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Israel mourns the loss of former Chief Justice, Miriam Naor



Daniel Gordis

Jan 31 



On February 22, 1948, less than three months before Israel would declare independence, three British Army trucks led by an armored car driven by Arab irregulars and British deserters exploded on Ben Yehuda Street killing more than 50 people and injuring almost 200. It was, and remains, one of the worst terror attacks in Jerusalem's history.

Amidst the devastating destruction, a wall collapsed, just missing a stroller with a four month old baby in it.

That baby was Miriam Naor, former Chief Justice of Israel's Supreme Court who died tragically young last week. The second of the three women who have so far served as Chief Justice, she was a remarkable woman—active in several landmark decisions—whose passing more than merits notice.

Israel lost two monumental figures last week, **Justice Naor** and **Professor Eliezer Schweid**, a philosopher and educator, sadly little known outside Israel, who was in many ways a barometer of intellectual and social trends in Israel society. This week was also the eightieth *yahrzeit* (anniversary of Hebrew date of death) of **Avraham Stern**, the poet-warrior who founded the radical underground group, "**Lechi**:"

Fighters for the freedom of Israel” (commonly and derisively known as “the Stern gang.”

Each of these figures a critical and defining dimension of Israel life that merits notice. So we begin this week with Justice Naor, and will turn to Professor Schweid next week. Avraham Stern we will cover in February, on the secular anniversary of his death at the hands of the British.

I mention the events on Ben-Yehudah Street in February 1948 because they are a reminder of how young this enterprise—including its democracy and its judiciary—is. The life of the Jewish state began just as did that of Miriam Naor. (Of course, it also bears note that when Israel was admitted to the UN in May 1949, it was the 59th country to join. Today, there are 193 member states of the UN; two-thirds of the world’s countries are even younger than Israel. We don’t think of Israel as being older than most of the world’s countries, but it is.)

Israel’s democracy, which Miriam Naor was so devoted to protecting and cultivating, is also far too easily taken for granted, especially given the era in which it was created. Consider the countries created immediately before and immediately after Israel. **Before:** Vietnam (1945), Jordan (1946), Syria (1946), Pakistan (1947), India (1947), Myanmar (1948), and Sri Lanka (1948). **After:** Libya (1951), Cambodia (1953), Laos (1953).

Miriam Naor’s exceptional career **has been well documented**, so we’ll review it here only in the broadest strokes. Born in Jerusalem, a graduate of the renowned Gymnasium High School and the Hebrew University Law school, she was appointed to the Jerusalem Magistrate’s Court in 1980 and to the District Court in 1989. She became an acting Supreme Court judge in 2001, and was appointed to a permanent spot in June 2003. She served as Chief Justice from 2015-2017 (Israel has mandatory retirement).

Naor was involved in numerous high-profile cases. She was one of the Jerusalem District Court judges who convicted **Arye Deri on bribery charges** in the 1990’s, the

first time that a former member of the cabinet was jailed. (That very same Deri just resigned from the Knesset last week as part of a plea bargain which allowed him to avoid going to trial for tax offenses—he made history by going to jail, but doing time evidently did not do much for his character.)

During the fourteen years that she served on the Supreme Court, Naor was party to a series of rulings that enraged the religious community. In 2016, she ruled that **Israel must recognize private Orthodox conversions** even if they were not performed by the rabbinate. The next year, she upheld an earlier ruling that had allowed Tel Aviv **supermarkets to remain open** on Shabbat (the issue was recognizing the legal authority of the municipality of Tel Aviv, which had permitted their staying open). And she disallowed Israel's policy of **exempting ultra-Orthodox Jews from the army** (a policy initiated by David Ben-Gurion, who was convinced that it was a short-term issue because the Haredim would soon disappear); she said it was discriminatory because it contributed to the unfair distribution of the “draft burden.”

These rulings and the furious responses they engendered in the religious community made some of the Haredi responses to her passing noteworthy. When Amichai Erlich, a noted voice in the Haredi world, issued a statement mourning her death, he was assailed by many in his community. But Erlich did not back down.

Noting that in her most recent role, Naor had **chaired the Meron Disaster Inquiry Committee** (investigating the horrific stampede at the Lag Ba'Omer festivities on Mount Meron in April 2021 in which **45 people were trampled to death**), Erlich had called her the “mother of Meron.”

Defending his position, he explained, “True, between her judicial work and us there lay a wide chasm, and true, many of her rulings troubled us deeply.” But “in this last period, Naor took seriously a challenge of unparalleled importance—to make Meron a safer place for hundreds of thousands of worshippers, out of genuine concern for human life. She conducted the hearing with sensitivity and humanity, with respect for Rabbi Shimon Bar Yochai [DG: whose grave is on Mount Meron] and to the worshippers. She charted a direction that I pray will continue. And for that, may her memory be a blessing.”

