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The notorious RBG: The discursive power of celebrity in defense of the supreme court

An analysis of *On the Basis of Sex*, *RBG*, and *My Own Words*

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Abstract

When speaking publicly outside the Court, Supreme Court Justice Ruth Bader Ginsburg, who garnered celebrity status due to her fiery dissents in the 2010s, did so to explain and defend the institution. Whereas celebrity is usually associated with personality cults, we argue that she used her podium to emphasize the importance of collegiality and process in the Supreme Court as an institution. By analyzing three cultural texts, the biopic *On the Basis of Sex*, the documentary *RBG*, and the autobiographical collection *My Own Words*, we show how Ginsburg brought popular culture and the Supreme Court into conversation with one another.

INTRODUCTION

On May 3, 2022, a leaked Supreme Court draft opinion made clear that the Court was about to overturn the 1973 landmark ruling known as “Roe v. Wade” that legalized abortion in the United States. This event had been expected ever since Justice Ruth Bader Ginsburg's death on September 18, 2020, and her lightning-speed replacement by conservative originalist Justice Amy Coney-Barrett on October 27, 2020. Although Ginsburg was not on the Supreme Court at the time of the ruling in 1973, and was highly critical of the legal reasoning that underpinned Roe v. Wade, her extremely successful advocacy for gender equality under the law remains connected to the legalization of abortion, thematically and politically, as well as temporally. Justice Ginsburg has, particularly since her rise to popular cultural stardom in the 2010s, become an increasingly famous icon, but she has loomed large both as a civil rights lawyer and as Supreme Court justice throughout the era in which abortion was legal and accessible across the United States (see, e.g., [Asebiomo](#)).¹

Ginsburg's iconic position, unusual for Supreme Court Justices ([Kaplan](#) 30), was caused in part by the centrality of (social) media in twenty-first-century daily life ([Nathanson](#) 221). This

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development has led to the need for renegotiation of their public roles. Though not free from danger, this process has also provided opportunities for public figures and institutions to reach a wider audience. Ginsburg was a pioneer of this new dynamic. On June 25th, 2013, the United States Supreme Court voted in the case *Shelby County v. Holder*, overturning the section that was to provide minority voters protection from voter suppression. Ginsburg filed a dissent, arguing that the continuation of voter suppression had been acknowledged, and wrote that “throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet” (Ginsburg). These words fit not only the legal discourse of the Supreme Court, but progressives who disagreed with the ruling of the case quickly spread them on social media platforms. While polarization and inequality came to the forefront, and the Supreme Court increasingly moved to the right, Justice Ginsburg became a progressive voice on the Court, her words admired by a large group of people who felt marginalized and invisible to the political establishment. Celebrating Ginsburg as a powerful female leader, she became enormously popular, known as the Notorious RBG (Traister). Ginsburg may not have been the only Supreme Court Justice who was also a celebrity, but she was certainly the first with a massive social-media audience, a hugely popular Tumblr account, and a gym routine that went viral on social media (Carmon and Knizhnik 5–7).

Snide one-liners from her dissents and public speeches appear on a host of t-shirts, mugs, tote bags, and other merchandise. Nathanson in her article about RBG's online pop cultural circulation opens with Jill Lepore's critique of that trend: “it is no kindness to flatten her into a paper doll and sell her as partisan merch” (Lepore, qtd. in Nathanson), and then counters, rightly, that “rather than implying that popular representations are empty, consumerist, or lacking authentic complexity, we might begin to think about the ways in which Ginsburg has not been ‘flattened’ but rather has been circulated in ways that are unpredictable and distinctly energetic” (222). While Nathanson in her analysis focuses on Ginsburg's social media presence and representation, we address the ideological and political functions of her portrayal on screen and in her own self-presentation in *My Own Words*. We argue that Ginsburg's mediated presence (that she participated in producing in a variety of ways) functioned as a gateway form of engagement with the Supreme Court and its political and legal role in American society. Ginsburg offered a very public example of an older woman, who was simultaneously an embodied individual with personal tastes, and an expert and key factor to be reckoned with in the Supreme Court, politically as well as legally. As such, RBG offered not only “hope,” as Nathanson argues, but also an easy way into learning more about the Supreme Court and the history of relevant legal issues. But perhaps even more importantly, in a political and media ecosystem in which the traditional institutions of democracy and rule of law are increasingly under pressure from delegitimation, Ginsburg employed her celebrity not to expand her own fandom and personality cult, but to explain and strengthen the Supreme Court as a pivotal institution at the heart of American society and public life.

