

teacher resource guide

**schooltime
performance
series**



***on the basis
of sex***

**arts
education
njpac**
discover. create. grow.

about the performance

The film *On the Basis of Sex* focuses on the life of Ruth Bader Ginsburg and the challenges she faced early in her storied career.

Ginsburg, today an Associate Justice of the US Supreme Court, is portrayed by Felicity Jones as a hardworking young legal scholar. She juggles her profession with her marriage to a supportive fellow lawyer, Martin Ginsburg (played by Armie Hammer), and raising their children.

This 2018 biopic, directed by Mimi Leder, initially looks at Ginsburg's early years at Harvard Law School, her fruitless search for employment at top law firms that were not interested in hiring female women, and her time as a law professor.

Her husband, a tax attorney, calls her attention to an obscure case, *Charles E. Moritz v. Commissioner of Internal Revenue*. Moritz sought a tax deduction for hiring a caregiver for his sick mother, but the courts decided he did not meet the criteria for a deduction because he was not a woman or a formerly married man—he was a bachelor.

On the Basis of Sex focuses on this case, which Ruth Bader Ginsburg thinks could be used to dismantle discriminatory laws that hamper the advancement of women's rights and gender equality. If she could get the courts to rule that the IRS unfairly discriminated against Moritz on the basis of his sex, the case could then be used to overrule discriminatory laws that affect women.

In the end, Ginsburg wins her case, which kick-starts her illustrious career as an advocate for gender equality.

more on ruth bader ginsburg

Ruth Bader Ginsburg was born into a Jewish family in Brooklyn, New York on March 15, 1933.

Ginsburg excelled in her studies at Cornell University in Ithaca, NY, where she earned a bachelor's degree in government with high honors. At Cornell she met Martin Ginsburg, a fellow student and her future husband. After they graduated from Cornell in 1954, the couple married and went on to have a daughter and a son.

Both Ruth and Martin enrolled at Harvard Law School in 1956. She was one of nine women in their class of more than 500 students.

While they were still enrolled in law school, Martin was diagnosed with testicular cancer. Ginsburg's grit and determination showed through during this tough time. In addition to caring for her husband and their daughter, Ginsburg attended both her classes and Martin's, and landed a prestigious position at the *Harvard Law Review*. She later transferred to Columbia University's law school, where she graduated tied for the top of her class in 1959.

After graduating, Ginsburg worked as a law clerk and academic researcher and held professorships at both Rutgers University School of Law and Columbia Law School. Ginsburg went on to co-found *The Women's Rights Law Reporter* which is based at Rutgers. At the time of its inception in 1970, the publication was "the first legal periodical in the United States to focus exclusively on the field of women's rights law," according to the journal's website.

Ginsburg also famously succeeded as a legal advocate for gender equality. The American Civil Liberties Union (ACLU) started referring to her sex discrimination complaints, sparking a meaningful partnership. She founded the ACLU's Women's Rights Project, became the Project's general counsel and had a seat on ACLU's national board as well.

She frequently appeared as a lawyer in front of the US Supreme Court where she argued on sex discrimination cases, further establishing her role as a trailblazer for women's rights and gender equality.

In 1980, Ginsburg ascended to the US Court of Appeals for the District of Columbia Circuit, which is widely seen as a stepping stone to the US Supreme Court. President Bill Clinton nominated her as an Associate Justice for the Supreme Court, making her the second female jurist on the court. She started her tenure in 1993.

Her tenure at the Supreme Court has been characterized by progressive rulings and opinions on sex discrimination and gender equality, including cases dealing with abortion, birth control and equal pay, as well as health care, criminal justice and voting rights.

