

## **Nation Remembers Supreme Court Justice Ruth Bader Ginsburg**

***The Wired Word for the Week of September 27, 2020***

### **In the News**

Supreme Court Justice Ruth Bader Ginsburg died Friday, September 18, at her home in Washington, D.C., after battling pancreatic cancer. She was 87.

Tributes to the diminutive "RBG," whom Chief Justice John Roberts called "a justice of historic stature, ... a tireless and resolute champion of justice," piled up on the steps of the Supreme Court of the United States.

The second woman and the first Jewish woman ever appointed to the high court, Ginsburg was the strongest liberal voice for gender equality, separation of church and state, and the rights of workers, voters, immigrants, persons with disabilities and minorities.

Born March 15, 1933, in Brooklyn, New York, Ginsburg grew up in the shadow of the Holocaust, which she said made her "more empathetic to other people ... who are outsiders."

Named for the Moabite widow Ruth, herself an outsider to the nation of Israel, who became grandmother to King David, through whom redemption was to come, Ginsburg embodied both the outsider and the hope for new life and inclusion in the community.

Ginsburg was proud of her Jewish identity and valued what she called its historical "demand for justice, for peace and for enlightenment."

But when her mother died of cancer just before her high school graduation, Ginsburg was excluded from the all-male quorum that was required at the time for the recitation of the mourner's prayer in Jewish tradition. Ginsburg's affection for religious Judaism cooled after that, but she still took up causes that were important to Jews.

While an undergrad at Cornell University, she met her future husband, Martin Ginsburg, who attracted her attention because "he cared that I had a brain," she said.

After both enrolled at Harvard Law School, she maintained her position at the top of her class, cared for their young daughter, and kept Martin up to speed with his studies while he battled cancer.

Despite her stellar academic performance at Harvard, where she was one of nine women among more than 500 classmates and the first woman to make the Law Review, and Columbia, where she graduated first in her class, she battled discrimination because of her gender and her status as a mother. She was criticized "for taking a man's spot," routinely dismissed from consideration for jobs for which she was eminently qualified, offered less pay than male coworkers received for the same work, fired from one company when she became pregnant and forced to hide her second pregnancy from another employer in order to retain her job.

Ironically, this iconic justice had been recommended for a Supreme Court clerkship early in her legal career, but had been denied an interview. At that time, hundreds of state and federal laws blocked women from jobs, civil rights and even from jury service.

As co-founder and director of the Women's Rights Project of the American Civil Liberties Union during the 1970s, she argued six landmark cases against gender discrimination before the high court, winning five decisions.

She fought the IRS on behalf of an unmarried man who sought a tax deduction for the care of his 89-year-old mother. The Colorado statute stated that the deduction could only be claimed by women, or widowed or divorced men. Ginsburg successfully argued that the law should apply equally to both sexes.

In another case, Ginsburg fought against a state law that automatically preferred men over women as executors of estates.

In 1971, she represented a widower whose wife, the primary wage earner, had died in childbirth. Social Security law restricted survivor's benefits for child care to widows. Ginsburg argued that the 14th Amendment guarantees equal protection to women as well as to racial and ethnic minorities.

In 1980, President Jimmy Carter appointed her to the U.S. Court of Appeals, where she served until 1993, when President Bill Clinton nominated her to the Supreme Court.

In 1996, Ginsburg wrote the court's 7-1 opinion in *United States v. Virginia*, which held that the state-supported Virginia Military Institute could not refuse to admit qualified women who met the institute's rigorous standards.

In more recent years, Ginsburg found herself more often in the minority on the court. In the tradition of Jewish prophets, she embraced the value of dissent, using her prophetic voice to point out what she thought was incorrect about majority opinions.

Ginsberg hoped her dissents would guide Congress to take corrective legislative action and move a future court to better decisions.

In her dissent regarding the Supreme Court's decision in the "equal pay for equal work" case of *Ledbetter v. Goodyear* in 2007, she urged Congress to pass legislation for victims of employment discrimination. Congress heeded her call for action, passing the Lilly Ledbetter Fair Pay Act of 2009, which was the first piece of legislation signed into law by President Barack Obama.

Ginsburg also dissented when the high court struck down a key provision of the Voting Rights Act, asserting that throwing out the provision "when it has worked and is continuing to work ... is like throwing away your umbrella in a rainstorm because you are not getting wet."

