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A Content Analysis of the Equal Rights Amendment

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A Content Analysis of the Equal Rights Amendment

An Honors Thesis submitted in partial fulfillment of the requirements of Honors Studies
in Sociology

By

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Introduction

The Equal Rights Amendment, originally introduced in 1923 and sent to the states for ratification in 1972, reads “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex” (ERA, 1972). The proposed amendment had ten years to be ratified by three-fourths of the states as stated in Article V of the United States Constitution. However, it fell short of its goal by three states. Since the 1982 deadline, the ERA has been passed by three additional states. This occurred between 2017 and 2020, bringing the total from 35 to the necessary 38. Given the recent resurgence of equal rights issues, groups like the Alice Paul Institute, the ERA Coalition, the National Woman’s Party, and many more are still working to accomplish the goal of ratification (ERA, 1972).

Although some strides are being made, such as various states adding equal rights amendments to their constitutions (see Appendix 1), that does not diminish the need for a federal constitutional amendment. Women today are much more involved in public activities, are serving in more occupational fields, and are being elected to office at higher rates than ever before. In 1960, women made up 33.4% of the civilian labor force in the United States. That number had increased to 46.9% in 2017 (United States Department of Labor, 2020). However, issues such as sexual harassment and workplace discrimination still plague society at rates that are much too high to be ignored. According to the Pew Research Center, about 42% of women in the United States say that they have faced discrimination in their workplace because of their gender (Pew Research Center, 2017). The #MeToo movement provides an example of the urgency of the issue. Beginning in 2017, this movement encouraged women to speak out about their

experiences of sexual harassment and assault (Machalow, 2020). By highlighting the astounding rates at which these offenses occur and the limited responses to them, the movement has highlighted areas of life where women are still treated unequally.

Though the social climate differed for women throughout the years, the underlying problems remained the same. Even though women may not have faced the exact same issues, the issues that were once faced are merely being replaced by others. For example, women today may be able to freely pursue the degree and occupation of their choice, but that does not ensure that they are treated equally or paid fairly. Based on Census data from 2018, there are many contributing factors to the current wage gap – women on average are earning 82 cents for every dollar earned by men. Specifically, the median earning for White women is 79 cents to every dollar earned by men, 62 cents for Black women, 54 cents for Latina women, and 90 cents for Asian women (Bleiweis, 2020). Women still tend to fill historically majority-female occupations, such as childcare workers and home health aides, and these occupations often have lower pay and fewer benefits. Also, women may earn less because they are the primary care givers for their children and therefore are able to work less hours (Bleiweis, 2020). A study on women in the legal field found this to be true. Despite recent balances in the number of women in leadership positions, wage inequities persist. According to the study, the majority of women in leadership hold managing attorney positions, yet the men in those same positions make on average 28 percent more (Miller, 1995). Women in this study also reported incidents of being passed over for promotions and left out of major cases when they worked part-time to balance taking care of their families (Miller, 1995). Though these disadvantages have taken various forms over the years, the underlying issue

remains the same. The only way to see true equality improvement is through a large-scale societal change.

The purpose of this paper is to analyze the Equal Rights Amendment throughout various stages in its history to better understand why it has seen both tremendous gains and losses. This will be accomplished by looking at the social, political, and economic contexts that surrounded each major stage of the amendment process. These stages will then be compared to address any similarities that may be indicative of larger trends. Finally, it will address the current status of the ERA and its potential moving forward.

Theory

Feminist Theory provides a baseline for understanding and framing the success and failures of the Equal Rights Amendment. Feminist Theory centers around women's inequality and how that is displayed and experienced at all levels of society (Dillon, 2019: 331). Theorists throughout the years have identified the numerous ways that women experience inequality at the micro and macro levels of society. Feminist Theory also seeks to address the androcentric biases that undermine society and challenge the idea that the biological difference between men and women is a "naturally legitimating social role" that serves as a legitimate basis for inequality (Dillon, 2019: 332).

A caveat regarding Feminist Theory is that it has long been left out of the discussion of traditional social theory. The male-dominated world of social theory has only recently seen women being included in organizations like the American Sociological Association, despite female sociologists being present long before (Dillon, 2019: 330). Nonetheless, female theorists have been writing and analyzing society through their

perspective, creating the framework for the theory that this research is built upon.

Theories such as the gendered/feminist standpoint, the sexuo-economic relation, political inequality, and intersectionality provide the space to look back and analyze women's rights movements from a perspective that has only recently become available and accepted into the world of sociology.