Before becoming a Supreme Court Justice, Ginsburg had another stellar career, as a legal scholar and advocate. Often called the “legal architect of the women's liberation movement,” Ginsburg worked to secure democratic and equal protection under the law for women, perhaps most famously by arguing before the Supreme Court the landmark sex-based discrimination case *Moritz v. Commissioner* as an American Civil Liberties Union advocate (Franklin). As co-founder of the ACLU's Women's Rights Project, she aimed to create a more inclusive law for all who were excluded from American laws, challenging the traditional, patriarchal texts of American legal discourse with a progressive view on the Constitution (Gibson 1). As such, Ginsburg became famous—even to some extent a celebrity—well before her nomination to the Supreme Court by Bill Clinton in 1993. As a celebrity, one can be an important ideological and epistemological actor in public discourse, and thus have a certain discursive power (Marshall 19). Hailed for her feminism, Ginsburg has served a political function and purpose, “constructing, publicizing, and popularizing feminism” (Taylor 56). However, this public and political role has also been the focus of criticism.

In popular culture, the “politics of the personal,” where public figures come to be celebrated for their efforts, achievements, and their extraordinary qualities in achieving this success has been present in American politics at least since the Roosevelt presidencies in the first half of the twentieth century (Gamson 189–95; Driessens 641–44). However, for Supreme Court Justices this politics of the personal has traditionally been rejected as being at odds with the dignity, and “blind” and even-handed nature of the institution. The Supreme Court legitimizes itself mainly through written justifications of its rulings, presumably only holding new legislation up to the standard set in the Constitution. Legal scholar Christopher Schmidt writes that “it is this conception of the judicial role, fortified by a persistent idealized vision of justices as somehow detached from the rest of society, that leads the justices toward a measure of circumspection with regard to their contributions to the public discourse” (492–93). Thus, Supreme Court Justices have traditionally been fashioned as “somehow detached” and dispassionate, with no personal or external influences, expressing their rulings through the written word. Ginsburg, a more political and public figure from the start, therefore, has been accused of undermining her role as a Justice, especially in her later embrace of her role in popular culture. At the same time, the Court decides on the most fundamental social, political, and economic problems of American society in their own time and context, therefore following and impacting changing social norms and values (Asimow and Mader xxii; Kaplan xiii). It does not come as a surprise then, that the Supreme Court itself has slowly changed with societal changes, taking on more public roles where Justices’ political interpretations come to the fore. Legal cultural scholars have identified this paradox (Davis, *Justices and Journalists* 172; Hasen 158).

This paradox is central to Supreme Court Justices on the contrary, and popular culture and celebrity on the other. While Justices have been portrayed as figures that “erase” their personality for the time being, Justices’ current roles in the media ecosystem allow for more personality and visibility as public figures. Justices are people with political and ideological preferences and interpretations, and this has become more openly acknowledged in public discourse (Davis, *Covering the Supreme Court* 17). Ginsburg, as a Supreme Court Justice is perhaps an extreme example; her celebrity emphasizes the centrality of the personal. This is where we identify an additional paradox that we will explore in the rest of this article. Whereas Ginsburg has acquired a celebrity status through her impassioned and fierce, outspoken personality, she used that podium to emphasize the importance of the dispassionate Supreme Court Justice in defending the Supreme Court as a rigorous and unified institution. Richard Dyer, one of the first and most influential academics to study celebrity, coined the term “signification” to indicate that, when a celebrity appears in a media text, the public only knows them based on how they are portrayed in these texts (2). A celebrity is in part constructed by the spectator and the media text, but also has agency to contribute to the construction, and use, of the public persona (Dyer 2). By analyzing three primary sources, the biopic *On the Basis of Sex* (2018), the documentary *RBG* (2018), and the book *My Own Words* (2016), we seek to show how Ginsburg has utilized her public persona to strengthen the Supreme Court as an institution. These and other cultural media texts have allowed Ginsburg to reach people that normally would not follow the Supreme Court, in order to explain and defend the institution. At a time when American institutions have come to be questioned and delegitimized, we argue, Ginsburg brought popular culture and the Supreme Court as a key American institution into conversation with one another, to support the court and American democratic institutions in general. We will trace this development and contextualize it against the background of celebrity studies on the contrary, and a broader understanding of political representation and its functions within modern American democracy on the other. Throughout this article, we show that *On the Basis of Sex* nuances the popular notion that Ginsburg was a radical feminist. *RBG* emphasizes the importance of the different, but complementary, feminist streams, and

My Own Words is specifically focused on defending the Supreme Court. Together, these sources show Ginsburg's interest in defending and explaining the Court, while at the same time neutralizing her political and public position.