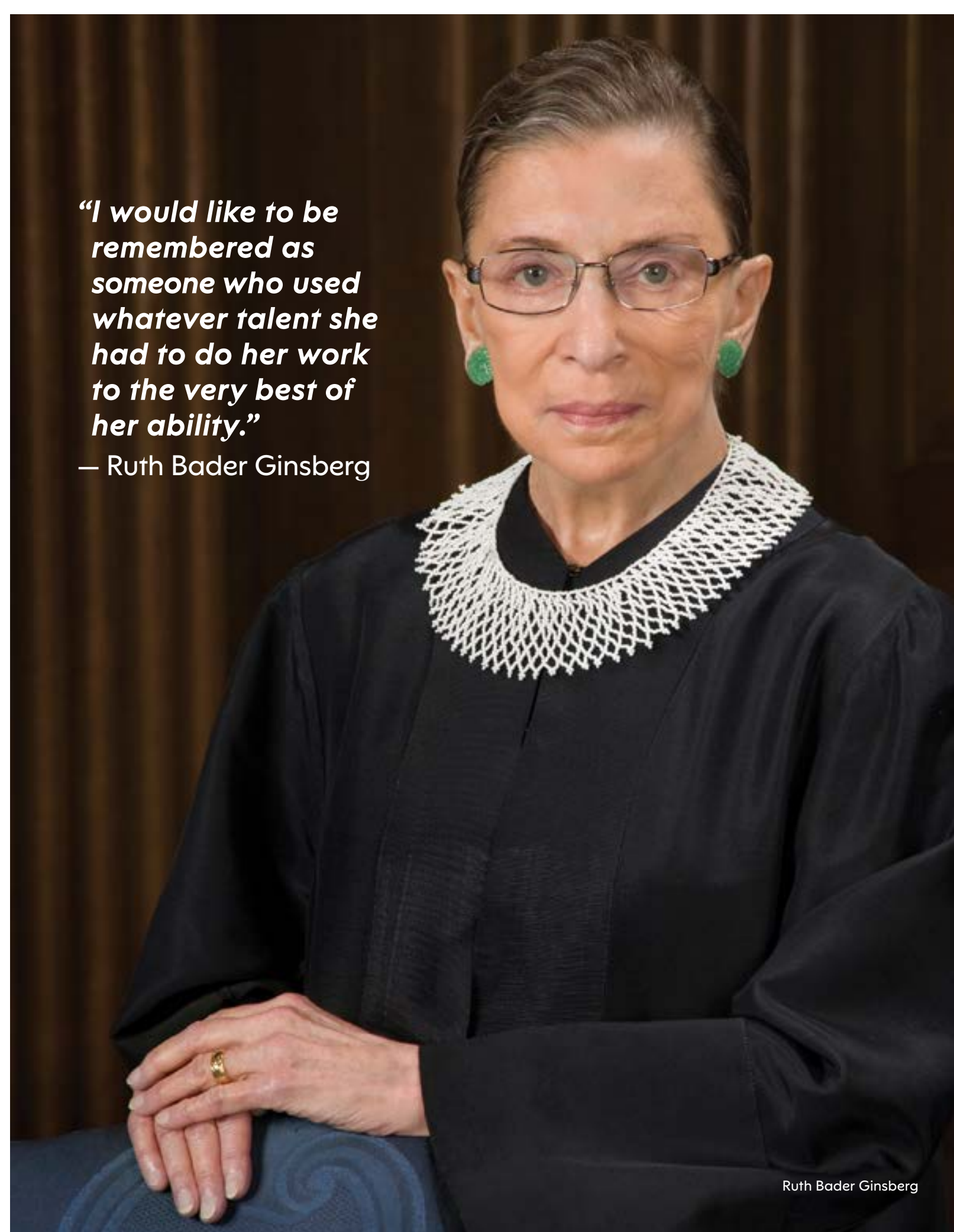
Because of her pioneering work as a scholar, legal advocate and Supreme Court Justice, people all over the world have lauded Ginsburg as a progressive folk hero, a feminist standard-bearer and an important voice on social justice. In popular culture, she has been dubbed "The Notorious RBG" (a play on the name of the famed rapper The Notorious B.I.G.).

This what Ginsburg says about herself:

"I would like to be remembered as someone who used whatever talent she had to do her work to the very best of her ability."

"I would like to be remembered as someone who used whatever talent she had to do her work to the very best of her ability."

