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NEW YORK LAW SCHOOL LAW REVIEW DINNER

FEBRUARY 12, 1999

REMARKS

RUTH BADER GINSBURG*

It is an honor to accept an award named for a distinguished jurist, Charles W. Froessel, a man devoted to the law, public service, and the New York Law School. And I am pleased to be joined at this event by my life's partner, Martin D. Ginsburg, who teaches law — mainly tax law — at Georgetown, having transferred there from Columbia in 1980, he will truthfully tell you, when Jimmy Carter and the Senate gave his wife a good job in Washington, D.C. I am honored, not simply to receive this award, but to have been encouraged strongly to accept it by a lawyer, teacher, and public citizen who is the very best in our profession, Nadine Strossen. Nadine chose New York Law School as her home berth because she takes pride in her colleagues' involvement in "the real world," and because she is impressed by the quality of the students here, people seriously in pursuit of legal studies, many of them juggling other responsibilities in order to realize their aspirations.

Having advanced well beyond what the French call "a certain age," I am often asked to convey to younger people helpful advice and counsel. So I will open these remarks with the best advice I ever received. The advice, which I have several times shared with others, was given to me by my mother-in-law on my wedding day. She had a prescription for a happy, enduring marriage: "It pays," she said, "it pays sometimes to be a little deaf."

I have followed that advice — with, I confess, occasional lapses — not only at home, but in the places I have worked, even in relating to my colleagues at the Supreme Court. It is important to be a good listener if you are to work with others effectively, but it also pays, sometimes, to be a little deaf — for example, in my current position, when a colleague, academic commentator, or journalist writes that an opinion on which I labored endless hours, worrying over every word, is "sloppy," "smug," "strange," or "profoundly misguided." I am making none of those up.

* Associate Justice, Supreme Court of the United States.

My mother had an idea of a similar kind in mind when she admonished me, constantly once I reached my teens: "Be a lady!" To her, the term "lady" was a most honorable one. It meant an even-tempered human who holds fast to her convictions and self-respect, one who is a good and patient teacher, and doesn't snap back in anger when others are unkind. Anger, resentment, indulgence in recriminations do no good; instead, they greatly drain away one's time, and sap energy better devoted to productive endeavors. In the same vein, one of my D.C. Circuit, U.S. Court of Appeals colleagues, the Honorable Edward A. Tamm, counseled me in 1980, when I was a new judge on that court: "Do the very best job you can in each case, but when the job is done, don't look back, don't worry over finished work, go on to the next challenge and give it your all."

At festive dinners, speakers are well-advised to talk short. But I ask your patience for not too many minutes, so that I may tell you my idea of what it means to be — as I am often billed, and as indeed I am, and as I hope most men and women here are or in time will be — a feminist.

I had the good fortune to be alive and a lawyer in the late 1960s when, for the first time in history, it became possible to urge before courts, successfully, that society would benefit enormously if women were regarded as persons equal in stature to men. In my college years, 1950-1954, it was widely thought that women were not suited for many of life's occupations — lawyering and bartending, military service, foreign service, piloting planes, service on juries, to take just a few of many examples that now seem ancient. So much has changed for the good since then. But there are still too many people who regard feminism with suspicion, people who are discomforted by the very word, even people who call it the "F" word.

A case in point. On June 26, 1996, with only one dissenting opinion, the Supreme Court held that, under the Constitution's equal protection principle, the Commonwealth of Virginia could not exclude from a public military college, the Virginia Military Institute (VMI), women who wished to attend and could meet the entrance requirements. I wrote the Court's opinion, which some greeted with applause, and others deplored. Among the deplorers, Phyllis Schlafly wrote in an open letter from the Eagle Forum:

The VMI decision was wholly predictable when Clinton appointed Ruth Bader Ginsburg to the Court. Her activist determination to write her radical feminist goals into

the Constitution was all laid out in her published writings, but no Senator questioned her about them. Every Senator who voted for her confirmation shares in the shame of this decision.