"Some of my favorite opinions are dissenting opinions," Ginsburg told *NPR*. "I will not live to see what becomes of them, but I remain hopeful."

For nearly all of her 27 years on the nation's highest court, Ginsburg never missed a day of oral arguments, even during five bouts with cancer, after surgery, or after her husband's death in 2010.

Her death occurred on the eve of the Jewish New Year High Holiday, Rosh Hashanah. Jewish tradition holds that one who dies on the High Holiday is considered a "*Tzadik*," a most righteous person, who, despite having human frailties, has superhuman abilities to make the world a better place.

"One of the themes of Rosh Hashanah suggests that very righteous people would die at the very end of the year because they were needed until the very end," said Rabbi Rick Jacobs, president of the Union for Reform Judaism.

More on this story can be found at these links:

[Ruth Bader Ginsburg. Oyez](#)

[Justice Ruth Bader Ginsburg, Champion Of Gender Equality, Dies At 87. NPR](#)

[Ruth Bader Ginsburg, Who Died Friday, Was Shaped by Her Minority Faith. Religion News Service](#)

[RBG: Defender of Equality, Principled Dissenter, Faithful Supporter of Religious Liberty. Baptist News](#)

[Ginsburg's Death on Rosh Hashanah Significant for Some Jewish Americans. The Jerusalem Post](#)

## Applying the News Story

For this lesson, we won't reiterate Justice Ginsburg's biography or rehearse the political battle over how and when her seat on the Supreme Court will be filled, which you can find elsewhere. Nor will we focus on her friendship with her fellow justice and philosophical polar opposite Antonin Scalia, about which we wrote in our February 21, 2016, lesson entitled "Supreme Court Justice Scalia Leaves Legacy of Contrarian Co-existence," which you can find in *The Wired Word* archives at [www.TheWiredWord.com](http://www.TheWiredWord.com).

Rather, we will explore the topics of advocacy and dissent, as they function in the life of God's people.

Biblical prophets served as God's spokespeople who communicated God's message to his people.

They held people accountable for their actions, spoke truth to power, and voiced dissent when the popular view went against God's law and will. Justice Ginsburg saw her role on the bench in a similar vein.

But biblical prophets and judges also took up the cause of the weak and vulnerable as their advocates with God. By their presence and support, they brought hope and encouragement to those searching for justice. Ginsburg took that role seriously as well.

## The Big Questions

1. Which are you more likely to do in most circumstances: to side with the dominant view of whatever group you belong to, or to express a dissenting position? What are the risks and benefits of siding with the dominant view? What are the risks and benefits of expressing dissent?
2. What is the purpose of voicing a dissenting opinion from the bench? Who, in the church, might issue dissenting views, and for what purpose? Who might take that role in the larger society, and what might dissenters hope to achieve?
3. Is it possible to voice dissent without becoming disagreeable or discouraging? If so, how might dissenters present their positions in a constructive way that draws people to take them seriously?
4. Who has spoken words of dissent into your life? How did that impact you?
5. Have you ever seen an advocate at work? What are some of the most important services an effective advocate provides for people?
6. When have you seen people of faith function effectively as dissenters? As advocates? How can voicing dissent further God's work? How can advocacy build up the community of faith?

## Confronting the News With Scripture and Hope

Here are some Bible verses to guide your discussion:

## **2 Chronicles 18:12-13, 22**

*The messenger who had gone to summon Micaiah said to him, "Look, the words of the prophets with one accord are favorable to the king; let your word be like the word of one of them, and speak favorably." But Micaiah said, "As the Lord lives, whatever my God says, that I will speak." ... [Then Micaiah said to King Ahab,] "So you see, the LORD has put a lying spirit in the mouth of these your prophets; the LORD has decreed disaster for you." (For context, read 18:5-22.)*

King Jehoshaphat, who ruled the southern Hebrew kingdom of Judah, was allied with King Ahab of the northern Hebrew kingdom of Israel. Ahab wanted to go to war against Ramoth-gilead, and sought Judah's help in the effort (vv. 1-3).

Before Jehoshaphat would fully commit his troops, he asked Ahab to find out what God might have to say about the idea (v. 4). So Ahab summoned 400 prophets, who all gave their stamp of approval to the king's plan; not one dared to contradict him (vv. 5, 9-12).

