

Justice and Judaism

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Justice Ruth Bader Ginsburg, we are now told by numerous publications, had hanging on her wall a phrase from the Torah Parsha Shoftim, “Justice, justice shall you pursue....” The rest of that quote justifies that Commandment by indicating that the pursuit of justice would permit the people to “live and possess the land the Lord, your G-d, is giving you.” The requirement to pursue justice follows the admonition that a judge may not pervert justice, show favoritism or take a bribe. The quintessential phrase defining Judaism is followed by a strong requirement that the people remain loyal to the one G-d, and not prostrate themselves to the sun, the moon, or any other false beliefs.

Clearly, the requirement of justice is tied not only to moral and ethical behavior, but also to the actual practice of Judaism. One cannot exist without the other.

Ruth Bader Ginsburg, may her soul rest in peace, is perhaps the quintessential post-World War II, post-Holocaust Conservative Jew. She adopted the values of Judaism in terms of social precepts, but rejected the actual practice of a religion. It appears that her children have not married Jews, and it is questionable whether her grandchildren are Jewish. This should cause great concern to those who admire the Justice for her impressive pride in her Judaism, but doing little or nothing to assure that her own behavior would be consistent with the continuation of the religion.

Justice Ginsburg does not belong to a Synagogue, and perhaps attended once a year. This certainly is her choice, just as many Christians only go to church on Christmas and Easter. However, given the small number of Jews in the world, decimated by persecution, bigotry and hatred for millennia, the failure to practice the religion every day and to make it a part of one’s life, inevitably will lead to its demise.

Anyone who studies Judaism is indeed struck by its incredible moral and social values. The day after Rosh Hashanah, we fast; the fast of Gedaliah. Gedaliah Ben Achikam was a governor of those Jews who remained in Israel after the Babylonians destroyed the Holy Temple in Jerusalem. He was, in essence, a Babylonian lackey who nevertheless permitted the few remaining Jews in the land to plant and cultivate. Gedaliah was assassinated by fellow Jews. Nevertheless, the Rabbis declared that this intramural conflict between Jews was bad for those few scattered remnants of Jews in Israel after the Babylonian exile, and fasted in honor of the Babylonian surrogate considered to be “wise and pious” by the later Rabbis. In other words, “extremism has no place here.”

All one needs to do is peruse Pirkei Avot to be amazed at Rabbinical observations such as, “Have contempt for no one and do not discriminate against anything, for there is no man that does not have his hour, and there is no thing that has not its place.”

Judaism is full of such references. Every school child learns about the Roman who came to Hillel and asked to learn all about Judaism in the time that he could stand on one foot. Hillel told him to read Leviticus 18 and 19, “Do not have a grudge or bear malice and love your neighbor as yourself.” That is all of the law and the rest is commentary.”

What many Jews in the post-World War II American land of milk and honey, the new promised land, have forgotten is that all of these marvelous values will not exist without the practice of Judaism. The Torah and the entirety of the Talmud sees all of the ethical, moral and social values defining Judaism as an outgrowth of the practice of Judaism. One who keeps the Sabbath, the dietary laws, and repudiates the modern or ancient idolatry would naturally be a person with a social consciousness. The prophets made clear in their excoriation of the people that they cannot have sacrifices without adherence to G-d. The core of Judaism is that G-d is justice, mercy, compassionate, forgiveness. This is largely the measure of what Rosh Hashanah and Yom Kippur are all about. We celebrate the creation of a moral universe and individual freedom based upon adherence to a definable code of religious observance. The two cannot be disconnected.

The celebration of the life of Justice Ginsburg gives us an opportunity to evaluate what it means to be Jewish. Is it about having an inner cosmic sense of self based upon heritage and prior discrimination? If that is all there is to Judaism, it will quickly vanish like many other feel-good philosophies that lasted for a decade or two and are simply *hevel*, smoke that evaporates; vanity; ego. What the life of this great woman should tell us is that she had half of the formula correct. It is not about whether one is a Republican or Democrat, a social liberal or a philosophical conservative, but rather whether the Jewish values of observance wed to fair and just treatment of others is the only way to propel Judaism through the Twenty-First Century and beyond.

These are hard topics to discuss. Many within Judaism have adopted the religion of politics of leftism, or right-wing hubris, with the observance of the religion left dangling like the caboose on a long freight train. They have it backwards. Jewish values, whether family, anti-discrimination, the rearing of children, social justice are the coal tender behind the locomotive of observance. One cannot argue with this proposition when reviewing the 3,500-year history of Judaism and reading the texts, not with the myopia of 2020 but with a keen vision sharpened by the many millennia of our existence.

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