



Strategy and Leadership Lessons From the ‘Notorious RBG’

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Ruth Bader Ginsburg, lovingly known as the “Notorious RBG”, was a legal giant, an advocate, an opera aficionado, and a loving wife and mother. Her life’s work provides rich opportunities for learning, beyond her majority opinions and famous dissents. Strategist and Change Agent are two additional titles we humbly suggest adding to her legacy. As the business world increasingly strives to be a catalyst for social justice and societal progress, Ruth Bader Ginsburg’s work provides many valuable lessons for business leaders.

- Start small and build momentum

“Real change, enduring change, happens one step at a time.”

RBG’s tenure on the Supreme Court has been widely celebrated for her abilities both to build majority support in some cases and, in others, to shape future outcomes through her dissents. It was, however, during her ground-breaking work as a litigator prior to her appointment as a federal judge that she emerged as a change leader in the women’s rights movement.

After founding the **Women’s Rights Project** at the American Civil Liberties Union (ACLU), **Ginsburg personally chose six gender discrimination cases to argue** before the Supreme

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Court between 1973 and 1979. Rather than seeking one sweeping landmark decision, she methodically sought to shift the views of the members of the highest court in the United States, breaking down the gender equality challenge into specific discriminatory statutes, choosing plaintiffs carefully and using each case to create a precedent.

- **Frontiero v. Richardson**: Ginsburg argued for the husband of a female military member to have the same dependent status as the wives of male members
- **Kahn v. Shevin**: Ginsburg argued for widowers to have the same Florida property tax exemption as widows
- **Weinberger v. Wiesenfeld**: Ginsburg argued that the Social Security Act should grant the same benefits to a surviving husband and father as were granted to surviving wives and mothers
- **Edwards v. Healy**: Ginsburg argued for women to have equal rights to serve on juries in Louisiana
- **Califano v. Goldfarb**: Ginsburg argued for widowers to have the same access to social security survivor’s benefits as widows
- **Duren v. Missouri**: Ginsburg argued on behalf of a male criminal defendant that the Missouri practice of automatically excluding women from jury service violated his

constitutional rights

Winning five of the six cases, Ginsburg chipped away at legally sanctioned sex discrimination in military, tax and social security benefits, and jury service. Gradually, she persuaded a majority of the all-male Supreme Court that equality for women is a fundamental right protected by the US Constitution.

Challenging the system is difficult, and threatening the perceived personal or collective interests of the powerful requires skilful change management. It is about charting a strategic plan, starting small and altering the status quo one step at a time. It is also important to create momentum through raising awareness about the problem and building upon successful outcomes. Small yet meaningful strategic actions can also drive business transformations. In 2011, Bain & Company partner Julie Coffman was already a well-recognised champion of gender equity and diversity. From organising a breakfast club and women's luncheons to setting up diversity programmes to improve recruitment, mentorship and promotion, Coffman strategically evolved internal talent practices and shifted external dialogue with clients. Keith Bevans, a Black man, that benefited greatly from Julie's mentorship and sponsorship now heads Bain's global consultant recruitment efforts. In 2020, **Coffman founded Bain's new diversity, equity & inclusion (DEI) practice** and became the firm's first Chief Diversity Officer.

- Take a different perspective to broaden the conversation

"Fight for the things that you care about, but do it in a way that will lead others to join you."

Notably, in four of the sex discrimination cases she took on, Ginsburg represented men who had been deprived of benefits – husbands or widowers who were, she argued, victims of discrimination on the basis of sex. Before an all-male Supreme Court, she understood that arguing for men whose interests had been harmed by gender discrimination was the best starting point to educate the Court. By strategically broadening her advocacy to seek **equality for both sexes**, Ginsburg promoted understanding of the collective benefits of equality and the broader harm of gender discrimination.