Within the three waves of feminism, theorists have made observations of the inequalities of women that plague society. Harriet Martineau, a 19th century sociologist, viewed the world from a gendered standpoint and focused on how women's lives were situated in the greater society. In her work "Society in America," Martineau takes issue with the fact that the government in America is supposed to be ruling with the consent of the governed, yet women had no power to voice their opinions. She boldly claims that the government's powers are not "just" because they "are not derived from the consent of the women thus governed" (Lengerman and Niebrugge, 1988). Charlotte Perkins Gilman, writing in the late 19th century, held similar views regarding women's inequality. She argues that there exists an androcentric culture where men run the world and women just live in it. This is what Gilman defines as a sexuo-economic relation: "a condition, existing only among human beings, in which one sex, the female, is economically dependent on the other sex, the male" (Lengerman and Niebrugge, 1998). This provides the framework for the double standard set for men and women in society. As feminists writing during this first wave, these women shed light on the inequalities faced by women in the most basic social, political, and economic ways. They also provide an early glimpse into how these inequalities are systematic and deeply rooted in society and emphasize the need for change early on in the history of feminism.

The 1960s and 1970s saw a resurgence of Feminist Theory. During these decades, a “transformation of public consciousness of social inequality” came to the forefront of society through social and political protests and movements (Dillon, 2019: 332). Now that women had obtained the right to vote, they began fighting for things like workplace equality, reproductive rights, and overall equality under the law. Dorothy Smith, a sociologist with research focuses on women’s studies and feminist theory, acknowledges the absence of what she calls the feminist standpoint. She argues that all of the knowledge in society has been set by standards created by men – they wrote the rules that the rest of society follows (Dillon, 2019: 333). This further uncovers the idea that the issue is not that women have not been around to contribute to the discourse and share their life experiences – rather, they were socially and institutionally barred from doing so. In arguing for the presence of the feminist standpoint, Smith calls into question the universal truths of the male standpoint. She claims that the existence of multiple standpoints means that one cannot be accepted as universally true at the expense of any others (Dillon, 2019: 338). Approaching this research through the lens of feminist standpoint theory serves to uncover the work that women have contributed to society and the inequalities that they have not been given the space to share. It will also shed light on the various stages throughout the process of developing and advocating for the Equal Rights Amendment by analyzing the role that the women (whom the amendment would most directly affect) played in its development.

Theorists in the third wave of feminism, beginning in the 1990s and continuing through today, focus on how the gendered norms and marginalization of women in society still persist to the present day. They continue to emphasize how the sex inequality

is such a deeply rooted issue that making surface level changes (though beneficial in themselves) is not enough to invoke a change at the societal level. Feminist activist and scholar Catharine Mackinnon directs her focus at these deeply rooted issues and argues that sex is made into a bipolarity where one group will always be different from what is socially desired and therefore true equality can never be achieved (Mackinnon, 2013: 336-349). In the American society, the feminine is the one that is different and therefore deemed inferior. Mackinnon also argues a difference approach in which “women are measured according to our correspondence with man,” where gender neutrality is simply the male standpoint (Mackinnon, 1987: 34). These theories are beneficial for analyzing the journey of the Equal Rights Amendment because they not only acknowledge the inequality that exists but seek to uncover why. By understanding why these inequalities exist, there is more room to move beyond them and devise a proper solution.

Patricia Hill Collins’ take on the theory of intersectionality also helps situate the Equal Rights Amendment into the greater feminist theory. Collins writes about the experiences of Black women in a White male society. She emphasizes that social factors like race, gender, class, etc. interact with one another to create the context in which individuals experience certain situations (Dillon, 2019: 350). A person facing discrimination or inequality does not possess one socially disadvantageous quality such as being poor or a woman or a racial minority – rather, they often possess many of these qualities simultaneously. By analyzing the failures and successes in the movement for equal rights through this lens of intersectionality, it allows for a clearer image of the entirety of the situation. Social groups and movements have continuously formed and failed since the introduction of the Equal Rights Amendment in 1923, but situating them

all in their historical contexts and analyzing them through the lens of these theories puts the pieces together in ways that they have not been before.

Methods and Data Collection

This research aims to answer the following overarching question: what factors have contributed to the failures and successes of the Equal Rights Amendment? In doing so, it will also address the following sub questions: are any of these factors consistent over time? Have any past failures become successes? Based on trends, is the passage of the Equal Rights Amendment any more likely today than it was when it was first drafted?