— Ruth Bader Ginsburg



Ruth Bader Ginsburg

inspired ideas in the classroom

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	Teacher Focus	Student Activity	NJ Student Learning Standards
Prepare for the performance	<p><i>On the Basis of Sex</i> portrays the early career of Ruth Bader Ginsburg, from law school to a pivotal oral argument before the US Appellate Court. Familiarize yourself with the movie and the woman by watching the trailer and reading RBG's bio.</p> <p>Trailer: youtu.be/28dHbIR_NB4 Bio: oyez.org/justices/ruth_bader_ginsburg</p>	<p>You will be watching a film about Ruth Bader Ginsburg and her fight for women's rights. In preparation, think about how you experience the world in relationship to your gender.</p> <p>In 10 minutes: Discuss the following: How does your gender determine your experience of the world? In other words, are there things that you can or cannot do because of your gender-identification? Why? Are you influenced by social pressure, by your culture, and/or by the law?</p>	<p>Social Studies 6.3 Active Citizenship in the 21st Century</p> <p>English Language Arts NJLSA.SL1 NJLSA.SL4</p>
Experience the performance	<p>Encourage students to notice when they relate to the characters, emotions, and/or episodes in the film. Also, notice memorable shots of the film. Activity Sheet #2 asks students to recall shots and analyze them visually. As you are watching the movie, notice what shots stand out for you, so that you can provide examples.</p>	<p>As you watch the movie, notice if there are characters or episodes that relate to you. With whom do you identify and when? Also notice visual information, like colors, size, position, composition and lighting. When do these things stand out?</p>	<p>Social Studies 6.1 U.S. History: America in the World 6.3 Active Citizenship in the 21st Century</p> <p>Visual and Performing Arts 1.4 Aesthetic Response & Critique</p> <p>English Language Arts NJLSA.R7</p>
Reflect, respond and read	<p>The film moves quickly from one location to another. Your students may not have followed every scene or made all the connections. They may have questions about certain characters, like Dorothy Kenyon, Melvin Wulf, or references, like the ACLU. Be prepared to help them connect the web of characters or organizations in the film. For reference, a synopsis of the movie is here: imdb.com/title/tt4669788/plotsummary</p> <p>For more information about Dorothy Kenyon, Melvin Wulf and the ACLU, examine the following online resources: Dorothy Kenyon - washingtonpost.com/history/2018/12/27/ruth-bader-ginsburg-was-inspired-by-forgotten-female-trailblazer Melvin Wulf - mtsu.edu/first-amendment/article/1424/melvin-wulf ACLU - aclu.org/about/aclu-history</p>	<p>If you have 5 minutes: Recount the film. As a class, recall and sequence the major events of the narrative. Answer each other's questions about it.</p> <p>Revisit your earlier discussion: Revisit your discussion about how gender influences your behavior and experiences. Now that you've seen the movie, you can consider how both Marty and Ruth Ginsburg experienced the world. Compare and contrast things that they are each allowed to do. Then compare and contrast yourselves with them. Have things changed? If so, how?</p>	<p>Social Studies 6.1 U.S. History: America in the World 6.3 Active Citizenship in the 21st Century</p> <p>Visual and Performing Arts 1.4 Aesthetic Response & Critique</p> <p>English Language Arts NJLSA.R2 NJLSA.R7 NJLSA.SL1 NJLSA.SL2</p>
Focus	<p>Your students will make video portraits of themselves (or each other). Help them by brainstorming locations and shots. For instance, they may want to use a staircase, a gymnasium, a door to the outside. They may want the camera to look up at the subject, to look down at the person, to move with them, or to watch them walk by.</p>	<p>Recall the characters. Filmmakers use visual information, like colors, size, position, composition and lighting, to convey a character's personality, emotions, and perspective. An example, at the end of the film, the actor playing RBG (Felicity Jones) walks up the steps of the Supreme Court building in a blue dress. Her vibrant costume stands out. Her position in the center of the shot, in the middle of the staircase, shows her importance. The stairs are formal and grand. Her direction, up the stairs of the courthouse, serves as a metaphor for RBG's professional ascent.</p> <p>Then, the film shows RBG, herself, not the actor, on top of the stairs, walking past the camera, in a bright, blue suit, and smiling. Think of RBG's cameo as a video portrait. You will be making 10-20 second video portraits of yourselves. To get going, as a class, brainstorm locations in which you could record your subject. Also brainstorm where the camera can be positioned (i.e. below, above, centered, etc.).</p>	<p>Visual and Performing Arts 1.1 The Creative Process</p> <p>English Language Arts NJLSA.SL1 NJLSA.SL5</p>
Originate	<p>Your class is going to make a video portrait of each student. Each video should only be 10-20 seconds long. Examples from the film can inspire them. Help the students brainstorm. Encourage their excitement.</p> <p>Extra credit challenge: Challenge your students to choose a social issue and incorporate it into their portraits.</p>	<p>Now you're going to stage a video portrait of yourself (or a partner). Think of a location that tells the viewer something about you. Think about where the camera will shoot from. Draw a picture of the portrait to draft it.</p> <p>For extra credit: Use a visual reference, a posture, or a place to incorporate a social issue into your portrait.</p>	<p>Social Studies (if the students incorporate social issues) 6.3 Active Citizenship in the 21st Century</p> <p>Visual and Performing Arts 1.1 The Creative Process</p> <p>English Language Arts NJLSA.SL5</p>
Rehearse	<p>Put your students in pairs or groups. If needed, help them determine an order in which to shoot their portraits. Make sure each pair/group has a phone/camera to use.</p>	<p>In small groups, help one another realize your portraits. Take turns going to each location and following each other's directions to make the video portraits. Use your phones or cameras to shoot them. You should make one 10-20 second portrait for each person in your group.</p>	<p>Visual and Performing Arts 1.1 The Creative Process</p> <p>English Language Arts NJLSA.SL1 NJLSA.SL5</p>
Make magic	<p>Determine a day and time to show the videos. Arrange for a projector, screen, and equipment to show the video.</p> <p>For extra credit: Collect all the students' video portraits. Use iMovie or other free software to put them all into one film. The film will show each portrait, one after another.</p>	<p>Share your videos with your class. Celebrate the videos by giving compliments and noting surprises.</p>	<p>Social Studies (if the students incorporate social issues) 6.3 Active Citizenship in the 21st Century</p> <p>Visual and Performing Arts 1.3 Performing 1.4 Aesthetic Response & Critique</p> <p>English Language Arts NJLSA.SL1 NJLSA.SL2</p>