In *The Covert Sphere*, Timothy Melley has argued that popular interest in films and television series about intelligence agencies and secret services such as the CIA enjoy their enduring popularity in part because they are institutions in democracy that are obviously important, but whose secrecy also precludes their ability to communicate much about how they work to a larger audience. Even if regulatory and political structures are in place to “watch the watchmen” via congressional committees and other checks and balances, these institutions must remain relatively inscrutable to ordinary citizens, and fictional representations play an important role in narratively filling that gap. Of course, the Supreme Court operates far more publicly and is very explicitly focused on making its decisions and reasoning understandable for all American citizens. However, as with most legal debates, the Supreme Court struggles with this accessibility, because both the material itself and the discourse in which legal deliberation is usually couched is inherently complex and difficult to follow for a non-specialized audience. This is where some of the popular cultural narratives about (and in some cases by) Ruth Bader Ginsburg can contribute something important. The three texts that we have chosen—a dramatized biopic, a documentary, and an (auto-)biographical collection of speeches framed by narrative context—each in their own way shed light on how the Supreme Court works, how one may as a layperson understand its procedure and decisions, and why, in its seeming obsolescence, the court continues to function the way it does.

ON THE BASIS OF SEX

We read Mimi Leder's film *On the Basis of Sex*, as Melley proposes, as a narrativization of a person and institution that helps viewers situate this otherwise relatively opaque history as a space of recognition and collectivity. Of course, as a dramatized “true story,” the narrative that the film offers is ideologically charged. It is easily understood as a critical commentary on the time in which Ginsburg was a law student, a law teacher, and a civil rights advocate, and as an appraisal of how Ginsburg defeated the odds stacked against her. *On the Basis of Sex* is, we will argue, an effective counternarrative to the widely held notion that Ginsburg was, in her ACLU days, a radical feminist, both in terms of political and legal positions she took and in terms of activist behavior. The film is also a coming-of-age narrative, and a celebratory account of its subject's life—with its own predictable ideological implications—but we focus on a specific ideological undercurrent: the framing of Ginsburg as a smart but less radical activist than she may have been portrayed in the media and around her confirmation hearings in 1993.

On the Basis of Sex narrates Ginsburg's career from her matriculation in Harvard Law School in 1956, to winning her first court case for the equal treatment of women and men under the law in 1972. When she first enters law school, Dean Griswold organizes the annual “welcome” dinner for the women who made it into law school that year, asking every woman to explain why they deserve a place in law school, a place that “could have gone to a man” (06:30–46). The narration of Ginsburg's early career in law continues to show the challenges posed by the patriarchal norms and socio-political environment of the time. While the film emphasizes Ginsburg is not especially politically radical—she is a good wife and mother, happily married and prepared to make sacrifices for her family—it also shows her great talent as, certainly initially, unappreciated.

The young Ruth is charismatic, smart, passionate, and very collected. Her professional qualities and ability to suppress her emotions are emphasized as essential in her career in a patriarchal society where gender inequality was unapologetically explicit, and in which she

constantly had to negotiate the public sphere, its institutions, and discourses. As dramatized in the film, Ginsburg was one of nine women out of a class of over five hundred law students, and after finishing law school at the top of her class, she struggled to find a job because firms would not hire a woman. In the film, when Ginsburg has a job interview at a small law firm in New York, the interviewing partner seems considerate of Ginsburg's difficulties in obtaining a job, saying "you must be livid... You're angry. Good. Use it. I have to say Mrs. Ginsburg, I'm very impressed." Yet he eventually refuses to hire her because they are "a close-knit firm. Almost like family, and uh, ... but the wives, they get jealous" (27:45–28:50). Although this angers Ginsburg, she does not show it—her mother taught her never to give way to emotions or show anger—perceiving this as the best way to negotiate the public sphere.

