Ruth Bader Ginsburg on the ‘Incomparable Privilege’ of Serving on the Supreme Court
Supreme Champion of Justice, Gender Rights and Inclusivity

Ruth Bader Ginsburg invokes the ‘incomparable privilege’ of serving on the Highest Court in the Land | By Rahel Musleah

Supreme Court Justice Ruth Bader Ginsburg, icon and iconoclast, is not above getting starry-eyed herself. In her chambers, chock-full of photographs, artwork, awards and memorabilia, she singles out a picture of herself with Placido Domingo at Harvard University’s commencement in 2011, when they both received honorary degrees. Though she knew they would be seated next to each other, she wasn’t told that the opera superstar would be serenading her—an opera devotee—with an adaptation of Verdi’s “Celeste Aida.”

“That’s a portrait of a woman in ecstasy,” she says. On a personal level, the degree was a restitution of sorts for the Harvard diploma she gave up 57 years ago when she transferred to Columbia University in her third year of law school to be with her husband, Martin, who had taken a job as a tax attorney in New York City. On a broader level, she points to the graduation speaker seated in the first row of the photo, Liberian President Ellen Johnson Sirleaf, as “a sign of the changing times.”

A fierce champion of justice, gender equality, individual dignity and inclusivity, Ginsburg, 83, has vigorously shaped those changing times. As a co-founder and advocate at the American Civil Liberties Union Women’s Rights Project from 1972 to 1980, she argued six landmark cases in front of the Supreme Court, winning five. In her 23 years on the Supreme Court bench, she has issued both majority opinions as well as vehement dissents against pay, race and gender discrimination and in favor of affirmative action, voting and reproductive rights. “To be part of the decision-making of this court—that is an incomparable privilege,” she says. “It’s by far the hardest and best job I’ve ever had.”

In the preface to her new book, My Own Words, Ginsburg writes that she was fortunate to have ridden the feminist wave. The book features a selection of writings and speeches on wide-ranging topics, from gender equality and Jewish identity to law and opera, and is co-written with Mary Hartnett and Wendy Williams, law professors whose authorized biography of Ginsburg is in the works. Also forthcoming, Natalie Portman will portray her in the film On the Basis of Sex, about a 1971 case Ginsburg litigated.

Among her heroes, she counts civil rights activist and Supreme Court Justice Thurgood Marshall, whose chambers she inherited. A silver mezuzah adorns her door, adjacent to a hall closet holding three robes and a collection of collars (jabots) that she varies depending on whether she votes with the majority (“appropriately glittery”) or dissents (beaded black velvet). The white one she wears most often is a gift from South African activist and jurist Albie Sachs.

Dressed in blue slacks, a blue-and-white shawl over a patterned blouse and blue stud earrings—with the legendary scrunchie holding back her hair—Ginsburg exudes a polite demeanor and diminutive appearance, which belies her strong and fearless voice on the court. In 2013, when the court struck down portions of the Voting Rights Act of 1965 in Shelby County v. Holder, her outspoken dissent captivated young social media activists, who posted an Instagram image captioned “Can’t Spell Truth without Ruth” and dubbed her “Notorious R.B.G.” Her reputation has spawned T-shirts and tattoos, coloring books and Halloween costumes as well as a best-selling book (Notorious RBG: The Life and Times of Ruth Bader Ginsburg by Irin Carmon and Shana Knizhnik).
The justice is remiss, she describes herself as shy and quiet, and sober on the bench. But she loves a good joke. Her husband and Supreme Court best buddy Antonin Scalia, both deceased now, were “funny fellows,” famously able to make her laugh.

She is deadly serious about the Constitution and carries a copy in her handbag. In noting that the 14th Amendment includes her favorite clause—“Nor shall any state deny to any person the equal protection of the law”—she launches into a short lecture: “We start the Constitution with the words, ‘We the people.’ Think back to who we were in the beginning. I wasn’t there. No person held in human bondage were there. But the genius of the Constitution is that in over the two centuries that we’ve existed, ‘We the people’ has become more and more expansive and has come to include the left-out people, including women. So I celebrate what the Constitution has become over the years.”