Not for naught did President Isaac Herzog eulogize her as a “queen of justice and a giant of the Israeli legal world.” She was a woman of profound principle. It was no secret that she and then Justice Minister Ayelet Shaked **locked horns over issues**

regarding the independence of the court (a huge issue in Israel, far beyond these two women), but they developed a genuine friendship notwithstanding their profound professional disagreements. (See Shaked's eulogy for Naor [here](#); it's in Hebrew—the third video down, the first two are men and she is the first women—but if you listen to the opening seconds and then skip to 3:20 in the video, you can hear the genuine emotion.) Naor was a woman of profound principle, devoted to the law and to the court. Both Haredim and Shaked, who opposed her positions bitterly, came to understand that.

When I went to her home years ago to interview her husband, Aryeh Naor, for the biography of Menachem Begin that I was then writing (Aryeh Naor had been Begin's Cabinet Secretary), he ushered me into the living room and then kept me waiting a few minutes while he finished downloading a new app for *daf yomi* (the daily page of Talmud study) onto his iPad. So I had a few moments to scan the shelves—theirs was not a “religious” family, but the shelves would not have revealed that. It was a rich Jewish library. Theirs was a family devoted to the Jewish state, the Jewish people, to Jewish learning, and the Jewish tradition. They defied the “religious-secular” monikers that fail to capture the complexity of Israeli life.

In that way, too, she was a model of the best that this country can be.

A final anecdote to illustrate her devotion to the law and the court, coupled with her deep intellectual and social curiosity:

About a decade ago, my daughter clerked for Justice Naor at the Supreme Court. Talia and her husband had gotten married outside the official rabbinate and had not registered their marriage with the state. It's a choice thousands of young Israeli couples are now taking (the rabbinate's misogyny, racism and religious intolerance being just a few of the reasons).

Talia shared her thinking with Justice Naor. Naor could not, of course, endorse a decision to get married outside the rabbinate, as it is technically a violation of the law and the person who performs the ceremony can theoretically be sent to prison (so I performed the ceremony in the end—I have thus far not been arrested). But my daughter recalls that Naor listened carefully and that “she saw the value in learning about what drove me and asked thoughtful questions to understand what was

important to the next generation of Israelis.” Talia was a new clerk for Naor at the time, and was worried what the Justice might think. But there was no reason to worry, she realized. Naor “was proud in her very private way that we were standing up for what we thought was needed to make the country better.”

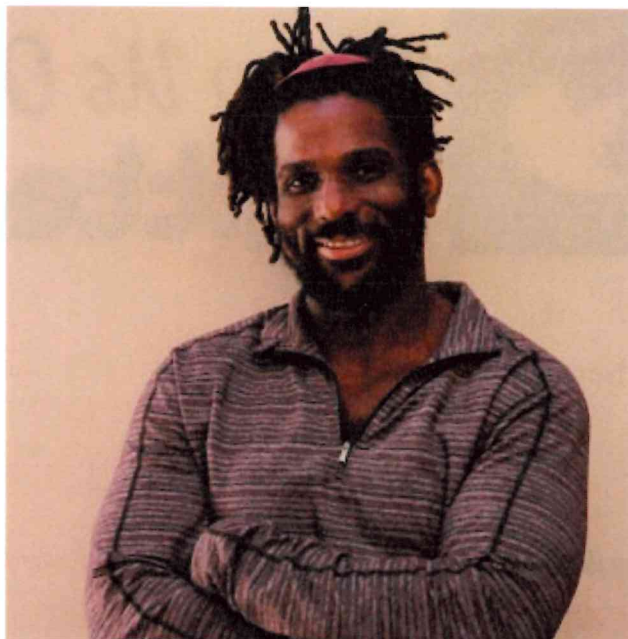
She was, indeed, as Herzog said, a “giant of the Israeli legal world.” She was also not only a “queen of justice,” but of seriousness, thoughtfulness, devotion to the Jewish state and the Jewish people, endlessly curious about the mosaic of people who comprise this society.

A country can certainly ask no more from one of its leading citizens.

May her memory be a blessing.

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ISRAEL FROM THE **INSIDE**
a podcast with **DANIEL GORDIS**



David Ben-Moshe, a convert of African-American descent, made headlines recently when he began a **hunger strike** to bring attention to his demand that he be recognized as an Israeli citizen. He ended the protest when the Ministry of the Interior promised him that he would receive citizenship by January 2023.

While his tussle with the Ministry of the Interior is over, I was struck by his story as it was related in the press. He fell in love with Judaism, he'd said, in prison in the US. How did that happen, I wondered. And how does that journey lead to Israel and to marriage to an Israeli woman? It had to be an interesting story, I imagined, so I reached out to him to hear the story.

I found it very moving. **Here's an excerpt.** The full conversation will be posted on Thursday, as always, for paid subscribers to *Israel from the Inside*.

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