

RIP RBG

Rabbi Sarah Bassin 8 Tishrei 5781/ 26 September 2020 The Torah of a Modern Prophet

Babylonian Talmud

א"ר כרוספדאי א"ר יוחנן שלשה ספרים נפתחין בר"ה אחד של רשעים גמורין ואחד של צדיקים גמורין ואחד של בינוניים צדיקים גמורין נכתבין ונחתמין לאלתר לחיים רשעים גמורין נכתבין ונחתמין לאלתר למיתה בינוניים תלויין ועומדין מר"ה ועד יוה"כ זכו נכתבין לחיים לא זכו נכתבין למיתה

The Gemara goes back to discuss the Day of Judgment. Rabbi Kruspedai said that Rabbi Yoḥanan said: Three books are opened on Rosh HaShana before the Holy One, Blessed be He: One of wholly wicked people, and one of wholly righteous people, and one of middling people whose good and bad deeds are equally balanced. Wholly righteous people are immediately written and sealed for life; wholly wicked people are immediately written and sealed for death; and middling people are left with their judgment suspended from Rosh HaShana until Yom Kippur, their fate remaining undecided. If they merit, through the good deeds and mitzvot that they perform during this period, they are written for life; if they do not so merit, they are written for death.

Rabbi Emily Segal

There is a story behind "a person who dies on the eve of Rosh Hashanah is a tzaddik - a righteous person..." The story as I learned it is from a teaching built upon a discussion in the Talmud of the "who shall live, who shall die" concept of who is written in the book of life for the year to come at the High Holy Days, and who is not. (BT Rosh Hashanah 16b, I believe.) A truly righteous person, too, must eventually die (as death is the inevitable conclusion of life). But God does not want to let this precious, righteous person go; God wants to cling on to every second of having this person on earth. But, God is God... and God knows that this person's name is not written in the Book of Life for the year to come. So God waits until the very last possible moment of the year, on the eve of Rosh Hashanah, to allow the Angel of Death to descend. And finally that truly righteous person breaths her last and her soul departs.

The Book of Ruth

(Adapted from justice Ginsburg's address to the American Jewish Committee, May, 1995.) There is an age-old connection between Judaism and law. For centuries, rabbis and other Jewish scholars have studied, restudied, and ceaselessly interpreted the Talmud. These studies have produced a vast corpus of juridical writing. Jews have been called "the people of the book," reflecting their placement of learning first among cultural values. The Jewish tradition prized the scholarship of judges and lawyers, and when anti-Semitic occupational restrictions

were lifted, Jews were drawn to the learned professions of the countries in which they lived. In the United States, law became a bulwark against the kind of oppression Jews had endured in many lands and for countless generations. Jews in large numbers became lawyers, some eventually became judges, and the best of those jurists used the law to secure justice for others. Laws as protectors of the oppressed, the poor, the loner, is evident in the work of my Jewish predecessors on the Supreme Court. The Biblical command: justice, justice shalt thou pursue" is a strand that ties them together. I keep those words on the wall of my chambers, as an ever present reminder of what judges must do "that they may thrive ". The late Supreme Court justice (and former American Jewish Committee president) Arthur Goldberg once said: "My concern for justice, for peace, for enlightenment, all stem from my heritage." I am fortunate to be linked to that heritage.

Each time I visit the U.S. Holocaust Memorial Museum, I am reminded that Hitler's evil kingdom, his "Holocaust kingdom," was a kingdom full of laws. Leading jurists from Germany's highly educated legal community willingly assisted in drafting the laws of the Third Reich. After serving as draftsmen, those jurists shunned the human consequences of the new laws by retreating into a heartless professionalism. They were, by their accounts, simply serving and enforcing law and order. We must learn from that dreadful past, and strive to ensure against its repetition. In bad times, in oppressive societies, our humanity should cause us to hold fast to our human decency, so that never, in the service of political leaders, will we administer laws that deny the humanity or the human dignity of others.

I am a judge born, raised, and proud of being a Jew. The demand for justice runs through the entirety of the Jewish tradition. I hope, in my years on the bench of the Supreme Court of the United States, I will have the strength and courage to remain constant in the service of that demand.

One People, by Ruth Bader as a teenager in her synagogue bulletin

The war has left a bloody trail and many deep wounds not too easily healed. Many people have been left with scars that take a long time to pass away. 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. Rabbi Alfred Bettelheim once said: "Prejudice saves us a painful trouble, the trouble of thinking." In our beloved land families were not scattered, communities not erased nor our nation destroyed by the ravages of the World War. 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.

Rabbi Emily Segal

Gosh I love that teaching. Now, of course, I do not believe - as most progressive Jewish folks don't - in any literal sense of a "Book of Life," or that good things happen to good people and bad things happen to bad people, or that a decree is set regarding our life or death on a certain date. I believe that we each write our own book of life, so to speak. And our actions write themselves in it, and our deepest truths are found within it. And every book has a conclusion. But the best books don't really end when you finish reading and sadly close the cover. They stay with you, linger in your heart, arise in your thoughts, and change you. They become a part of you. So it is with someone like Ruth Bader Ginsburg. Her book may have closed, but her legacy remains with us as long as we allow it to. What she taught us. Who she insisted on being despite how society would have limited her. The role model she was for so many women and people of all genders. How she dissented. (How she made fashion choices aligned with her judicial decisions! Had to get that in there.) The equity she fought so diligently for. Her ethics, her bravery, her intelligence. I could go on and on. These will endure long past her time on earth. Just like God, we didn't want to let go of her. We held on until the very last moment of this precious, righteous woman's life. And now she is no more. May we merit the opportunity to live her legacy and may we honor her memory.

Rabbi Sarah Bassin

Every night, my three-month old goes to sleep with a stuffed likeness of Justice Ruth Bader Ginsberg in his crib. The proliferation of RBG swag may seem kitschy, but her status as a po-culture icon reflects a deeper yearning in our society: we are hungry righteous role models. Few leaders possess the moral clarity and stamina to maintain a pursuit of justice throughout their lives. We look to the few who do -- the gedolot hador -- the giants of their generation -- as reminders that we are capable of more. The non-super-human among us find strength and refuge in the massive shadow cast by an 85-pound octagenarian. She was a seeker of justice with a steadfast moral compass and an unflinching fight balanced only by a patient integrity that enabled her to navigate a world that was decades behind her. She had faith that the world would catch up. I want that faith. And I want to teach that faith to my son.

Deuteronomy 32:52

כִּי מֵנֶגֶד תִּרְאֶה אֶת-הָאָרֶץ וְשָׁמָּה לֹא תָבוֹא אֶל-הָאָרֶץ אֲשֶׁר-אֲנִי נֹתֵן לְבְנֵי יִשְׂרָאֵל:

You may view the land from a distance, but you shall not enter it—the land that I am giving to the Israelite people.