Her admiration for the Bill of Rights stretches back 70 years to the first piece she ever published, in the newspaper of P.S. 38 in Brooklyn, N.Y., where she grew up. The article, which appears as 70 years to the first piece she ever published, is that in over the two centuries that we’ve existed, “WE THE PEOPLE” HAS BECOME MORE AND MORE EXPANSIVE AND HAS COME TO INCLUDE THE LEFT-OUT PEOPLE, INCLUDING WOMEN.

She frequently quotes her mother’s favorite pieces of advice: Be a lady—meaning, don’t be distracted by useless emotions like anger and envy—and be independent. As a young woman, she devoted herself to academics, functioning on minimal sleep (as she does to this day) but also making time to be active in student government, play the cello and twirl the baton.

She was popular but was not what you would think of as a popular girl,” says one of her oldest friends from high school, Ann Kittner, 84, of Rhode Island. “She had a quiet, magnetic personality. She wasn’t outgoing, but there was something inner that people sensed and felt. She was capable and guarded, warm but not effusive, self-confident but not rash.”

This past July, in her condemnation of G.O.P. candidate Donald Trump, Ginsburg deviated from her usual restraint, drawing criticism regarding her impartiality as a justice. Though she is not religiously observant, Ginsburg stresses that Jewish values inform her identity. Several works of art in her chambers frame the biblical words, Tzedek, tzedek tirado (Justice, justice you shall pursue). “Being Jewish is part of what I am just as being a woman is part of what I am,” she says, adding a caveat: “I can’t say that I decide cases one way or another because of my Jewish heritage.”

She considers one of her “big achievements”—with the aid of Justice Stephen Breyer, who is also Jewish—to be getting the court not to sit on the first day of Rosh Hashanah and on Yom Kippur. “We had the great Yom Kippur conference,” she says. What persuaded former Chief Justice William Rehnquist was the contention that some of the lawyers who would come before them would have to choose between observing their religious faith and presenting the arguments they had been practicing for months.

A life member of Hadassah (a gift from her mother-in-law), Ginsburg says she wished she knew as a teenager about the importance of marriage, she and her husband supported each other wholeheartedly, with Marty taking on all the culinary duties in the home. Early on, she helped him through law school as he overcame testicular cancer and balanced her own studies with caring for their newborn daughter, Jane, who is now a professor at Columbia Law School. Son James is founder and president of a classical music recording company in Chicago. She is now a grandmother of four.

Despite her stellar achievements, Ginsburg could not find a job upon her law school graduation in 1959. No one would overlook her triple “handicaps”: She was a woman, a mother and a Jew. Finally, Federal District Court Judge Edmund Palmieri hired her. After her two-year clerkship, she began dividing her time between New York and Sweden, which had begun to take an interest in freeing men and women from gender roles. She learned the language fluently enough to do the research for her book Civil Procedure in Sweden in 1965.

Ginsburg served on the U.S. Court of Appeals for the D.C. Circuit, appointed by Jimmy Carter in 1980, until she joined the Supreme Court.

Neither her age nor her health issues nor losing her beloved husband to cancer in 2010 has slowed her down. She herself recovered from cancer twice without missing a day of court, works out twice a week in the Supreme Court gym, watches the evening news while on the elliptical and does 20 pushups a day. Her apartment at the Watergate is across from the John F. Kennedy Center for the Performing Arts, home to the Washington National Opera. She often visits backstage and has been onstage three times as a super, the opera equivalent of an extra.

Her portrait on the cover of My Own Words is far from the rapt “woman in ecstasy” on her mantel. Her solemn, penetrating demeanor befits the focus of a change-maker, one who continues to deliberate the serious issues of our times.  

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