

Hobart and William Smith Colleges

**Speaking With Power: Discourse, Gender, and Institutional  
Authority in the U.S. Supreme Court**

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Talk and Text: Introduction to Discourse Analysis

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## **Abstract**

*This discourse analysis investigates how gender inequality is constructed, maintained, and resisted in legal discourse by analyzing Justice Ruth Bader Ginsburg's 2019 NPR Interview with Nina Totenburg. The study examines how Ginsburg's language constructs her authority and challenges gendered biases within the U.S. Supreme Court, with an emphasis on her position as an influential legal authority and an advocate for gender equality. Drawing on scholarship from the legal profession and feminist studies on language and discourse, this research uses James Paul Gee's tools of discourse analysis. Through a qualitative analysis of the interview, the study finds that Ginsburg's discourse both affirms her authority and critiques the gendered barriers in the legal profession. This research contributes to ongoing discussions regarding how institutional discourse can sustain and challenge gender inequality at the highest level of the judiciary.*

## **Introduction**

Despite decades of progress in gender equality, women in the legal profession continue to encounter barriers that restrict their access to power, authority, and recognition. These inequalities extend beyond disparities in income or promotions. They are deeply embedded in the everyday practices, norms, and discourse of the legal field. In this context, discourse refers to the language used in legal arguments and documents, as well as the broader practices through which lawyers construct meaning, negotiate identity, and engage with institutional power. Through discourse, the ideologies, hierarchies, and values of the legal system are continually reproduced. Analyzing legal discourse offers insight into the ways gender inequality is both sustained and challenged within the highest level of judicial authority. The U.S. Supreme Court (SCOTUS), as the highest legal institution, provides an outlet for examining the intersection of discourse,

authority, and gender. While the Court is often looked upon as impartial and guided by legal reasoning, scholarship has revealed that gendered norms and dynamics shape its institutional practices, oral arguments, and interpersonal exchanges. Justices don't only exercise power through written opinions; they also engage the public through interviews, speeches, and media appearances. These public interactions provide opportunities to analyze how judicial identities are constructed and how gender operates within the judiciary.

This study investigates how gender inequality is constructed and resisted within SCOTUS discourse by analyzing Ruth Bader Ginsburg's 2019 NPR interview. Using James Paul Gee's (Gee, 2011) discourse analysis tools, specifically the tools of situated meaning, doing not just saying, identities building, and relationship building, this research explores how Ginsburg's language reflects and resists gendered power structures within the judiciary. As a jurist who advocated for gender equality throughout her career and occupied a unique position within a traditionally male-dominated institution, Ginsburg provides a compelling case for understanding how language can both reflect and challenge hierarchies. Her public statements frequently articulate her experiences navigating gendered expectations and offer insights into the ways discourse can be used to assert authority and advocate for systemic change.

The research question of this study is: *How are gender dynamics constructed, challenged, and maintained through legal discourse within the institutional hierarchies of the U.S. Supreme Court?* This question situates this analysis within ongoing scholarly conversations about law, gender, and discourse that illuminate the lived and shared experiences of female Justices in the Supreme Court. The central argument of this paper is that Ginsburg's discourse both reflects and resists the gendered power structures in the legal profession. Through the strategic use of

language, she constructs a judicial identity that is authoritative yet responsive to gender-based marginalization, offering resistance that operates within the institutional boundaries.

This study situates itself within scholarship that has documented persistent inequalities in the legal field, including disparities in income and partnership opportunities (Kay and Hagan, 1995), structural and interpersonal constraints on women's legal careers (Hull and Nelson, 1998) and the devaluation of female voices in legal settings (Jacobi and Schweers, 2017; Patton and Smith, 2017). Scholars have also emphasized how gendered expectations shape client interactions (Bogoch, 1997), legal education (Teitelbaum, 1991), and law firm culture (Samborn, 2000). Meanwhile, critical work on legal discourse highlights how language functions as a vehicle for both socialization and the reproduction of institutional norms (Conley, 2008), while also serving as a space where resistance and alternative narratives can emerge (Merritt and Liberman, 2004).