curriculum standards

NJ Arts Standards

1.1 The Creative Process

All students will demonstrate an understanding of the elements and principles that govern the creation of works of art in dance, music, theatre, and visual art.

1.2 History of Arts & Culture

All students will understand the role, development, and influence of the arts throughout history and across cultures.

1.3 Performance

All students will synthesize skills, media, methods and technologies that are appropriate to creating, performing and/or presenting works of art in dance, music, theatre and visual art.

1.4 Aesthetic Response & Critique

All students will demonstrate and apply an understanding of arts philosophies, judgment and analysis to works of art in dance, music, theatre and visual art.

National Arts Standards

- 1: Generate and conceptualize artistic ideas and work.
- 5: Develop and refine artistic techniques and work for presentation.
- 6: Convey meaning through the presentation of artistic work.
- 7: Perceive and analyze artistic work.
- 8: Interpret intent and meaning in artistic work.
- 11: Relate artistic ideas and works with societal, cultural, and historical context to deepen understanding.

FIND THE STANDARDS

For more detailed information on the standards, visit these websites:

NJ ENGLISH LANGUAGE ARTS

state.nj.us/education/cccs/2016/ela

NJ SOCIAL STUDIES STANDARDS

state.nj.us/education/cccs/2014/ss

NJ WORLD LANGUAGE STANDARDS

state.nj.us/education/aps/cccs/wl

NJ ARTS STANDARDS

state.nj.us/education/cccs/2009/1.pdf

NATIONAL ARTS STANDARDS

nationalartsstandards.org

new jersey student learning standards

English Language Arts

NJLSA.R2.

Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

NJLSA.R7.

Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.

NJLSA.SL1.

Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

NJLSA.SL2.

Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

NJLSA.SL4.

Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.

NJLSA.SL5.

Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.

