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We would meet in random places all around the world. Arrange for a set time to be together, maybe we knew that we had to put limits on it, otherwise it would go on forever. Often the visits did last until late in the night, after the city was asleep we were still sitting around a table, sustained on some carbohydrate. Body drooping but mind alert. Fully immersed in the little world we created. All that we could focus on was what the other was saying, the indignity or genius of it, the motion forward of progress brought on by a rapid layout of words passed between us. There was a vocation in our conversations, as if what we were meant to do was pass the time with this work of our hearts and minds. That was how we connected, how we knew each other. We weren't ourselves unless we were arguing, discussing some issue, taking sides and hashing out the particulars over the last dregs of dinner laid out on our plates, the waiter coming by to fill our waters yet again, and the table our little court of law, with anything on trial, a cross-examination of existence, a paired existentialist exercise.

I think we both looked forward to it. We loved to quote the classic Monty Python sketch, where Michael Palin states "I've come here for an argument," and John Cleese replies "no you haven't." / When we did part, either because we each had somewhere to go, an appointment, or because it was so late that neither one of us could keep our eyes open, we would take the conversation and place it on hold. Let it roll around in our minds until we had something new to share the next time we engaged with one another. Every once in a while a new piece of evidence was entered into our little makeshift, portable tabernacle of a courtroom, a movie that spoke to the discussion, or a book that seemed definitive. I remember at one point bringing in Emmanuel Kant. Trudging through the early pages of his magnum opus in search of the conclusions of a greater mind. Neither of us said anything about it, but we never picked it up again after that first foray.

And then our meetings became less frequent. We lived in different places, had different demands, life got in the way. The conversations grew vaguer until they devolved into small talk. The emails that were long essays on truth, written in off time and without polish, rather playful, got shorter and shorter.

The phone conversations were mostly guessing at what other people might want to talk about, you know, the stuff, the things, what we did and not what we thought or felt. By the time we would see each other again there was no there there anymore, we were acquaintances, devoid of our higher purpose and avenue for getting there. We talked about the normal stuff. No more arguing and no more vibrant conversation.

I've thought a lot about what caused this relationship to devolve, what happened in the intervening months and years as it declined from intimate and profound, to tolerant and mundane. To be sure, there are a number of things that were completely out of either of our control, the drift of history is greater than any one person, and the tide rises and falls of its own accord having no intent toward the people it lowers or raises. But there were things that we could have done differently, ways that we could have reinvested in the relationship that would have allowed it to bloom into a new phase, not the same but similarly loving and honest. I share this because I think we could all argue more and better, / and I think we could learn this from the example of a great figure in our country.

There have been a remarkable number of Jews on the Supreme Court of the United States. Out of 50 justices in the past 100 years, 8 have been Jewish. Given that we make up just over 2% of the US population that is more than significant, it's a point of pride for our humble community.¹ The first was Justice Louis Brandeis, who was appointed in

¹ <https://www.pewforum.org/2013/10/01/chapter-1-population-estimates/>

1916, at the same time that country clubs had as a policy, no blacks and no Jews, and signs to prove it. Over the next 65 years many others Jewish and not arose to the highest court in the country and presided over our legal system for the most influential and challenging cases to come through it. And while Jews, who made up at most 3% of the United States during that time were well represented, not a single woman sat in those seats, despite making up 50% of the population. None, until Sandra Day O'Connor was appointed to the court by Ronald Regan in 1981. Countless people in the United States have fought for the equal rights of women, and no list could exclude the likes of Ruth Bader Ginsberg. She made her way to the court long before she ever sat on the power side of the bench, fighting 6 times for various legislation that would recognize and defend the equal treatment and rights of women, and it was only appropriate that the second woman ever named to the highest court was none other than her in 1993. A champion for equal rights throughout her career, Ruth Bader Ginsberg was an expert in how to argue. And so I offer her as a model of the craft, an artist of true conversation.

First, Ruth Bader Ginsberg stood unwaveringly for what she believed in. She began at an early age working for women's rights. She explained that she learned from her mother that women deserved the same rights as anyone else. I imagine her championing the same as an undergraduate at Cornell University, one of the first Ivy League schools to admit women and as a law student at Harvard where in her first year she was brought into the dean's office with the other 8 women admitted in a class of 561, and where she was asked very plainly how she justified enrolling at the law school and taking the place of a qualified man. Either in spite or despite this, she continued on to an illustrious career. I can imagine, given the opposition that she experienced not only in fighting for equal rights, but embodying her cause, that RBG could have looked for a strategic path through her career. Just being a professional woman at that time in the law field was revolutionary, she could have hung her hat on the slow progress of a life lived as a pioneer, her role speaking for her cause. But she kept to her charge, and

worked every opportunity she had to present equality to an unsympathetic legal system. It does no good to diminish our beliefs in the pursuit of argument, to modify what we know is right or gloss over what is important in the interest of polite conversation. We owe honesty to one another, and true exchange can't happen without both sides participating and doing so completely.

If everything in our world has an opposite, then the opposite to Ruth Bader Ginsberg would undoubtedly be Justice Antonin Scalia. Whereas Ginsberg grew up in a Jewish household, Scalia grew up in a Catholic home. Judaism, which celebrates an ever-growing faith, a Torah received at one moment in time with an eternity of revelation, reflects very much Ginsberg's approach to law, a body of words set down to protect the people it surrounds and grows with the people as they read it and interpret it. While Catholicism, a literalist tradition, mirrors Scalia's approach to the Constitution, which he believed was a document set, sacred and uninterpretable.² Needless to say they had their fair share of disagreements. In many ways they represented the two extremes on the supreme court, which is why it was so peculiar that they were dear, dear friends. Justice Ginsberg once noted that Scalia made her better. They would attend operas side by side and regularly shared meals together. One inventive librettist wrote an opera of their friendship called *Scalia/Ginsberg*. Perhaps a ploy to get the two figures to his theater, but based on a very real story. In her memoir Justice Ginsberg wrote of Scalia's "How blessed I was to have a working colleague and dear friend of such captivating brilliance, high spirits and quick wit." And so we learn a second thing from the illustrious judge. Relationships are important, and we can still love and care about one another even when we disagree. Perhaps most importantly, arguments are not about attacking one another, rather they are meant to endear us to each other, even the people we disagree with. More so than agreement, engagement is the activity of a friendship.