Research Design

This research project takes a qualitative approach when collecting data. The primary method of research conducted is content analysis in order to compare data over time. Content analysis can be defined as “a research technique for making replicable and valid inferences from texts to the contexts of their use” (White and Marsh, 2006). With qualitative content analysis, a particular phenomenon that exists within a given context is analyzed to gain a better understanding of the situation itself. Beyond this, it allows the researcher to discover how it exists in the greater scheme of society (White and Marsh, 2006). Additionally, numerical data on women’s involvement in different sectors of social life is utilized to note any concrete changes over time. The Feminist Movement can be divided into three distinct time periods with the First Wave in the late 1800s and early 1900s, the Second Wave in the 1960s and 1970s, and the Third Wave beginning in the 1990s. Arguments can be made that the events of recent years have sparked a new Fourth Wave of feminism, beginning in the 2010s. However, given that there is not an

abundance of data for making such claims within the context of this thesis, events occurring up to the present day will be included under the umbrella of Third Wave Feminism.

Each time period achieved significant gains and experienced significant losses for women's movements and their achievements. Though they are distinct in their goals and methods of achieving those goals, there are numerous overarching themes which will be identified in the analysis section of this paper. The theory of path dependency offers a means to analyze each time period and their subsequent relation to one another. Path dependency "organizes events and circumstances into temporal sequences" in order to identify "choices or conditions that foreclosed options and steered history in one or another direction" (Haydu, 1998). Essentially, it helps observers to explain the differences between two time periods as well as recognize a commonality of problems across periods. These events and social patterns are known as "institutional patterns," which are defined as event chains that have deterministic properties (Mahoney, 2000). These patterns are initially caused by a particular event or circumstance and are reproduced over time. Additionally, these path dependent institutions exist and continue even in the absence of the events responsible for their original production (Mahoney, 2000). Once the process has begun, it can continue and evolve. Path dependency also allows observers to examine the solutions to problems across time and ask how and why those solutions may have differed (Haydu, 1998). Each wave of feminism marked a significant change in the overall status, power, and opportunity for women in the United States – all of which are central components of the movement behind the Equal Rights

Amendment. The goal of this thesis is to go beyond simply identifying historical change and instead explain why those changes occurred.

Time is the main organizing variable throughout the entirety of this research. The research questions will be answered through analysis and comparison of the events of each time period and their relation to the Equal Rights Amendment. The time periods encompass a specific set of years that coincide with the three waves of feminism: the first from 1848 through the 1920s, the second from the 1960s through the 1970s, and the third from the 1990s through the present day. Each wave of feminism resulted in numerous developments for women in the social, economic, and political realms. However, these should not be viewed in isolation from one another because each wave was built upon the one before. By exploring both the significance of an individual period of time and its relation to others, this research seeks to develop a clearer image of the driving forces behind the Equal Rights Amendment. Themes will be identified across time and categorized using the framework below.

Data Collection

Data on the number of women with higher education experience and in the workforce allow a greater understanding of the social and economic power and status afforded to women at any given time, and as a result reveal if or when any shifts in the power balance occurred. Statistics on the number of women holding public office during each time period, both at the Federal and State levels, are also analyzed as a representation of political power and status. Being that the lobbying for passage of the Equal Rights Amendment is an inherently political act and the first step in ratifying a Constitutional Amendment is through Congressional approval, women's representation in

federal public office may play a key role in the future of the amendment. This may also be true at the state level, as amendments must be ratified by three-fourths of the states. In recent years, a large number of women's political successes have occurred at the state and local level (Palley, 2001). The majority of this legislation being passed at the hands of women is meant to advance "childcare services, women's health services, and equal educational opportunities for women" (Palley, 2001). Based on these trends, it would be beneficial to track the number of women in politics at the state level throughout the life of the ERA.

The presence of advocacy groups and organizations both for and against the amendment also provide insight into what people believed to be the most pressing social issues at the time. This content is necessary to the understanding of why the amendment was able to make positive strides quickly in some decades and face major setbacks in the next. Additionally, the timelines and major events of the large-scale social movements occurring within each wave of feminism are compared to address any emerging themes that may have contributed to the current status of the Equal Rights Amendment.