Also sharing in the shame, or in my judgment, the good sense and legal fidelity of the decision, were six of my colleagues. For in truth, the VMI decision was not about the military or the viability of single sex schools. Rather, it was about a State that heavily invested in a college designed to produce business and civic leaders, that succeeded admirably in the endeavor, and that rigorously limited this special opportunity to men. I was heartened by the news last spring that, far from failing, twenty-three women made it successfully through VMI's 1998 rat line.

And I continue to gain encouragement from people who appreciate what feminism really means. It is *not* a pejorative. It means freeing people, men as well as women, to be you and me, allowing people to pursue the talents and qualities they have without artificial restraints. The idea of feminism I hold high was put in this fitting way by a Washington, D.C.-area suffragist, Lydia Pearsall, a woman whose life spanned more than a century: "I never wanted to become a man," she said, "just his equal, and in the process, it seemed to me we would both become a little better."

Some seasons ago, my grand colleague, Sandra Day O'Connor, first and for twelve years sole woman on the United States Supreme Court, made a surprise appearance in the D.C. Shakespeare Theatre's production of *Henry V*. Playing the role of Isabel, Queen of France, she spoke the famous line: "Haply a woman's voice may do some good." Indeed it may.

Just one illustration, called to my attention by Justice O'Connor in a talk she gave some while ago. In 1993, Helen Suzman published the story of her life and times in a book called *In No Uncertain Terms*. For many years, Suzman was the sole voice against apartheid in South Africa's parliament, and the lone woman in that legislative chamber. She recounts this scolding from another member of parliament:

The Honorable Member . . . must stop chattering. She is in the habit of chattering continually. If my wife chattered like that Honorable Member, I would know what to do with her. There is nothing that works on my nerves more than a woman who continually interrupts me. She is like water dripping on a tin roof.

That was in 1965. The Honorable Member was "chattering" about the need to end apartheid. The scolding came from the mouth of then President of South Africa, P.W. Botha, who later learned that voices for democracy can do more than grate on the nerves of oppressors.

At a gala dinner I recently attended, a college student came up to my table and asked if I could help with an assignment. She had one question and hoped to compose a paper by asking people at the celebration to respond. What, she asked, did I think was the largest problem for the next century? My mind raced past privacy concerns in the electronic age, assisted suicide, deadly weapons, outer space. I thought of Helen Suzman's "chattering," of Thurgood Marshall's praise of the evolution of the concept, "We, the People," to include once excluded, ignored, or undervalued people, then of our nation's motto: *E Pluribus Unum*; of many, one. The challenge is to make or keep our communities places where we can tolerate, even celebrate, our differences, while pulling together for the common good. "Of many, one" is the main aspiration, I believe; it is my hope for our country and world.

Every day, because of the good job in which fortune, the President, and Congress have placed me, I receive request letters from people across the country. Some want my autograph (and thank you, not with an autopen), others want something I have worn (old shoes, for example). Still others, as I just mentioned, seek words of advice or encouragement. My current answer:

In the open society that is the American ideal, no doors should be closed to people willing to spend the hours of effort needed to make dreams come true. So hold fast to your dreams, and work hard to make them a reality. And as you pursue your paths in life, leave tracks. Just as others have been way pavers for your achievements, so you should aid those who will follow in your way. Think of your parents and teachers, of their efforts and hopes for you, then of your children (or children to be), even grandchildren, of the world they will inhabit. Do your part to help move society to the place you would like it to be for the health and well-being of generations following your own.

On the Jewish Day of Atonement, Yom Kippur, a special prayer is read at evening services in some synagogues. The prayer was called to my attention by Cincinnati, Ohio U. S. District Judge Susan J. Dlott in

remarks she made soon after her appointment. It contains these lines:

Birth is a beginning
And death a destination.
And life is a journey:
From ignorance to knowing;
From foolishness to discretion.
And then, perhaps, to
wisdom.

With the aid of your families, teachers, and companions, you are embarked on life's journey. Your presence here shows your dedication to the study of law and your capacity for sustained work. May you continue on course, learning and knowing ever more. And may you gain satisfaction, pleasure, and wisdom as you proceed along the way.

