

# Have Women Achieved Equality?

In 1920, American women won the right to vote, but they did not attain legal equality with men in other areas. Since 1920, women have won many other rights, but some people argue today that women have not yet achieved equality.

After the ratification of the 19th Amendment in 1920, politicians learned that women, like men, did not always agree and vote as a bloc. At first women did not even vote in large numbers. Since a powerful "female vote" did not occur, both Republicans and Democrats gave the demands of women for equal rights a low priority.

Women's rights leaders felt disappointed that their hard-won fight for suffrage did not bring about immediate equality with men in all areas of American life. In 1921, Alice Paul, head of the National Woman's Party, charged that "women today... are still in every way subordinate [inferior] to men before the law, in the professions, in the church, in industry, and in the home." In many states women still could not serve on juries, make contracts, or control their own earnings. Also, federal courts had ruled that the 14th Amendment's guarantee of "equal protection of the laws" did not apply to women. In 1923, Paul began lobbying Congress to consider a new constitutional amendment that would guarantee equal rights for women.

## The Equal Rights Amendment

Paul's Equal Rights Amendment stated that, "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." With the amendment, Paul intended to eliminate all sex discrimination and inequality in the law in one bold move.

Paul's amendment did not make clear exactly what "equal rights" meant or included. As a result, a split occurred in the women's rights movement between "reformers" and "feminists."

The League of Women Voters, which had replaced the National American Woman Suffrage Association, led the reformers. The



*Alice Paul was a leader in the women's suffrage movement and later in trying to get the Equal Rights Amendment passed. Here, she sewed the 36th (and last) star on the women's suffrage flag. Each star stood for a state that had ratified the 19th Amendment. (Library of Congress)*

reformers wanted to work within the political system to pass laws for equal pay scales for men and women, the right of females to serve on juries, and other specific rights. The feminists, led by Paul's National Woman's Party, argued for immediate legal equality between the sexes in all areas of American society.

The biggest difference between the reformers and the feminists concerned so-called "protective legislation." These laws limited the hours women could work, prohibited them from working at night, set maximum weights they could lift, and banned them from dangerous jobs like mining. In 1908, the U.S. Supreme Court had upheld these laws as necessary to protect the health and future motherhood of women.

The reformers feared that the Equal Rights Amendment would make protective legislation unconstitutional since such laws appeared to discriminate against men. Alice Paul and the feminists, however, favored doing away with these laws. They argued that women should be treated as individuals and that protective laws often resulted in excluding them from good-paying jobs. This division between the reformers and feminists stopped action by Congress on the Equal Rights Amendment for decades.

After the United States entered World War II, millions of women flooded into jobs to replace men in industry, the professions, and government. Protective legislation was suspended. Equal pay for males and females doing the same job became an issue. The National War

bor Board, in charge of regulating labor during the war, issued rules to equalize pay. But differences remained.

In 1945, 20 million women worked in the American war force. After the war, massive layoffs affected many women as veterans returned to the job market. Many women workers wanted to remain in the jobs they had proven they could do rather than go back to low-paying "women's work" in offices, stores, and restaurants.

### **The Women's Liberation Movement**

During the war, supporters of the Equal Rights Amendment changed its wording to conform to other civil rights amendments: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." Although both the Democratic and Republican parties supported ERA, Congress failed to approve it in several years after the war.

In 1963, Betty Friedan inspired a "women's liberation" movement with her book, *The Feminine Mystique*. Friedan wrote that the traditional woman's role as a homemaker held her back from achieving her full potential. In effect, women were prisoners in their own homes, she argued. Friedan and other "new feminists" formed the National Organization for Women (NOW) in 1966 to push for equal pay, abortion rights, and the Equal Rights Amendment.

Despite continued inaction on ERA by Congress, women made progress toward equality. In 1963, Congress passed the Equal Pay Act. Alice Paul then led a successful lobbying effort to include a ban on sex discrimination in the Civil Rights Act of 1964. In 1972, more federal legislation prohibited practices that limited the admission of women to colleges and their participation in school sports programs.

### **The Defeat of ERA**

In 1972, the "new feminists" along with 87-year-old Alice Paul finally got Congress to approve the Equal Rights Amendment by a margin far exceeding the required two-thirds majority. ERA then had to be ratified by three-fourths of the states (38). Confident of victory, those lobbying the state legislatures for ratification were unprepared for the "anti-feminist" backlash that followed.