Data was collected from the United States Department of Labor displaying the makeup of the civilian labor force by sex. Records are available from 1948 through 2020 and record the number of men and women in the civilian labor force in a given year, as well as the percentage of the labor force made up by each sex. Additionally, data was collected from the Pew Research Center regarding the number of women leaders in politics. Records are available from 1965 to 2020 for the United States Senate and House of Representatives and from 1971 to 2020 for State Legislatures. These records show what percentage of each government body was made up of women. Data from the United

States Bureau of Statistics was collected to discover the educational attainment levels of the women in the civilian labor force. Records were available from 1970-2016 and reveal the percent distribution of women in the civilian labor force categorized by level of educational attainment. For the purposes of this research, the data from all sources was examined in the years of significance for the Equal Rights Amendment and the Feminist Movement. Some data was not available for the year 1923 when the Equal Rights Amendment was originally introduced. However, data was noted for the following years: 1960, 1965 (the first Pew data available), 1970, 1972, 1990, 1999, and 2017 (when available). The data from 1960-1970 is indicative of the results of second wave feminism, 1972 marks the year that the Equal Rights Amendment was sent to the states for ratification, 1990-1999 highlights the peak of third wave feminism, and 2017 marks the first time a state ratified the Equal Rights Amendment since it reached its time limit in the 1980s.

Articles on the social movements that occurred within each wave are also used to provide context. They detail the events of the women's suffrage movement and the #MeToo movement, including what sparked them, how they grew, and the significance they had on future movements.

The other main group of sources for the data consist of historical and government documents, works of literature, and interviews with lawmakers. The historical and government documents include the Declaration of Sentiments, the Declaration of Independence, the 19th Amendment, documents from the Women's Bureau, and President Kennedy's Executive Order 10980. These documents set the stage of legal precedent surrounding the ERA and serve as an indication of developments made by government

bodies. Works of literature include Simone de Beauvoir's "The Second Sex" and Betty Friedan's "The Feminine Mystique," both of which gained major popularity in the United States in their time. They provide a glimpse into what everyday life was like for women and explain many problems that the ERA seeks to address. Finally, interviews with lawmakers regarding the recent ratification in Nevada and Virginia provide insight into the situation as it stands today. Conducted by NPR, these articles and interviews highlight why the ERA is still a relevant political issue today (Dwyer and Kaufman, 2017; Chappell, 2020).

The materials used for the purposes of this research were collected using purposive sampling. With purposive sampling, researchers rely on their specialized knowledge about a group to select the subjects that will represent that specific population. By gathering data in this way, researchers are able to identify and select the "information-rich cases for the most proper utilization of available resources" (Etikan, et al, 2016). In this case, the statistics regarding the number of women in the workforce and in public office were carefully selected from specific years in order to shape the narrative of the Equal Rights Amendment. Similarly, historical documents and accounts were purposely selected to include those advocating for and against the amendment during the prescribed time periods. Situating the data within each time period allows for a better understanding of those specific events. Once that has been established, it allows connections to be drawn across time and aids in ultimately determining what factors contributed to the successes and failures of the Equal Rights Amendment.

Data Analysis

Themes will be identified across time and categorized using the framework below.

Time Period	Wave 1 (1848-1920s)	Wave 2 (1960s-1970s)	Wave 3 (1990s-present)
Social			
Political			
Economic			

Within each wave, data will be categorized into one of three a priori themes: social, political, and economic. The social aspect of the Equal Rights Amendment will refer to the statistics on women facing workplace harassment and discrimination, the prevalence of advocacy groups or Amendment-supporting organizations, and the general public sentiments regarding the Amendment during each respective era. The political theme encompasses the role of women in federal and state politics, such as the percentage of women in Congress or in state government in a given year. Finally, the economic theme will be measured by data on women in the workforce and women’s higher education levels.

Rationale

Given the longevity and uniqueness of the Women’s Rights Movement in the United States, potential difficulties arise with analysis. There are two main elements to be

examined: each wave as an individual entity and their place in the movement as a whole. Each wave had distinct central issues that were the driving force behind it, so integrating the elements of numerical data into each distinct time period provides context for the situation. Having data on the number of women in the workforce and in public office, for example, can aid in explaining why the specific issues of each wave took the form that they did. They also serve as an indication as to why the Equal Rights Amendment saw gains or losses in that particular era. Essentially, the numerical data will be utilized to frame the social situations in which the major shifts regarding the Equal Rights Amendment occurred.

However, as stated previously, analyzing each era on its own does little in the way of explaining the journey of the Equal Rights Amendment. As pieces of the overarching Women's Movement, each section of time builds off the others in some form where certain turning points occurred in relation to the greater movement. To see the ebbs and flows of the movement in this manner then allows the Equal Rights Amendment to be situated into any of those waves of feminism. The successes and failures did not occur in isolation from the larger Feminist Movement as a whole. Rather, members of the Women's Movement in many ways contributed to *both* successes and failures. Additionally, qualitative analysis revealing society's perceptions of women and individual accounts highlights the personal connection that the Equal Rights Amendment has among those in the United States. Society's perceptions tend to change fairly frequently depending on the era, so comparing these greater perceptions to the status of the Equal Rights Amendment at any given time allows the pieces of the puzzle to slowly be put together. For example, women have gained more freedom since the early 1900s in

the form of social independence, educational opportunities, and political voices among many others. However, issues such as unequal employment opportunities, harassment and discrimination, mistreatment in the criminal justice system (to name a few) are just as prevalent today as they were back then. By analyzing the data in these ways, this research seeks to not only gain a better understanding of the history up until the present day, but also to predict the future of the movement.