Within the judiciary, discourse becomes a key tool through which justices establish authority, articulate legal reasoning, and perform their institutional roles. In this context, Ginsburg's discourse offers a compelling case for understanding how female justices navigate and challenge gendered dynamics. Her public statements, whether in written opinions, interviews, or lectures, have a consistent emphasis on gender inequality and justice, which represent a conscious engagement with the discourse she uses to bring about change and impact in society.

The structure of this paper begins with a comprehensive literature review that examines the existing scholarship on gender disparities in the legal profession and highlights the mechanisms through which these inequalities are reinforced. Building upon this, the conceptual framework section introduces and analyzes Gee's tools as a means of unraveling the subtle ways

in which language operates in legal contexts. The study design section justifies the selection of the NPR interview as a primary data source and details the analysis from the conceptual framework section. The results section applies each of the four tools to Ginsburg's discourse, revealing how linguistic choices construct meaning, enact social practices, negotiate identities, and influence relationship dynamics. This paper concludes by compiling key findings and discussing their broader implications for understanding gender and power in the legal profession, with attention to how discourse can reflect and shape institutional norms within the Supreme Court.

Ultimately, this study seeks to uncover how one of the most influential figures in American legal history strategically used language to assert authority and push back against the gender dynamics that have shaped and limited the legal profession. Through Gee's lens of discourse analysis, this research offers insights into how legal power is performed, how gendered assumptions are enforced, and how institutional discourse within the U.S. Supreme Court functions as a powerful mechanism in constructing, maintaining, and transforming institutional inequalities but also serves as a site for challenging and transforming them.

### **Literature Review**

In exploring how gender inequality is constructed and maintained within legal discourse, particularly through the lens of Justice Ruth Bader Ginsburg's NPR interview, this literature review draws on research in feminist jurisprudence, legal theory, and discourse analysis. Framed through James Paul Gee's tools of discourse analysis, it focuses on how institutional power, identity, and authority are built, resisted, and negotiated through language in the Supreme Court. While scholars have examined gender disparities in law and the significance of Ginsburg's

career, few have studied the ways in which Ginsburg constructs authority, resists exclusion, and redefines institutional norms. This study addresses that gap by using Gee's framework to examine how Ginsburg's language serves as a form of resistance in SCOTUS.

### **Gender Exclusion in the Legal Profession**

To understand Ginsburg's discourse, it is essential to first examine the historical patterns of exclusion and gendered access within the legal profession. Kay and Hagan (1995) offer foundational research that documents women's exclusion from law schools and legal careers throughout the 19th and 20th centuries. Their work provides necessary context for Ginsburg's remark in her interview that "No law firm in the city of New York would hire me." Using Gee's (2011) situated meaning tool, this quote reflects both personal experience and a broader reality, highlighting how gender exclusion is embedded in institutional norms and discourse. Even as formal barriers declined, new forms of gendered inequality emerged. Kay and Hagan (1995) analyze how these barriers persist in various forms, such as the gender wage gap and the concept of the glass ceiling. These modern barriers of inequality justify Ginsburg's decision to pursue academia and advocacy over traditional legal practice due to restricted opportunities.

Expanding on this historical analysis, Teitelbaum, Lopez, and Jenkins (1991) explore how these exclusions impacted women's trajectories in the legal field. Their study reveals that early gendered experiences in legal education produce long-term disparities in career advancement. Interpreted through Gee's identities-building tool, their findings suggest that law schools have historically reinforced masculine norms, shaping professional identity in ways that exclude women from participation and recognition. These identity constructions, show how gendered bias is perpetuated.

More recent scholarship by Afsharipour and Jennejohn (2023) demonstrates how networking and mentorship often remain male-dominated. Similarly, Dinovitzer, Reichman, and Sterling (2009) argue that legal labor itself is gendered, as women's contributions are undervalued and overlooked. These findings contextualize Ginsburg's repeated need to "prove herself" in order to gain legitimacy in male-dominated spaces, reflecting the ongoing struggle women face when trying to make their way to the top despite persistent biases.