² <https://www.princeton.edu/news/2012/12/11/scalia-favors-enduring-not-living-constitution>

Perhaps more than any other thing, Ruth Bader Ginsberg has been known for her dissent. She is in good company, the rabbis of the Talmud also were frequent dissenters. Not only did they often disagree with the ruling priests of the time, but they disagreed among themselves. Scholars have been puzzled for generations to find dissenting opinions recorded in the Talmud. It would seem logical for the editors to strengthen their view by offering it as the correct one, or as the only one, but they routinely spell out the arguments by non-dominant schools and viable alternate thinkers. I think they are sharing something important by doing this, that multiple perspectives do not have to be threatening to a decided course of action, and that there will be times when the minority opinion needs a voice. Justice Ginsberg would regularly offer her dissenting opinions as lengthy written documents to be reviewed publicly. When she disagreed with the court, she felt it was important for others to know that a critical part of the system of law in the US was the recognition that disagreement was the right of every person within it, including its leaders. But what I think we can learn from her is the way that she went about her dissent. Very likely the most iconic element of Justice Ginsberg's tenure with the supreme court was her dissent collar, a special necklace. When she disagreed with a decision, she would wear the collar very prominently to share her view. No hateful words were shared, no personal attacks, just a clear and respectful notice to any viewer that she did not agree, that she was a minority opinion. And so again we learn from the Supreme Court Justice, it matters how we disagree.

It is very easy to fall into tribalism when making an argument. To draw an alignment with a group and play the party line regardless of what is actually being said. Allowing our view to be made up by a particular source rather than an internal examination or external dialog. We so often latch onto a perspective and never take the time or energy to allow ourselves to be convinced of another view. And it makes sense, we don't have the ability to listen to every last thing in the world, we can't just take the time to get to

know the details of every single person who disagrees with us. After a few weeks of living in New York I learned to avoid the person on the corner of Broadway and Houston hocking his CD. I really did need the time to make a phone call or catch up on things, even to unwind with music. But that is exactly it, we make the decision to show our care for another person by listening to what they have to say, sharing the moment and the conversation with them.

I always picture Rabbi Hillel as a tall person, slender and calm. Walking with a slow grace that allowed for wonder and thoughtful action. The kind of person you would need to be patient with while he got his keys for the car but was the best of companions on a late night of telling stories. Rabbi Shammai on the other hand I imagine as a firebrand. A teacher of passion, sharp with his tongue and impatient because there is so much work to be done. The kind of person who would tell you about a protest, and then give a fiery and moving speech on the steps. The two great figures lived both at the time of and in the pages of that central rabbinic text, the Talmud. Their names are sprinkled all throughout the work and their stories not only figure prominently in the text, often arriving to resolve or elucidate an issue, but have remained popular to this day. One of my favorite stories of the two of them involves a long debate. At times, the text adds a word in front of their name, bet, or house, to clarify that this isn't just an intellectual dispute, but rather two different camps of thought, popular opinions, or groups with long histories and disciples like the debate over chocolate or vanilla, or Paul, George, John or Ringo. This debate continues on for three years, unresolved and still strong in the hearts of the various camps of Rabbi Hillel and Rabbi Shammai. I picture long arguments, students passing by one another on their way home at the end of the day and engaging in the discussion, hours passed unknowingly ironing out the fine details and implications of their various viewpoints in the open air before they notice the sun departing and realize they are late to meet their family, so all encompassing is this debate. Finally the text tells us, a voice from the heavens emerges

and states quite simply "both are the words of the living God."³ It seems strange that a story would be kept in the Talmud describing an argument, without explaining the issue at hand, we never learn what they were actually disagreeing about, and that's because it's not the reason why it's told. It's there as an example of what the Talmud later calls a *makhloet leshem shamayim*, an argument for the sake of heaven. As Jews, the reason we argue is not to convince the other person, but rather to learn, to get closer to either a truth that rests between both parties or discover the truth in either side. We recognize that it is possible for both people to be right, and the hope of discussion is not personal and not strategic, but rather to elevate and raise up the level of conversation and the people in it. Perhaps this is why the Tosefta says, "Make for yourself a heart of many rooms, and enter into it the words of Beit Shammai and the words of Beit Hillel."⁴

We have reached a place in so many of our conversations personally and nationally where we are not going to convince each other, we have been pushed too far apart, but we can still learn from each other.

On Shabbat, our sages tell us, we get a taste of that world to come, a glimpse into what a perfect world might look like, but my experience of Shabbat is not one where everyone agrees on everything, where the table conversation is boring and agreeable, my favorite Shabbat moments are the ones where I disagreed with another person, and we were able to delve into deeper conversation because of it. We talk about the world to come, I would like to suggest this, that that is not a time when everyone thinks the same, but rather a time when we can have differences, and hold fast to them. When we can finally sit down, engage in real discussion, and learn from one another.

Rest in peace Ruth, we will keep working on it.

³ Eruvin 13b

⁴ Tosefta Sotah 7:12