court let alone whether or not there will actually be a hearing in the Senate for her successor before the next election.

However, I will not endeavor to speak about these issues tonight. Instead, I would like to take a different approach, and that is to speak about this remarkable Jewish woman and how the life she led, can be an inspiration to us all.

To start with, we ask, even though we knew she was not well having survived a number of medical challenges over the past few years, why did so many grieve upon hearing the news. She was not a member of our family.

As the Talmud teaches us: “only the relatives of the deceased rend their clothes. (However) The Gemara asks: And is this the case even if the deceased was a Torah Sage? But isn’t it taught otherwise in a *baraita*: When a Torah scholar dies, everyone is his (or her) relative.”[[2]](#footnote-2)

Justice Ginsberg was a scholar. We were all her students. And she was our teacher, and in a broader sense, according to Jewish tradition, we all were her family. As Rabbi Ammiel Hirsch of the Stephen Wise Free Synagogue said in her memory, “She was the daughter of our people, who represented the best of us. She was a proud Jew.”[[3]](#footnote-3)

Rather than focus on all of her life, I would like to instead speak a little bit more about how Judaism infused Justice Ginsburg’s spirt; as Yonat Shimron wrote for the Religion News Service[[4]](#footnote-4), “A phrase from the Book of Deuteronomy hangs framed on the wall of Ruth Bader Ginsburg’s Supreme Court chamber: “Justice, justice you shall pursue.”

For Ginsburg, who died at home surrounded by her family on Friday evening at the age of 87, the phrase from the Hebrew Bible, “Tzedek, tzedek tirdof,” summed up perfectly her calling as jurist and a Jew.

“Our nation has lost a jurist of historic stature,” said Chief Justice John G. Roberts Jr. in a statement released by the Supreme Court. “We at the Supreme Court have lost a cherished colleague. Today we mourn, but with confidence that future generations will remember Ruth Bader Ginsburg as we knew her — a tireless and resolute champion of justice.”

Ginsburg, who had remained on the court despite suffering a long series of health challenges, rarely attended services, but she was passionate about Judaism’s concern for justice and was shaped in the crucible of its minority status.

Nominated to the high court by President Bill Clinton in 1993, Ginsburg developed a cultlike following over her more than 27 years on the bench, especially among young women who appreciated her lifelong, fierce defense of women’s rights. Acquiring the moniker “Notorious RBG” as she got older, the 5-foot-1 justice who decorated her robes with lace collars was viewed as a model feminist who successfully knocked down legal obstacles to women’s equality and leveled the playing field between the sexes.

But as a justice, Ginsburg was dedicated to equality not only on behalf of women. She cared as deeply for minority groups, immigrants, disabled people and others. In this, her identity as a Jew played a big role.

In a 2018 interview with Jane Eisner, then editor of the Jewish daily Forward, Ginsburg said that she grew up in the shadow of World War II and the Holocaust and that it left a deep and lasting imprint on her.

“She saw being a Jew as having a place in society in which you’re always reminded you are an outsider, even when she, as a Supreme Court justice, was the ultimate insider,” said Eisner. “That memory of it — even if it’s more from the past — informed what she thought society should be doing to protect other minorities.”

Or as Ginsburg said during that interview: “It makes you more empathetic to other people who are not insiders, who are outsiders.”

Ruth Bader was born in Brooklyn in 1933, the daughter of a furrier who arrived in the United States from Russia at the age of 13. Her mother was born in the United States, months after her own parents landed in the country from Austria.

Anti-Semitism was commonly accepted in those days, and families like the Baders confronted the social difficulties of being Jewish while at the same time holding out hope that they could climb into the ranks of the middle class.

“Both parents were very eager that Ruth learn what it meant to be a good Jew and a good American,” said Jane Sherron De Hart, professor emerita of history at the University of California at Santa Barbara, who wrote a biography of Ginsburg.  “That was a goal shared by a large number of Jews in Brooklyn who sought to assimilate in the sense of being good Americans but also retaining their Jewish heritage.”

Ruth’s mother, Celia, encouraged her independence and pushed her to excel. She had a list of “women of valor” — a biblical term referring to women who were wise and successful. Ginsburg imbibed those stories and memorized them, De Hart said.

[Justice Ginsburg attended Harvard Law School in the fall of 1956. She was one of only 9 women in a class of 500. She transferred to Columbia law school when her husband took a job in New York City. She was the first woman on two major law reviews: Harvard Law Review and Columbia Law Review, and she was tied for first at top of her class in Columbia.]

Ruth Bader Ginsburg, as she was now known, went on to teach at Rutgers and Columbia law schools and in 1972 co-founded the Women’s Rights Project at the American Civil Liberties Union. She argued six gender discrimination cases before the Supreme Court between 1973 and 1976, winning five.

No firebrand, she pursued a long-term strategy to chip away at discriminatory laws, one by one.

“She tried to work through the system,” said Eisner. “She very much believed in institutions and incremental change. That’s an outgrowth of her experience as a Jew. The law protected minorities — not all, and not equally — but there was a great reverence among the Jews of that generation in the power of government to protect them and pave the way for their achievement.”

In 1980, Ginsburg was nominated by President Jimmy Carter to a seat on the U.S. Court of Appeals for the District of Columbia Circuit, where she served 13 years until she was appointed to the Supreme Court, [only the second woman to be appointed to the Nation’s highest court].

