

Pursuing Justice: Ruth Bader Ginsburg's Jewish Practice
Torah Study for Pittsburgh
November 5, 2020- 18 Cheshvan 5781
Rabbi Rick Jacobs

זכרונם לברכה
Zichronam L'vracha
Their memories are a blessing
Congregation Dor Hadash
New Light Congregation
Tree of Life, Or L'Simcha Congregation
October 27, 2018-18 Cheshvan 5779

Joyce Fienberg
Richard Gottfried
Rose Mallinger
Jerry Rabinowitz
Cecil Rosenthal
David Rosenthal
Bernice Simon
Sylvan Simon
Daniel Stein
Melvin Wax
Irving Younger



**1. What are the most authentic activities a Jewish person can engage in?
Rank in order of their importance**

- Torah Study
- Prayer
- Fighting injustice
- Caring for members of our community e.g. elders, poor, mourners



2.

OCTOBER 1, 2013

A Portrait of Jewish Americans



What Does It Mean To Be Jewish?

<i>% saying ___ is an essential part of what being Jewish means to them</i>	NET Jewish
	%
Remembering Holocaust	73
Leading ethical/moral life	69
Working for justice/equality	56
Being intellectually curious	49
Caring about Israel	43
Having good sense of humor	42
Being part of a Jewish community	28
Observing Jewish law	19
Eating traditional Jewish foods	14

Source: Pew Research Center 2013 Survey of U.S. Jews, Feb. 20-June 13, 2013.

PEW RESEARCH CENTER

3. Social Justice—It's Theological! Worshipping a God Who is Impatient with Injustice

חללה לך מעשית | כדבר הזה להמית צדיק עם־רשע והנה כצדיק כרשע חללה לך השפט כל־הארץ לא יעשה משפט:
Far be it from You to do such a thing, to bring death upon the innocent as well as the guilty, so that innocent and guilty fare alike. Far be it from You! Shall not the Judge of all the earth deal justly?"

Genesis 18:25

ועתה הגה צעקת בני־ישראל באה אלי וגם־ראיתי את־הלחץ אשר מצרים לחצים אתם:
Now the cry of the Israelites has reached Me; moreover, I have seen how the Egyptians oppress them.

Exodus 3:9

עושה משפט יתום ואלמנה ואוהב גר לתת לו מזון ושמלה: ותאהבו את הגר כי גרים הייתם בארץ של מצרים:

God does justice for the orphan and the widow, and loves the stranger, in giving food and clothing. And you will love the stranger for you were strangers in the land of Egypt.

Targum Yonatan, Deuteronomy 10:18-19

צדק חברתי.4

Social Justice

למדו היטב דרשו משפט אשרו חמוץ שפטו יתום ריבו אלמנה:

Learn to do good. Devote yourselves to justice; Aid the wronged. Uphold the rights of the orphan; Defend the cause of the widow.

Isaiah 1:17

שנאתי מאסתי חגיגכם ולא ארים בעצרת־יכם:
כי אמת־על־לי עלות ומנחותיכם לא ארצה ושלם מריאיכם לא אביט:
הסר מעלי חמון שריה וזמרת נבליה לא אשמע:
ויגל כמים משפט וצדקה כגחל איתן:

I loathe, I spurn your festivals, I am not appeased by your solemn assemblies. If you offer Me burnt offerings—or your meal offerings—I will not accept them; I will pay no heed To your gifts of fatlings. Spare Me the sound of your hymns and let Me not hear the music of your lutes. But let justice well up like water, Righteousness like an unfailling stream.

Amos 5:21-24

5. **“Tzedek, tzedek tirdof - - צְדָקָה צְדָקָה תִּרְדּוּף - -
Justice, justice you shall pursue!”**

Justice, justice you shall pursue...With justice, you shall pursue justice. Even the pursuit of justice must employ only just means, and not falsehood.

R' Simhah Bunim of Pshischa (18th century Poland)

“Justice, justice, shall you follow,” one mention of “justice” is stated with regard to judgment and one is stated with regard to compromise.

Sanhedrin 32b

The repetition of "justice" implies that they should pursue a just result whether it brings them profit or loss, or perhaps that they should continue to pursue justice time after time, as long as they live. Or it may simply be for emphasis.

Ibn Ezra (12th century Spain)

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, 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.”