### **Discourse, Identity, and Power**

Understanding how authority is constructed through discourse requires close attention to the way legal professionals, especially women, use language to claim legitimacy. Gee's (2011) identities-building tool emphasizes how individuals perform various roles through the language they use. Ginsburg, as both a speaker and legal figure, constructs an authoritative feminist identity through her reflection. Ginsburg's quote from Justice O'Connor, "Suppose we had come of age at a time when women lawyers were welcome..." reveals how discourse can both challenge and reinforce systemic injustices. Ginsburg's strategic reflection positions her as a powerful authority who, nonetheless, recognizes the problems in the system and works hard to fix them.

Building on this, Merritt and Liberman (2004) describe Ginsburg's legal philosophy as a "Jurisprudence of Opportunity" shaped by her lived experiences. Their work connects directly to the identities building tool by showing how gendered narratives often shape the way legal reasoning is developed and expressed. Ginsburg's path to the courtroom, marked by exclusion, marginalization, and perseverance, is an act itself that reframes her identity within legal power structures.

### **Gender Dynamics in SCOTUS**

The gender dynamics of the Supreme Court further illustrate how inequality is reproduced through institutional hierarchies. Jacobi and Schweers (2017) provide compelling data showing that female justices are interrupted more frequently and speak less than their male counterparts during oral arguments, regardless of their experience. Ginsburg's careful word choice and pauses during the interview suggest an adaptation to these dynamics. By controlling her language choices, she reclaims her authority in an environment where female voices are often challenged.

In addition, Patton and Smith (2017) reveal that gender bias persists regardless of a woman's seniority or position in the courtroom. Even as a Supreme Court Justice, Ginsburg navigated an institution slow to embrace gender equity. Her relationship with Justice O'Connor, analyzed through Gee's (2011) relationship-building tool, emphasizes how shared experiences among women can challenge dominant norms. Their shared experiences disrupt the institutional hierarchies and demonstrate how discourse works to build relationships within SCOTUS.

These findings provide context for understanding Ginsburg's reflection on her nontraditional career path. Her success in academia and advocacy, and eventual appointment to the Supreme Court, shows how acts of resistance can ultimately become a part of the very institutions they challenge.

### **Representation, Narrative, and Institutional Legitimacy**

The reviewed scholarship reveals that legal institutions establish legitimacy by portraying women's presence as exceptional rather than as standard or equal. Beckman and Phillips (2005) discuss how women in law are framed as "outsiders within," a concept further elaborated by Witting (2005). Ginsburg's success, while oftentimes celebrated, also highlights the rarity of female authority in SCOTUS. Through Gee's (2011) situated meaning and identities-building tools, we see how Ginsburg both affirms and goes against these institutional expectations.

Winter (1983) and Samborn (2000) provide insight into the double bind faced by female lawyers, where their achievements are constantly questioned, and their failures are amplified. Ginsburg's humility about injustice, her successes, and her failures, illustrates this double bind. Her interview operates simultaneously as both a critique and a celebration of her path to the bench, embodying the many contradictions and double binds women in law continue to face. Ginsburg's interview serves not only as a personal reflection of her life and career, but a powerful source that reveals the contradictions between legal language and lived realities. Gee's doing not just saying tool helps interpret the gap between what the Supreme Court says, versus what it actually does when it comes to gendered biases and marginalization.

Together, these studies lay the groundwork for this article's analysis of Ginsburg's NPR interview. They demonstrate that gender inequality in legal spaces is not simply a matter of discrimination, but one reproduced through language, identity, and institutional norms. From law schools to the Supreme Court bench, women navigate systems designed without them in mind, systems that claim neutrality while simultaneously requiring adherence to masculine norms. Ginsburg's discourse presents a subtle form of resistance, challenging exclusion while aligning sufficiently with institutional norms to maintain credibility. This study contributes to scholarship in feminist legal theory, discourse analysis, and jurisprudence by showing how discourse is a key mechanism through which institutional hierarchies are maintained, and resisted.

### **Conceptual Framework**

This conceptual framework seeks to explore the dynamics of gender inequality in legal discourse, specifically within the U.S. Supreme Court. The framework is based on Gee's tools of situated meaning, doing not just saying, identities building, and relationships building. These

tools all work together to understand how gender, power, and identity intersect within the legal field, more specifically, how they impact SCOTUS decisions, oral arguments, and the broader legal landscape through an interview with Ruth Bader Ginsburg in 2019.

