



Universiteit  
Leiden  
The Netherlands

THE RBG PARADOX: THE STRATEGIC NAVIGATION OF THE  
IMPASSIONED CELEBRITY FIGURE AND DISPASSIONATE SUPREME  
COURT JUSTICE IN *ON THE BASIS OF SEX, RBG, AND MY OWN WORDS*

Master's Thesis

North American Studies

University of Leiden

Sabine Stroband

S1843206

August 30, 2021

Supervisor: Dr. S.A Polak

Second reader: Dr. M.S. Newton



## Declaration of originality

By submitting this test, I certify that:

- ✓ this work has been drafted by me without any assistance from others (not applicable to group work);
- ✓ I have not discussed, shared, or copied submitted work from/with other students
- ✓ I have not used sources that are not explicitly allowed by the course instructors and I have clearly referenced all sources (either from a printed source, internet or any other source) used in the work in accordance with the course requirements and the indications of the course instructors;
- ✓ this work has not been previously used for other courses in the programme or for course of another programme or university unless explicitly allowed by the course instructors.

I understand that any false claim in respect to this work will result in disciplinary action in accordance with university regulations and the programme regulations, and that any false claim will be reported to the Board of Examiners. Disciplinary measures can result in exclusion from the course and/or the programme.

I understand that my work may be checked for plagiarism, by the use of plagiarism detection software as well as through other measures taken by the university to prevent and check on fraud and plagiarism.

I understand and endorse the significance of the prevention of fraud and I acknowledge that in case of (gross) fraud the Board of Examiners could declare the examination invalid, which may have consequences for all students.

## Table of Contents

Introduction: Notorious RBG: The Construction of a Feminist Icon.....	4
Chapter 1: Theoretical Framework.....	16
Chapter 2: <i>On the Basis of Sex</i> : History to Validate the Political.....	26
Chapter 3: <i>RBG</i> : The Private Navigates the Public .....	36
Chapter 4: <i>My Own Words</i> : A Celebrity Committed to the Court .....	44
Conclusion: Celebrity as a Means to Strengthen Political Institutions? .....	52
Bibliography.....	57

## Introduction - Notorious RBG: The Construction of an Icon

*“Law and justice are not always the same.*

*When they aren't, destroying the law may be the first step toward changing it.”*

*- Gloria Steinem<sup>1</sup>*

On June 25<sup>th</sup>, 2013, the United States Supreme Court (SCOTUS) voted in the case *Shelby County v. Holder*, which challenged a central provision in the Voting Rights Act of 1965. With a 5 to 4 vote, the Supreme Court ruled that the coverage of section 4(b) of the Voting Rights Act (VRA), which determined that “certain jurisdictions with a history of discrimination had to submit any proposed changes in voting procedures to the U.S. Department of Justice or a federal district court in D.C.,” was unconstitutional due to its basis on an old formula.<sup>2</sup> This entailed that the section that was to provide minority voters protection from voter suppression had been overturned, and that Congress would have to draft a new, up to date, formula for protection to be reinstated. The majority argued that important changes had been made in erasing barriers experienced by first-generation minority voters, including an increase in minority registration and minority representation in politics, showing that “our country has changed.”<sup>3</sup> Supreme Court Justice Ruth Bader Ginsburg filed a dissent.

Referring to Congress’ investigations on whether the VRA’s formula remained suitable, Justice Ginsburg dissented that it had been acknowledged that “voting discrimination

---

<sup>1</sup> Steinem, Gloria, as quoted in Jason A. Merchey’s *Building a Life of Value: Timeless Wisdom to Inspire and Empower Us* (2005), 225, <https://quotepark.com/quotes/1507573-gloria-steinem-law-and-justice-are-not-always-the-same-when-they/>.

<sup>2</sup> Brennan Center, “Shelby County v. Holder,” Brennan Center for Justice, August 4, 2018, <https://www.brennancenter.org/our-work/court-cases/shelby-county-v-holder>.

<sup>3</sup> *Shelby County v. Holder*, 570 U.S. 529 (2013), [https://www.supremecourt.gov/opinions/12pdf/12-96\\_6k47.pdf](https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf).

still exists” in forms of “second-generation barriers” such as racial gerrymandering and at-large voting.<sup>4</sup> Congress had found a magnitude of evidence that the likelihood of retrogression was real if this section was removed from the VRA.<sup>5</sup> Ginsburg, then, argued her now famous lines; “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.”<sup>6</sup> The Supreme Court decision to roll back this key provision of the VRA sparked widespread discontent among progressives, and Ginsburg’s memorable, fiery dissent came to be admired.<sup>7</sup> To share their anger, and as a tribute to Justice Ginsburg’s stance, people turned to the internet. Shana Knizhnik created a Tumblr account called “the Notorious R.B.G.,” a reference to late-rapper Notorious B.I.G., and Aminatou Sow and Frank Chi created an Instagram post and spread stickers through Washington D.C. with the words: “Can’t spell truth without Ruth.”<sup>8</sup> The celebration of Justice Ginsburg as a powerful female leader spread quickly, and Ginsburg soon became enormously popular, seen by many as a hero.<sup>9</sup>

The dissent put Ginsburg on the map as an icon in popular culture, celebrated for her long career as a feminist lawyer working to secure democratic and equal protection under the law. She can be found on items such as mugs, t-shirts, and bumper stickers, and has been the subject in multiple books and films. On September 18<sup>th</sup>, 2020, Justice Ruth Bader Ginsburg passed away at the age of 87 after a long battle with cancer, but not without leaving behind her feminist legacy in law, as well as in popular culture. Justice Ginsburg often has been described

---

<sup>4</sup> *Shelby County*, 570 U.S. 529, Dissent Justice Ginsburg. Racial gerrymandering is the redrawing of district lines with the aim of creating a district where racial minorities stand less of a chance of having their preferred candidate win. At-large voting means that all voters vote for all candidates in a jurisdiction. This can be discriminatory because there often is a racially polarized vote, and voters of color, usually the minority, therefore are unlikely to elect the candidates of their choice.

<sup>5</sup> *Shelby County*, 570 U.S. 529, Dissent Justice Ginsburg.

<sup>6</sup> *Shelby County*, 570 U.S. 529, Dissent Justice Ginsburg.

<sup>7</sup> Irin Carmon and Shana Knizhnik, *Notorious RBG: The Life and Times of Ruth Bader Ginsburg* (New York: HarperCollins Publishers, 2015), 5-6.

<sup>8</sup> Carmon and Knizhnik, *Notorious RBG*, 6-7.

<sup>9</sup> Rebecca Traister, “How Ruth Bader Ginsburg Became the Most Popular Woman on the Internet,” *The New Republic*, July 10, 2014, <https://newrepublic.com/article/118641/ruth-bader-ginsburg-memes-how-internet-fell-love-her>.

as the “legal architect of the women’s liberation movement”, having fought, and won, cases for more than fifty years to “eliminate discrimination in employment, welfare, property ownership, medicine, social security, taxation, privacy, bodily autonomy and voting rights”.<sup>10</sup> This has enabled women to gain basic equality under the law, such as equal pay and owning a credit card under their own name. Justice Ginsburg aimed to create not only a more inclusive law for women, but a more democratic and inclusive law for all those excluded by the texts of American legal discourse. The dissent in the *Shelby County v. Holder* case, is one example of how Ruth Bader Ginsburg spent her life challenging the traditional, patriarchal, texts of American legal discourse with a progressive vision on the Constitution, demanding a more inclusive law.<sup>11</sup> Ginsburg “secured landmark decisions that advanced the rights of women and Black people, environmental protection, health care, disability rights and the independence of US government research agencies.”<sup>12</sup> She has reshaped the language of American jurisprudence, “changed the way the world is for American women”, and some even claim that her impact on American law has been greater than any living judge.<sup>13</sup> It comes, in part, as a surprise then, that Ginsburg’s voice of dissent only fairly recently came to be appreciated by a broader American public.<sup>14</sup>

Of course, the SCOTUS primarily has a legislative role, but because the institution is so fundamental to American life, impacting opinions as well as social norms and values, it also plays a central political and cultural role. Supreme Court decisions impact many aspects of the lives of Americans and decide on some of the most fundamental social, political, and economic problems of society.<sup>15</sup> In the twenty-first century, Justices have become more publicly visible

---

<sup>10</sup> Sarah Franklin, “Ruth Bader Ginsburg (1933-2020),” *Nature*, October 8, 2020, <https://www.nature.com/articles/d41586-020-02857-6>.

<sup>11</sup> Katie L. Gibson, *Ruth Bader Ginsburg’s Legacy of Dissent: Feminist Rhetoric and the Law* (Alabama: University of Alabama Press, 2018), 1.

<sup>12</sup> Franklin, “Ruth Bader Ginsburg (1933-2020).”

<sup>13</sup> Gibson, *Ruth Bader Ginsburg’s Legacy of Dissent*, 1.

<sup>14</sup> Gibson, *Ruth Bader Ginsburg’s Legacy of Dissent*, 1.

<sup>15</sup> Michael Asimow and Shannon Mader, *Law and Popular Culture: A Course Book* (New York: Peter Lang Publishing Inc., 2004), xxii.

than ever.<sup>16</sup> A significant emphasis remains on their role in judicial issues.<sup>17</sup> In the public sphere, they take on a role as educator of the working of the Supreme Court and use their public appearances to defend and improve the legitimacy of the court, highlighting how important the SCOTUS is for everyday life.<sup>18</sup> At the same time, there also has been an increased focus on their personal lives. Supreme Court Justices now regularly sit down for interviews, where they discuss not only the working of the Supreme Court, and specific cases, but also talk more openly about their interpretation of the Constitution, their colleagues, and their private lives, something that rarely happened in the twentieth century.<sup>19</sup> In addition, many Justices now have autobiographies and biographies written in active or passive participation with biographers. It seems the norms for Justices have changed. Where previously publicity and more contact with press was seen as a danger to the legitimacy of the court, we have now seen the normalization of public appearances and the personalization of Justices. What remains, however, is the danger that statements they make undermine “the public perception of justices as capable of impartially arbitrating conflicts” as Justices are seen as figures that stand above electoral politics.<sup>20</sup>

Though many Justices have enjoyed popularity, very few experience Justice Ruth Bader Ginsburg’s celebrity status in popular culture.<sup>21</sup> This can be seen by the multiple Saturday Night Live (SNL) sketches about her, her appearance on late night shows,<sup>22</sup> as well as in

---

<sup>16</sup> Richard Davis, *Justices and Journalists: The US Supreme Court and the Media* (New York: Cambridge University Press, 2012), 172.

<sup>17</sup> Davis, *Justices and Journalists*, 172.

<sup>18</sup> “Code of Conduct for United States Judges,” United States Courts, Effective March 12, 2019, <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

<sup>19</sup> Richard Davis, “Symbiosis: The US Supreme Court and the Journalists Who Cover It,” in *Justices and Journalists: The Global Perspective*, eds. Richard Davis and David Taras (New York: Cambridge University Press, 2016), 286-287.

<sup>20</sup> Richard Davis, *Covering the United States Supreme Court in the Digital Age* (New York: Cambridge University Press, 2014), 17.

<sup>21</sup> Franklin, “Ruth Bader Ginsburg (1933-2020).”

<sup>22</sup> See for example the “RBG Rap” [https://www.youtube.com/watch?v=e6e\\_rGWbFqs](https://www.youtube.com/watch?v=e6e_rGWbFqs); SNL sketches [https://www.youtube.com/watch?v=rfA4WV9A\\_OA](https://www.youtube.com/watch?v=rfA4WV9A_OA); and the late show with Stephen Colbert <https://www.youtube.com/watch?v=0oBodJHX1Vg>.

different books written about and by her, like the book *My Own Words*, and two films, the biopic *On the Basis of Sex*, and the documentary *RBG*. To have a celebrity status, argues Marshall, one has a certain discursive power, being an important ideological and epistemological actor in public discourse.<sup>23</sup> Taylor adds to this that a celebrity feminist, a celebrity famous for her feminism like Justice Ginsburg, relates to questions of what it might mean to identify as a politicized, feminist, woman.<sup>24</sup> As a select number of women represent feminism in popular culture, they become the faces central in “constructing, publicizing, and popularizing feminism.”<sup>25</sup> Therefore, the celebrity feminist has an openly political function and purpose.

Considering the above, there seems to be a paradox present regarding Justice Ruth Bader Ginsburg and her celebrity. On the one hand, Justice Ginsburg and her feminist celebrity image are political and ideological. On the other hand, a supreme court justice is supposed to be apolitical, refraining from political activities such as speaking for a political organization or candidate, or publicly endorsing or opposing a candidate for public office.<sup>26</sup> In addition, they should remain impersonal, or ‘blind’ in applying the law, not allowing outside influences or private interests to guide them in their decision making.<sup>27</sup> Thus, Justices are seen by the public as figures that more or less ‘erase’ their personality for the time being, whereas in celebrity culture, personality is *the* central currency. Therefore, when Justices participate in extrajudicial speech, there often are questions about the possible conflict of interest.<sup>28</sup> The paradox shows possible contention, but also an opportunity to determine how Supreme Court Justices can take part in different roles that go beyond their judicial role. Although other Supreme Court Justices

---

<sup>23</sup> P. David Marshall, *Celebrity and Power: Fame in Contemporary Culture*, 2<sup>nd</sup> edition (Minneapolis; London: University of Minnesota Press, 2014), xxxiii.

<sup>24</sup> Anthea Taylor, *Celebrity and the Feminist Blockbuster* (London: MacMillan Publishers Ltd, 2016), 59.

<sup>25</sup> Taylor, *Celebrity and the Feminist Blockbuster*, 56.

<sup>26</sup> United States Court, “Code of Conduct.”

<sup>27</sup> United States Court, “Code of Conduct.”

