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Consistent Passion, Little Fanfare: *RBG*



By **Elizabeth Toohey**.

Towards the end of the powerful new documentary *RBG*, we follow the 85-year-old Supreme Court justice Ruth Bader Ginsburg into a sculpture garden where she is being given a tour. Of a figure of a woman clad in armor standing at the ready, the guide explains, “It’s called the Woman Warrior. Any kind of battle you bring to her, she’s ready for.” It’s a brilliant reflection on

Ginsburg herself, who emerges throughout the film as an indomitable figure in the American political landscape, prepared to fight for what’s right at all costs. As Gloria Steinem puts it, “she’s the closest thing to a superhero I know.”

RBG captures the current zeitgeist, arriving in the midst of a new wave of social activism, while reminding us that women like Ginsburg have been doing this work all along – consistently, with little fanfare, but plenty of passion. In exploring the life and career of the Notorious RBG, as she’s come to be known, filmmakers Julie Cohen and Betsy West suggest that for post-Trump America, awash in lies, scandals, and the most cynical sort of *realpolitik*, *RBG* is the hero we need. It makes for a story that’s deeply engaging, filled with moments of humor and hope, and unexpectedly moving.

Ginsburg’s nickname is a riff on Christopher “Biggie Smalls” Wallace, a.k.a., the Notorious B.I.G., one of the godfathers of gangsta rap. The tag *RBG* has signaled her rise to an icon, a rebel leader who speaks truth to power as a dissenting voice on a court whose majority is conservative, white, and male.

The comparison is apt, Ginsburg wryly notes – both she and Biggie Smalls were raised in Brooklyn.

Ginsburg’s is not the first voice we hear, however. The film instead opens with shots of the Capitol while a sound-montage of conservative commentators plays, underscored by the overture to *The Marriage of Figaro* (Ginsburg loves opera). Denouncing her with loaded terms all too familiar to women in politics, the sequence hones in on statues of the founding fathers. These revered men in wigs appear to accuse her, underlining the way that, historically, women with public voices have been decried as monstrous. “This witch, this evildoer, this monster,” one voice intones, while another calls her “vile,” “a zombie” and, all too predictably, “anti-American.” One might recall a female presidential candidate treated with similar scorn and revulsion by men from all sides of the aisle.

When Ginsburg comes into view, the irony is rich. At the gym, performing rotations of lifts and pushups, *RBG* looks diminutive and decidedly unglamorous, albeit determined. The music makes brilliant use of Dessa’s “The Bullpen,” with its hook, “Forget the bull in the china shop, there’s a china doll in the bullpen” – if you’ve seen a preview, you heard it, and it’s hard to shake. The scene is played for humor, but it’s also smart as a kind of shorthand, telling us everything we need to know about Ginsburg – her persistence and strength, the seriousness with which she approaches a task. (Her trainer has written a book titled *The RBG Workout: How She Stays Strong...and You Can, Too!*, capitalizing on recent *RBG* fandom. “*RBG* does not mess around,” one review notes, while a *Politico* headline reads, “I Did Ruth Bader Ginsburg’s Workout. It Nearly Broke Me.”) Ginsburg reportedly

functions on a few hours of sleep a night, approaching her work with the fervor of one who knows time is limited and how much is left to be done. Clearly, she is in it for the long game.



Jumping from the gym to her childhood – the film tells the rest of its story chronologically – directors Cohen and West draw extensively on their interview with Ginsburg, interspersed with vintage photos and video footage, as well as clips from interviews with friends and family. Highlights include two BFFs (“I heard that she does twenty pushups three times a week or something...we can’t even get *down* to the floor,” they quip) and her outspoken granddaughter, Clara, who is following in her “Bubbe’s” footsteps by attending Harvard Law. Her son and daughter are more reserved and wry, much like their

mother. On the import of her career, NPR’s court reporter Nina Totenburg provides invaluable analysis, appearing alongside professional colleagues and politicians as diverse as Bill Clinton and Orrin Hatch (shout-out to the ultraconservative Hatch for his reluctant admiration and refusal to vilify Ginsburg).

Ruth Bader was the daughter of the Jewish immigrants Celia Amster and Nathan Bader. Her path from a working-class childhood to the Supreme Court encapsulates the American dream – her memories are of jumping rope and leaping from rooftop to rooftop – but the crux of the story Cohen and West tell is not her personal success, but the way she has systematically chipped away at barriers to women’s opportunities for equality. Wisely, Ginsburg has emphasized how such barriers can harm men, too, a radical insight, as well as a smart tactic, that helped her to win cases as a litigator for the ACLU.

Her mother died when Ruth was just 17, having hung on through years of cancer just long enough to see her daughter through to her graduation. Perhaps it was this early loss that drove home her mother’s advice to “Be a lady and be independent.” The first part may sound retrograde to modern ears, but Ginsburg made use of it as an instruction not to be “overcome by useless emotions, like anger.” Ginsburg is both extremely deliberate in her speech and in control of her emotions, a quality that has served her well in the courtroom.

The second part stuck, too. Independence meant not relying on a man to support her, so that despite her marriage to a successful tax lawyer, Martin Ginsburg, and despite raising two children, and as anomalous as it was the context of the 1950s and 60s, she doggedly pursued her career.