In the context of this interview, Ginsburg's position as a female justice in the U.S. Supreme Court is central. Gee (2011) explains that "when we interpret any piece of language, we have general expectations about how our language is normally used. Another way to put this is to say that any word or structure in language has a certain 'meaning potential' that is, a range of possible meanings that the word or structure can take on in different contexts of use." In this instance, the situated meaning tool offers a historical lens through which we can understand how gendered inequalities have shaped the court system. The language used in SCOTUS opinions, oral arguments, and legal briefs reflects the meaning of gendered assumptions that are present in legal discourse. The choice of language and the way legal terms are defined, framed, and discussed can contribute to reinforcing or challenging societal perceptions of gender. In the setting of the Supreme Court, meaning can be built through the ways female attorneys are treated, the respect given to their arguments, or the questioning they face during arguments. Similarly, because gendered inequalities in the legal system, like all forms of discourse, are not isolated but are socially constructed and continuously reinforced, the language used in SCOTUS opinions and proceedings will reveal how these historical gender dynamics continue and shape meaning in the understanding of gender in the courtroom.

Gendered discourse practices especially operate through tools of identity construction. Gee (2011) introduces the identities-building tool, meaning that we all have different roles and identities we build based on the discourse we use through our speech, actions, and body language. In this study, the tool of identities-building will allow us to examine how gendered

identities are built and constructed through legal discourse. This study will help uncover how women like Ruth Bader Ginsburg built powerful feminist identities by challenging the gendered inequalities in legal discourse. Through this lens, the study will analyze how discourse contributed to emerging identities and how these identities work to challenge or reinforce gender roles in SCOTUS.

In discourse analysis, language can be used to build and sustain relationships with other people and with groups or institutions(Gee, 2011). Similar to identities-building, the relationship-building tool focuses on “the identity we construct for ourselves in any context is often defined, in how we see and construe our relationships with other people, social groups, cultures, or institutions” (Gee 2011). This approach points to the ways language is used to construct, negotiate, or sustain relationships within institutions, specifically, in SCOTUS. For this study, the relationship-building tool deepens the analysis of how gender shapes interactions among judges, attorneys, and jury members and how these relationships influence the effectiveness and receptiveness of legal arguments. The dynamic between Justice O’Connor and Justice Ginsburg serves as a perfect example of how relationships in the court are influenced by gender and challenge broader structures of authority. Both justices navigated male-dominated legal careers through their collaboration and shared experiences, which influence the discourse present within SCOTUS. The study will examine how gendered power dynamics shape relationships and ultimately contribute to legal discourse within the U.S. Supreme Court.

Discourse also has the power to *do* things with language, not just *say* them, it has the power to produce social practices and real-world consequences beyond the initial utterance. Gee (2011) introduces the doing not just saying tool to examine the distinction between what is expressed through language versus what is actually carried out in practice. For this study, the

tool will examine how gendered discourse in the courtroom may influence the outcome of legal decisions. While SCOTUS may “say” they support gender equity, case rulings such as *Roe v. Wade* reveal the gap between what is said versus what is carried out in practice. This tool draws attention to the gendered legal decisions and the structural resistance to true equality within the Court. Based on this assumption, the study will examine how SCOTUS's discourse on gender equality aligns with its rulings and how the discourse reveals the reality of gendered language in the court.

Together, these tools work to understand how gender dynamics are constructed and reinforced in legal discourse, particularly within SCOTUS. This framework prompts an exploration of how gendered identities, language, and relationships intersect in the courtroom to shape the treatment of women and the interpretation of gender-related issues. This research aims to explore the ways in which gender inequality is embedded in legal and judicial practice through the use of discourse.

### **Study Design**

This study uses a qualitative discourse analysis approach to explore how gender inequality is constructed and maintained in legal discourse, specifically through the language used in the Supreme Court. In this study, I focus on a 2019 NPR interview with reporter Nina Totenberg and Justice Ruth Bader Ginsburg as my primary source of data. While I did not conduct this interview myself, I chose it intentionally because it offers a rare glimpse into one of the first female Supreme Court Justices' lives and reflects on her experiences within a traditionally male-dominated field. The interview is publicly available and provides a lot of material for analysis, as it captures how Ginsburg speaks about law, gender, and her career path to the Supreme Court.