<sup>28</sup> Richard L. Hasen, “Celebrity Justice: Supreme Court Edition,” 19 *Green Bag* 2D (Winter 2016): 158; Davis, *Justices and Journalists*, 172.

have been popular, publishing successful autobiographies and participating in interviews, Ginsburg is the first Justice that has moved further to reach an ‘iconic’ status. This can be seen in the presence of Ginsburg in other forms of popular culture, like social media and film, where she as a Justice leads the way.<sup>29</sup> These sources, the films, *On the Basis of Sex* and *RBG*, and the book *My Own Words*, all were successful in their receptive ways. In addition, they did not harm Ginsburg’s work as a Supreme Court Justice and neither did her celebrity status in general. Therefore, this thesis seeks to answer the following research question: How do the biopic *On the Basis of Sex*, the documentary *RBG*, and the book *My Own Words* navigate the possible conflict between Justice Ginsburg’s celebrity feminist role and her role as a Supreme Court Justice? To answer the research question, this thesis analyzes how these texts each work in their own way to navigate the paradox. As will be argued, Ginsburg’s public persona (or self-fashioning) here is central.

The demand for Justices as public figures is a result of the mediatization of society, where celebrity is a central characteristic. Originally, celebrities existed of literary and artistic figures, like Oscar Wilde, later extending to figures from the fields of sport and entertainment. However, celebrities from these professions no longer meet the growing demand for celebrities, and therefore, celebrity has diversified, now also including politicians and Justices for example.<sup>30</sup> The twenty-first century has seen a rise in political insecurity in the United States. The political, social field moved to the right, as did the Supreme Court, and social movements regarding equality arose as the country’s unequal treatment came more to the forefront. With the rightward move of the Supreme Court, Justice Ginsburg moved more to the left on the

---

<sup>29</sup> There have been some other documentaries made besides *RBG*. In 2017, a documentary about Justice Scalia (*Scalia: Portrait of a Man and Jurist*) was made after his sudden death in 2016, and in 2020 a documentary called *John Marshall: The Man Who Made The Supreme Court* was released. However, their these Justice’s status, and these sources in popular culture, do not come close to the popularity of Justice Ginsburg and the relative success of the films about her.

<sup>30</sup> Olivier Driessens, “The Celebritization of Society and Culture: Understanding the Structural Dynamics of Celebrity Culture,” *International Journal of Cultural Studies* 16, no. 6 (2012), 644.

Supreme Court bench and came to represent the liberal, progressives on the Court. Celebrities have become valued resources used in power struggles, and the increase in the importance of celebrity culture is central to social cohesion and identity formation.<sup>31</sup> The celebrification of Ginsburg, thus resulted from a demand to identify and portray her as a central figure in common power struggles.

This celebrification is a process in which ordinary people or public figures undergo changes at the individual level, being transformed into celebrities.<sup>32</sup> This transformation confirms the individual as a person consisting of a subjectivity that unites “the spectacular with the everyday, the special with the ordinary.”<sup>33</sup> It is a form of image-making by society, but also by celebrities themselves. A celebrity is often portrayed as the representation of society, seen through their signification, which in part is created by spectators, different forms of popular culture, and media texts.<sup>34</sup> At the same time, celebrities construct themselves. They aim to create, or emphasize, specific aspects of their identity to influence their presentation to the world.<sup>35</sup> Justice Ginsburg has been constructed, both by others and by herself, as a woman fighting for equality. A woman, described as petite and rather serious and quiet, yet with exceptional qualities; always having worked extremely hard, with passion, fierce and strong in her work, words, and dissents, yet always respectful to others. Being eighty when she became a cultural icon did not hinder her celebrity but seemed to only increase the appeal. Her life work, and her charismatic appeal, including her ‘extraordinary qualities’, but also her family life, have shown effective in the construction of Justice Ginsburg as a feminist icon. This celebrification has led her to become one of the faces of feminism, therefore having an openly political function and purpose where she promotes her progressive vision on the Constitution

---

<sup>31</sup> Driessens, “The Celebrityization of Society and Culture,” 641-642.

<sup>32</sup> Driessens, “The Celebrityization of Society and Culture,” 643.

<sup>33</sup> Richard Dyer, *Stars*, 2<sup>nd</sup> edition (London: British Film Institute, 1997), 35.

<sup>34</sup> Marshall, *Celebrity and Power*, 19; And Dyer, *Stars*, 2.

<sup>35</sup> Marshall, “The Promotion and Representation of the Self,” *Celebrity Studies* 1, No. 1 (2010), 39; Dyer, *Stars*, 2.

and her advocacy for equal treatment under the law. Thus, her political function is mainly focused on her history in advocacy and ideological stance.

The Supreme Court's legitimacy mainly is built on their written justifications of its rulings, and concerns are shared about exterior commentary on their work. 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."<sup>36</sup> Thus, this is how the Supreme Court Justices have been 'fashioned' to the world: a performance where they are expected to perceive and behave as dispassionate, with no personal or external influences, expressing their rulings through the written word.<sup>37</sup> However, as we see with the case of Justice Ginsburg, the opposite seems to be happening. With the process of mediatization, there now is an emphasis on personalities, including those in politics like Justices, there are demands from visual media to "make themselves more visible to the public," and journalistic approaches to the Supreme Court "have shifted toward covering the justices as individuals and the Court itself as more of a political institution."<sup>38</sup> The confirmation hearings, for example, now are more public, longer, and more controversial than before.<sup>39</sup> This in turn puts pressure on the justices to become more public and navigate how they do this so that their legitimacy remains intact. With a focus on the personal, therefore, their ideology and interpretation of the Constitution also becomes more central and more accepted to be shared in public.

Although the Supreme Court has become more present in the public, as well as in academic discussion of mediatization, there is little research that combines the more traditional role of the Supreme Court Justices with their newer public role, increasingly crossing into the

---

<sup>36</sup> Christopher W. Schmidt, "Beyond the Opinion: Supreme Court Justices and Extrajudicial Speech," *Chicago-Kent Law Review* 88, no. 2 (2013), 492-493.

<sup>37</sup> Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: The University of Chicago Press, 1980), 2.

<sup>38</sup> Davis, *Covering the United States Supreme Court*, 20.

<sup>39</sup> Davis, *Covering the United States Supreme Court*, 20.

field of celebrity studies. This thesis aims to bring these fields together, to trace how the paradox of Justice Ginsburg's celebrity status and her role as Justice, is navigated. I argue that it is the focus on Ginsburg's persona that provides an ability to intersect the paradox of a dispassionate 'blind' interpreter of the Constitution, and the impassioned celebrity judge figure. Each of the primary sources use specific aspects of Ginsburg's persona to navigate the paradox. For Ginsburg, her work as a Supreme Court Justice is what made her rise to fame and politicized her. Her celebrity status then allowed her to reach a wide audience to highlight her feminist work and her perspectives on civil rights. At the same time, her celebrity status has allowed her to explain and defend the workings of the Supreme Court, which is a regular performance of a Supreme Court Justice, to a wider audience. Using her public persona, Ginsburg aimed to improve the legitimacy of the institution and stress the importance of it. Her persona came to be constructed as a fighter for women's rights, and equal rights in general, in popular culture becoming the face of the liberal side of the Supreme Court. As Justice Ginsburg became famous for her work, her persona is perceived to be indistinguishable from her actual self.

By performing a textual and intertextual analysis, I show how each primary source successfully navigates the paradox in a different way. Each primary source is different in form, but also in how they deal with the paradox. In each chapter, I provide examples to show how the different texts work the way they do. Before the analysis, chapter one will provide a theoretical framework, further positioning this thesis in the academic debates. In chapter two, *On the Basis of Sex*, which focuses on the beginning of Ginsburg's career and how she became involved in gender equality and the law, is analyzed.<sup>40</sup> The biopic constructs her persona by focusing on history. I argue that by highlighting the beginning of her career, Ginsburg's advocacy is to be seen as part of that specific era. At the same time, by portraying her as

---

<sup>40</sup> *On the Basis of Sex*, directed by Mimi Leder (Universal City, CA: Focus Features, 2018).

passionate, hard-working, and respectful in challenging the patriarchal laws and socio-political environment, I demonstrate that this shaped the way she continued to work for the rest of her life. Chapter three analyzes the documentary *RBG*, by tracing Ginsburg's persona to her earlier career, her work as a Supreme Court Justice, and her celebrity status. I argue that by using reflection of relatives and friends, and self-reflection by Ginsburg, Ginsburg's persona centralizes her authentic characteristics and her role as an educator to navigate the paradox. By making extensive use of lighter aspects and humor, her private and public representation together mediate her persona.<sup>41</sup> Lastly, the book *My Own Words* is a collection of speeches and writings, mostly from Ginsburg herself, following an autobiographical structure.<sup>42</sup> Here, I argue that in contrast to what the title perhaps suggests, Ginsburg fashions herself as a celebrity whose purpose is not to glorify herself, but as a celebrity who fully commits herself to provide insight into the history, traditions, and procedures of the Supreme Court with the purpose of defending and upholding the legitimacy of the institute. Her persona thus exists in service to her work.

Together, these primary sources show how the careful self-fashioning, the different forms and focuses on Ginsburg's persona provided a way for Justice Ginsburg to participate in her political role as a celebrity feminist, whilst at the same time defending and further explaining the Supreme Court.

There are a few notes and limitations to this thesis that should be mentioned. First of all, it must be recognized that this self-fashioning or persona building of Ginsburg, operate "alongside and even within structural forces and constraints."<sup>43</sup> Therefore, the textual and intertextual analysis I conduct is situated in contemporary structural forces, constraints, and ideologies just as much as the ideological and socio-historical context this thesis discusses.

---

<sup>41</sup> *RBG*, directed by Betsy West and Julie Cohen (United States: Magnolia Pictures, 2018).

<sup>42</sup> Ruth Bader Ginsburg, Mary Harnett, and Wendy W. Williams, *My Own Words* (United States: Simon & Schuster, 2016).

<sup>43</sup> Taylor, *Celebrity and the Feminist Blockbuster*, 20.

Second, the choice for these primary sources purposefully has left out sources from digital media like news websites, Youtube, Tumblr etc. and instead focuses on the more ‘traditional’ texts for the main analysis. Mainly this is due to the enormous number of sources that could be used to analyze how Justice Ginsburg has been constructed as a feminist icon. In addition, these films and the book are the clearest narrative texts, engaging in structured storytelling rather than tapping into a pop cultural trope. These sources also fit best to the purpose of this paper as Justice Ginsburg in each of these sources has played some form of an active role in the production, with the minimum active involvement being notes on the film script of *On the Basis of Sex*, and meeting with Felicity Jones to help her best prepare for her role as Ruth Bader Ginsburg. Other sources related to the primary sources, however, like reviews and interviews, are used to add to the arguments made in each chapter. Third, it should be mentioned that, although this thesis fits into feminist celebrity studies, there are many different forms of feminism. This thesis, however, does not seek to endorse one, but solely focuses on Justice Ginsburg’s construction as a feminist icon. Lastly, my positionality should be mentioned. I have grown up with the explosion of social media and have seen the rise of Justice Ginsburg to celebrity status, becoming a fan of her myself. However, I have aimed to keep a distance and critically analyze the construction of Justice Ginsburg, showing that the persona that has been constructed of and by Justice Ginsburg in the different primary sources is what navigated the paradox, has drawn so many to her, and made her a cultural icon that will be remembered now that she has passed away. This thesis contributes to the existing scholarship by exploring how different sources use the persona-building of Justice Ruth Bader Ginsburg to navigate the intersection of the paradoxical relationship of a feminist celebrity that is a political, ideological figure, yet is theoretically required to remain non-political due to her profession as Supreme Court Justice. In addition, it specifically adds to the literature that exists on self-fashioning, identity building, and persona-building, with a celebrity feminist that does not come from the

entertainment industry and has become famous for her work at the age of eighty. Justice Ginsburg achieved exceptional levels of widespread recognizability, carrying varied associations for large numbers of people, transgressing the limitations the initial function and meaning her role as Supreme Court Justice would normally have given her; the exact explanation of an icon.<sup>44</sup>

---

<sup>44</sup> Martin Kemp, *Christ to Coke* (Oxford: Oxford University Press, Inc., 2011), 3.

## Chapter 1 - Theoretical Framework

*“True community is based on upon equality, mutuality, and reciprocity. It affirms the richness of individual diversity as well as the common human ties that bind us together.”*

*- Pauli Murray<sup>45</sup>*

This thesis is an interdisciplinary study mainly contributing to the debate in the academic field of celebrity studies, but also engaging with the sub-fields of celebrity and feminism, and law and popular culture. Celebrity studies is a relatively new and interdisciplinary field, which commenced in the nineties and “engages social and cultural theory in order to give analytical shape and direction to its important questions and probings about the ongoing significance of celebrity, and processes of mediatization more generally, in contemporary society.”<sup>46</sup> Due to the broad and interdisciplinary nature of the academic fields this thesis builds on, there is a great deal of literature that in some way relates to this thesis. Therefore, this chapter solely provides a selection that best provides an understanding of where this thesis fits in the academic debates. Specifically, this regards the literature of constructing a celebrity, the Supreme Court and their engagement with popular culture, and the link between feminism and celebrity. In the analysis of this thesis, I use aspects from each of these fields to explain how the different sources navigate the paradox central in this thesis.

Before going into these specific aspects, this chapter will first provide a broad general state of the field of celebrity studies, specifically related to the mediatization of celebrity that opened the floor to the diversification of celebrity to also include more political figures, like Justice Ginsburg.

---

<sup>45</sup> Pauli Murray, *Pauli Murray: Selected Sermons and Writings* (US: Orbis books, 2006).

<sup>46</sup> Anthony Elliot, ed., *Routledge Handbook of Celebrity Studies* (London: Routledge, 2018), 5.