Ruth Bader Ginsburg

April 22, 2004 US Holocaust Memorial Museum



6. Obligation to Protest Injustice: No One is Exempt Not Even Tzaddikim

Babylonian Talmud, Shabbat 54b-55a

כָּל מִי שְׁאַפְּשֵׁר לְמַחֲזֹת לְאַנְשֵׁי בֵּיתוֹ וְלֹא מִיָּהָה — נִתְפָּס עַל אֲנִשֵּׁי בֵּיתוֹ. בְּאַנְשֵׁי עִירוֹ — נִתְפָּס עַל אֲנִשֵּׁי עִירוֹ. בְּכָל הָעוֹלָם כּוֹלּוֹ — נִתְפָּס עַל כָּל הָעוֹלָם כּוֹלּוֹ.

Anyone who is able to protest against the transgressions of one's household and does not, is punished for the actions of the members of the household; anyone who is able to protest against the transgressions of one's townspeople and does not, is punished for the transgressions of the townspeople; anyone who is able to protest against the transgressions of the entire world and does not is punished for the transgressions of the entire world.

While a person may be individually pious, such good will pale in the face of the sin of not protesting against an emerging communal evil. Such a pious person will be accountable for having been able to prevent it and did not. A tzadik who remains quiet and passive is ultimately responsible for the communal evil which he could have and should have prevented.

The Maharal of Prague (1525-1609) Netivot Olam, Netiv Hatochecha, end of Chapter 2, p. 194, translated by Kimelman, p. 41

7. Dissent: In Jewish Tradition and RBG's Jurisprudence

וְלָמָּה מְזַכְּרִין דְּבַרֵי הַיָּחִיד בֵּין הַמְּרַבִּין, הוֹאִיל וְאִין הַלְּקָה אֶלָּא כְּדְבַרֵי הַמְּרַבִּין. שְׂאֵם יִרְאֶה בֵּית דִּין אֶת דְּבַרֵי הַיָּחִיד וְיִסְמְדוּ עָלָיו

And why do they record the opinion of a single person among the many, when the halakhah must be according to the opinion of the many? So that if a court prefers the opinion of the single person it may depend on him.

Mishnah Eduyot 1:5

Dissents speak to a future age. It's not simply to say, 'My colleagues are wrong and I would do it this way.' But the greatest dissents do become court opinions and gradually over time their views become the dominant view. So that's the dissenter's hope: that they are writing not for today, but for tomorrow."

Ruth Bader Ginsburg

Interview with Nina Totenberg of National Public Radio (May 2, 2002).

8. In Judaism social justice is not a suggestion but rather an obligation

...the thread of social justice is so authentically and intricately woven into the many-colored fabric we call Judaism that if you seek to pull that thread out, the entire fabric unravels, that the Judaism that results is distorted, is neutered, is rendered aimless.

Rabbi David Saperstein

For many of us the march from Selma to Montgomery was about protest and prayer. Legs are not lips and walking is not kneeling. And yet our legs uttered songs. Even without words, our march was worship. I felt my legs were praying.

Rabbi Abraham Joshua Heschel

I prayed for twenty years but received no answer until I prayed with my legs.

Frederick Douglass

Abraham Joshua Heschel, Telegram to President John F. Kennedy, June 16, 1963

from *Moral Grandeur and Spiritual Audacity: Essays by Abraham Joshua Heschel*,
Susannah Heschel (Editor)

I look forward to privilege of being present at meeting tomorrow. Likelihood exists that Negro problem will be like the weather. Everybody talks about it, but nobody does anything about it. Please demand of religious leaders personal involvement not just solemn declaration. We forfeit the right to worship God as long as we continue to humiliate Negroes. Church synagogue have failed. They must repent. Ask of religious leaders to call for national repentance and personal sacrifice. Let religious leaders donate one month's salary toward fund for Negro housing and education. I propose that you Mr. President declare state of moral emergency. A Marshall plan for aid to Negroes is becoming a necessity. The hour calls for moral grandeur and spiritual audacity.

Rabbi Abraham Joshua Heschel

Prayer is meaningless unless it is subversive, unless it seeks to overthrow and to ruin the pyramids of callousness, hatred, opportunism, falsehoods.

Rabbi Abraham Joshua Heschel

Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.

Martin Luther King Jr



9. When justice is actually etched in stone



**838 Fifth Avenue, NYC
built as main office of UAHC**



10. Blessed is the true judge-ברוך דין האמת

“The Jewish religion is an ethical religion. That is, we’re taught to do right, to love mercy, do justice not because there’s gonna be any reward in heaven or punishment in hell. We live righteously because that’s how people should live and not anticipating any award in the hereafter.”

RBG 2017 High Holy Days Talk
Sixth & I Synagogue Washington DC