My research is guided by the question: *How are gender dynamics constructed, challenged, and maintained through legal discourse within the institutional hierarchies of the U.S. Supreme Court?* This question matters because the Supreme Court is the most powerful legal institution in the United States, and its discourse both inside and outside of the courtroom shapes how justice and equality are understood and practiced. By analyzing how gender is talked about (or not talked about) in this context, we can better understand how inequality persists even in places that seem to be neutral and fair.

To explore this question, I apply James Paul Gee's discourse analysis framework, focusing on four key tools: identities building, relationship building, situated meaning, and doing not just saying. These tools reveal how language functions to establish identities, create social dynamics, and convey power structures. For instance, when Ginsburg reflects on the unequal treatment she faced after law school and during her career, her language and tone do more than recount personal experiences; they expose how gendered expectations and power are embedded within legal discourse.

I approached this analysis thoughtfully and carefully, aiming to ensure that my interpretations are trustworthy and grounded in theory and context. To strengthen the credibility of my work, I compared my findings with existing research. I drew from a range of scholarly sources, including feminist legal theory and other areas of study, which helped me contextualize Ginsburg's interview to see how her language fits into the broader patterns of gendered discourse in the legal field.

I recognize that my limited experience in discourse analysis could leave room for error and cause implications in my findings. Additionally, I recognize that all discourse analysis includes interpretation, and that my own perspectives may influence how I perceive and read the

text. However, I tried to set aside my own opinions and biases and position myself as a researcher. I also acknowledge the limitations of using a single interview as my primary source. While one interview cannot represent the entire Supreme Court or the experiences of all women in law, Ginsburg's position as both a Justice and longtime advocate for gender equality makes her discourse especially meaningful. Her words offer insight into how someone at the top of the legal hierarchy navigates and challenges gender norms. Some may argue that an interview like this is too informal or personal to be considered legal discourse. However, I believe this is exactly why it is worth studying, because it shows how legal authority is communicated beyond written opinions and courtroom arguments. Public interviews similar to this one shape how people understand the law and the people who interpret it. It also gives us access to hearing and seeing the everyday language of those who hold substantial power.

Overall, this study uses discourse analysis to explore how gender inequality is communicated and reproduced within legal institutions. By analyzing Ruth Bader Ginsburg's NPR interview, I aim to highlight the ways in which power, identity, and gender are influenced through discourse, even at the highest level of the U.S. legal system.

## **Results**

Ruth Bader Ginsburg's 2019 NPR interview offers a powerful lens through which to examine gender dynamics in SCOTUS. At the center of Ginsburg's discourse is her identity, which is shaped by both her personal experiences and the institutional structure she navigated early on in her career. According to Gee (2011), individuals construct their identities through their interactions and social positions, and Ginsburg's interview highlights how her gender influenced her journey to the courtroom.

Ginsburg opens the interview with a striking observation about her early career: “I get out of law school. I have top grades. No law firm in the city of New York will hire me.” The sentence is simple, almost unemotional, yet its implications are profound. The statement draws attention to the historical and institutional barriers that shaped her entry into the legal field. Through the lens of situated meaning, Ginsburg’s words gain meaning not just in what they say, but in the broader context of American legal institutions where women’s presence in courtrooms and law firms is minimal and unwelcome. Her language is not speculative; it is situated in the reality of her time, where excellence was not enough to overcome gendered inequalities. In this way, the phrase “no law firm... will hire me” takes on a larger role; it encapsulates both personal rejection and exclusion.

Her identity as a woman lawyer is built through this declaration. The identities-building tool emphasizes how Ginsburg constructs herself not as a victim, but as someone whose professional identity was influenced in resistance to systemic inequality. By emphasizing that she had “top grades,” she positions herself as someone fully qualified yet still denied opportunity. This contrast highlights the construction of identity around exclusion and competence, and it reflects how gender intersects with perceived success in professional spaces. The absence of emotion in this part of her discourse is also meaningful. Ginsburg does not sulk over this failure; instead, she states the facts. This strategy influences the identity being constructed, a calm, rational legal mind who nonetheless experienced discrimination.