One central discussion in celebrity studies is the role of celebrity within the capitalist system. Some argue that capitalism has led to the commodification of the celebrity, with the celebrity embodying individualism and market capitalism: They function as guides in the ‘production of the self’, function as present-day replacements for God and monarchs, and have become products themselves, thus having an active economic function to stimulate consumerism.<sup>47</sup> On the other hand, others argue that although there is not necessarily anything wrong with these perspectives, indeed acknowledging the relationship between celebrity and capitalism, this tendency to think about celebrity from a perspective of normative value judgement (that celebrity is shallow) obscures other understandings of celebrity.<sup>48</sup> Instead, they propose to move away from this perspective so that a more “authentic understanding of the nature of celebrity” can be reached, for example by focusing on the meaning-making of celebrity.<sup>49</sup>

A second aspect is the analysis of the mediatization of popular culture, and with this, the expansion of celebrity culture. Popular culture and celebrity have been present for centuries, but with the arrival of the internet, online culture has increased our access to celebrity culture.<sup>50</sup> Though literature, television and film remain important to the structure of culture, their influence has changed with the rise of online culture. As Marshall argues, “it is these two dimensions – a form of cultural production and a form of public engagement and exchange – that make social networks simultaneously a media and communication form.”<sup>51</sup> Where celebrity was first focused on authors, and then on entertainers like films and sports in the twentieth century, this mediatization has led to a rapid increase of celebrity in arenas beyond

---

<sup>47</sup> Marshall, “The Promotion and Presentation of the Self,” 36; Chris Rojek, *Celebrity* (London: Reaktion Books, 2001); Ellis Cashmore, *Celebrity Culture* (New York: Routledge, 2014), 7; Kerry O. Ferris, “The Sociology of Celebrity,” *Sociology Compass* 1, no. 1 (2017), 374-377.

<sup>48</sup> Ferris, “The Sociology of Celebrity,” 378.

<sup>49</sup> Ferris, “The Sociology of Celebrity,” 378; Joshua Gamson, *Claims to Fame: Celebrity in Contemporary America* (Los Angeles: University of California Press, 1994), 78; Ferris, “The Sociology of Celebrity,” 378-379.

<sup>50</sup> Marshall, *Celebrity and Power*, xi.

<sup>51</sup> Marshall, “The Promotion and Presentation of the Self,” 38.

entertainment like fashion, academia, law, social movements, and politics, where celebrity has become an important resource in power struggles.<sup>52</sup> Driessens calls this ‘celebritization’, “a long-term structural development or ‘meta-process’,” which develops alongside globalization, individualization and mediatization and regards the changing nature as well as the cultural and societal changes of celebrity.<sup>53</sup> The ‘migration’ of celebrity culture into areas that originally were not associated with fame, like politics, he calls the ‘diversification’ of celebrity.<sup>54</sup> While Driessens argues that this mediatization accommodates celebritization as media came to focus on creating new stars due to the demand for celebrities, Turner argues it is the openness of the media that gave the opportunity to demand new stars.<sup>55</sup> Elliot adds that mass media, and specifically social media, has led to the cultural obsession with celebrity and has shifted the boundaries of the public and the private.<sup>56</sup> To be a celebrity means to give up part of the private self to strengthen its connection to its audience.<sup>57</sup> In addition, Hamad argues that the digital and online era has made a “necessity of negotiating discourses of authenticity around celebrities and their public identities.”<sup>58</sup>

This shifted boundary of the public and the private relates to what Driessens calls the ‘celebrification’, which “comprises the changes at the individual level, or, more precisely, the process by which ordinary people or public figures are transformed into celebrities,” such as politicians or lawyers.<sup>59</sup> This transformation, then, is a confirmation of individuality. Thus, whereas celebritization is the process of the changing field of celebrity in general terms, driven

---

<sup>52</sup> Gamson, *Claims to Fame*, 186; Driessens, “The Celebritization of Society and Culture,” 641.

<sup>53</sup> Driessens, “The Celebritization of Society and Culture,” 643.

<sup>54</sup> Driessens, “The Celebritization of Society and Culture,” 644.

<sup>55</sup> Driessens, “The Celebritization of Society and Culture,” 644; Graeme Turner, *Understanding Celebrity*, (London: SAGE, 2004), 82-85.

<sup>56</sup> Elliot, *Routledge Handbook of Celebrity Studies*, 21-22.

<sup>57</sup> Marshall, “The Promotion and Presentation of the Self,” 36.

<sup>58</sup> Hannah Hamad, “Celebrity in the Contemporary Era,” in *Handbook of Celebrity Studies*, ed. Anthony Elliot (London: Routledge, 2018), 50.

<sup>59</sup> Driessens, “The Celebritization of Society and Culture,” 643.

by mediatization, personalization and commodification, celebrification regards the individual process of becoming, and being, a celebrity.

Though not much literature has focused on this celebrification of ‘ordinary people’, there is growing literature on the example of the celebrity politician. Street distinguishes between two different celebrity politicians: the elected politician, or candidate, that uses elements of celebrity culture to draw voters to them and advance its functions and goals, and the celebrity who uses its popularity to speak about political topics, claiming the right to represent people and causes, in this way becoming political without seeking office.<sup>60</sup> Whilst this celebrification has been critiqued, as politicians would lose their credibility and trust, Street argues that in popular culture, and the complex functions of modern democracies, the celebrity function is an extension of accounts of political representation.<sup>61</sup> Marshall, ‘t Hart and Tindal add to this by stating that this celebrification of the politician is a new way of reaching voters as the society’s way of looking at politics has changed, a process reflected in economic, socio-cultural and political processes.<sup>62</sup> This focus on the “politics of personality” that is now central to contemporary American politics is present in the whole of contemporary celebrity culture where media texts “celebrate effort and achievement as the open democratic routes to success and hold up for admiration the celebrity elite, successful because of inborn, extraordinary qualities.”<sup>63</sup> We see this also in the more public appearances of Supreme Court Justices which explains how the paradox central in this thesis has come up.

To focus on celebrification and the politics of personality, necessitates an exploration of the research on the construction of the self and the meaning of celebrity in popular culture. In the context of celebrity culture, celebrity serves “as an important, though by no means

---

<sup>60</sup> John Street, “Celebrity Politicians: Popular Culture and Political Representation,” *BJPIR* 6 (2004), 437-438

<sup>61</sup> Street, “Celebrity Politicians,” 445.

<sup>62</sup> P. David Marshall, Paul ‘t Hart, and Karen Tindal, “Celebrity Politics: The Politics of Late Modernity?” *Political Studies Review* 8 (2010), 326.

<sup>63</sup> Gamson, *Claims to Fame*, 189-195.

exclusive, cultural resource by and through which individuals make sense of their self-identities, social relations, the world and how to go on in it.”<sup>64</sup> At the same time, the production of the self is at the core of celebrity activity as the way a celebrity performs is a central feature in any celebrity’s identity, which then influences the presentation of ourselves to the world.<sup>65</sup> Celebrity culture influences how we think about individuality and how we create the self through an increasingly more public world. The celebrity, here, plays a role in social cohesion and identity formation, positioning itself as a “metaphor for value in modern society,” and embodying “the empowerment of the people to shape the public sphere symbolically.”<sup>66</sup> Allen and Mendic argue that identity formation is a continuously ongoing process, in part influenced by celebrities as identity is not created voluntarily but is influenced by the socio-cultural, and socio-economic contexts, which set limits on the kinds of identities that are available to different selves.<sup>67</sup> Marshall argues that the celebrity represents the potential of everyone in American society, although the reality is that they preserve the myth of the everlasting possibilities of universal success.<sup>68</sup> He emphasizes the need to focus more on understanding how celebrities are celebrated in different forms of popular culture and media and on what he calls *persona studies*, which “identifies what we all engage in as we publicize, perform, and present versions of ourselves,” like the connection between celebrities and the construction of the self.<sup>69</sup>

Here, Marshall builds on the work of Richard Dyer, one of the first and most influential academics to study celebrity. Dyer explains that we see celebrities in terms of their signification. We do not know them as real people, though they are real people, which is part

---

<sup>64</sup> Elliot, *Routledge Handbook of Celebrity Studies*, 10.

<sup>65</sup> Marshall, “The Promotion and Presentation of the Self,” 39.

<sup>66</sup> Marshall, *Celebrity and Power*, 7.

<sup>67</sup> Kim Allen and Heather Mendick, “Young People’s Uses of Celebrity: Class, Gender and ‘Improper’ Celebrity,” *Discourse: Studies in the Cultural Politics of Education*, 34, no. 1 (2013), 80.

<sup>68</sup> Marshall, *Celebrity and Power*, 9.

<sup>69</sup> Marshall, *Celebrity and Power*, xxxii-xxxv.

of how they signify, but in the end, we only know how they are described and portrayed in media texts.<sup>70</sup> An important aspect in celebrity studies, therefore, has to do with the signification of a celebrity. How is a celebrity portrayed in popular culture and media texts? In part, they are created by the spectator and by media texts. On the other hand, there also is image-making. Celebrities, at least to a certain extent, aim to make, or emphasize, a certain image about themselves. Always present here, argues Dyer, is ideology, which is “a set of ideas or representations in which people collectively make sense of the world and the society in which they live,” specific to a culture and a particular moment in history.<sup>71</sup> The dominant ideology, which presents itself as the ideology of the whole society, then, is rooted in the current social and cultural settings of a society, where media sources reflect this dominant ideology.<sup>72</sup> However, there also are celebrities that either expose or embody alternative or oppositional ideological positions to the dominant ideology and can be seen as interventionists.<sup>73</sup> Female celebrities, for example, can often be identified as both empowered, as well as ‘disruptive’ persons that challenge the patriarchal culture.<sup>74</sup> Focusing on the analysis of a celebrity, then, as images in media texts like films, stresses the different meanings and affects that they embody with some meanings and affects set to the foreground, whilst others attempted to be masked or displaced.<sup>75</sup> These ideological analyses, are thus always political.

In addition, Dyer builds his arguments on sociologist Max Weber’s account of ‘Charisma’. Charisma is defined as “a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman or at least superficially exceptional qualities.”<sup>76</sup> Dyer argues that this charismatic appeal is

---

<sup>70</sup> Dyer, *Stars*, 2.

<sup>71</sup> Dyer, *Stars*, 2.

<sup>72</sup> Dyer, *Stars*, 2.

<sup>73</sup> Dyer, *Stars*, 34.

<sup>74</sup> Rebecca Williams, “From *Beyond Control* to In Control: Investigating Drew Barrymore’s Feminist Agency/Authorship,” in *Stardom and Celebrity: A Reader*, eds. Sean Redmond and Su Holmes (London: SAGE, 2007), 64; 120-121.

<sup>75</sup> Dyer, *Stars*, 3.

<sup>76</sup> Dyer, *Stars*, 30.

especially effective when there is an uncertain social order, in which the celebrity can offer a value, order, or stability to counter this.<sup>77</sup> The fans of a certain celebrity, at least to a certain extent, identify themselves with the star. Thus, he argues that celebrities are produced, and that these productions relate to certain ideas of an individual as well as the social reality.

The other two fields this thesis builds on are law and popular culture, and celebrity and feminism. Law and popular culture, also called cultural legal studies, concerns itself with narrating law's popular cultures as a way of transforming or presenting questions of law and justice by researching law, lawyers, or the legal system in forms of contemporary culture like films and novels.<sup>78</sup> In the United States, almost all major questions of social policies are decided by American courts. Most of the vital political, social, and economic issues are discovered by Americans through images on television screens and other media formats.<sup>79</sup> There is a fascination and demand for cultural representations of the legal system, perhaps to make the decisions that are central to American lives easier to grasp, and bring the legal system closer to the home, than often happens through the formal institutions.<sup>80</sup> In this way, the legal system becomes a sort of theater. At the same time, the Court and its workings can be described as theater. Justices perform their role, presenting their decisions, dissents, and aiming to explain this to a wider public. Umphrey, Sarat and Douglas explain that "legal action is ritualized, demands recognition, asserts control, attempts enforcement, generates knowledge, and engenders resistance in modalities that are both contingent and patterned."<sup>81</sup> Here, attention

---

<sup>77</sup> Dyer, *Stars*, 31.

<sup>78</sup> Cassandra Sharp and Marett Leiboff, "Cultural Legal Studies and Law's Popular Cultures," in *Cultural Legal Studies: Law's Popular Cultures and the Metamorphosis of Law*, eds. Cassandra Sharp and Marett Leiboff (New York: Routledge, 2016), 5; Asimow and Mader, *Law and Popular Culture*, 4.

<sup>79</sup> Asimow and Mader, *Law and Popular Culture*, 5.

<sup>80</sup> It is similar to Melley's example of *the covert sphere*, which is a cultural imaginary shaped by institutional secrecy and public fascination with this. There are many films, books, games, etc. that concern this topic. See: Timothy Melley, *The Covert Sphere: Secrecy, Fiction, and the National Security State* (Ithaca: Cornell University Press, 2012), 5-6.

<sup>81</sup> Martha Merrill Umphrey, Austin Sarat, and Lawrence Douglas, "Introduction: Law and/as Performance," in *Law and Performance*, eds. Martha Merrill Umphrey, Austin Sarat, and Lawrence Douglas (Amherst: University of Massachusetts Press, 2018), 2.

goes less to the legal text than to “embodiment, context, role, action, and uptake.”<sup>82</sup> In Justice Ginsburg’s dissent for the *Shelby County v. Holder* case, for example, she aimed to explain the law and, at the same time, performed as her feminist persona, acting as a figure that people needed at this time. This performance, then, is also seen in (primary) sources where Justices have an active role. Supreme Court Justices are government officials appointed for life and therefore do not need public appearances for purposes of reappointment, however, in the past fifteen years, extrajudicial speech has increased dramatically, focusing on both judicial issues as well as Justices’ personal lives.<sup>83</sup> Schmidt lists five types of extrajudicial speech: (1) the personal, regarding autobiographies; (2) the interpersonal, where observations about their colleagues are made; (3) the educational, where the justices appear as civic teachers; (4) the institutional, where they defend the Supreme Court as an institution; and (5) the Jurisprudential, which regards a different presentation of their written opinions.<sup>84</sup> The personal is often manifested through books, which Hasen argues are attractive for justices because in addition to financial benefits, it is one of the few options where a justice usually does not raise the “potential conflict of interest”.<sup>85</sup> On the other hand, Schmidt questions this conflict of interest, by arguing that although it is present, Supreme Court justices have always participated in extrajudicial speech and even claims that the most significant contributions often come “when the speech is near, perhaps at times over, that contested line between appropriate and inappropriate judicial behavior.”<sup>86</sup> Justice Ginsburg has engaged in all types of extrajudicial speech, all directly linked to the construction of her persona. She, for example, defended the institution when she perceived Republican critics to be harming the judicial branch and argued

---

<sup>82</sup> Umphrey, Sarat and Douglas, “Introduction,” 2.

<sup>83</sup> Hasen, “Celebrity Justice,” 172.

<sup>84</sup> Schmidt, “Beyond the Opinion,” 495-505.