Data

Wave 1

Time Period	Wave 1 (1848-1920s)	Wave 2 (1960s-1970s)	Wave 3 (1990s-present)
Social	<ul style="list-style-type: none"> • Declaration of Sentiments • Formation of the NWP • Widespread lobbying for the 19th Amendment 		
Political	<ul style="list-style-type: none"> • 19th Amendment (1920) • Women's Bureau of the U.S. Department of Labor established (1920) • Introduction of the Equal Rights 		

	Amendment (1923)		
Economic	<ul style="list-style-type: none"> • 20.6% women working outside of the home in 1900 • Increased labor force participation of single women (only 30% of unmarried women worked in the home by 1900) • Increase of working women during WWI 		

Social

Prior to the drafting of the Equal Rights Amendment, the United States entered a period that would come to be known as the first wave of feminism. In 1848, hundreds of men and women gathered at the Wesleyan Chapel in Seneca Falls, NY for the first Women’s Rights Convention (National Park Service, 2015). It was at this convention that a group of men and women signed the Declaration of Sentiments, a document authored by Elizabeth Cady Stanton that outlines the rights that American women should be entitled to as American citizens. The document contains similar language used by Thomas Jefferson in the Declaration of Independence (1776), which lays out the

principles upon which the United States government would be based on. The preamble to the Declaration of Independence reads:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” (Declaration of Independence, 1776).

The Declaration of Sentiments includes very similar language:

“We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness” (Stanton, 1848).

The similarity in writing of the beginning of these two documents highlights Stanton’s desire to point out where the current system has failed and enact changes to fix it. The document argues that women, as citizens of the United States, are not being given the equality under the law that the Declaration of Independence prescribed (Stanton, 1848). The argument is not that they should be granted more rights, but rather they should be able to exercise those that they are supposed to already have. The gathering of these men and women is significant because they had to find new and creative ways to get their voices heard. Given that they were not allowed to vote and enjoy the political freedoms granted to men in the Declaration of Independence, moving through the political system in the traditional sense was not a feasible option. In many ways, this gathering will signify a trend for future endeavors of women’s rights activists.

Additionally, the document spends a significant amount of time expressing the need for women's suffrage. It states that this is an inalienable right, and that by preventing women to be participants in the elective franchise, the government is compelling women to submit to laws of which they have no voice in the creation of (Stanton, 1848). The work done at this convention went on to spark the women's suffrage movement, which lays the foundation for the journey of the Equal Rights Amendment.

Originating in the early 1910s, the National Woman's Party (headed by Alice Paul) emerged in 1917 with one goal: immediate passage of the Susan B. Anthony federal suffrage amendment (Library of Congress, 2021). This puts into motion concrete steps to achieving what the women and men of the Seneca Falls Convention identified as a major issue for women in America. In advocating for this amendment, the members of the National Woman's Party became the first political activists to picket the White House and lobbied continuously for women's suffrage (Library of Congress, 2021). These women, all of different ages, occupations, and political affiliations, united to make their position known. Because of their persistence and increased public support, President Woodrow Wilson endorsed the 19th Amendment in 1918 (Library of Congress, 2021). It would be 1919 before the House of Representatives and Senate passed the amendment, and by 1920 it had received the amount of state ratifications needed to be enacted into law (Library of Congress, 2021).

Achieving this goal, however, was not enough to pacify the voices of women in the United States who believed that the social inequality and inequality under the law between men and women was not something to be ignored. They continued to gather and, outside of the traditional means for enacting social and legal change, fight for women's

equality. Once the 19th Amendment was ratified, the National Woman's Party set their sights on another major endeavor: a federal Equal Rights Amendment.

Political

During the first wave of feminism, developments were also made in the political sphere toward the equality of women. The first of these was the passage of the 19th Amendment, which was passed by the House of Representatives and Senate in 1919 and was ratified by the states and put into effect in August of 1920 (Library of Congress, 2021). The text of the 19th Amendment reads:

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.” (US Constitution, 1920).