Jehoshaphat wasn't satisfied, however, when no prophet voiced any reservations or hesitation about going to war. He asked for a second opinion. Ahab admitted that there was another prophet in Israel, Micaiah son of Imlah, but he hated him, because he never prophesied anything favorable about him, but only disaster (vv. 6-8). But to please his ally, Ahab sent for Micaiah. While the two kings, dressed in their royal regalia, waited for him, the 400 prophets predicted a glorious victory for them (vv. 9-11).

The messenger who had summoned Micaiah advised the prophet which way the wind was blowing, as if to suggest that the wisest course of action would be for him to fall in line with the popular position, to not rock the boat, to appease and not anger the ruler of Israel.

When Micaiah came into the presence of the kings, at first he told Ahab what he wanted to hear, parroting the same message the other prophets proclaimed (v. 14). But Ahab knew Micaiah's integrity well enough to know that he wouldn't walk in lock-step with the other prophets if God had given him a different word.

When Ahab insisted that Micaiah tell him the truth, the lone prophet forecast disaster in battle (vv. 15-22).

For voicing dissent, Micaiah was attacked, imprisoned, and fed reduced rations of bread and water (vv. 23-27). But when the kings went up to do battle at Ramoth-gilead, Micaiah's prophecy was proven true: Ahab was killed (vv. 28-34).

**Questions:** How should believers determine what issues are important enough to warrant unrelenting dissent to popular opinions? Where can we find the courage to dissent when it seems as though everyone disagrees with us, and when dissent could cost us dearly?

## **1 John 2:1**

*My little children, I am writing these things to you so that you may not sin. But if anyone does sin, we have an advocate with the Father, Jesus Christ the righteous ... (For context, read 1:5-10 and 2:1-2.)*

## **John 14:16-17, 26**

*[Jesus said,] "And I will ask the Father, and he will give you another Advocate, to be with you forever. This is the Spirit of truth, whom the world cannot receive, because it neither sees him nor knows him. You know him, because he abides with you, and he will be in you. ... But the Advocate, the Holy Spirit, whom the Father will send in my name, will teach you everything, and remind you of all that I have said to you." (For context, read 14:1-3, 16-29.)*

Our English word "advocate" comes from the Latin *advocatus*, from *advocare* which means "call (to one's aid)." An advocate is someone who publicly supports, defends, pleads for or on behalf of, pleads the cause of another in a court of law, intercedes for, champions, backs, protects, commends, speaks for, upholds, stands up for, fights for someone, especially for the weak, defenseless and vulnerable.

**Questions:** Why do we need an advocate with the Father? How does Jesus fulfill the role of an advocate, as defined above? What makes Jesus Christ so effective as an advocate for believers?

How does the Holy Spirit function as an Advocate for believers? What is the significance of the statement that it is God the Father who gives Jesus' disciples another Advocate, who sends the Holy Spirit?

### **Exodus 15:20-21**

*Then the prophet Miriam, Aaron's sister, took a tambourine in her hand; and all the women went out after her with tambourines and with dancing. And Miriam sang to them:*

*"Sing to the LORD, for he has triumphed gloriously;  
horse and rider he has thrown into the sea." (For context, read 15:1-21.)*

Prophetic ministry was not restricted to men in the Bible. In addition to Moses's sister Miriam and Deborah (see next scripture text), Huldah is mentioned as an Old Testament prophet (2 Kings 22:14–20).

In the New Testament, on the day of Pentecost, Peter proclaimed that God was now pouring out his Spirit on all people, as the prophet Joel foretold, so that: "[Y]our sons and daughters shall prophesy, your young men shall see visions, and your old men shall dream dreams. Even upon my slaves, both men and women, in those days I will pour out my Spirit, and they shall prophesy" (Acts 2:17–18). Paul also expected women to pray and prophesy (1 Corinthians 11:5).

Decades before the event celebrated in Exodus 15, Miriam had stood guard over her little brother Moses as he floated in a basket on the Nile (Exodus 1:22-2:8). Later, during the Israelites' sojourn in the wilderness, Miriam was punished for her jealousy and play for power (Numbers 12:1-16). Like all humans, Miriam had her strengths and weaknesses. Justice Ginsburg was human, too, but like Miriam, she sought to protect those who could not protect themselves.