<sup>85</sup> Hasen, “Celebrity Justice,” 11.

<sup>86</sup> Schmidt, “Beyond the Opinion,” 492.

that these critics created a culture that undermined not only the Supreme Court, but also the rule of law.<sup>87</sup>

The final interdisciplinary field regards celebrity and feminism, where famous feminists are positioned to their political function. Holmes and Negra argue that in popular culture, women either struggle or fail. Their actions are “proof” that for women, the “work-life balance” is really difficult, and sometimes impossible, emphasizing the political character of female celebrities.<sup>88</sup> They build this on Dyer’s argument that star images are political as they can be analyzed in relation to ideological discourses, including power relations.<sup>89</sup> It taps into the gendering of celebrity and the ways in which female celebrity is articulated. According to Hamad and Taylor, feminism and celebrity intersect through feminists who have been celebritized, like Justice Ginsburg, but also through celebrities “who come to identify as feminist at some stage during their career, and use their public persona to articulate political positions broadly consistent with feminism.”<sup>90</sup> Feminists who have been celebritized, Taylor calls celebrity feminists. Analyzing different feminist blockbusters with celebrified authors, she argues that all of these celebrity authors have an openly political function and purpose, accommodating the public debate on feminism.<sup>91</sup> Central here is their constructed public persona, “popularizing feminism and rendering it accessible for women into whose lives it may not otherwise have flowed.”<sup>92</sup> Taylor centralizes agency in the fashioning and maintaining of the author’s public feminist personas, locating instances of self-fashioning as well as certain degrees of self-reflexivity about the authors’ own celebrification.<sup>93</sup>

---

<sup>87</sup> Davis, *Justices and Journalists*, 183.

<sup>88</sup> Su Holmes and Diane Negra, “Introduction” in *In the Limelight and Under the Microscope: The Forms and Functions of Female Celebrity*, eds. Su Holmes and Diane Negra (New York: Bloomsbury Academic & Professional, 2011), 2-3.

<sup>89</sup> Holmes and Negra, 4.

<sup>90</sup> Hannah Hamad and Anthea Taylor, “Introduction: Feminism and Contemporary Celebrity Culture,” *Celebrity Studies*, 6, no. 1 (2015), 126.

<sup>91</sup> Taylor, *Celebrity and the Feminist Blockbuster*, 14-15.

<sup>92</sup> Taylor, *Celebrity and the Feminist Blockbuster*, 17.

<sup>93</sup> Taylor, *Celebrity and the Feminist Blockbuster*, 20.

This thesis builds on the aforementioned literature, bringing together debates of celebrity studies, feminism, and law and popular culture. Although the celebritization of different professions and social settings into celebrity culture have been explained, there is a gap in research about the interpretation and analysis of public reputation and celebrity-like status in different professions and social settings.<sup>94</sup> Much of the analyses of celebrity has focused solely on celebrities in literature, film, music, and sports. What is needed are investigations into personas and how they “play across culture, transnationally and within newly generated micropublics as well as within different practices, leisure activities, careers, and professions.”<sup>95</sup> The celebrification of Justice Ginsburg as a celebrity feminist results from the demand for a representation of society in a time where there is an uncertain social order (mediatization) and a focus on the politics of personality. By analyzing how persona plays a central role in navigating the potential paradox between the impassioned celebrity judge figure and the dispassionate, ‘blind’ interpreter of the constitution that is a result of the mediatization, this research not only seeks to expand research on persona and how they play across different professions, but also provides answers of ways in which persona can guide potential conflicts of interest.

---

<sup>94</sup> Marshall, *Celebrity and Power*, xxxvii.

<sup>95</sup> Marshall, *Celebrity and Power*, xxxvii.

## Chapter 2 - *On the Basis of Sex*: History to Validate the Political

*“It is simply freedom for women, or for anybody, to decide for themselves what they shall do in the world, to exercise freedom of choice in disposition of their lives, to enjoy the same kind and degree of opportunity to exercise diverse talents, whether in rocking the cradle or ruling the world, that every other human being has.”*

*- Dorothy Kenyon<sup>96</sup>*

It is 1956. Orchestral music is playing, soon joined by a male choir singing “Ten Thousand Men of Harvard,” as well-groomed white men appear on the screen. Amongst all the men, a glimpse, different shots of one female walking amongst the crowd are seen, then comes into full picture a “petite, lean and striking” woman; it is Ruth Bader Ginsburg.<sup>97</sup> They all enter an auditorium, finding seats. Ginsburg is surrounded by men, and as everyone quiets down, dean Erwin Griswold begins his speech to welcome the new law students. Soon he poses the question; “What does it mean to be a Harvard Man?”<sup>98</sup>

This opening of the biographical film *On the Basis of Sex*, immediately sets the socio-political environment of the time. We are back in a time where mainly (white) men went to university with very few women attending. We also get a first impression of Ruth Bader Ginsburg, as well as a feeling of what the movie will be about. The biopic is a genre that “narrates, exhibits, and celebrates the life of a subject in order to demonstrate, investigate, or question his or her importance in the world,” highlighting the best characteristics of a personality, and “for both artist and spectator to discover what it would be like to be this person,

---

<sup>96</sup> Dorothy Kenyon, in “Texts of the Speeches at New York Times Symposium on The World After the War,” *New York Times*, April 8, 1943, <https://timesmachine.nytimes.com/timesmachine/1943/04/08/87412533.html?pageNumber=16>.

<sup>97</sup> Daniel Stiepleman, *On the Basis of Sex*, Film Script, 2018, 2.

<sup>98</sup> Stiepleman, *On the Basis of Sex*, 2.

or to be a certain type of person”.<sup>99</sup> Therefore, by focusing on (a part of) a subject’s life, the biopic constructs a persona of the subject. Persona, or the public version of the self, is “a constructed performance of identity that is made meaningful in the relationship between its presentation and reception.”<sup>100</sup> Central is that a persona is always built on strategy and intention.<sup>101</sup> This chapter argues that Ginsburg’s constructed persona emphasizes the idea that she has had two different careers: one of advocacy, where she was allowed to be more biased, and one as a Supreme Court Justice where she was not. By focusing on narrating the beginning of her career, where she faced challenges every step of the way under patriarchal laws and the socio-political environment, *On the Basis of Sex* displays why Ginsburg’s persona is the way it is, even as a Supreme Court Justice. At the same time, the narrative neutralizes Ginsburg’s persona, not stressing more than her progressive view on the Constitution. Specifically relating Ginsburg’s activist persona to her first career, therefore, is a strategy employed to validate Ginsburg’s political role as the face of the legal struggle for gender equality under the law, thereby remaining within the boundaries of the paradox. I demonstrate this by focusing on two ways of how the construction of Ginsburg’s persona navigates this paradox. Firstly, I present how the narrative constructs Ginsburg as passionate and hard-working, yet always respectful, characteristics that remained seen on the Supreme Court. The patriarchal world she worked in affected every level of her presentation, which in turn affected how she worked in the rest of her career and as a Justice on the Supreme Court. Secondly, I detail the portrayal of Ginsburg by actress Felicity Jones, which further emphasizes Ginsburg’s persona. In films, actors need to both impersonate the subject’s public, as well as give an accurate depiction of the persons

---

<sup>99</sup> Dennis Bingham, *Whose Lives Are They Anyway? The Biopic as Contemporary Film Genre*,” (New Brunswick, NJ: Rutgers University Press, 2010), 10.

<sup>100</sup> Hannah Andrews, “Reading the Biopic Through Persona: A Comparison Between *Bohemian Rhapsody* and *Rochetman*”, *Comparative Cinema* (online) 9, no. 16 (2021), 10.

<sup>101</sup> P. David Marshall, Christopher Moore, Kim Barbour, “Persona As Method: Exploring Celebrity and the Public Self Through Persona Studies,” *Celebrity Studies* 6, no. 3 (2015), 290.

assumed private persona.<sup>102</sup> Details in how Ginsburg presented herself in the public world (compared to her private world) further emphasize the construction of Ginsburg's persona. It is this construction of the persona by narrative and portrayal that navigates the paradox by emphasizing how it is constructed in a 'different world' from today. In this way, the political is neutralized as being part of this era. To convey this, I combine a close textual and extratextual analysis of the film, focusing on narrative, performance, and style.

Central to a biography is the dynamic between the subjects' public and private life.<sup>103</sup> In the biopic, "private behaviors and actions and public events as they might have been in the person's time are formed together and interpreted dramatically."<sup>104</sup> *On the Basis of Sex* is a dramatization of Supreme Court Justice Ruth Bader Ginsburg's earlier life, from her starting law school in 1956, to winning her first court case for the equal treatment of women and men under the law in 1972. The case, *Moritz v. Commissioner*, was presented to her by her husband, with whom she had an egalitarian marriage, and together they took on the case. Charles Moritz, an unmarried man taking care of his mother was denied a caretaker tax deduction because the law assumed all caretakers were women (or in small numbers, men who at least were married).<sup>105</sup> The Ginsburgs used this case to exemplify that the separation of gender under the law hurt not only women, but also men. By narrating this story, the biopic highlights the socio-political environment of the time, whilst simultaneously, neutralizing the political as the arguments made by the Ginsburgs in the *Moritz* case are not controversial in the present but are perceived as self-evident. Therefore, the political bias of this movie is directly constructed to be inextricable from the socio-political environment of that time. In the narrative, the gender inequality is made explicit, as the beginning of the film immediately shows. At a time when

---

<sup>102</sup> Andrews, "Reading the Biopic Through Persona," 12.

<sup>103</sup> Andrews, "Reading the Biopic Through Persona," 10.

<sup>104</sup> Bingham, *Whose Lives Are They Anyway?*, 10.

<sup>105</sup> It should be clarified that this case was not presented in front of the Supreme Court, but before the Court of Appeals for the Tenth Circuit.

the dominant ideology depicts the United States to have been a country of equality and justice, *On the Basis of Sex* conveys the persistent gender inequality.<sup>106</sup> For example, it shows how Ginsburg was one of nine women out of a class of over 500 law students and after she finishes law school struggles to find a job, merely because she is a woman, a mother, and Jewish.

This sphere is where Ginsburg's persona is constructed in. A persona is a culturally produced trace, and copy of a person, socially active, yet cannot be deemed subordinate to the actual self.<sup>107</sup> "To render something a person is to make it abstract, to make it recognizable, to individuate it, to place it in a larger category with other similar entities."<sup>108</sup> This persona is "the interpretation of various social attributes," held together by narrative, a life story, which for Ginsburg is portrayed by *On the Basis of Sex*.<sup>109</sup> Although a person, the self, will change over time as identity is not fixed, the life story will always be part of the person. From this narrative, Ginsburg's persona is constructed, and it is this persona that is emphasized to remain a part of Ginsburg beyond the setting of the film. In the patriarchal society wherein Ginsburg started her career, she did not have another choice than to fight every step of the way for her career. As Ginsburg negotiates herself through the public world, its institutions and discourses, the emphasized characteristics of passion, hard-work, and respect are internalized as Ginsburg's persona.<sup>110</sup>

The centrality of respect in Ginsburg's persona is one way in which the narrative guides the paradox. It fashions how Ginsburg used this characteristic in her mediation of the

---

<sup>106</sup> Most Hollywood historical films represent the dominant, liberal ideology of national exceptionalism and progress, portraying the values, beliefs and identity of the United States to be based on the principles of freedom, equality, justice and humanity that have always been promoted domestically and internationally. Trevor McCrisken and Andrew Pepper, *American History and Contemporary Hollywood Film* (United States: Rutgers University Press, 2005), 8; William Tyler Page, "The American Creed," *US History*, Accessed August 17, 2021, <https://www.ushistory.org/documents/creed.htm>.

<sup>106</sup> McCrisken and Pepper, *American History*, 7.

<sup>107</sup> Sheryl Hamilton, *Impersonations: Troubling the Person in Law and Culture* (Toronto: University of Toronto Press, 2016), 11.

<sup>108</sup> Hamilton, *Impersonations*, 11.

<sup>109</sup> Andrews, "Reading the Biopic Through Persona," 13.

<sup>110</sup> Marshall, Moore, Barbour, "Persona as method," 290.

patriarchal culture, and at the same time locates it to the public signification in the present. When Ginsburg finally has a job interview, the man seems considerate to her situation of having a hard time finding a job. He agrees with her, saying “you must be livid... You’re angry. Good. Use it. I have to say Mrs. Ginsburg, I’m very impressed.”<sup>111</sup> Yet refuses to hire her because they are “a close-knit firm. Almost like family, and uh, ... but the wives, they get jealous.”<sup>112</sup> Although this angers Ginsburg, she does not lash out and remains respectful. As she explains, to not give way to emotions and get angry, is something her mother had taught her, and she perceives it as the best way to present herself to the public world.

In addition, this trait is meant as a specific interpretation in the present. Besides a social presence of the world in the text, as described above, there also is “a social presence to the world of literary text.”<sup>113</sup> In other words, in the present, reading this text is embedded in public signification in the form of interpretation, the past representing the present.<sup>114</sup> Historical films always represent the present as they are immersed in contemporary ideologies, concerns and preoccupations, in this way also establishing our relationship to the past – and here, to Justice Ginsburg.<sup>115</sup> By emphasizing Ginsburg’s persona as respectful, the film proposes an alternative to the behavior now often see in the public sphere. The film came out in 2018, at a time of political insecurity, with director Mimi Leder calling it the current “poisonous political climate.”<sup>116</sup> Specifically poisonous in the way that everything seems to be a fight nowadays. By showing not only Ginsburg’s influence on equal rights for women, and the struggles she faced, but by also emphasizing that she treated everybody with dignity and respect instead of

---

<sup>111</sup> Spiegleman, *On the Basis of Sex*, 25.

<sup>112</sup> Spiegleman, *On the Basis of Sex*, 25.

<sup>113</sup> Greenblatt, *Renaissance Self-Fashioning*, 5.

<sup>114</sup> Jonathan Stubbs, *Historical Film: A Critical Introduction* (New York: Bloomsbury Publishing, 2013), 19; and Robert A. Rosenstone, *Visions of the Past: The Challenge of Film to Our Idea of History* (United States: Harvard College, 1995), 43.

<sup>115</sup> McCrisken and Pepper, *American History*, 8.