This marked a significant political gain for women in the United States. The passage of the 19th Amendment occurred over seventy years after the original call for Women's Suffrage at the Seneca Falls Convention (Mintz, 2007). A precursor to the Equal Rights Amendment, the 19th Amendment was a way for women to get a foot in the door of politics. While some argued that women's suffrage was based on a need for equal rights, many women argued from the platform that women have a special concern for education, children, and healthcare that could benefit the nation (Mintz, 2007). By winning the vote in this way, the women of this era could now take this right they had been awarded and use it for other issues like true equality under the law.

After the passage of the 19th Amendment, Alice Paul and the National Woman's Party set their sights on the passage of an Equal Rights Amendment. The argument set forth by Paul was that voting equality was not the same as total equality, and this victory should merely be the beginning of a greater fight (Geidel, 1980). The National Woman's Party acknowledged three areas in which they believed women were entitled to equality. These areas were the husband-wife relationship, family support, and equal economic opportunity (Geidel, 1980). In order to address all of these issues in a cohesive way at the national level, the NWP sought out a permanent solution in the form of a federal amendment. Drafted by Alice Paul, the Equal Rights Amendment as it was drafted stated:

“Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have the power to enforce, by appropriate legislation, the provisions of this article”

(Murphy, 2018).

Paul introduced the amendment to Congress in 1923, but it failed to move past that point.

Another significant political development during the first wave of feminism was the establishment of the Women's Bureau as a part of the United States Department of Labor. Established on June 5, 1920, the Women's Bureau was given the duty to “formulate standards and policies which shall promote the welfare of wage-earning women,” as well as “improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment” (United States Department of Labor, 2021). Additionally, this Bureau is the only federal agency that is mandated to represent the needs of wage-earning women within the public policy process (United

States Department of Labor, 2021). The existence of the Bureau allows issues that arise with the increasing number of women in the workforce to be adequately addressed. This was the first time the government had taken a practical stance on the regulation of working conditions for women, and it made a standard that future laws and regulations regarding women would be held to (United States Department of Labor, 2021).

Economic

Like other areas of society, the economic roles of women went through significant changes during the first wave of feminism. One way this is seen is through an increase in the percentage of breadwinners in the female population ages 16 and up. A 1900 Census Special Report was published in 1907 to present previously unpublished census information regarding women over 16 with a gainful occupation (United States Census Bureau, 1907). The data reveals that in 1880 the percentage of the female population at work was 16%, with an increase to 19% in 1890 and 20.6% in 1900 (United States Census Bureau, 1907). Though this data is only available up to the year 1900, it paints a picture of the economic gains experienced by women in the first half of this time frame. It reveals that although women still predominantly worked inside of the home, there was an increase in occupations outside of the home during this time.

Moving into the 1910s, World War I opened a door for women in the workforce. Though not directly related to the fight for women's equality, the corresponding timelines of these events led to shifts that may not have otherwise occurred. Despite the slowly increasing number of women in the workforce, these women were very restricted in opportunities for employment (Freedman, 1974). Just because the number of working women increased, this did not lead to an automatic shift in the types of occupations held

by women or the opportunities to expand past those. World War I led to increased employment of women because they were needed to fulfill the roles that the men who were now in combat had left behind (Freedman, 1974). However, this temporary workforce was not enough to sustain true sex equality once the war was over, and the men returned to their previous jobs.

Another significant note regarding the working women during the early 20th century is that the expansion of working women was seen predominantly in the single population. That is, the labor force participation of single women expanded steadily through the early 1900s (Goldin, 1983). Rather than spending the majority of their time within the home and doing household chores like the married women, single women in these years began to expand their roles outside of the home. In 1880 over 50% of all unmarried women between sixteen and twenty-four worked full time in their parents' home; this number was down to 30% by 1900 (Goldin, 1983). This decrease of women in the home and subsequent increase of women in the labor force is a trend that will continue throughout the future waves of feminism. Though the data during this time period is less available than those in more recent years, this information provided regarding the women in the workforce provides a foundation for future trends for women's involvement in economics and the overall trends of the Equal Rights Amendment as a whole.