After half the states quickly ratified the amendment, the pro-ERA forces hit a solid wall of opposition led by

Phyllis Schlafly, a lawyer and leader of conservative causes. Schlafly appealed to political and religious conservatives who resented feminist criticisms of the traditional homemaker role of women. ERA, said Schlafly, would undermine marriage and the family while erasing male and female differences. "We don't want to be men," she declared.

Schlafly defended laws that guarded alimony and protected women in the workplace, which she called "our privileges." She also took advantage of the uncertainty of "equal rights" in ERA. According to Schlafly, ERA would require:

- drafting mothers into the military
- eliminating rape as a crime
- funding abortions with taxpayer money
- establishing unisex public restrooms
- integrating women into men's sports teams

In addition, she predicted that ERA would legalize homosexuality, homosexual marriage, and the adoption of children by homosexual couples. Schlafly finally argued that federal and state laws had already prohibited sex discrimination, and so ERA was unnecessary.

Schlafly and her STOP-ERA ("Stop Taking Our Privileges") movement almost single-handedly defeated the Equal Rights Amendment even after Congress extended the period of ratification. While polls indicated that two-thirds of Americans approved of the amendment, slightly less than three-fourths of the states ratified it. In the end, Schlafly and her supporters successfully clouded the difference between equal legal rights for women and treating males and females the same in all areas of American life.

### **Is ERA Needed Today?**

During and after the ERA ratification campaign, Congress and the states continued to pass anti-sex discrimination laws. Legislation also improved women's rights in the areas of employment, education, credit, housing, and pensions.

The U.S. Supreme Court began to apply the equal protection clause of the 14th Amendment to sex discrimination cases. In 1976, the Supreme Court ruled that under the 14th Amendment men and women could be treated differently by the law only if it served an "important governmental objective." The Supreme Court later used this standard to uphold draft registration for males but not females.

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By 1980, a substantial majority of women had permanently joined the labor force. Women entered college in large numbers. They also moved into many non-traditional jobs such as police officers, doctors, and business executives.

Nevertheless, despite their advances, women continue to lag behind men in earnings, and large numbers remain in low-paying jobs such as retail clerks and restaurant waitresses. Women also remain underrepresented in management and top executive positions. NOW claims that females still suffer from unequal treatment in employment, education, insurance policies, health care, Social Security benefits, and other areas.

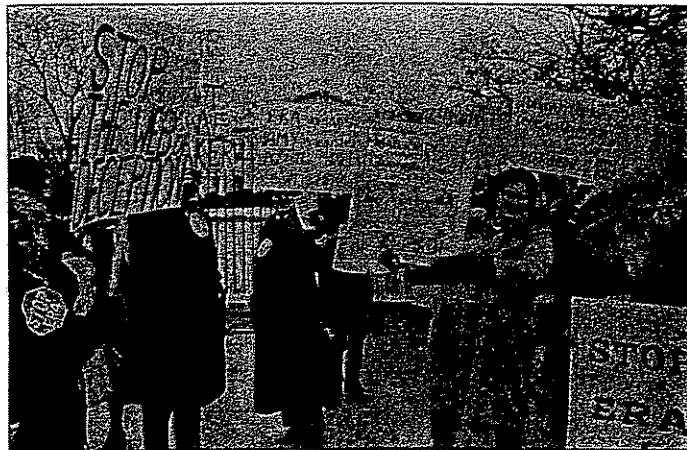
NOW and others argue that the piecemeal federal and state civil rights laws for women have loopholes, sometimes are ignored, and can be changed or repealed. Many of these laws require that the woman must assume the burden of proof in sex discrimination cases. The advocates for women's rights say that we should adopt a constitutional amendment that would completely abolish all legal inequalities between men and women once and for all, as envisioned by Alice Paul in 1923.

### **Have Women Achieved Equality?**

Despite the defeat of ERA in 1982, Congress and the states continued to pass laws against sex discrimination and for the equal treatment of women. Have women achieved equality with men in the United States today?

The average earnings of male and female workers have gotten closer over the years. Women's advocates argue that a "wage gap" still persists. When the Equal Pay Act was passed in 1963, women earned an average of 59 cents for every dollar earned by men. Today, women earn 76 cents per dollar. A 1998 White House Council of Economics Advisors report stated: "Although the gap between women and men's wages has narrowed substantially since the signing of the Equal Pay Act in 1963, there still exists a significant wage gap that cannot be explained by differences between male and female workers in labor market experience and in the characteristics of jobs they hold."