<sup>116</sup> She relates for example to the #MeToo movement and the continued demand for equal rights. Fred Topel, “‘On the Basis of Sex’ Director Mimi Leder Says the Ruth Bader Ginsburg Story is the Story of Change,” *SlashFilm*, December 20, 2018, <https://www.slashfilm.com/mimi-leder-interview-on-the-basis-of-sex/>.

trying to destroy the opponent, Ginsburg's characteristic is brought into the public sphere.<sup>117</sup> It is one part of the narrative structure that constructs Ginsburg's persona, and at the same time makes her explicitly political within the framing of the paradox. This political role is focused on her role in the feminist movement, and as an alternative way of behaving that is rarely seen in the current political and social climate.

Additionally, the narrative constructs Ginsburg as passionate and hard-working. It is these characteristics that are central in the story of how Ginsburg changes. By fighting each step of the way, Ginsburg eventually finds her voice. When she first enters law school, dean Griswold organizes a 'welcome' dinner for the nine women who have made it into law school. Here, he wants to go around the room for these women to explain to the dean why they deserved a place in law school that could have gone to a man. Another example is when she first goes to meet Melvin Wulf, the American Civil Liberty Union's (ACLU) legal director to ask him for support with the Moritz case, which he refuses to give because it "is not a case. It's the opening salvo in a fifty-year war for a new class of civil rights."<sup>118</sup> This example shows that even from the side where she thought she would get support (which later in the film she does get), she had to face obstacles and fight for her case to continue. Leder explains that highlighting these struggles was to show how Ginsburg became who she is today and "leading up to the case that changed a century of gender discrimination for men and women on the basis of sex."<sup>119</sup> In this way, the narrative of the film emphasizes her advocacy, although made specific to the environment of that time. The constructed persona in this narrative, however, is emphasized to be central to Ginsburg's lasting persona. By focusing on Ginsburg dealing with persistent inequality, beating all the odds by having exceptional qualities, Ginsburg's persona became the

---

<sup>117</sup> Topel, "'On the Basis of Sex' Director"; and Talks at Google, "Justen Theroux, Mimi Leder & Daniel Stiepleman: 'On the Basis of Sex,'" *Youtube Video*, January 10, 2019. <https://www.youtube.com/watch?v=GbYPMIM6XpY>.

<sup>118</sup> Stiepleman, *On the Basis of Sex*, 42.

<sup>119</sup> Topel, "'On the Basis of Sex' Director."

face of the legal fight for women's equal rights, shaping history and the public identity of the women's movement.<sup>120</sup> At the same time, her political role remains specific to her advocacy carried out as a lawyer in a 'different world', in this way neutralizing the idea that she is biased on the Supreme Court.

The second way *On the Basis of Sex* strategizes Ginsburg's persona to come forth from the socio-political environment is by highlighting specific details of Ginsburg's appearance. In films, actors need to both impersonate the subject's public, as well as give an accurate depiction of the persons assumed private persona. In this way, the constructed subject's persona is strengthened. Concerning both style and performance in the film, I demonstrate how the outward appearance and her character and private life emphasize Ginsburg's persona, while the political aspects remain specific to the era.

The outward appearance is an important aspect when it comes to expectations of the accuracy of a biopic. As Lucy Fife Donaldson argues, "the performer's body becomes the film's statement of how it will address biography, and this body thus defines our relationship to events as they are depicted."<sup>121</sup> In addition, the more accurate the outward representation is, the more believable the public persona of a subject. In film, the persona thus concerns both character and the outward appearance. It includes styling, like hair, make-up and costume, as well as the "entirely embodied performance that includes sound, posture, movement and other shaping effects of stance, projection and circumstance."<sup>122</sup> In *On the Basis of Sex*, one key feature of styling is the hairstyle. In the film, except for the beginning until the film skips to 1970s, Ginsburg (Felicity Jones) mainly wears her hair in a low ponytail, sometimes with a hair scarf. This became Ginsburg's signature hair style until her passing away, functioning as

---

<sup>120</sup> Taylor, *Celebrity and the Feminist Blockbuster*, 219

<sup>121</sup> Lucy Fife Donaldson, "Performing Performers: Embodiment and Intertextuality in the Contemporary Biopic," in *The Biopic in Contemporary Film Culture*, eds. Tom Brown and Belén Vidal (London: Routledge, 2014), 106.

<sup>122</sup> Marshall, Moore, and Barbour, "Persona as Method," 24.

a form of identification. Felicity Jones explained the hair was “pivotal”: Ginsburg followed the pressure to look a certain way until the 1970s, after which she chose the low ponytail because it was practical and saved time in the morning.<sup>123</sup> In addition, Jones wore blue-gray contact lenses, teeth caps to shape them the same way as Ginsburg’s teeth, and her eyebrows were shaped the same way as Ginsburg (see figure 1).



Figure 1: left, Jones as Ginsburg. Right, a portrait of Ginsburg as a senior at Cornell. Source: <https://www.focusfeatures.com/on-the-basis-of-sex>.

In this way, hair, make-up, and other styling provided more likeness to the real Ruth Bader Ginsburg. Especially the representation of the hairstyle, and the reason why she opted for the low ponytail, reiterates Ginsburg’s characteristic of working hard. The time she could have spent on fixing her hair in other ways, she thought could have been spent in another way.

Other shaping effects, like sound, posture and movement were also used to further emphasize Ginsburg’s persona in the film, in part created to navigate in the patriarchal public

---

<sup>123</sup> Bee Shapiro, “Felicity Jones on Becoming Ruth Bader Ginsburg,” *The New York Times*, December 10, 2018, <https://www.nytimes.com/2018/12/10/style/felicity-jones-ruth-bader-ginsburg.html>.

world. To learn Ginsburg's Brooklyn accent, and way of speaking, Jones took lessons with a dialect coach, listened to, and watched videos, and met up with Ginsburg, to learn both the accent and find the nuances of Ginsburg in both the private and public sphere, also including movement and posture.<sup>124</sup> Jones explained that "so much of Ruth's battle was functioning in a very patriarchal world at that time and how that affected every level of her presentation: not only her voice, but body (language) as well."<sup>125</sup> The performance of Ginsburg's voice and body (language) have been specifically influenced by the patriarchal culture. When Mel Wulf asks Ginsburg to write the brief for another gender inequality case, *Reed v. Reed*, which would be heard at the Supreme Court, he tells her to accept the settlement (one dollar) proposed by the government for the Moritz case. Ginsburg and her Husband would argue in front of the Court of Appeals. Ginsburg disagrees and states that "first you took half the argument away from me...". Wulf then 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.<sup>126</sup>

This is an example in the film where you see how the environment influenced her presentation. She gets frustrated, and you see and hear this clearly in her body(language) and voice. Her posture is composed yet tense, and her words strong, with some emotion as she defends herself as able to argue the case in Court. Here, when Wulf tells her to keep her emotions in check, he

---

<sup>124</sup> Patrick Ryan, "How Ruth Bader Ginsburg Helped Felicity Jones Play Her in Biopic 'On the Basis of Sex'," *USA Today*, December 24, 2018, <https://eu.usatoday.com/story/life/movies/2018/12/24/felicity-jones-became-obsessive-playing-ruth-bader-ginsburg-biopic/2378306002/>.

<sup>125</sup> Ryan, "How Ruth Bader Ginsburg."

<sup>126</sup> Stiepleman, *On the Basis of Sex*, 94.

specifically stresses how women were positioned as needing policing and disciplining in this area. Women were portrayed as more emotional, in public life needing to appear put-together, with their emotions balanced whilst men were presupposed to always have their emotions in check.<sup>127</sup> Ginsburg transgresses this patriarchal norm here by telling Mel Wulf to do the same. This directly shows her fight against the patriarchy, where her voice and body, and the way she controls them, are a key part in how Ginsburg navigates herself in this era.

Biopics use narrative to create a specific truth they want to emphasize, recreating the most dramatic and characteristic stretches of a person's life, placing at the center self-identification and self-invention, as well as identification with others.<sup>128</sup> *On the Basis of Sex* strategizes Ginsburg's persona as passionate, hard-working, and respectful through narrative and portrayal. With this, it aims to make Ginsburg more understandable as a person and as a myth.<sup>129</sup> Ginsburg's persona was fashioned to mediate herself in the patriarchal world. However, by focusing on the beginning of her career, Ginsburg's political advocacy, with which she has become the face of the legal struggle for gender equality under the law, is stressed to be specifically linked to her career in this environment. In this way, Ginsburg's persona is neutralized, validating her political role. At the same time, her persona is what is portrayed as the continuum, remaining central in the rest of her career.

---

<sup>127</sup> Ute Frevert, "Chapter 2: Gendering Emotions," in *Emotions in History: Lost and Found* (Budapest: Central European University Press, 2011), <https://books.openedition.org/ceup/1505>.

<sup>128</sup> Bingham, *Whose Lives Are They Anyway?*, 377-378.

<sup>129</sup> Bingham, *Whose Lives Are They Anyway?*, 403.

## Chapter 3 - *RBG*: The Private Navigates The Public

*“But I ask no favor for my sex. I surrender not our claim to equality. All I ask of our brethren is, that they will take their feet from off our necks, and permit us to stand upright ...”*

- Sarah Grimké<sup>130</sup>

On the DVD-cover of the documentary *RBG*, it reads four words: At the top in big letters is the title “RBG”, and at the bottom it reads “Hero. Icon. Dissenter.” The biographical documentary came out in 2018, recording Justice Ginsburg’s life, career, and the rise to her celebrity feminist status. The documentary form is distinguished as a media form for its capacity to portray a certain reality about important issues in society, always with a claim to truth and factuality.<sup>131</sup> Its purpose is to “serve as a commentary on the changing nature of society as mirrored through the political, economic, and socio-cultural activities of its citizens.”<sup>132</sup> *RBG* traces Ginsburg’s earlier life, her advocacy for equal rights under the law, how this led to her becoming a Supreme Court Justice, and how her dissents eventually iconized her. The documentary thus shows the changing nature of society by focusing on Ginsburg’s life. Here, it intersects the paradox as the impassioned celebrity judge figure and the dispassionate interpreter of the Constitution. To negotiate this position within the institutions and the broader culture, upholding Ginsburg’s legitimacy as a Justice, I argue that *RBG* foregrounds a strategy of private presentations connected to her public presentation. As the tracing of her career explains how society changed during Ginsburg’s life, similarly, the changing society justifies her role in advocacy. And here,

---

<sup>130</sup> “Sarah Grimké,” Brooklyn Museum, Accessed August 24, 2021,

[https://www.brooklynmuseum.org/eascfa/dinner\\_party/heritage\\_floor/sarah\\_grimke](https://www.brooklynmuseum.org/eascfa/dinner_party/heritage_floor/sarah_grimke).

<sup>131</sup> T. Muswede and D.T. Masvopo, “The Role of Film Genre in Transformative Politics: An Ideological Documentary Analysis of *Nelson Mandela: The Living Legend (1918-2013)*,” *Strategic Review for South Africa* 40, no. 2 (2018), 5.

<sup>132</sup> Muswede and Masvopo, “The Role of Film Genre in Transformative Politics,” 5.

this fashioning of the persona is central, the changes neutralizing her political role and emphasizing her role as a Justice. This is exemplified by using a mix of private and public presentations to uncover Ginsburg's career. The documentary specifically makes use of lighter aspects and humor to accentuate Ginsburg's life. Central here are reflections by others and by Ginsburg herself. First, I demonstrate how *RBG* uses excerpts from videos, pictures, and other materials, as well as interviews with relatives and friends, to emphasize Ginsburg's persona as a passionate, hard worker, yet rather quiet and always polite. In this way, her persona is centralized to her career, her characteristics focusing on the way she worked her entire life. Second, I illustrate how the documentary uses Ginsburg's self-reflection to emphasize her educational role and balances the seriousness of her work. Self-reflexivity is part of what can be called the 'celebrity confessional mode', "wherein celebrities are often self-reflexive about the 'business' of fame as well as about their lives pre-celebrification."<sup>133</sup> In the documentary, this is mainly done through the interview, where Justice Ginsburg reflects on all three storylines: her career, her private life, and her rise to stardom.

To study a celebrity's persona, is working out strategies of "foregrounding versions of public and private presentations and how these relate to the individual celebrity negotiating his/her position within institutions and the broader context."<sup>134</sup> Public and private presentations influence each other, and by sharing parts of the private life in constructing Ginsburg's public identity, her persona, there is a constant mediation happening. In fact, the private is brought to the screen by close friends and colleagues, Ginsburg's children, and their granddaughter. They reflect on Ginsburg's public and private life, and by linking them together construct the characteristics as inherent to Ginsburg's identity.

---

<sup>133</sup> Taylor, *The Feminist Blockbuster*, 205-206.

<sup>134</sup> Marshall, Moore, Kabour, "Persona as Method," 290.

One part of this is that she is constructed as rather shy and quiet. Explaining Ginsburg's relationship with her husband, a close friend states that their personalities could not have differed more: "Marty was the most gregarious, outgoing, life of the party. Ruth was really quite recessive in a way. Shy, quiet, soft voice, but they worked."<sup>135</sup> This presentation of Ginsburg in her private life, then, is portrayed as inherent to Ginsburg, and therefore also present in her public representation. By the time the feminist movement started, Ginsburg, worked at Rutgers university. Inspired by her students, she was teaching a course on gender and law, and became interested in legal cases that discriminated on the basis of gender. Here, her biographers explain it was not Ginsburg's thing to march and demonstrate, but that "her thing was to use the skills she had and put them to work, and those were her legal skills."<sup>136</sup> With the emphasis on this characteristic, the documentary stresses one reason of why, and how, Ginsburg came to do the work as a feminist lawyer. Further emphasizing these characteristics are colleagues who worked with her on the ACLU project for women's equality. They reflect that Ginsburg was polite, rather quiet and reserved, not speaking too much during meetings, always addressing whatever points there were with not much small talk.