Ginsburg, because she cannot find work as a lawyer despite graduating at the top of her class, initially becomes a law professor at Rutgers University, but then lands a first case through her husband's tax law practice. This case, *Moritz v. Commissioner*, was a tax case, in which Charles Moritz, an unmarried man taking care of his mother, was denied a caretaker tax deduction because the law assumed all caretakers were women. Although it did not become known as one of the landmark gender discrimination cases, the choice of this particular case was important. The film stresses that the case was suggested to Ginsburg by her husband, Marty. This is portrayed as a key moment in the couple's happy marriage: they both realize that this case can serve as a Trojan horse, setting the tone for other gender-discrimination cases that would be challenged in the years that followed. This case, both historically and in the film's presentation of events, works to neutralize the idea that Ginsburg was driven by a radical political bias. It was of course a stroke of genius to argue a gender discrimination case in which a man suffered as a result of the unequal treatment of men and women, but also, the evolution of this case in the film shows how the Supreme Court, even at the time, lagged behind the public opinion. Viewers who revisit this case as a modern audience are likely to see it as completely non-controversial. This strengthens not just the notion that Ginsburg was not that radical, but also the idea that the Supreme Court has to adapt its interpretation of the Constitution to the social context of the day.

Felicity Jones's portrayal of Ginsburg accords with that attitude: her voice and body language show how Ginsburg carried herself: autonomous yet highly sensitive to matters of obviously gendered decorum (Schönberger-Stepien 288). At one point, Mel Wulf, the director of the ACLU asks Ginsburg to write the brief for another gender inequality case, *Reed v. Reed*, which will be argued in front of the Supreme Court and drop the *Moritz* Case. Ginsburg strongly disagrees saying that "first you took half the argument away from me..." when Wulf interrupts,

Mel: Nobody took anything away from you Ruth. You weren't robbed in the night.

I gave you this opportunity for the good of the cause ...

Mel (cont'd): ...not for your own personal glory.

Ruth: You think you gave this to me?!

Mel: In fact I did. Jesus Ruth, get your emotions in check.

Ruth: You first.

(01:24:22–48)

Ginsburg's frustration is palpable in her voice and body language, and so are the patriarchal norms and stereotypes of the over-emotional woman, who needs to control herself (or be controlled) in the public sphere, while the man is naturally presumed to have his emotions in check despite evidence to the contrary (Frevert). Wulf, here, stresses this socio-cultural environment in which women were positioned as needing policing and disciplining. The environment influences her presentation, her posture, composed yet tense, and her words as she defends herself

and transgresses this patriarchal norm by telling Wulf to get his emotions in check. The film suggests that Ginsburg opposed and challenged the patriarchy by obeying its stipulations by remaining calm and controlling her voice and body language, while also pointing out its clear double standards.

The film shows how explicitly patriarchal society, and the law, were when Ginsburg entered the scene, and shows her role as “pushing” the law to follow societal developments and newly evolved norms of gender equality. To not be seen as too radical, then, aided Ginsburg in getting the conservative system to move along, though slowly. By portraying explicitly, the discrepancy between her own “old-fashioned” normative manner of behaving and carrying herself on the contrary, and verbally and rationally showing the, for modern viewers, all too obvious double standards, the film's depiction of Ginsburg emphasizes the incisive yet diplomatic quality of her advocacy. By focusing on Ginsburg's management of inequality in her own life, and pushing the Court to follow society, the film manifests how in fact she was not a radical feminist or activist at all by today's standard (and not even really by the standard of the 1950s and 1960s). This neutralizes the popular notion that she is biased on the Supreme Court.

RBG

The biographical documentary *RBG* traces and celebrates Justice Ginsburg's life and career, placing her career as a women's rights advocate in context with other forms and expressions of feminism and feminist activism (*RBG*). As a media form, documentaries in general inform the viewer about important historical or contemporary issues in society, with a claim to truth and factuality, although they can of course never avoid some sort of ideological bent, visible through the stories they represent and how they do so (Muswede and Masvopo 5). Whereas outside of the academic field Ginsburg has often been pictured as too activist or focused on her own celebrity and personal fame—as the beginning of the documentary displays—this documentary shows how her career inherently is connected to political, economic, and socio-cultural environments. In doing so, it emphasizes not just her own personality, but rather the importance of her work, of the Supreme Court, and of the variety of feminist trends and strategies that she interacts with.

