

The Accidental Talmudist

In a little-known episode, Ruth Bader Ginsburg, the feminist icon and first Jewish woman to serve on the Supreme Court, helped secure the right of Jewish soldiers in the U.S. Armed Forces to wear yarmulkes (skullcaps).

In 1981, Dr. Simcha Goldman, an Orthodox Jew and clinical psychologist working for the U.S. Air Force, was ordered to remove his yarmulke while at work on the base. He sued the Secretary of Defense, Casper Weinberger, citing the Free Exercise Clause of the Constitution. The U.S. Circuit Court for the District of Columbia sided with the Air Force.

When the case came before the U.S. Court of Appeals, Judge Ginsburg sided with conservative judges Kenneth Starr and Antonin Scalia in defending Dr. Goldman's right to wear his yarmulke at work. They were in the minority and Dr. Goldman appealed to the Supreme Court, where he lost again in a 5-4 decision. The dissenting opinion of the appellate court judges, however, set the stage for a bill introduced in Congress to protect the Jewish soldiers' right to wear the yarmulke. The bill was quickly passed by both Houses and signed into law by President Reagan.

Throughout her career, Judge Ginsburg was known for maintaining warm relations with conservative colleagues even when passionately divided over legal issues, making her a model of respectful disagreement in these hyper-partisan times. May her memory always be a blessing.