Wave 2

Time Period	Wave 1 (1848-1920s)	Wave 2 (1960s-1970s)	Wave 3 (1990s-present)
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Social	<ul style="list-style-type: none"> • Declaration of Sentiments • Formation of the NWP • Widespread lobbying for the 19th Amendment 	<ul style="list-style-type: none"> • Civil Rights Movement and Gay Rights Movement • Prominent feminist literature • Loud opposition from Phyllis Schlafly 	
Political	<ul style="list-style-type: none"> • 19th Amendment (1920) • Women's Bureau of the U.S. Department of Labor established (1920) • Introduction of the Equal Rights Amendment (1923) 	<ul style="list-style-type: none"> • President's Commission on the Status of Women (1961) • Equal Pay Act of 1963 • Title VII of the Civil Rights Act (1964) • ERA passes through both houses of Congress (1971) • Women made up 0% of US Senators, 3.2% of US Representatives, and 6.4% of state legislators in 1973 • By 1977, ratifications plateaued at 35 states 	
Economic	<ul style="list-style-type: none"> • 20.6% women working outside of the home in 1900 • Increased labor force participation of single 	<ul style="list-style-type: none"> • Percentage of women in the workforce over 30% • Percentage of college educated women with a bachelor's 	

	<p>women (only 30% of unmarried women worked in the home by 1900)</p> <ul style="list-style-type: none"> • Increase of working women during WW1 	<p>degree or higher over 12%</p> <ul style="list-style-type: none"> • Increase in women filing sexual harassment and workplace discrimination cases 	
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Social

Following the dip after the 1920s, second wave feminism emerged amidst various other social and political movements of the 1960s and 1970s. It emerged in a time when the Civil Rights Movement was already underway and African American men and women were fighting for freedom from racial oppression (National Women’s History Museum, 2020). During this same time period, the Gay Rights movement was also gaining momentum. In the mid 1960s, advocates began speaking out against discriminatory actions and fighting for equal rights (National Women’s History Museum, 2020). Feminists were not alone in their actions – during this era, numerous marginalized groups were fighting for their own form of freedom and equality.

As early as the 1950s, feminist literature was beginning to take a hold on society and bring issues to the forefront that had been hidden for so long. Published in the United States in 1953, Simone de Beauvoir’s “The Second Sex” addresses the issues that come with being a woman in that current society. She asserts in her writing that the attributes associated with womanhood are not ones that women are born with, but rather things they acquire because of how society treats them. In an interview with de Beauvoir conducted in 1979, she expands on her process and thoughts behind creating this book. She states

that the book was written based on her own experiences and reflections as a woman (Simons, et al, 1979). When asked about the difference between a world with and without feminism, de Beauvoir said that the world is the same with or without feminism. The only difference is that with feminism, “women communicate with each other much more openly, much more sincerely” than in a world where they are forced to be silent (Simons, et al, 1979). She also addresses the topic of motherhood and the “feminine vocation.” This is the idea that the job of a woman is to be a housewife and a mother, and that this essentially makes them slaves to their home and their husbands (Simons, et al, 1979). This was a significant piece of literature for this time because it put this issue out in the open and its popularity forced people to address it.

Another significant piece of feminist literature during this time was Betty Friedan’s “The Feminine Mystique.” Published in 1963, this work featured interviews from real women who were able to tell their stories of what it was like to be a housewife in the 1950s and early 1960s. They explain what Friedan calls “the problem that has no name:” the idea that being a suburban housewife was not as fulfilling as women were told that it should be (Friedan, 1963). She writes of ordinary women who continually ask themselves, “who am I?” This work did something that had not previously been done – it allowed women to see that they were not alone. Friedan notes that in interviewing these women, she was able to uncover that this lack of true identity was something that most women shared but felt that they were not able to talk about (Friedan, 1963). This is important going into the resurgence of prominent feminist activism because it also brings issues to light that were previously swept under the rug.

By the early 1970s, second wave feminism was in full swing. Public opinion polls showed that more and more people supported women working outside the home, gender equality in schools, female political candidates, and even the Equal Rights Amendment (Soule and Olzak, 2004). As discussed in greater detail in the following section, this increased social support for feminist causes was followed by the Equal Rights Amendment passing in both houses of Congress. Though it had been introduced every year since 1923, this success came at a time when laws were being passed that addressed women's inequality in the workplace and by the state, and women were seeing more and more successes in the social, political, and economic world. Just as the successes of the Feminist Movement in the early 1900s was followed by the ratification of the 19th Amendment, a comparison can be drawn between the increase in feminist thought in the 1960s and the new successes of the ERA. However, once sent to the states for ratification, it did not have the same outcome as the 19th Amendment. This is likely due in part to the simultaneous rise in opposition to feminism and the ERA, a movement led by a woman named Phyllis Schlafly.