Behind the scenes she tried in small ways to make the court more hospitable to Jews. Several Orthodox Jewish lawyers had complained that a certificate issued by the court read “In the Year of Our Lord.” For Jews, explicitly framing the calendar year as Christian was offensive. Ginsburg successfully urged the court to excise it.

She also pushed the court not to hear cases on Yom Kippur, the Jewish Day of Atonement, a practice that continues to this day…

[As she tells it 2003 precedent, “Yom Kippur fell on the first Monday in October. Justice Breyer and I went to the Chief Justice [Justice Rehnquist] and pointed that out. We said that the Court should delay the opening in deference to the Holiday.

“The Chief was not persuaded. He said, ‘Why should we delay? We always hold our Friday conferences on Friday, even if it is Good Friday.’ So I replied to him ‘So move that conference to Thursday; that would be fine for us.’ The Chief was still not persuaded. Do you know what persuaded him?” she asked, looking right at me. “I explained to him that lawyers wait their entire career to appear before the Supreme Court. For many of them, it is a once in a lifetime chance to argue in the Supreme Court. What if a Jewish lawyer wanted to appear in court? We should not make that lawyer choose between observing his or her faith and appearing before the Court. That persuaded him and we changed the calendar.”][[5]](#footnote-5)

In 2015, Ginsburg was asked by the American Jewish World Service to write an insert to its Passover Haggada. She agreed and asked Holtzblatt to help her research some of the sacred texts about women in the Exodus narrative.

True to form, Ginsburg wanted to write about the figures not mentioned in the Haggada.

“For her that was all the people who were marginalized, like the women,” said Holtzblatt. “She wanted to highlight the roles they played. She wanted to learn more about the daughter of Pharaoh, Moses’ sister Miriam, and the midwives, Shifra and Puah. She and I talked a lot about people who are not given the spotlight when they do miraculous things.”

This was consistent with her beliefs. As Ginsburg was quoted as saying, “fight for the things you care about, but do it in a way that will lead others to join you.” The fight for change, for progress, is a battle that requires allies and it is difficult. Or as Ginsburg also said, “Real change, enduring change, happens one step at a time.”

As we are reminded by her life, being Jewish is more than just about fulfilling the rituals of Jewish life. It is more than just about service attendance and knowing all the prayers and melodies, it is also about letting the values of our tradition become infused with our souls as expressed through our deeds. Ruth Bader Ginsburg was not someone who sat on the Supreme Court who happened to be Jewish. Justice Ginsburg was a Jew who happened to sit upon the Supreme Court.

Her life, her story, her legacy can then serve as an inspiration to the rest of us. Not everyone here today virtually may agree with all of her majority decisions and her minority dissents. But hopefully what we can agree upon is that when we use our tradition as our guide, we can, like Ruth Bader Ginsburg, have a great and lasting impact upon the world.

How appropriate it is then, as we gathered this evening for Kol Nidre, before the Beit Din, the rabbinic court, we remember tonight, one of our great judges.

A Jewish teaching says those who die just before Rosh Hashana are the ones God has held back until the last moment because they were needed most and were most righteous. And so it was when Ruth Bader Ginsburg died as the sun was setting on erev Rosh Hashana.

RBG may no longer be with us, but she will continue to serve as a model for what it means to fight for the poor, the widow, the stranger and the orphan in our midst. Judaism was a light and a guide in her life, and so too, may we find that spark within us as well. And long after the battles over Justice Ginsburg’s successor are concluded, we know her legacy will live on. For a woman who stood only 5’1”, she was and will remain a giant in our tradition. *Kol Yisrael averim zeh ba’zeh,* all of Israel is responsible for each other and to each other.

And the best way to live this is through *tzedek, tzedek, tirdof*, the very words that hung on the wall in her office, meaning: the passionate pursuit of justice for all, not just for some. On this day of Judgement, where all are judged, according to tradition, may we also find the compassion Justice Ginsburg embodied for it can also bring out the best in us as well. This can and should be her lasting legacy. May her memory be for an abiding blessing.

Or to borrow again from the words of Rabbi Ammiel Hirsch, “Ruth Bader Ginsburg’s life was a blessing. America is a better place, and we are better people, because she lived.”[[6]](#footnote-6)

L’shana Tova

1. Shavuot 39a [↑](#footnote-ref-1)
2. Babylonian Talmud Moed Katan 25a [↑](#footnote-ref-2)
3. https://www.youtube.com/watch?v=5RI20ddh5Nk&feature=youtu.be&fbclid=IwAR34z7UMeglVZoL77-zuc\_GEkRVbJ2vBAqeTRhgEN-qk0qkAAYA-GONqcRM [↑](#footnote-ref-3)
4. https://www.washingtonpost.com/religion/2020/09/18/ruth-bader-ginsburg-was-passionate-about-judaisms-concern-justice/ [↑](#footnote-ref-4)
5. https://forward.com/scribe/454973/ruth-bader-ginsburgs-yom-kippur-controversy/ [↑](#footnote-ref-5)
6. https://www.youtube.com/watch?v=5RI20ddh5Nk&feature=youtu.be&fbclid=IwAR34z7UMeglVZoL77-zuc\_GEkRVbJ2vBAqeTRhgEN-qk0qkAAYA-GONqcRM [↑](#footnote-ref-6)