Interconnected to this, is the focus on Ginsburg's persona as passionate, hard-working, yet accepting of people with other opinions. The documentary traces the work she has done, and how, but specific emphasis on her persona is put by its focus on the lighter side of her life. In *RBG*, different people reflect on Ginsburg's friendship with Scalia, for example. Justice Scalia, a very conservative judge, and Justice Ginsburg, a liberal judge, became good friends, sharing a love for the Opera. Although they had very different views on how to interpret the Constitution, there was a friendly chemistry. Ginsburg is explained to be good at compartmentalizing, being able to be close friends with someone "who had these outrageous

---

<sup>135</sup> West and Cohen, *RBG*, 00:10:50: Prof Arthur Miller, Longtime friend.

<sup>136</sup> West and Cohen, *RBG*, 00:23:20.

views about women, about gays and lesbians.”<sup>137</sup> With this example, the documentary constructs Ginsburg as being able to separate her advocacy from her role on the Supreme Court, showing that she does not let her advocacy lead in how she treats people. At the same time, her advocacy is also neutralized by fashioning these characteristics as inherent to Ginsburg’s persona. This is further emphasized by scenes of Justice Ginsburg in the gym. Having had cancer twice when she started going to the gym, she aimed to stay fit for her work on the bench. This highlights the inherent nature of these characteristics to her identity and shows her perseverance and passion for her work. Her personal trainer, reflecting on this, jokingly called her “a cyborg, she is like a machine.”<sup>138</sup> As Ginsburg’s workout continues to be shown, opera music is played, connecting her private presentation to her public one. Her persona thus connects her earlier career to her work as a Justice, but also to her celebrity status.

In fact, the documentary clearly connects these characteristics as a central aspect of her celebrity status. Ginsburg is described as looking vulnerable, being a tiny little person, which contrasts the ferocious defender of minorities, women, and certain kinds of ideals. Here, specifically, her celebrity status directly links back to her work as a feminist lawyer, but also her work on the Supreme Court, as “every time she wrote a dissent, the internet would explode.”<sup>139</sup> The documentary mainly centers her celebrity and advocacy on her progressive vision of the Constitution. In fact, Republican Senator Orrin Hatch (the leading Republican member at the time) explains that she was appointed by a liberal president, as a liberal judge, “and that’s the way this country works.”<sup>140</sup> In this way, the documentary justifies the political aspects of Ginsburg’s career that are present in both her advocacy and her role as a (liberal) Judge to be placed within the boundaries of the paradox. Central remains Ginsburg’s persona in guiding this. It is her characteristics that enabled and drove her, centralized as the thread

---

<sup>137</sup> West and Cohen, *RBG*, 01:06:00.

<sup>138</sup> West and Cohen, *RBG*, 01:22:00.

<sup>139</sup> West and Cohen, *RBG*, 01:18:00.

<sup>140</sup> West and Cohen, *RBG*, 01:54:00.

throughout her career. Knizhnik reflected that although she is rather petite, “she definitely embodies the larger than nature of the ‘Notorious’ title, more and more as she gets older.”<sup>141</sup> Thus, the documentary interconnects her first career as a feminist lawyer, her second career as a Supreme Court Justice, and what we could call her third career as a celebrity by centralizing Ginsburg’s persona.

In addition, the documentary uses self-reflexivity to emphasize the constructed persona so far discussed, and stresses Ginsburg’s persona as a Justice, acting in her role as an educator to the wider public. Mainly this is fashioned by using interviews of Justice Ginsburg. The focus on both the central characteristics in her career, and her role as educator, intersect the paradox by bringing the two together. Although some self-reflection emphasizes certain explanations of how the law worked, and works, most of the self-reflexivity is light and humorous, connecting private presentations to her public ones. As a Justice, she reflects on her life, negotiating the private and the public to actively create a persona that navigates the paradox. As mentioned, self-reflexivity is a sort of celebrity confessional mode, which often reflects on the experience of fame as well as on other aspects of life. These reflections can consist of describing the celebrity’s humble beginnings; the troubles and hardships faced to get where they are now; and who they really are beneath their celebrity.<sup>142</sup> Ginsburg reflects on her fame, as well as her earlier/private life, and her career. I will demonstrate how Ginsburg’s self-reflection allowed her to perform both as a feminist celebrity and as a Supreme Court Justice, personalizing her feminist politics, and at the same time, acting as an educator, negotiating her private and public life to navigate the paradox.

Ginsburg centralizes her persona as hard-working and passionate by connecting her private life to her public representation. Discussed at the beginning of the documentary,

---

<sup>141</sup> West and Cohen, *RBG*, 01:23:40.

<sup>142</sup> Taylor, *The Feminist Blockbuster*, 205-206.

Ginsburg explains that her mother had two lessons: (1) be a lady, meaning to not let yourself be overcome by useless emotions like anger, and (2) be independent, meaning to be able to fend for yourself. Throughout the documentary these two lessons keep returning, either mentioned directly or shining through indirectly. These lessons imply where Ginsburg got her drive from that is stressed as central to her persona. In addition, it acts as a point of identification for many who listen to this story. By detailing this private, perhaps emotional, part of Ginsburg's life, she attracts an emotional identification to her. It is a marker of authenticity that gives Ginsburg an originality that is specific to her.<sup>143</sup> A direct example is when Ginsburg explains the development of her career, discussing different cases that she argued before the Supreme Court. In the documentary, it is explained that as Ginsburg was arguing her cases, many Justices did not understand, or did not see these problems as issues, as they thought women had a specific place in society, at times also making undermining comments like: "You won't settle for putting Susan B. Anthony on the new dollar?" Ginsburg explained that she would never respond with anger,

as my mother told me. That would have been self-defeating. Always as an opportunity to teach. I did see myself as a bit of a kindergarten teacher in those days because the judges didn't think sex discrimination existed. Well, one of the things I tried to plant in their minds was: think about how you would like the world to be for your daughters and granddaughters.<sup>144</sup>

Thus, Ginsburg connects the private to her public personality, emphasizing this part of her persona to be central in how she worked her whole career. It also emphasizes Ginsburg's

---

<sup>143</sup> J. Littler, "Making Fame Ordinary: Intimacy, Reflexivity and 'Keeping it Real'," in *Mediactive*, ed. J. Rutherford (London: Lawrence & Wishart, 2004), 14.

<sup>144</sup> West and Cohen, *RBG*, 00:40:00.

educational role, ironically by saying that before she became a Justice, she already felt like she took on a role as a teacher.

Another way Ginsburg constructs her persona is as an educator. Ginsburg uses self-reflexivity to stress this persona by not only explaining how things work, but also by using humor. In the documentary, Ginsburg is asked about the State of the Union, where images showed that Justice Ginsburg seemed to have fallen asleep for a moment. Regarding this, she reflects that “the audience for the most part is awake, because they’re bobbing up and down all the time. And we sit there, stone faced, the sober Judges, but we’re not... at least I wasn’t a 100% sober.”<sup>145</sup> By using honesty, but also humor here, Ginsburg uses the opportunity to act as an educator. She describes that Judges do not follow the applause and reactions the rest of the audience is meant to do, as it would indicate political preference. This example and the joke she makes, again underline her authenticity and underscore the guidance of the paradox. These jokes, coming from the rather quiet Justice, have aided her celebrity status, whilst at the same time she has used her celebrity status to explain how Justices perform to remain apolitical – here specific to the State of the Union.

In fact, this documentary uses self-reflection to directly address the paradox that is present throughout this thesis. Although a Justice is required to remain apolitical, not giving way of electoral preferences, in the early stages of the presidential election of 2016, Ginsburg called Trump fake. This crosses the line of what is appropriate and inappropriate judicial behavior and Ginsburg apologized saying that it was better to not have said anything. In the documentary, Ginsburg uses self-reflection, to defend the Supreme Court in regard to this. She stated that although indeed it was wrong, the notion that her vote would depend on her political preferences would never happen as “none of us, even if we wanted to, could be successful if that is the attitude that we have.” Thus, whilst she confesses to having made a mistake to speak

---

<sup>145</sup> West and Cohen, *RBG*, 01:21:00.

out politically, creating a moment where her legitimacy decreased, her apology and explanation reflect an awareness of her role and work, claiming that eventually the electoral field of politics is separated from her work. In this way, Ginsburg aims to defend the Supreme Court by stressing it is separated from the electoral arena, as one would never make it onto the Supreme Court if one would constantly have the attitude she displayed this one moment. Thus, Ginsburg's self-reflection further emphasizes her persona as hard-working and respectful, again placing it central to her career, and emphasizes her role as the apolitical Justice, explaining and defending the Supreme Court.

This chapter has analyzed how the documentary *RBG* navigates the paradox emphasizing a mediation between the public and the private to construct Ginsburg's persona. With a focus on combining the explanation of her biography with reflections of friends, colleagues and family members, and self-reflection by Ginsburg, give way to combine the tracing of her career with light and humor. Dyer has pointed out that the way in which celebrities articulate the business of being an individual is what makes them interesting, additionally embodying the social categories people are placed in and make sense of their lives.<sup>146</sup> In this way, her persona as rather petite and shy, respectful, yet passionate and hard-working is centralized, as well as her role as an educator, which is part of her work as a Supreme Court Justice. The documentary very clearly shows the intersection of the paradox, where her career shows how she became a Supreme Court Justice, and then, a feminist icon, whilst at the same time, her role as a Justice provides the opportunity to share with a broad audience her experience and knowledge. Ginsburg's private relations and Ginsburg's personal voice central to tracing Ginsburg's life and career, emphasize the construction of what is seen as the ordinary/extraordinary Justice Ginsburg, an intersection of the public and private self.<sup>147</sup>

---

<sup>146</sup> Richard Dyer, *Heavenly Bodies: Film Stars and Society* (U.S. Macmillan Press, 1986), 18.

<sup>147</sup> Dyer, *Stars*, 35.

## Chapter 4 - *My Own Words*: A Celebrity Committed to the Court

*“I know we can’t abolish prejudice through laws, but we can set up guidelines for our actions by legislation.”*

*- Belva Lockwood*

In the previous two chapters, Ginsburg’s persona navigated the paradox by connecting her career and views to her extraordinary qualities with sound and images. Where *On the Basis of Sex* traced the beginning of her career, and *RBG* provided more of a biography, linking her private life, her career, and her rise to celebrity status, the book *My Own Words* traces her life focusing on explaining, providing details, and giving context to her career as a feminist lawyer and especially her work as a Supreme Court Justice. Published in 2016, The book *My Own Words*, written by Ruth Bader Ginsburg, Mary Harnett, and Wendy W. Williams, consists of a collection that includes a variety of materials, including speeches, legal briefs, and law review articles. The book focuses on different topics, from writings in her early life, to the lighter side of the Supreme Court; from gender equality and being Jewish, to tributes to ‘waypavers’ and the workings of the Supreme Court. It follows an autobiographic style, the different materials roughly structured in chronological order. Although this book touches upon many different aspects, they mainly connect to the Supreme Court and its history, traditions, and procedures. 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.<sup>148</sup> In addition, this demand for, and as a result of, increased public appearances of Justices, information becomes more accessible to the public on an

---

<sup>148</sup> Davis, “Symbiosis,” 288.

individual level, but with the retainment of the institution's distance.<sup>149</sup> The autobiography, or in this case, the collection of texts therefore is an example where the paradox can clearly be navigated, and the legitimacy of the court can be defended.

This chapter argues that *My Own Words* navigates the paradox by constructing Ginsburg as a celebrity whose purpose is not to glorify herself, but as a person who fully commits herself to the role as an educator by providing explanations of the history, traditions, and procedures of the Supreme Court with the purpose of defending and upholding the legitimacy of the institute. Klaus explains that “the context and purpose of a person’s writing exert a major influence on the character of a person’s written self.”<sup>150</sup> In addition, the contexts of the texts influence the persona, like the authors’ distinctive thoughts or feelings about topics, and by details that are emphasized or downplayed.<sup>151</sup> To do so, I provide a close textual analysis. Firstly, I show how Ginsburg constructs her persona as focused on the Justice’s role as civic teachers explaining the different aspects of the Supreme Court. In the workings of the Court, there is a certain performance present. As explained, “legal action is ritualized, demands recognition, asserts control, attempts enforcement, generates knowledge, and engenders resistance in modalities that are both contingent and patterned.”<sup>152</sup> Here, attention goes less to the legal text than to “embodiment, context, role, action, and uptake.”<sup>153</sup> I will demonstrate how, in her role as civic teacher, Ginsburg constructs her persona as selfless, emphasizing the importance of collegiality to legitimize the workings of the Supreme Court. Secondly, I show how the writings about her career are directly associated with her Supreme Court role. Where in the two films her biography is central, in *My Own Words* she stresses how her earlier career contributed to the Supreme Court’s equal protection attitudes in gender discrimination and how

---

<sup>149</sup> Davis, “Symbiosis,” 288.

<sup>150</sup> Carl H. Klaus, *A Self Made of Words: Crafting a Distinctive Persona in Nonfiction Writing* (Iowa City: University of Iowa Press, 2013), 11.

<sup>151</sup> Klaus, *A Self Made of Words*, 11.

<sup>152</sup> Umphrey, Sarat, and Douglas, “Introduction,” 2.

<sup>153</sup> Umphrey, Sarat, and Douglas, “Introduction,” 2.

this continued once she was on the Court bench. Although here, there are some moments of glorification of Ginsburg, I mainly show how she constructs herself as selfless to intersect her political role as a feminist celebrity with her role as a Supreme Court Justice, her earlier career mainly explaining her judicial philosophies.

*My Own Words*' main focus lies on explaining the context and workings of the Supreme Court, which mainly can be described as a performance. Ginsburg explains how the procedures work, showing how they are always repeated in a similar fashion. The choices of the cases, the oral arguments in Court, the reaching of decisions are almost always done the same way. Ginsburg, for example, writes that their decisions are "grounded in rules, practices and traditions that frame the decision making."<sup>154</sup> On the one hand, this performativity provides the reader with the specific ideas of how the Supreme Court works, making it more tangible, and at the same time, this reiteration is to defend the Court as an institution. With the detailed explanation of how the Court performs, structured by the ritualization of its workways with its existing rules and roles, Ginsburg aims to show the remaining importance and legitimacy of democracy and the role of the Court.<sup>155</sup> Central to Ginsburg's explanation of the court, she places the importance of collegiality. The choice of text and words that emphasize this collegiality portray Ginsburg's distinctive thoughts and feelings about the Court and with this constructs her persona as selfless and completely devoted to the institution.<sup>156</sup> In the preface of *My Own Words*, Ginsburg immediately stresses this aspect, placing it central to her explanation and defense of the Court. She writes 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."<sup>157</sup> Thus, in other words, if they would not be able to be collegial to one another, she says, they would

---

<sup>154</sup> Ginsburg, Harnett and Williams, *My Own Words*, 201.