Critics argue that the wage gap is largely an illusion. It "is not evidence that women are paid less than men for the same job," states Anita U. Hattiangadi of the Employment Policy Institute. Instead, she continues, "It is simply the ratio of men's to women's average annual earnings. It does not account for many relevant economic factors that affect wage determination, such as



*Anti-Equal Rights Amendment protesters gathered in front of White House. Opposition to the amendment led to its defeat. (Library of Congress)*

experience and tenure, years and type of education, hours of work, and industry and occupation . . ." In fact, argues Hattiangadi, when comparing the median annual earnings of men and women with the same occupation and educational major, the gap disappears.

Women have perhaps achieved the greatest equality in education. Slightly more females than males now graduate from high school. Men 25 and older still surpass women in holding a college degree. Since 1982, however, more women than men have earned a bachelor's degree. Thus, more young women possess degrees now than young men. Also, since 1979, the majority of all college students have been women.

Title IX of the 1972 Education Amendments Act barred sex discrimination in schools that received federal funds. This law has greatly affected school and college sports programs. In 1972, about 300,000 high school girls took part in athletics. Today nearly 3 million participate in school sports. At the college level, the number of female college athletes has increased 80 percent since 1980. Nevertheless, studies indicate that many colleges are still not in compliance with Title IX. The National Collegiate Athletic Association recently reported that male athletes receive \$133 million more in scholarships than female athletes.

Probably the most profound changes in the equality of men and women in the United States have occurred within the family. Before 1800, most husbands and wives worked and reared their children together on farms or in family businesses. The Industrial Revolution changed the center of work for millions of Americans from the home to the factory and office. As a result, men generally became the breadwinners while

**Are Girls and Boys Treated Equally in Schools?**

Education has been a priority for those seeking equal gender treatment. State and federal laws mandate equal access to education and treatment of female students in schools. What has been your experience? Conduct the following activity to discuss the issue.

1. Form small groups consisting of roughly the same numbers of male and female students. Select a discussion leader who will moderate the discussion and report the group's conclusions.
2. Conduct a discussion using the questions below. Use your whole education experience when thinking about a given question, not just your experience in a particular school or class. Be prepared to discuss your findings with the class.
  - a. Do male and female students have equal opportunity to select courses or extracurricular activities? Why or why not?
  - b. Do female and male athletes have equal opportunities to participate in sports and are facilities and equipment adequate for both? Why or not?
  - c. Do male and female students have equal opportunities to participate and get called on in class? Why or why not?
  - d. Are female and male students treated equally in terms of grading or opportunities for academic honors? Why or Why not?
  - e. Are female and male students subject to the same amount of discipline and treated equally when they are disciplined? Why or why not?
  - f. Are there any other ways in which one gender is discriminated against or treated unfairly? Explain
3. Conduct a discussion with the entire class by asking each group to report on its responses to the above questions.
4. After the discussion, debrief the activity by asking:
  - a. Were there any significant differences in the responses of male or female students to the items?
  - b. Based on your experiences, do you think gender equity has been achieved in education?

women (except black and immigrant women) stayed home to care for the family. After 1900, however, child labor laws, two major wars, and an increase in the cost of living motivated large numbers of women to return to the workforce. Today, most married couples are joint breadwinners, as they were before 1800.

More women working outside the home has produced more equality between husbands and wives within the home. Today, wives are more likely to have a larger voice in family decisions. Also, husbands are more likely to accept the sharing of household chores and child-care. Yet, the working wife is still the one who most often does such things as arranging transportation for the children and staying at home to care for a sick child.

Most Americans agree that two incomes are necessary nowadays to maintain a decent standard of living. Thus, the growing equality of husbands and wives within the family has come at the price of both having to work outside the home.

**For Discussion and Writing**

1. Why do you think the writers of the Constitution required amendments to be passed by a two-thirds majority in Congress and ratified by three-fourths of the states? Do you agree? Why?
2. Do you think women are unsuited for any of the following? Explain your position on each one.
  - firefighter
  - combat soldier
  - miner
  - college football player
  - president of the United States
3. How have the roles of husbands and wives changed in the United States since 1900? Do you think this change is a good or bad thing? Why?

**For Further Reading**

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