Over the last decade, main trends in feminism have become explicitly intersectional. A relatively strong focus has become the possibility to enforce change from the outside, rather than to slowly shift the balance from within institutions that are often understood as inherently opposed to change and inclined toward reproducing patriarchal structures (Ahmed 154). Many younger feminists who have taken to social media and the streets in recent years belong to those strands of feminism and activism. *RBG* brings these strands of feminism together, showing how Ginsburg, as a feminist icon within a revered institutional context, came to act and be understood as a complementary force. The documentary demonstrates how Ginsburg's rise as a cultural icon stresses the importance of cooperation, and the possibility of appreciation, between different feminist movements and tactics. Ginsburg's arguably traditional approach, a step-by-step case-based approach to changing the law, is presented as an indispensable complement to the more openly resistant and self-emancipatory strategies that are now most visible in public discourse. Ginsburg is portrayed as shy, quiet, and soft-spoken; it is said that she was not one to march and demonstrate, but rather preferred “to use the skills she had and put them to work, and those were her legal skills” (00:23:20–32). These qualities have shown to offer “value, order, or stability” at a time where there is an uncertain social order (Dyer 31).

Ginsburg's old age has not led to a decrease in visibility—as is often the case with female popular culture icons. Instead, her elderly, and physically fragile, but mentally and

rhetorically robust presentation have come to be adored and celebrated, especially by social-media-savvy young intersectional feminists. Explaining in *RBG*, Shana Knizhnik, the woman who created the Tumblr page “the Notorious RBG” to celebrate Ginsburg’s work, states that Ginsburg “definitely embodies the larger than nature of the ‘Notorious’ title, more and more as she gets older” (01:23:42–51). This portrayal aided Ginsburg’s way of performing femininity and feminism and helped her to balance her role as an activist and her role as a Supreme Court Justice. The documentary traces Ginsburg’s earlier life, her advocacy for equal rights under the law, her Supreme Court nomination, and her dissents that eventually iconized her. In doing so, it emphasizes the changes in society she has helped to effect. Additionally, it emphasizes how different feminists and feminisms have come together to enable those changes. As a result, Ginsburg’s feminism is shown to not have been very radical; rather, she is presented as part of a broad movement, in which, instead of running ahead of the progressive social current, she pushed the cart from behind. This image of a petite, elderly Jewish woman, single-handedly holding up massive cases of social justice and equity under the law from the Supreme Court is hard to dislike for anyone across the spectrum of 2010s feminist movements.

One way *RBG* explores the cooperation of different feminisms is through the *Ledbetter v. Goodyear Tire & Rubber Co.* case that was argued in front of the Supreme Court in 2007. Lilly Ledbetter first sued the company in 1989, after learning that the company had been structurally paying her thousands of dollars less per year than her male colleagues. The Supreme Court did not rule in favor of Lilly Ledbetter as she had not filed the lawsuit within one day from the discriminatory policy that made this lower paycheck possible. Ginsburg filed a dissent disagreeing with this decision, in which she emphasized the importance of Congress to act in response—“Once again, the ball is in Congress’ court”—which consequently passed the Lilly Ledbetter Fair Pay Act. In the documentary, Lilly Ledbetter herself is also shown and interviewed about her experience of the case, and it becomes apparent that she is a much more outspoken feminist with a very different presentation than Ginsburg. This is perhaps obvious, since as a resisting victim of sexist laws and labor practices, she had a very different role in the process toward equity, but it nevertheless works to show the complementary nature of different forces within a wider movement that needs both.

Another such activist icon that recurs throughout the documentary is Gloria Steinem, a feminist journalist and movement spokeswoman at the same time when Ginsburg worked as a feminist lawyer to change the discriminatory laws. In the first minutes of the documentary, Steinem says Ginsburg is “the closest thing to a superhero I know” (03:05–10). This, of course, is celebrated in the documentary, particularly as a testament to the entwining of different kinds of feminists, which strengthens the shared history, and centers cooperation and mutual support. Ginsburg explains the rise of the women’s movement, “women woke up and complained,” aided by Steinem who stated that the majority of women came to understand that they were not crazy, but that it was the system that was crazy (22:28–23:13). Images of Steinem speaking at a rally emphasize the difference between their styles: whereas Steinem took to the street, Ginsburg followed by taking on the laws. One of the main goals of the movement, of course, was to change these discriminatory laws, and here is where Ginsburg is praised by Steinem who states that “Ruth’s work made me feel as if I was protected by the U.S. constitution for the first time” (01:29:18–25). By showing this range of ways of “doing” feminism, the documentary makes clear how Ginsburg was able to win cases and slowly change the law from the inside—it would not have been possible were it not for all these people that supported the movement, which was of course influenced by the civil rights movement, in one way or another.