<sup>155</sup> Umphrey, Sarat, Douglas, "Introduction," 4-5.

<sup>156</sup> Klaus, *A Self Made of Words*, 11.

<sup>157</sup> Ginsburg, Harnett and Williams, *My Own Words*, xx.

be disrespecting, and delegitimizing both the Constitution and the Court. And thus, as Justices, outside of these cases, they set their individual views aside so that the Court can function the way it does. In this way, she thus explains how the institution is apolitical.

Throughout the book, collegiality is emphasized on multiple occasions in connection to Ginsburg's description of the workways of the Supreme Court. In fact, in a short introduction to the chapter of "The Lighter Side of Life at the Supreme Court," the co-authors Hartnett and Williams specifically state that collegiality is something "Ginsburg values highly and promotes constantly."<sup>158</sup> In this way, they directly connect collegiality to Ginsburg's persona. Specific examples that Ginsburg provides regarding the Court's collegiality, in a way part of their performance, is that they shake hands every day, they lunch together (by choice, not by rule), celebrate justice's birthdays, and occasionally have dinners.<sup>159</sup> Ginsburg also addresses the concern of many regarding the ideological differences between Justices on certain topics:

As you may have noticed, we have sharp differences on certain issues – recent examples include federally mandated health insurance, affirmative action ... But through it all, we remain collegial and, most of the time, 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.<sup>160</sup>

She argues that for Justices, they all share the opinion that the institution they work for is more important than the individuals that compose the Supreme Court at any given time. The focus on this collegiality is a way for Ginsburg to strengthen the perception of the Court as an institution. In addition, she emphasizes the unanimity of the Court. Although in recent terms

---

<sup>158</sup> Ginsburg, Harnett and Williams, *My Own Words*, 56.

<sup>159</sup> Ginsburg, Harnett and Williams, *My Own Words*, 56.

<sup>160</sup> Ginsburg, Harnett and Williams, *My Own Words*, 59-60.

around 20-25% of the cases were divided 5-4, she emphasizes that the unanimity always has run in the 40% range.<sup>161</sup> 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.<sup>162</sup> 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.<sup>163</sup> This is thus a clear example of how Justice Ginsburg navigates the paradox by using the demand, and possibility, for extrajudicial speech and writings to emphasize the collegiality and to defend the Court. At the same time, Ginsburg’s persona comes to embody her role as an educator, with a centrality for collegiality, respect, and selflessness.

Expanding on the collegiality in explaining the Supreme Court, the second way Ginsburg navigates the paradox in *My Own Words* is by directly connecting her earlier career as a feminist lawyer to her Supreme Court role. The book traces her earliest writings as a child to texts written and spoken as a Supreme Court Justice. In talking about her career, Ginsburg takes the opportunity to explain her liberal judicial philosophies. The discussion of Justice’s individual stances and judicial philosophies have become more normal, though, as we also see here, mainly still connected to institutional objectives.<sup>164</sup> Ginsburg undertakes this by tracing her career, and with this, her vision on the law, whilst emphasizing her selfless persona and the role of the Court in her career. Here, we do see a few instances of glorification, though the main focus remains to be on her persona as a Justice who is fully committed to the defense of the Supreme Court.

---

<sup>161</sup> Ginsburg, Harnett and Williams, *My Own Words*, 209.

<sup>162</sup> Schmidt, “Beyond the Opinion,” 504.

<sup>163</sup> “Political Polarization in the American Public,” Pew Research Center, June, 2014, <https://www.pewresearch.org/politics/2014/06/12/political-polarization-in-the-american-public/>.

<sup>164</sup> Davis, *Covering the United States Supreme Court*, 17.

The development of Ginsburg's career, and Ginsburg's judicial philosophies, are immediately indicated at the beginning of the book, where multiple writings from her childhood are presented. In the introduction of these texts, the co-authors Hartnett and Williams write that "her childhood experiences helped to shape the writer, person, and judge she went on to become."<sup>165</sup> And thus, they immediately interlink Ginsburg's life and feminist career to her work as a Supreme Court Justice. One specific example that they stress is Ginsburg's early awareness of gender inequality when she was a child. Using excerpts of an interview, Ginsburg explains that she did not enjoy 'home economics' where girls had to learn how to cook and sew. She remembers "envying boys long before I even knew the word *feminism*, because I liked shop better than cooking or sewing... and my cooking never came out the way it was supposed to."<sup>166</sup> Ginsburg also became aware of anti-Semitism once the U.S. entered World War II. These early beginnings connect Ginsburg's childhood to her later work as a feminist lawyer, and her progressive vision on the Constitution. She thought everyone should be equal under the law.

Ginsburg's progressive interpretation of the Constitution is placed within the institutional objectives of the Supreme Court. Specifically in the third part of the book "on Gender Equality: Women and the Law," where her career is traced. There are different texts and speeches from different moments of her career. First, texts written as a law professor, then materials from her time as a (feminist) lawyer, and finally materials written and spoken once she was a Supreme Court Justice. Central in all of these is that she links her interest and career in gender equality and the law to the role the Court has played. In this way navigating the paradox. The last chapter is a speech Ginsburg delivered in 2008 that clearly combines the two. Ginsburg reflects back on the 1970s and how the Court turned to a new direction as they started

---

<sup>165</sup> Ginsburg, Harnett, Williams, *My Own Words*, 3.

<sup>166</sup> Ginsburg, Harnett, Williams, *My Own Words*, 4.

to respond favorably to arguments from equal right advocates. She explains the different cases that were argued in front of the Court (where she also was involved) and pinpoints why the Court changed its direction: “Judges do read the newspapers and are affected, not by the weather of the day, as distinguished constitutional law professor Paul Freund once said, but by the climate of the era.”<sup>167</sup> Thus, in Ginsburg’s explanation of the 1970s and the work she participated in to take steps in gaining gender equality under the law, she places the Court central to her own career. In fact, she credits the Supreme Court that although it did not put forth a “grand philosophy,” ... the Court did help “to ensure that laws and regulations would ‘catch up with a changed world.’”<sup>168</sup> As a result, in explaining her work as an advocate for gender equality under the law, she also praises the Supreme Court’s history and with this, seeks to legitimize the institution.

In this process of centralizing the Court, further explaining the different cases, and thus her career, Ginsburg also constructs herself as selfless and humble. In this way, her ideological position becomes more in line with that of the Supreme Court as a means of guiding the paradox. She may have a progressive view on the Constitution, the Court, at least to a certain extent, had the same. Although there is some glorification when her career is discussed, like when Hartnett and Williams write that “she, more than any other lawyer, shaped the legal arguments reflected in the Court’s opinions, earning her ‘the Thurgood Marshall of the women’s movement,’”<sup>169</sup> Ginsburg herself does not centralize herself in the changes that were made, but always together with others. In explaining the 1970s and the work on gender equality, she states that it “was my good fortune to be in the right place at the right time, able to participate in the effort to place women’s rights permanently on the human rights agenda in the United States.”<sup>170</sup> And when she discusses the different arguments argued before the

---

<sup>167</sup> Ginsburg, Harnett, Williams, *My Own Words*, 161.

<sup>168</sup> Ginsburg, Harnett, Williams, *My Own Words*, 162.

<sup>169</sup> Ginsburg, Harnett, Williams, *My Own Words*, 116.

<sup>170</sup> Ginsburg, Harnett, Williams, *My Own Words*, 154.

Supreme Court, Ginsburg does not speak of ‘I’, but of ‘we’ and ‘our’. For example, she writes that “our mission was to educate, along with the public, decisionmakers in the nation’s legislatures and courts.”<sup>171</sup> Besides connecting her views to be met by the Supreme Court in this time, Ginsburg, in this way, also neutralizes her advocacy. Of course, this does not mean her progressive view becomes invisible, but her judicial philosophies do remain within the boundary of the paradox.

When a person constructs, or fashions him/herself with specific characteristics to the world, it consists of a mode of how they perceive and behave.<sup>172</sup> This construction operates without sharp differences between the character and the shaping of one’s own identity.<sup>173</sup> As Ginsburg’s character in *My Own Words* is depicted as selfless and as a civic teacher, completely committed to the institution that is the Supreme Court, with all its history, traditions, and procedures, Ginsburg thus constructs her persona as being the same. As a result, her persona becomes the same, inextricable from her career and work. This construction aids the purpose of defending and legitimizing the Court in a time where there is more demand for extrajudicial speech and writings of Supreme Court Justices. *My Own Words* thus navigates the paradox by constructing this persona, intersecting Ginsburg’s more political role with her role as a Supreme Court Justice. In addition, by Ginsburg’s emphasis on collegiality at the Court, and her persona as collegial, respectful, and selfless, she does not only defend the Court as remaining non-partisan and individual, but also provides an alternative of action and behavior from that what is seen in most of the political sphere.

---

<sup>171</sup> Ginsburg, Harnett, Williams, *My Own Words*, 157.

<sup>172</sup> Greenblatt, *Renaissance Self-Fashioning*, 2.

<sup>173</sup> Greenblatt, *Renaissance Self-Fashioning*, 3.

## Conclusion - Celebrity as a Means Strengthen Political Institutions?

*“Fight for the things that you care about, but do it in a way that will lead others to join you.”*

*- Ruth Bader Ginsburg<sup>174</sup>*

In his book, *Stars*, Dyer explains that we see stars in terms of signification, how they are portrayed in popular culture and media.<sup>175</sup> At the same time, this signification is informed by the sociological, “partly because stars are, like all significations, also and always social facts, but also because it is only on the basis of proper theorization of one’s object of study that one is able to pose questions to it.”<sup>176</sup> Thus, how a celebrity signifies is always constructed to society and its political, economic, and cultural aspects.

In current society, mediatization has diversified the demand for types of celebrities, ‘migrating’ into areas that originally were not associated with fame, like electoral politics and the Supreme Court. In a time with a rather uncertain social order, where electoral politics and the Supreme Court had moved to the right, and inequality had come more to the forefront, Justice Ginsburg provided a face on the Court that offered value as a progressive, liberal judge. Every dissent she wrote, described as strong and ‘fiery’, was supported by a large group of people who felt their lives were becoming more insecure. After Ginsburg’s dissent in the *Shelby County v. Holder* case, where she stated that the ruling would disproportionately affect people of color, making it harder for them to vote, the internet exploded, and Ginsburg soon came to be known as the ‘Notorious RBG’.

---

<sup>174</sup> Alanna Vagianos, “Ruth Bader Ginsburg Tells Young Women: ‘Fight For the Things You Care About,’” *Harvard Radcliffe Institute*, June 2, 2015, <https://www.radcliffe.harvard.edu/news-and-ideas/ruth-bader-ginsburg-tells-young-women-fight-for-the-things-you-care-about>.

<sup>175</sup> Dyer, *Stars*, 1.

<sup>176</sup> Dyer, *Stars*, 1.

With the complex functions of modern democracy, celebrities have come to function as an extension of accounts of political representation. They carry a certain power, acting as ideological and epistemological actors. In addition, there is an increased focus on the “politics of personality” in celebrity culture, where political figures, like Ginsburg, are now celebrated for their effort and achievement, successful because of their extraordinary qualities. To this background, Ginsburg has come to be represented and celebrated. She has become one of the faces of the feminist movement, celebrated for the work she has done to change the law for women. At the same time, however, this celebrification has created a paradox. On the one hand, Ginsburg and her image as a feminist celebrity are political and ideological. On the other hand, a Justice carries a responsibility to be apolitical and dispassionate, ‘blindly’ applying the law without allowing outside influences or private interests to guide their decision making.

This thesis has sought to show how different primary sources tracing Ginsburg’s life, namely the biopic *On the Basis of Sex*, the documentary *RBG*, and the book *My Own Words*, navigated this paradox to maintain Ginsburg’s legitimacy as a Justice. I have argued that it is the construction of Ginsburg’s persona that is able to intersect the paradox of a dispassionate ‘blind’ interpreter of the Constitution on the one hand, and an impassioned celebrity judge figure on the other. Ginsburg has been fashioned as petite, rather serious, and quiet, yet with exceptional qualities. She has always worked extremely hard, with passion and with fierce, strong in her work, words, and dissents, whilst always remaining respectful. Each primary source has navigated the paradox in a different way, stressing specific aspects of her persona to intersect Ginsburg’s role as a celebrity feminist and her role as a Supreme Court Justice.

First, in *On the Basis of Sex*, I have shown how its focus on the beginning of Ginsburg’s career highlights her advocacy to be a part of that specific time, answering to the specific patriarchal environment. This has validated her political role as the face of the legal struggle for gender equality under the law. The biopic further navigates the paradox by constructing

Ginsburg's persona to the narrative of the film and to the portrayal of Ginsburg through style and performance. Ginsburg's persona is constructed as coming forth from her struggles, these extraordinary characteristics of being passionate, hard-working yet respectful, remaining central to the rest of her career, whilst her political role is emphasized as part of that era. In the documentary *RBG*, I have argued that the emphasis on combining Ginsburg's private and public self has navigated the paradox. By using reflection of relatives and friends, and self-reflection by Ginsburg, a lighter and humorous side is brought to the narration of her life. This focus on Ginsburg's private identity has constructed Ginsburg's persona based on a combination of her ordinary and extraordinary qualities and emphasizes her role as an educator. Both as a knowledge provider for the work she has done in her career, and her role as an educator for the Supreme Court. The final chapter has analyzed the book *My Own Words*, where a collection of materials like speeches and writings construct Ginsburg as a figure whose purpose it is not to glorify herself, but as a celebrity who was fully committed to her work as a Supreme Court Justice. I demonstrate how Ginsburg uses insights into the history, traditions, and procedures of the Supreme Court to emphasize its importance, defending and upholding the legitimacy of the institute.