Neither Miriam nor Justice Ginsburg were all seriousness, however. In this text, we find Miriam leading all the women in song and dance in praise of God. Ginsburg was known for her sharp wit and sense of humor. She enjoyed opera and art, vacationed with family and friends, and practiced self-care by regular workouts with a trainer.

**Questions:** Whatever your spiritual gifts, how do you balance the hard work of your ministry with the joy and rest to which Christ calls us? How do you encourage others to express their joy and lift up their ministry?

### **Judges 4:4-5**

*At that time Deborah, a prophetess, wife of Lappidoth, was judging Israel. She used to sit under the palm of Deborah between Ramah and Bethel in the hill country of Ephraim; and the Israelites came up to her for judgment. (For context, read 4:1-5.)*

The writer of Judges says that because of their sin, the Israelites were oppressed by King Jabin of Canaan for 20 years (vv. 1-3). Of course, oppression from outside forces happens all the time, for various reasons.

Deborah provided wise counsel and military strategy to Barak, who was only willing to follow her advice if she accompanied him into battle. Deborah did so, but indicated that it would be a woman, rather than Barak, who would come home covered with glory (vv. 6-10).

What Deborah predicted came to pass, when a woman named Jael tricked King Jabin's army commander Sisera into hiding in her house, where she literally nailed his head to the ground (vv. 17-21), winning victory over Jabin their oppressor (vv. 23-24). The Israelites commemorated the feats of Deborah and Jael in song, and the land had rest under Deborah's leadership for 40 years (Judges 5:1-31).

Deborah, like Justice Ginsburg, had to balance her responsibilities to her family with her role as a judge. Both women had long and effective careers, demonstrating that diligent women are capable of remarkable achievements, just as men are. Both judges also lifted up other women, as well as men, with their words and actions.

**Questions:** How have you managed the demands of work with other responsibilities, such as caregiving? What counsel would you offer to others on how to handle such challenges?

### For Further Discussion

1. A documentary about Justice Ginsburg's life closes with the song "["I'll fight" by Diane Warren](#)", which speaks to the idea of being an advocate for and defender of others. Discuss how the song lyrics reflect the role of both Jesus and the Holy Spirit as advocates for us. What, if anything, would you add to or take away from the thoughts expressed in the song lyrics, to better describe how Jesus and the Holy Spirit advocate for us?

When, if ever, have you been an advocate for someone else? What prompted you to serve in that way? What role did your faith play in your advocacy?

2. TWW team member Mary Sells wrote: "I am one of the ones who is forlorn over the passing of RBG. Her morality and commitment to causes larger than herself would be enough, had she never been appointed to the Supreme Court. I am thinking of the things I would not have had she not taken up the cause: credit card, home mortgage, auto loan, likely large gender gap in pay, etc. I'm not sure I would survive as a working woman without her efforts." Sells also admired Ginsburg for "speaking truth regardless of the outcome."

Who has been an advocate for you? What difference did that advocacy make in your life?

3. Respond to this, from Rev. Justin Thornburgh, pastor of Emerson Avenue Baptist Church in Indianapolis: "The intensity and the amount of grief on my newsfeed right now ... shows how much power a single person had. A person with courage, with convictions, and who used her gifts to make this world better -- a person who refused to give up the fight. In your, in our, collective grief let us not forget the power one person has. The power you have. You. Beautifully created. You have the power to change the world. Let this moment transform you, let it empower you, do not give up the fight; rather -- through the tears -- commit to fight harder. Use that grief, channel it, so that others will know what it means to be loved."

### Responding to the News

Now might be a good time to write to the remaining justices on the Supreme Court, encouraging them to use their own voices to carry on the work of dissent against injustice and advocating justice for all.

### Prayer Suggested by Romans 8:26-27, 31, 34

We thank you, O God, that you have taken our part, and that even now, Jesus, who is at your right hand, intercedes for us. If you are for us, who can be against us? Who can condemn us, when Jesus, who died for us, said "Neither do I condemn you"? We thank you for the gift of your Spirit, who helps us in our weakness and who also intercedes for all the saints according to your will. Guide us to intercede and advocate for those who need a friend today. Amen.