The exploration of the connections between these different feminists, and feminisms, both from the past and in the current context, follows the “changing nature of society as mirrored through the political, economic, and socio-cultural activities of its citizens” (Muswede and

Masvopo 5). One central argument made in the documentary is that the Supreme Court follows changes in society, and thus that the different forms of feminism that helped pave the way for legal change are important. Ginsburg's ethos and personality, both traditional and activist on the level of legal precedent, the documentary suggests, helped her to navigate the field as a young lawyer and law professor, and to be taken seriously within the institution. Ginsburg herself says she was not the most liberal Justice on the Court. Instead, her aim was to convince the other Justices that she was right, even if this meant she had to make concessions. Only from the early 2000s, with political and Judicial changes, did Ginsburg shift more and more to the left on the bench. Like *On the Basis of Sex*, the documentary seeks to show that Ginsburg was not especially radical for her time, and in fact was pushing for change from the rear. Whereas the film focuses on her own family and personal dynamics, *RBG* shows her as a key figure in a much larger network, in which a more radical and more political activism was carried by other parts of the movement, to which she provided legal grounding, and which provided her with cases to bring to court as an advocate, or to adjudicate from the Supreme Court bench.

Of course, as would be the case for male Supreme Court Justices, her career as a lawyer, and her ground-breaking work, did help her to get a place on the Supreme Court. Bringing in conservative voices, the documentary stresses that it was her experience that got her nominated to the Supreme Court. Orrin Hatch, the leading Republican senator at the time explains that she was appointed by a liberal president, as a liberal judge, "and that's the way this country works" (53:52–54:00). And, showing part of the confirmation hearing of 1993, Hatch says to Ginsburg they both probably disagree with each other on a number of things, but "frankly I admire you and you have earned the right, in my opinion, to be on the Supreme Court" (54:01–12). While the documentary stresses that at this time, though much less polarized than now, it was already quite partisan, this is the process of the Supreme Court as an institution and the ability to accept this from both parties shows the integrity of it.

RBG, in short, does not only celebrate Ginsburg's life, it also emphasizes the importance of the political parties seeking consensus in appointing a Supreme Court Justice rather than solely partisan choices. Simultaneously, the documentary attends to arguably partisan political positions within the Court. In 2016 Ginsburg publicly expressed horror at the possibility of a Trump presidency. This was seen as inadmissible. She was called out and had to publicly apologize for overstepping the boundaries brought by her role as Justice. Ginsburg affirmed that indeed it was not her place to openly express such partisan thoughts. Implicitly, this example stresses that Ginsburg was not too activist: on the one hand, it makes clear how obviously right she was, while including the notion that she herself understood the demands of due process.

MY OWN WORDS

Despite what the title might suggest, *My Own Words* as a book project was initiated by Ruth Bader Ginsburg's biographers. Mary Hartnett and Wendy W. Williams felt in 2016 that it was time, given RBG's newfound celebrity on Tumblr and other social media and popular culture platforms. The book is organized around speeches and other texts written and delivered by Ginsburg, which are introduced and contextualized by Hartnett and Williams (who are currently working on an authorized biography). The book's approach is historical in various ways—most obviously because the earliest RBG speech reproduced dates from her time in elementary school up to more recent speeches and texts from the 2015–16 Court term. Furthermore, the book more or less chronologically traces Ginsburg's life in connection to her work as a feminist lawyer and a Supreme Court Justice. *My Own*

Words traces her life by explaining, providing details, and giving context to her career as a feminist lawyer and especially her work as a Supreme Court Justice. As a Supreme Court Justice engaging in public speech, this is also expected of them. Justices are to educate and defend the institution, and in addition, they often share some more personal and interpersonal—observations about colleagues—thoughts as well as jurisprudence, where they can present their written opinions in a different way (Schmidt 495–505). In *My Own Words*, she engages with all these forms of extrajudicial speech, with a large part focused on the Supreme Court. We, therefore, read this book as a homage to the Supreme Court, where she has sought not only to explain the history and the workings of the Supreme Court, but also the sanctity of the Court. With an increased demand for governmental transparency in the digital age, and a demand for individuals to take center stage, books like these are an opportunity to explain and defend the workings of the Court to the public (Davis, *Symbiosis* 287–288). Ginsburg's celebrity here works to spread her view on the importance of the Constitution to a wider audience.