Social Studies

6.1 U.S. History: America in the World

All students will acquire the knowledge and skills to think analytically about how past and present interactions of people, cultures, and the environment shape the American heritage. Such knowledge and skills enable students to make informed decisions that reflect fundamental rights and core democratic values as productive citizens in local, national, and global communities.

6.3 Active Citizenship in the 21st Century

All students will acquire the skills needed to be active, informed citizens who value diversity and promote cultural understanding by working collaboratively to address the challenges that are inherent in living in an interconnected world.

cultural connections



The Seneca Falls Convention

The fight for gender equality in America

Ruth Bader Ginsburg has been a pivotal figure in the fight for gender equality and women's rights, but she does not stand alone. She comes from a long line of advocates who have striven to advance the status of women from second class citizens to equals in society.

The opening salvo in the fight to give women the right to vote started in Upstate New York. There, a group of women and male activists convened in July 1848 for the **Seneca Falls Convention**, known as the first women's rights convention in America and the launch pad of the women's suffrage movement. Activists **Elizabeth Cady Stanton**, **Lucretia Mott** and **Frederick Douglass** attended.

In 1920, after years of civil activism and lobbying, the federal government certified the 19th Amendment, which finally gave millions of women the right to vote. Many historians consider this era the first wave of feminism.

Another important theme in the fight for women's rights is the right to birth control, abortion and sex education.

Margaret Sanger (1879-1966) was a pioneering advocate for family planning and contraception. Through her work as a nurse, Sanger came to believe that if women could control their reproductive health and plan how many children to have, fewer women and children would be mired in poverty. She fought for the reproductive rights of women via writings; dispensing contraceptives; pursuing court cases; and funding research for the birth control pill. She also set the ground work for Planned Parenthood, which provides low-cost birth control options to women and general information about reproductive health care.

The second wave of feminism, considered to have begun in the 1960s, sought to go beyond voting and property rights and critically examine the role of women at home, at work, in the bedroom and other circumstances.

Important figures in second wave feminism included **Betty Friedan** who wrote *The Feminine Mystique* in 1963. In this best-selling book, she examined the frustrations experiences by many women as suburban

cultural connections

homemakers who believed their potential had been wasted in the postwar era—a time when the nuclear family was idealized and women were inculcated to base their identity on serving their families. She interviewed a great number of women like herself, across the country. After her book was published, Friedan went on to co-found the National Organization of Women, an American feminist organization.

People of color also demanded a place in the feminist movement, which had been historically dominated by white, middle-class women.

Shirley Chisholm set a sterling example by breaking barriers on her journey to become an iconic figure in women's history. She was the first African American woman in Congress in 1968. She also became the first African American to seek the nomination for US President in 1972. During her seven terms in the US House of Representatives, she was a fierce advocate for the poor, women, minorities and for ending the Vietnam War.

“If they don't give you a seat at the table, bring a folding chair,” she once quipped.

Women coming of age in the 1990s generated the third wave of feminism. They hoped to build on the momentum of second-wave feminists, who strengthened economic, political and social advancement for women—more than ever before in America—but also hoped to remedy the second-wavers' shortcomings. Many third-wave feminists have criticized older feminists for focusing primarily on the concerns of upper- to middle-class white women.

Third wave feminists sought to be more inclusive than second-wavers by giving voice to minority women and by looking at issues through the lens of intersectionality, a mode of thinking that takes into consideration race, class, religion, gender and other attributes or factors as important influencers on the status of women worldwide.

Third-wave feminists have also questioned the division of labor in households and critically examined language and ideas that favor the patriarchy, the portrayal of women in media, and sexuality. The **underground riot grrrl movement** in punk music sought to address raw subjects that women have been confronting in their daily lives, such as sex, feminism, anarchy and rape. Bands like Bikini Kill and Sleater-Kinney are associated with riot grrrl music.

In the art world, an anonymous group of female artists gathered to form the **Guerrilla Girls** to challenge the patriarchal structures of museums and fine art organizations, as well as favoritism toward male artists. Wearing gorilla masks to hide their identities, they use humor and eye-grabbing visuals to poke fun at entrenched sexism.