In the wake of protests for racial justice following the murder of George Floyd in May 2020, Roger Ferguson of TIAA, then one of only **five** Black Fortune 500 CEOs, was **asked about the need for board diversity**. Even in the midst of what he acknowledged was a movement for racial justice surpassing even the Civil Rights Movement of his youth, Ferguson noted the growing body of research indicating that **diverse boards yield**

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better decisions and better outcomes for companies and their shareholders. Like Ginsburg, Ferguson strategically shifted the conversation to highlight how greater equality at the highest levels of business benefits not merely the Black community but corporate stakeholders and society more broadly. Enlightening decision makers about the business imperatives linked to socially just business practices allows a wider embrace of change initiatives.

- Separate the mission from the individual ego

"You can disagree without being disagreeable."

Ginsburg was confirmed to the Supreme Court by an **overwhelmingly bi-partisan vote, 93-6**. While the less contentious spirit in Washington during the early 1990s surely helped, she entered the nomination process with a reputation as a moderate earned during her tenure as a judge on the DC Circuit. Ginsburg also famously **developed a close friendship** with her conservative colleague Antonin Scalia, frequently finding consensus with him and other conservatives.

Ginsburg's lasting friendship with Justice Scalia was permitted only by the separation of individual ideology from the individual, on both sides. Ginsburg viewed collegiality as essential to the work of the Supreme Court; she noted that her positive interaction with Scalia was facilitated by their common love of opera and family and their shared view that the Court's role was to help lawyers and judges better understand the law.

Business leaders can benefit from using the same approach with colleagues who do not agree with them on everything but bring valuable perspectives. **The three founders of Sweetgreen remain friends** 14 years after starting their unicorn salad restaurant business in college. Nicolas, Nathaniel, and Jonathan came from different ethnic and family backgrounds and grew up on opposite coasts of the United States. Nevertheless, **they share the same "passion x purpose"**, the unifying motto printed on Sweetgreen T-shirts. They identify their shared mission and its taking priority over individual ego as critical to their success. "Sometimes I will be right, other times Nick or Nathaniel will be right," says Jonathan. Their mutual values and commitment to doing right by customers, community and company, in that order, left no space for individual ambitions that conflict with collective benefits.

- Lead a cause beyond career

"If you want to be a true professional, do something outside yourself."

Although there are many potential paths to finding purpose, Ginsburg's was clarified early by her own experience of discrimination. After graduating **first in her class at Columbia Law School**, she struggled to find employment in a law firm at a time when discrimination against women was legal. Ginsburg explained **how this injustice led her to her cause**: "Suppose I had gotten a job as a permanent associate. Probably I would have climbed up the ladder and today I would be a retired partner. So often in life, things that you regard as an impediment turn out to be great good fortune." Ginsburg's achievements in transforming US law against gender discrimination show what is possible through leading a cause.

In business, seniority level and financial earnings have traditionally defined success. Although leaders are beneficiaries of the system, great leaders can see its limitations and inequities and commit continuously to improve it.

Like Ginsburg, Tunisian business leader **Wided Bouchamaoui (or Ouided Bouchamaoui)** models purpose-driven leadership. After the Jasmine Revolution in 2011, she led the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA), a business coalition, to an unprecedented move – reaching out to labour unions, advocacy groups and legal associations to form **the Tunisian National Dialogue Quartet**. Speaking to students and alumni at INSEAD, Bouchamaoui emphasised the need for "business to participate in a bigger mission" and to "bring hope to the nation". The Quartet's efforts became instrumental in establishing the new constitution and the peaceful transition to democracy, earning it the **Nobel Peace Prize in 2015**.

Leading a cause broadens the focus beyond the financial performance, acquisition of power and status that usually advance professional interests. Instead, a cause engages a leader's ability to activate collective sensemaking to improve the outcome for all.

RBG's legacy

Ruth Bader Ginsburg was a committed advocate, a keen and innovative strategist, as well as a mission-focused collaborative leader whose work was driven by her cause beyond career. We recommend broadening her legacy to encompass more than her legal achievements. We challenge business leaders to leverage learning from Ginsburg about how to lead a cause to facilitate substantive change, truly making business a force for good.

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