Tracing the Supreme Court's history, Ginsburg focuses on historical narratives of Justices and cases that exemplify how the Supreme Court has developed in regard to gender inequality. In this way, Ginsburg shows both the importance of the Supreme Court on the work she has done and how the institution has followed societal change. On the other hand, she also shows how the choices of the cases, the oral arguments in Court, the reaching of decisions are procedures that follow the same structures every year. Ginsburg writes that their decisions are “grounded in rules, practices and traditions that frame the decision making” (Ginsburg et al. 201). This makes the Supreme Court as an institution more tangible for wider audiences, giving the institution a solid ground for its way of working. At the same time, with the ritualization of its workways, with its existing rules and roles, Ginsburg aims to show the remaining importance and legitimacy of the institution (Umphrey et al. 4–5). There exists, for example, a structure of seniority and juniority within the Court. When the Justices sit down to reach decisions on cases, Ginsburg explains that the Chief Justice—the principal judge on the Court—“circulates opinion-writing assignments made by him when he is in the majority; and when he is not, he conveys to the full Court the assignments made by the most senior Justice in the majority” (Ginsburg et al. 211). Additionally, at all conferences, the Chief speaks and votes first and the junior Justice last. It is one of the ways in which Ginsburg brings the Supreme Court closer to the reader, making the sometimes complicated rules and workings of the Supreme Court easier to understand for an outsider. These ritualization and performances, of course, are not to say that the Court and its decisions are not motionless—the results of cases and changes in law always happen—rather, reiteration provides stability to decisions and potentially legitimizes them, which is what Ginsburg has sought to show (Umphrey et al. 5). As Supreme Court decisions often impact society, legitimacy is vital to the institution.

Another way—in part also a ritual—in which Ginsburg emphasizes the legitimacy of the Court is collegiality, which recurs throughout the book. Already in the preface, Ginsburg states the importance of it saying that “collegiality is the key to the success of our mission.” We could not do the job the Constitution assigns us if we didn't—to use one of Justice Scalia's favorite expressions—“get over it! All of us revere the Constitution and the Court” (xx). Thus, in other words, if they would not be able to be collegial to one another, she says, they would be disrespecting, and delegitimizing both the Constitution and the Court. On the concern that has been brought up by many regarding ideological differences between Judges on certain topics, Ginsburg writes: “we genuinely enjoy each other's company. Ordinarily, our mutual respect is only momentarily touched by our sometimes strong disagreements on what the law is” (59–60). She thus emphasizes again that Justices share the opinion that the institution they work for is more important than the individuals that compose the Supreme

Court at any given time. Some of these ways that uphold this collegiality are basic rituals, such as shaking hands every day, having lunch together (by choice, not by rule), celebrating Justice's birthdays, and occasionally having dinners (Ginsburg et al. 56). It is these lighter aspects that Ginsburg uses to portray that Justices as people are able to set aside their differences and enjoy each other's company. One well-high-lighted example is the, perhaps, unlikely friendship between Justice Ginsburg and the conservative Justice Scalia, who together shared a passion for the opera. Having been asked how they could be friends when they had such different opinions on different things, she emphasizes their shared approach that they attack ideas, not people (Ginsburg et al. 41). You cannot be a judge if you cannot separate the two. Where Ginsburg thus explains Justices are people that are able to put their own ideologies and ideas aside to interpret the law and work within the Court, this is also a way in which she neutralizes her own ideological stance.

Hence, the focus on this collegiality is a way for Ginsburg to strengthen the perception of the Court as an institution. She further substantiates this by emphasizing the unanimity of the Court. Although in the more recent terms around 20–25% of the cases were divided 5–4, she emphasizes that the unanimity has always run in the 40% range (Ginsburg et al. 209). By emphasizing these unanimous decisions, Schmidt explains, Ginsburg shows that there is “the constraining power of the law,” centering collegiality within the Court, as this is often under-reported by news articles (504). Through this book, Ginsburg portrays herself as an educator for, and defender of, the Supreme Court and with this also constructs her persona as devoted to the institution. Co-authors Harnett and Williams specifically state that collegiality is something “Ginsburg values highly and promotes constantly” (56). At a time where political polarization only seems to increase, with more divided ideological lines and deeper and more extensive partisan antipathy than in the past decades, there also seems to be a more urgent role in defending the Supreme Court as an independent institution separate from politics (“Political Polarization”).