To give voice to women and girls suffering from sexual harassment and assault, educator and activist **Tarana Burke** started the **#metoo movement** in 2006 as way to help mostly the black community. In 2017, the hashtag went viral on social media as women shared their stories of being the victims of domestic abuse, rape, sexual harassment and assault. The movement was championed by the actress Alyssa Milano, who issued a “silence breaker” response to sexual harassment complaints against Hollywood mogul Harvey Weinstein. Burke then shifted the focus of her grassroots advocacy to “a global community of survivors from all walks of life,” according to the “me too” website.



Tarana Burke

vocabulary

Discrimination

In the context of social human behavior, it is when a group of people are judged on the basis of their gender, race, class, sexual orientation, nationality, religion, disability or other attributes. Discrimination can be enshrined in law or be de facto—a situation or practice that happens in real life even if not enshrined as official law.

Feminism/feminist

The idea that women and men should be treated equally. Feminists are advocates who actively pursue gender equality.

First-, second- and third-wave feminism

Feminist scholars have divided feminism into three movements: first wave, second wave and third wave. First-wave was considered to have occurred from the late 19th century to the early 20th century and mostly concerned itself with the right to vote. Second-wave is considered to have started in the 1960s into the 1980s. That movement focused on reproductive rights, equality in the workplace and schools, custody and divorce laws and other issues. The third wave, which started in the 1990s, has concerned itself with how women are portrayed in the media, patriarchal language and ideas, sexual harassment and assault, rape culture, and diversity.

Gendered

In the context of feminism, the term “gendered” means pertaining to stereotypical gender roles or gender differences.

Intersectionality

A mode of thinking that asserts that people are discriminated against or disadvantaged by not just their gender but also overlapping factors of race, class, religion, sexual orientation, nationality and other attributes.

Patriarch

A system of government or society that holds that men are superior to women. Men hold the power in patriarchal societies. Organizations or workplaces can be patriarchal in nature. The term sexism is associated with the patriarchy.

Rape culture

An environment or society that has normalized or trivialized sexual harassment and assault.

Riot Grrrl

An underground feminist punk music scene that started in Washington State in the 1990s. Riot grrrl bands sang about feminism, rape culture, sexism, double standards against women, domestic abuse, and politics.

The Suffrage Movement

A movement in the late 19th century America that sought to give women the right to vote. People who took part in this movement were called suffragettes. Their advocacy culminated in 1920 in the 19th Amendment which gave women the right to vote in elections.

Women's rights

The notion that women have the right to vote, to own property, to receive equal pay for equal work, to be educated and to live free from discrimination and violence. The term “gender equality” is sometimes used interchangeably with women's rights. The United Nations considers gender equality a fundamental human right.



Felicity Jones as Ruth Bader Ginsburg in *On The Basis of Sex*

resources

Websites

On the Basis of Sex film website

focusfeatures.com/on-the-basis-of-sex

The True Story of the Case Ruth Bader Ginsburg Argues in 'On the Basis of Sex'