Together these primary sources show us how Ginsburg's persona is a central factor in guiding the paradox, giving her the ability to combine her role as a celebrity feminist with her role as a Supreme Court Justice. Ginsburg's work as a Supreme Court Justice made her rise to fame, politicizing her as a celebrity feminist. As a result, this celebrity status allowed her to reach a wide audience to not only highlight her feminist work and her progressive vision on the Constitution, but to explain and defend the workings of the Supreme Court, one of the key roles a Justice has when performing in extrajudicial speech. The intersection of these two roles is guided by her persona, neutralizing the political where needed, emphasizing her commitment to the Supreme Court, and thus, finding a balance between the impassionate celebrity feminist

and the dispassionate Justice. By its specific focus on the private and public, and the ordinary and extraordinary, this persona has become indistinguishable from her actual self.

This thesis contributes to the gap in research about how personas play a role in culture, as well as within different practices, leisure activities, careers, and professions. With little analysis undertaken on celebrities outside of literature, film, music, and sports, this thesis expands on, and adds to, the literature by providing an understanding of the intersection of celebrity with the political field, specifically the Supreme Court. It has shown that, although of course working within the capitalist system, celebrity extends much further than that. In the current societal sphere, celebrity has become explicitly political. The political system, we might argue, has come to be in a state of what can be called a crisis of legitimacy, meaning that the trust in administrative functions, institutions, and/or leadership has decreased. One way the political system is delegitimized, or at least attempted to be delegitimized, is by what Rosenblum and Muirhead call ‘new conspiracy’, which is “conspiracy without the theory,” not based on evidence, but simply by repeating conspiracies.<sup>177</sup> An example is the claims President Trump (and many others) made in the last Presidential election, that there had been large-scale voter fraud. Here, in public speech and by the use of social media, these conspiracies are massively shared, undermining the legitimacy of the political institutions. Justice Ginsburg’s public appearances, and her focus on defending and explaining the workings of the Court, then, are an example of how celebrity is now used to strengthen and legitimize institutions. Although Justice Ruth Bader Ginsburg has passed away, Ginsburg’s persona remains to be shared through social media, books, the primary sources discussed and other sources. About her life, Ginsburg stated that she would like to be remembered as “someone who used whatever talent she had to do her work to the very best of her ability. And to help repair tears in her society, to

---

<sup>177</sup> Nancy L. Rosenblum and Russell Muirhead, *A Lot of People Are Saying: The New Conspiracism and the Assault on Democracy* (Princeton: Princeton University Press, 2019), 2-3.

make things a little better through the use of whatever ability she has.”<sup>178</sup> Ginsburg’s persona has come to be inextricable from her career and work. And in this way, the ‘Notorious RBG’ lives on.

---

<sup>178</sup> “Ruth Bader Ginsburg in Pictures and Her Own Words,” *BBC News*, 19 September, 2020, <https://www.bbc.com/news/world-us-canada-54218139>.

## Bibliography

Allen, Kim, and Heather Mendick. "Young People's Uses of Celebrity: Class, Gender and 'Improper' Celebrity." *Discourse: Studies in the Cultural Politics of Education* 34, no. 1 (2013): 77-93.

Andrews, Hannah. "Reading the Biopic through Persona: A Comparison between "Bohemian Rhapsody" and "Rocketman." *Comparative Cinema* [online] 9, No. 16 (2021): 10-30. <https://doi.org/10.31009/cc.2021.v9.i16.02>.

Asimow, Michael, and Shannon Mader. *Law and Popular Culture: A Course Book*. New York: Peter Lang Publishing Inc., 2004.

BBC News. "Ruth Bader Ginsburg in Pictures and Her Own Words." September 19, 2020. <https://www.bbc.com/news/world-us-canada-54218139>.

Bingham, Dennis. *Whose Lives Are They Anyway? The Biopic as Contemporary Film Genre*. New Brunswick, NJ: Rutgers University Press, 2010.

Brennan Center for Justice. "Shelby County v. Holder." August 4, 2018. <https://www.brennancenter.org/our-work/court-cases/shelby-county-v-holder>.

Brooklyn Museum. "Sarah Grimké." Accessed August 24, 2021. [https://www.brooklynmuseum.org/eascfa/dinner\\_party/heritage\\_floor/sarah\\_grimke](https://www.brooklynmuseum.org/eascfa/dinner_party/heritage_floor/sarah_grimke).

Carmon, Irin, and Shana Knizhnik. *Notorious RBG: The Life and Times of Ruth Bader Ginsburg*. New York: HarperCollins Publishers, 2015.

Cashmore, Ellis. *Celebrity Culture*. New York: Routledge, 2014.

Davis, Richard. *Covering the United States Supreme Court in the Digital Age*. New York: Cambridge University Press, 2014.

Davis, Richard. *Justices and Journalists: The US Supreme Court and the Media*. New York: Cambridge University Press, 2012.

Davis, Richard. "Symbiosis: The US Supreme Court and the Journalists Who Cover It." In *Justices and Journalists: The Global Perspective*, edited by Richard Davis and David Taras, 281-296. New York: Cambridge University Press, 2016.

Donaldson, Lucy Fife. "Performing Performers: Embodiment and Intertextuality in the Contemporary Biopic." in *The Biopic in Contemporary Film Culture*, edited by Tom Brown and Belén Vidal. London: Routledge, 2014.

Driessens, Olivier. "The Celebritization of Society and Culture: Understanding the Structural Dynamics of Celebrity Culture." *International Journal of Cultural Studies* 16, no. 6 (2012): 641-657.

Dyer, Richard. *Heavenly Bodies: Film Stars and Society*. U.S. Macmillan Press, 1986.

Dyer, Richard. *Stars*, 2<sup>nd</sup> edition. London: British Film Institute, 1997.

Elliot, Anthony, ed. *Routledge Handbook of Celebrity Studies*. London: Routledge, 2018.

Ferris, Kerry O. "The Sociology of Celebrity," *Sociology Compass* 1, no. 1 (2017): 371-384.

Franklin, Sarah. "Ruth Bader Ginsburg (1933-2020)." *Nature*, October 8, 2020. <https://www.nature.com/articles/d41586-020-02857-6>.

Frevert, Ute. "Chapter 2: Gendering Emotions." In *Emotions in History: Lost and Found*. Budapest: Central European University Press, 2011. <https://books.openedition.org/ceup/1505>.

Gamson, Joshua. *Claims to Fame: Celebrity in Contemporary America*. Los Angeles: University of California Press, 1994.

Gibson, Katie L. *Ruth Bader Ginsburg's Legacy of Dissent: Feminist Rhetoric and the Law*. Alabama: University of Alabama Press, 2018.

Ginsburg, Ruth Bader, Mary Harnett, and Wendy W. Williams. *My Own Words*. United States: Simon & Schuster, 2016.

Greenblatt, Stephen. *Renaissance Self-Fashioning: From More to Shakespeare*. Chicago: The University of Chicago Press, 1980.

Hamad, Hannah. "Celebrity in the Contemporary Era." In *Handbook of Celebrity Studies*, edited by Anthony Elliot. London: Routledge, 2018.

Hamad, Hannah, and Anthea Taylor. "Introduction: Feminism and Contemporary Celebrity Culture." *Celebrity Studies* 6, no. no. 1 (2015): 124-127.

Hamilton, Sheryl. *Impersonations: Troubling the Person in Law and Culture*. Toronto: University of Toronto Press, 2016.

Hasen, Richard L. "Celebrity Justice: Supreme Court Edition." 19 *Green Bag* 2D (Winter 2016): 157-173.

Holmes, Su, and Diane Negra. "Introduction." In *In the Limelight and Under the Microscope: The Forms and Functions of Female Celebrity*, edited by Su Holmes and Diane Negra. New York: Bloomsbury Academic & Professional, 2011.

Kemp, Martin. *Christ to Coke*. Oxford: Oxford University Press, Inc., 2011.

Kenyon, Dorothy. In "Texts of the Speeches at New York Times Symposium on The World After the War." *New York Times*, April 8, 1943, <https://timesmachine.nytimes.com/timesmachine/1943/04/08/87412533.html?pageNumber=16>.

Klaus, Carl H. *A Self Made of Words: Crafting a Distinctive Persona in Nonfiction Writing*. Iowa City: University of Iowa Press, 2013.

Leder, Mimi, director. *On the Basis of Sex*. Universal City, CA: Focus Features, 2018.

Littler, J. "Making Fame Ordinary: Intimacy, Reflexivity and 'Keeping it Real.'" In *Mediactive*, edited by J. Rutherford, 8-25. London: Lawrence & Wishart, 2014.

Marshall, P. David. *Celebrity and Power: Fame in Contemporary Culture*, 2<sup>nd</sup> edition. Minneapolis; London: University of Minnesota Press, 2014.

Marshall, P. David, Christopher Moore, and Kim Barbour. "Persona As Method: Exploring Celebrity and the Public Self Through Persona Studies." *Celebrity Studies* 6, no. 3 (2015): 288-305.

Marshall, P. David, Paul 't Hart, and Karen Tindal. "Celebrity Politics: The Politics of Late Modernity?" *Political Studies Review* 8 (2010): 322-340.

Marshall, P. David. "The Promotion and Representation of the Self." *Celebrity Studies* 1, no. 1 (2010): 35-48.

McCrisken, Trevor, and Andrew Pepper. *American History and Contemporary Hollywood Film*. United States: Rutgers University Press, 2005.

Melley, Timothy. *The Covert Sphere: Secrecy, Fiction, and the National Security State*. Ithaca: Cornell University Press, 2012.

Murray, Pauli. *Pauli Murray: Selected Sermons and Writings*. US: Orbis books, 2006.

Muswede, T and D.T. Masvopo. "The Role of Film Genre in Transformative Politics: An Ideological Documentary Analysis of *Nelson Mandela: The Living Legend (1918-2013)*." *Strategic Review for South Africa* 40, no 2 (2018): 4-15

Page, William Tyler. "The American Creed." *US History*. Accessed August 17, 2021, <https://www.ushistory.org/documents/creed.htm>.

Pew Research Center. "Political Polarization in the American Public." June, 2014. <https://www.pewresearch.org/politics/2014/06/12/political-polarization-in-the-american-public/>.

Rojek, Chris. *Celebrity*. London: Reaktion Books, 2001.

Rosenblum, Nancy L. and Russell Muirhead. *A Lot of People Are Saying: The New Conspiracism and the Assault on Democracy*. Princeton: Princeton University Press, 2019.

Rosenstone, Robert A. *Visions of the Past: The Challenge of Film to Our Idea of History*. United States: Harvard College, 1995.

Ryan, Patrick. "How Ruth Bader Ginsburg Helped Felicity Jones Play Her in Biopic 'On the Basis of Sex'." *USA Today*, December 24, 2018. <https://eu.usatoday.com/story/life/movies/2018/12/24/felicity-jones-became-obsessive-playing-ruth-bader-ginsburg-biopic/2378306002/>.

Schmidt, Christopher W. "Beyond the Opinion: Supreme Court Justices and Extrajudicial Speech." *Chicago-Kent Law Review* 88, no. 2 (2013): 487-526.

Shapiro, Bee. "Felicity Jones on Becoming Ruth Bader Ginsburg." *The New York Times*. December 10, 2018, <https://www.nytimes.com/2018/12/10/style/felicity-jones-ruth-bader-ginsburg.html>.

Sharp, Cassandra, and Marett Leiboff. "Cultural Legal Studies and Law's Popular Cultures." in *Cultural Legal Studies: Law's Popular Cultures and the Metamorphosis of Law*, edited by Cassandra Sharp and Marett Leiboff. New York: Routledge, 2016.

Shelby County v. Holder, 570 U.S. 529 (2013), [https://www.supremecourt.gov/opinions/12pdf/12-96\\_6k47.pdf](https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf).

Steinem, Gloria. As quoted in Jason A. Merchey's *Building a Life of Value: Timeless Wisdom to Inspire and Empower Us* (2005). <https://quotepark.com/quotes/1507573-gloria-steinem-law-and-justice-are-not-always-the-same-when-they/>.

Stiepleman, Daniel. *On the Basis of Sex*. Film Script, 2018.

Street, John. "Celebrity Politicians: Popular Culture and Political Representation." *BJPIR* 6 (2004): 435-452.

Stubbs, Jonathan. *Historical Film: A Critical Introduction*. New York: Bloomsbury Publishing, 2013.

Talks at Google. “Justen Theroux, Mimi Leder & Daniel Stiepleman: ‘On the Basis of Sex’”. *Youtube Video*. January 10, 2019. <https://www.youtube.com/watch?v=GbYPMIM6XpY>.

Taylor, Anthea. *Celebrity and the Feminist Blockbuster*. London: MacMillan Publishers Ltd, 2016.

Topel, Fred. “‘On the Basis of Sex’ Director Mimi Leder Says the Ruth Bader Ginsburg Story is the Story of Change.” *SlashFilm*, December 20, 2018. <https://www.slashfilm.com/mimi-leder-interview-on-the-basis-of-sex/>.

Traister, Rebecca. “How Ruth Bader Ginsburg Became the Most Popular Woman on the Internet.” *The New Republic*, July 10, 2014. <https://newrepublic.com/article/118641/ruth-bader-ginsburg-memes-how-internet-fell-love-her>.

Turner, Graeme. *Understanding Celebrity*. London: SAGE, 2004.

Umphrey, Martha Merrill, Austin Sarat, and Lawrence Douglas. “Introduction: Law and/as Performance.” in *Law and Performance*, edited by Martha Merrill Umphrey, Austin Sarat, and Lawrence Douglas. Amherst: University of Massachusetts Press, 2018.

United States Courts. “Code of Conduct for United States Judges.” Effective March 12, 2019. <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.

Vagianos, Alanna. “Ruth Bader Ginsburg Tells Young Women: ‘Fight For the Things You Care About.’” *Harvard Radcliffe Institute*. June 2, 2015. <https://www.radcliffe.harvard.edu/news-and-ideas/ruth-bader-ginsburg-tells-young-women-fight-for-the-things-you-care-about>.

West, Betsy and Julie Cohen, directors. *RBG*. United States: Magnolia Pictures, 2018.

Williams, Rebecca. “From *Beyond Control* to In Control: Investigating Drew Barrymore’s Feminist Agency/Authorship.” in *Stardom and Celebrity: A Reader*, edited by Sean Redmond and Su Holmes. London: SAGE, 2007.