CONCLUSION

In this article, we have traced different popular cultural texts and shown how they work, as did Ginsburg herself, to fortify the legitimacy of the Supreme Court and American democratic institutions in general. We have argued that Justice Ruth Bader Ginsburg utilized her celebrity status to emphasize the importance of the Supreme Court, both by situating herself in it—balancing the paradox of the passionate celebrity and dispassionate Supreme Court Justice—and by explaining and defending the institution to a broad audience. Where the focus on public figures' personal stories and lives have come to be present in American politics, including now the Supreme Court, Ginsburg made use of this to reach a wider audience and connect popular culture and the institution. In *On the Basis of Sex*, we found the presence of an ideological undercurrent that seeks to debunk the idea that Ginsburg as a lawyer and activist was a radical political activist. The film emphasizes her role as “pushing” the law to follow a society that had been protesting the old-fashioned patriarchal gender norms. The case central to the film is in the present day seen as so obvious, that this aids in neutralizing Ginsburg's activism. As such, within the broader “left” field, Ginsburg functioned as a bridging figure between generations of feminists, and also between radically progressive and more center-left perspectives. The documentary *RBG* is a celebration of Ginsburg's life, and at the same time, emphasizes the interweaving of different strands of feminisms. Again, among the feminists portrayed in the documentary, Ginsburg is constructed as more traditional and conservative compared to others. Lastly, in *My Own Words*, Ginsburg aims not to glorify herself, but stresses the importance of the Supreme Court by explaining and defending the institution, historically, as well as in terms of its process, and day-to-day workings.

We currently live in an extremely polarized society, in which American institutions have come to be questioned and delegitimized, even by those at the heart of executive power. One of the ways in which this is done is through what Rosenblum and Muirhead call “new conspiracism.” They theorize this as “conspiracy without the theory,” a form of conspiracism in which conspiracy theories no longer are based on evidence, nor are interested in offering alternative explanations, but rather hinge on innuendo and repetition (Rosenblum and Muirhead 2–3). Trump's (and others) continuous claims that the previous elections were “rigged” through large-scale voter fraud is one such example. In public speeches and through social media, these conspiracy theories are widely shared, without giving evidence of an alternative, supposedly “real” course of events. These anti-democratic currents present a danger not only to society, but also to the legitimacy of the institutions. What is needed to fight this current is to protect the institutions, by showing how the procedures work, and also, how the institution changes gradually with the changing times, while remaining vital in maintaining a democracy (Snyder; Rosenblum and Muirhead).

Here, we have shown that the function of celebrity and popular culture extends far beyond its working within the media ecosystem of capitalist commodification, serving an increasingly crucial political role as well. Ginsburg's death was a shock to many and allowed Trump to nominate a third Justice to the Court. While Ginsburg worked hard to protect the institution, this event has, ironically, called into question, especially for political progressives, the procedure of how Justices are nominated to the Court. Moreover, Ginsburg's work exemplifies the recent development in which protecting institutions seems to have become a “leftist hobby,” even at the cost, perhaps, of defending specific issues. Nevertheless, in these challenging times, Ginsburg did both: she provided a face on the Court that not only offered recognizably progressive, liberal court opinions and dissents, but also took on this role to defend and protect the institution. In doing so, she brought together her celebrity and function on the Court bench, setting an example for how the Supreme Court might navigate the current political and media landscape within modern American democracy.

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ENDNOTE

- ¹ Ruth Bader Ginsburg (1933) grew up in Brooklyn, NY, in a Jewish family. She received her BA from Cornell University and studied law at Harvard Law School, finishing her degree at Columbia Law School after moving to New York for her husband's career. Post-degree, Ginsburg got a clerkship, worked as Associate Director on the Columbia Law School's Project on International Procedure (1962–63) where she researched Swedish civil procedure and became an assistant professor at Rutgers School of Law in 1963. In 1970, Ginsburg professionally became involved in the issue of gender equality per request of her more activist students, consequently starting her work with the ACLU. In 1972, Ginsburg was hired as the first tenured female law professor at Columbia University Law School and became general counsel to the newly established Women's Rights Project at the ACLU. Ginsburg became one of the leading figures in gender discrimination cases in this decade, arguing six cases before the Supreme Court, winning five. In 1980, Ginsburg was appointed to the U.S. Court of Appeals for the District of Columbia Circuit in Washington D.C. and was nominated to become a Supreme Court Justice in 1993 by President Bill Clinton. Over the years, as the Court increasingly became more conservative, Justice Ginsburg moved to the left, speaking out through her dissents. This eventually led to her rise as a cultural and feminist icon. She passed away on September 18, 2020, at the age of 87.

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