smithsonianmag.com/history/true-story-case-center-basis-sex-180971110/

Ruth Bader Ginsburg biography

britannica.com/biography/Ruth-Bader-Ginsburg

17 Powerfully Inspiring Quotes from Ruth Bader Ginsburg

inc.com/peter-economy/17-powerfully-inspiring-quotes-from-ruth-bader-ginsburg

Margaret Sanger

womenshistory.org/education-resources/biographies/margaret-sanger

Betty Friedan: The Three Waves of Feminism

ohiohumanities.org/betty-friedan-the-three-waves-of-feminism/

Shirley Chisholm

womenshistory.org/education-resources/biographies/shirley-chisholm

United Nations Women

unwomen.org/en

Grrrl Power: The Riot Grrrl scene

theguardian.com/lifeandstyle/2009/mar/04/grrrl-power-music

Guerrilla Girls

guerrillagirls.com/#open

Intersectionality explained

vox.com/the-highlight/2019/5/20/18542843

Videos

On the Basis of Sex – Official Trailer

youtu.be/z8dHbIR_NB4

On the Basis of Sex (2018) – Final Speech – Closing Argument Scene

youtu.be/ocmKDpRrSKA

Justice Ruth Bader Ginsburg speaks

youtu.be/HsaHGFQjpow

Ruth Bader Ginsburg's Women's Rights Cases Centered on Money

youtu.be/oecFwWroqwl

Ruth Bader Ginsburg's #MeToo Moment

youtu.be/b1VfDGlfSk

Women's Suffrage: Crash Course US History #31

youtu.be/HGEMscZE5dY

The Fight for Women's Rights | Flashback | NBC News

youtu.be/g2CewziXoDg

Women in Politics Remember Shirley Chisholm

youtu.be/rkWHsW5kcyE

The Urgency of Intersectionality | Kimberlé Crenshaw

youtu.be/akOe5-UsQ2o

Books

My Own Words

by Ruth Bader Ginsburg
Simon & Schuster – 2018

[buy here](#)

You Can't Spell Truth Without Ruth: An Unauthorized Collection of Witty & Wise Quotes from the Queen of Supreme, Ruth Bader Ginsburg

by Mary Zaia
Castle Point Books – 2018

[buy here](#)

Notorious RBG: The Life and Times of Ruth Bader Ginsburg

by Irin Carmon and Shana Knizhnik
Dey Street Books – 2015

[buy here](#)

A History of U.S. Feminisms

by Rory C. Dicker
Seal Press – 2016

[buy here](#)

A Brief History of Feminism

by Patu and Antje Schrupp
MIT Press – 2017

[buy here](#)

What Is the Women's Rights Movement?

by Deborah Hopkinson – 2018

[buy here](#)

I Dissent: Ruth Bader Ginsburg Makes Her Mark

by Debbie Levy – 2016

[buy here](#)

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the arts in your school

In-School Residencies: Drama + Social Studies. Dance + Math. It all adds up in NJPAC's In-School Residencies in which professional teaching artists partner with educators to bring the arts into the classroom. Each 7- to 10-week program culminates in a student performance or an interactive family workshop. All programs address state and national standards. NJPAC is the regional provider in New Jersey for international arts programs like the NJ Wolf Trap Program and Dancing Classrooms Global.

Assemblies: NJPAC presents engaging school assembly programs that are presented by professional artists that invite students into the enchanting world of live performance. NJPAC's assembly series promotes cultural awareness and invigorates learning by presenting works that are connected to your school's curriculum.

Professional Development: NJPAC Professional Development engages classroom teachers, arts specialists and teaching artists as integrated teams that combine arts pedagogy, content, classroom management and social behavioral strategies to ignite and inspire arts-rich classrooms. Working as a team empowers teachers to share practice and strategy. Our goal is to inspire artistic and intellectual capacities in students, building competence and confidence in both students and teachers.

study the arts at njpac

Saturday Programs: NJPAC's Saturday programs are geared towards students at every level—from those who dream of starring on Broadway to those who are still learning their scales. Students work with professional artists to build technique and develop their own creative style in film, contemporary modern dance, hip hop, jazz, musical theater and symphonic band.

Summer Programs: Want to begin to explore the arts? Or immerse yourself in the study of one genre? Then join us at NJPAC next summer in one of seven programs that spark the creativity in every child through the study of music, dance and theater.

For more information or to schedule an appointment, please call our education sales team at 973.353.7058 or email artseducation@njpac.org. Visit njpac.org/education

Generous support for Schooltime provided, in part, by



NJPAC Arts Education programs are made possible through the generosity of our endowment donors: The Arts Education Endowment Fund in honor of Raymond C. Chambers, The Joan and Allen Bildner Family Fund, Albert and Katherine Merck, and The Sagner Family Foundation

Generous annual support for NJPAC Arts Education Programs is provided by: NJ Advance Media/The Star-Ledger, McCrane Foundation, Inc., care of Margrit McCrane, John and Suzanne William/Goldman Sachs Gives, MCJ Amelior Foundation, Amy Liss, Jennifer A. Chalsty, Johnson & Johnson Family of Companies, Panasonic Corporation of America, and Atlantic, Tomorrow's Office, Stewart and Judy Colton