Yet the heart of *RBG* lies in her marriage to Marty, himself an exceptional man. Theirs was an attraction of opposites that created a delightful sort of chemistry. Marty was warm and gregarious, the life of the party, and, one senses, the nurturer of the family. Ruth was far more serious and reserved, though delighting in Marty’s jokes and joviality. The clips of them together – not only as a young couple (Ruth was gorgeous, by the way), but in middle age, at public events – convey the deep pleasure they took in each other’s company. As testimony to her serious nature, her children recall keeping a journal called “mommy smiled” to note these rare occurrences, and according to one of Marty’s anecdotes, told a reporter that “daddy did the cooking” while “mommy did the thinking.”

Their marriage was a true partnership. Marty unflinchingly supported his wife’s career in ways extraordinarily progressive for his time and still not all that common today. While both were in law school, she nursed him through a bout with cancer, recording notes brought by his classmates, even as she pursued her own degree and cared for their small daughter. In later years, as her own career

caught fire, it was he who commuted from New York to Ruth in D.C., taking on the bulk of the domestic work and arriving at her office in the evening to urge her to take a break to eat and sleep. (We all should have a Marty Ginsburg.) Marty delighted in Ruth's intelligence, again, unusually so for a man of his generation. "One of the sadnesses about the brilliant girls that attended Cornell is that they kind of suppressed how smart they were," Ginsburg recalls in the film. By contrast, she explains, "Marty was so confident of his own ability, so comfortable with himself that he never regarded me as any kind of threat." Meeting and marrying him was a great stroke of luck, she remarks – and what could sound like a cliché from anyone else, here rings true. Marty, in fact, was Ruth's greatest cheerleader, pulling out all the stops to urge the newly elected Bill Clinton to interview her when there was an opening on the Supreme Court.

It was Jimmy Carter who in 1980 had appointed her to the U.S. Circuit Court of Appeals in a deliberate move to diversify the courts. When Ruth Bader Ginsburg graduated from law school in 1959, however, she was rejected by firms that had no interest in hiring a woman, even one who graduated first in her class and had been on the Harvard Law Review. At the time, no laws compelled them to do so. She launched her career instead as a law professor at Rutgers, after which she directed the ACLU's newly created Women's Rights Project in 1972, going on to argue six groundbreaking cases in front of the Supreme Court, and winning five of them. The story of these cases becomes a primer for the advancement of women's rights in the 1970s.



It also introduces us to several lesser-known heroes, whose cases create a record of the legislative victories that brought America many steps closer to gender equality. There is Sharon Frontiero, who joined the Air Force when it was first opened its doors to women, but was denied the housing allowance given to her male peers. Stephen Wiesenfeld stayed at home for eight months to care for his infant son after his wife's death in childbirth, but was denied access to her social security benefits because men

were not culturally accepted as caregivers.

"I did see myself as kind of a kindergarten teacher in those days," Ginsburg recounts, recalling the male justices' obtuseness as to the discrimination women faced and why it mattered. Ginsburg's strategy, ultimately, was to ask them to think of their daughters, and while many may find it frustrating that having daughters seems to be the only entry point for certain men to object to women's exploitation, apparently, it worked. RBG is nothing if not pragmatic.

My favorite character was Lilly Ledbetter – her case was defeated in 2007 by the Court's majority who argued that Ledbetter's filing had passed its statute of limitations, this because she had only learned of her grossly unequal pay in comparison to the men around her years after the fact. The Lilly Ledbetter Fair Pay Act, the first legislation Obama signed, overturned that decision, establishing that "pay discrimination claims ... 'accrue' whenever an employee receives a discriminatory paycheck." What many viewers may not know is that Ginsburg in her minority opinion had effectively called on Congress to create this law. With her strong Alabama accent, Ledbetter is a vivid presence, and a force to be reckoned with herself. Her very presence drives home the way Ginsburg's impact on legislation has rippled into the lives of so many ordinary women. So does a female graduate of Virginia Military Academy, who beams as she listens to Ginsburg speak at an event on the campus – Ginsburg was part of the Supreme Court majority to strike down VMI's all-male admissions policy.

Later in the film, the enthusiasm of the millennials who discovered her and launched a thousand memes in her honor is palpable.

The way RBG wins over men is just as gratifying to watch, especially when they're on the opposite side of the aisle. Cohen and West also explore her famous friendship with Antonin Scalia, the conservative justice who disagreed with her on nearly every matter brought before the court. They were united by their love of opera, and clips of the two together are both entertaining and touching. In our current desert of political collegiality, to watch them banter affectionately is like a drink of water, knowing how deeply divided they were on issues that formed the basis of their most deeply cherished beliefs. It was another sort of chemistry of opposites, both in personality and politics, founded on a genuine affection respect that allowed them to look past their differences. I'm not sure I could have done it – her former ACLU colleague Brenda Feigen says as much – but I have a tremendous admiration for Ginsburg's ability – choice? – to embrace a friendship with a man whose beliefs were so antithetical to her own.

The documentary's final notes are bittersweet. As the court has moved further right, Ginsburg has embraced the role of dissenter, one the filmmakers posit is her unexpected final one.

Is she sorry that she didn't resign under Obama? It's an awful question, since the real question behind it is, *what if you die now under Trump?* Yet the film makes a compelling case that in Ginsburg, we have the most brilliant, powerful, committed advocate for justice we could, and that every day that she remains on the court is a better one for the American people. We can only hope that her role as dissenter on an ever more conservative court will turn out to be only her penultimate act, and that a new wave of young women will be inspired to follow in her path.

Elizabeth Toohey is a book critic for the *Christian Science Monitor*. Her essays have appeared in *Film International* and [*Terror in Global Narrative: Representations of 9/11 in the Age of Late-Late Capitalism*](#) (Palgrave, 2016). She is an Assistant Professor of English at Queensborough Community College, CUNY.

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