Ginsburg then transitions from exclusion to action: “I end up teaching. They gave me time to devote to the movement for the rights of men and women.” Here, doing not just saying becomes central. Her words frame a shift in her social role, from rejected lawyer to educator and advocate. Teaching, in this context, becomes more than employment. It becomes a platform for

activism and legal change. Through her phrasing, Ginsburg links institutional exclusion to a new kind of agency. She uses “they gave me time,” a passive construction that subtly implies that the system, while denying her certain roles, enabled her to engage in transformative legal work. The language used constructs a sequence of events in which failure leads to impact.

The repetition of concise, declarative sentences in this portion of the interview reflects Ginsburg’s authority. Her use of language underscores the *doing* of discourse, her story reshapes what legal success looks like. Rather than practicing in a firm, she uses her position to contribute to activism, which sparks transformative change. Through this lens, her experience is not passively received but actively shaped through words and action.

Building on her reflection, Ginsburg also recalls a significant conversation with Justice Sandra Day O'Connor later in the interview: “Suppose we had come of age at a time when women lawyers were welcome at the bar. You know what? Today, we would be retired partners from some large law firm.” The quote serves multiple functions within the framework of the relationships-building tool. On the surface, it is a personal anecdote, but it also positions Ginsburg and O’Connor as part of a collective, a cohort of women whose careers diverged from the expected path because of exclusion. Rather than isolating her experience, Ginsburg draws a line between herself and another woman in law, signaling a shared struggle among women in law. This shared discourse constructs a relationship not only between the two women but also between them and the audience. The imagined outcome illuminates the actual path they were forced to take. This imagined alternative also carries situated meaning, the law firm partner is a symbol of societal expectations of legal success, one often inaccessible to women of their generation. By contrasting the actual trajectory of her career versus the imagined trajectory, Ginsburg’s language reveals the institutional exclusion of women in law.

In addition, this reflection builds Ginsburg's identity not just as an individual achiever but as part of a generation that altered the course of legal history. Through the identities-building tool, her connection with O'Connor becomes a form of collective resistance. She does not frame their presence on the Court as individual accomplishments but as evidence of how the profession was (and still is) structured to keep women out. This shifts focus from personal success to a critique of the institution, and it reinforces how identity and gender are performed through language.

Ginsburg's description of her judicial nomination to the D.C. Circuit also illustrates how gendered discourse constructs meaning and power. Ginsburg states, "I was not nominated to a vacancy on the Second Circuit. Instead, I was nominated to a vacancy on the D.C. Circuit: a much better place for me to be. Because the D.C. Circuit decides a lot of very important questions involving um whats going on in our government." On its surface, this comment acknowledges an external force that opened the door for opportunities. But the phrase "a much better place for me to be" carries a complex set of situated meanings. It reflects a moment in legal history when the inclusion of women and minorities became of public value. Here, the doing not just saying tool is again in play. Ginsburg does not recount a fact, she constructs a timeline in which institutional intent and personal readiness intersect. The language both marks a shift in legal culture and performs a subtle critique of the conditions under which inclusion becomes possible. Ginsburg's narrative doesn't romanticize the process; instead, it shows how discourse functions within systems of power. The tone of Ginsburg's language also contributes to the building of identity. When she describes the nomination to the D.C. Circuit, she implements pauses, which suggest reflection. Through her paused speech, Ginsburg constructs an identity of careful authority. Her tone becomes a method of asserting control in a space where women's

voices are often interrupted, diminished, or ignored. This tone reflects both her legal experiences and the adaptive strategies of women in male-dominated institutions.

Overall, these strategies construct an overarching identity: a woman who navigated exclusion, leveraged opportunity, and reshaped institutional discourse. Through Gee's tools, we see how each statement functions within broader structures of meaning, action, identity, and power. Ginsburg's narrative does not rest on societal claims; rather, it focuses on specific experiences within the U.S. legal system. In doing so, it reveals how legal discourse maintains gender inequality through both explicit exclusions and implicit norms.

Through the precise use of language, Ginsburg constructs herself as both participant and critic of the legal system. She does not distance herself from the institution but uses discourse to reframe her position within it. This dual role exemplifies how discourse analysis can uncover the ways institutional language builds gendered realities. The tools of situated meaning, doing not just saying, identities building, and relationships building, when applied to this interview, demonstrate that inequality is not only observed or experienced, but it is constructed and maintained through language itself.

### **Implications**

One possibility emerging from this study is that Ruth Bader Ginsburg's discourse functions as both a critique of institutional gender inequality and a strategic use of the very norms that enable such institutions to maintain authority. While she draws attention to exclusion, underrepresentation, and systemic bias, she does so using the traditional, measured, and authoritative legal language expected within the U.S. Supreme Court. This suggests that critique,

in institutional contexts like the judiciary, often must be framed within accepted norms to be considered credible or legitimate.

Given the frequency with which Ginsburg positions herself as both a participant in and a critic of the legal system, her language may reflect a broader pattern among marginalized legal professionals. What is crucial is the way authority is constructed, not just through content, but through tone, delivery, and alignment with institutional expectations. Ginsburg does not abandon the norms of the institution she critiques; rather, she uses them to gain a platform from which her critique can be heard. This dual positioning appears to mirror a common strategy among underrepresented individuals in elite spaces: credibility must first be established before critique can be offered.

Some evidence in the interview points to the Supreme Court's broader discourse as one that upholds traditional authority structures through its neutral language. Ginsburg's rational tone enables her to speak authoritatively, which also reflects the norms that have historically excluded women. This raises important questions about the extent to which institutional transformation is possible, especially when critics must adopt the same forms of speech that have marginalized non-dominant voices.

This study may be significant not only in revealing how Ginsburg navigates institutional norms but also in what it suggests about the nature of legal authority itself. Her strategic use of institutional language reveals the limitations and possibilities available to those seeking change. It can be seen as a demonstration of how discourse does more than describe reality, it constructs the boundaries of legitimacy and inclusion. The implication is that true transformation of gender dynamics in legal institutions may require more than increased representation; it may also demand a rethinking of authority.

Additionally, because much of the public's understanding of the Supreme Court comes through mediated discourse such as interviews, speeches, and media coverage, the way justices speak outside of opinions matters. Ginsburg's interview becomes a case study in how public legal discourse shapes perceptions of neutrality, fairness, and authority. This suggests that close attention to SCOTUS speech may offer valuable insights into how the Court as an institution constructs its identity and legitimacy in the public sphere.

While this study focuses on a single interview, its insights may inform a broader understanding of gendered discourse in legal institutions. Future research might examine how other women in law, such as judges, clerks, attorneys, or law students, negotiate similar constraints in constructing professional authority. Comparative studies across gender, race, and age could also provide insight into how different identities intersect with legal discourse and institutional belonging. It may be valuable to analyze how male justices construct gender in their own discourse and whether their rhetorical strategies reinforce or challenge existing inequalities.

Ultimately, the findings from this analysis suggest that institutional change may not be achieved solely through increased inclusion. Instead, deeper attention must be paid to how authority is performed, how critique is framed, and how discourse itself may serve to both reproduce and resist inequality. Understanding these dynamics could inform future legal education, judicial training, and public communication strategies aimed at fostering more equitable institutional cultures. As the Supreme Court continues to serve as a powerful legal institution, understanding the gendered nature of its discourse remains essential to increasing true equity within the justice system.

## Appendix

Nina Totenberg: Do you have any regrets?

Ginsburg: I do think I was born under a very bright star because you can think of my life. I get out of law school. I have top grades. No law firm in the city of New York will hire me. (long pause) I end up teaching. (pause) As I said before, they gave me time to devote to the movement for evening out the rights of women and men. (pause) I was not nominated to a vacancy on the Second Circuit. Instead, I was nominated to a vacancy on the D.C. Circuit: a much better place for me to be. Because the D.C. Circuit decides a lot of very important questions involving um what's going on in our government. (long pause) So I'll tell you what Justice O'Connor once said to me. She said... "Suppose we had come of age at a time when women lawyers were welcome at the bar. You know what? Today we would be retired partners from some large law firm. But because that route was not open to us, we had to find another way." And we both end up in the United States Supreme Court.

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