Phyllis Schlafly quickly became a prominent figure in the fight against the Equal Rights Amendment (Murphy, 2018). She founded organizations and gave speeches with the goal of advocating against the works of the Feminist Movement. In fighting against the ERA, Schlafly argued that it was an attack on the traditional American family values. She also claimed that it would lead to same-sex marriage and would force women into the military draft (Murphy, 2018). Schlafly was able to take underlying fears that existed within society and argue that by passing an Equal Rights Amendment, Americans would be inviting those things to happen. Her fight gained widespread attraction, and in 1975

she founded the Eagle Forum – a conservative organization that advocated against issues like abortion and the ERA (Murphy, 2018). Despite the support that was growing for the Amendment, this stark opposition was enough to result in a decline in public opinion polls favoring the ERA between 1972 and 1982 (Soule and Olzak, 2004).

Although it ultimately did not meet the ratification deadline, the Equal Rights Amendment saw more success in this time period than in any before. This success also came at a time when society was in the midst of major reform. Between the developments of other social movements and the struggles of women being brought to light and addressed, it is not radical to assume that the ERA would follow that trend.

Political

By the early 1960s, the efforts of women's rights groups were seen through various political changes. Approval of the Equal Rights Amendment by the United States House of Representatives and Senate (and numerous states) would come at the tail end of this time period, and there were numerous significant political advances leading up to that moment that warrant further exploration.

The 1960s through the 1970s saw fluctuating percentages of women in Congress, as well as in state legislatures. In 1965, 2% of United States Senators and 2.3% of United States Representatives were women. By 1973, the year after the ERA was passed by both houses, 0% of United States Senators and 3.2% of United States Representatives were women (Pew Research Center, 2018). Data for women in state legislatures was not available for 1965, but the percentage reached 4.5% in 1971 and 6.4% in 1973 (Pew Research Center, 2018). Though there is a decline in percentage for the Senate, there was still an increase in the number of women being elected to two of three major public

offices. These numbers highlight that women during the second wave of feminism were not only becoming more involved in politics but were able to hold positions of power within the political sphere.

Another significant political gain for women in the United States was the establishment of the President's Commission on the Status of Women. Dated in December of 1961 as Executive Order 10980, the Commission was created by President Kennedy to acknowledge the basic rights of women that needed to be addressed and met by the United States government. President Kennedy ordered the Commission to publish a report by October of 1963, making recommendations for improvement across a broad range of topics. Those topics included employment practices and policies of the federal government, the effect of insurance and tax programs on women's income, federal and state labor laws, differences in legal treatment of men and women, and new services for women in various sectors of life (Executive Order 10980, 1961). This executive order signified the creation of a practical political means to address sex inequality. It allowed discriminatory practices to be brought to light with the goal of finding tangible ways to combat them.

Two other important pieces of legislation passed during this time were the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. Part of the Fair Labor Standards Act of 1938, the Equal Pay Act "prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions" (United States Code, 1963). By 1964, the National Woman's Party had successfully campaigned for the inclusion of Title VII of the Civil Rights Act, which "Prevented

employers from discriminating against employees on the basis of race, religion, sex, or national origin” (National Women’s History Museum, 2020). Both of these acts, though they also have tremendous economic significance, serve as political successes for women. As discussed in greater detail in the following section, more women during the 1960s and 1970s were working outside of the home than ever before. With this new trend also came new problems. These pieces of legislation not only acknowledge the prevailing discrimination, but they also take a stance on them. They show that the discrimination of women is a national issue.

In the wake of these political movements, the Equal Rights Amendment was proposed to Congress again. Though it was proposed every year after its initial introduction in 1923, it was not until 1972 that it was approved by both houses and sent to the states for ratification (Murphy, 2018). This was the farthest that the amendment had made it in the ratification process, and it came at a time when women were continuing to see political success. With each piece of legislation that was passed, the movement gained momentum. Once passed by Congress, the ERA had to be ratified by 38 states by 1979 in order to become a constitutional amendment. 35 states ratified by 1977, and despite the deadline being extended to 1982, there were no new ratifications. The ERA fell short of its goal by three states, where it would remain until gaining traction again in recent years (Murphy, 2018).

Economic

The second wave of feminism marked a major shift in the economic role of women. As the idea of the woman as the suburban housewife began to change after the 1950s, more women began working outside of the home. By 1960, the percentage of

women in the civilian labor force reached 33.4%; by the time the Equal Rights Amendment passed through Congress in 1972, that number had jumped to 38.5% (United States Department of Labor, 2020). Additionally, by 1972, the percentage of college educated women with a bachelor's degree or higher reached 12.4% (United States Bureau of Labor Statistics, 2017). These statistics show that while this greater social movement was taking hold, there were more women with degrees and participating in the workforce than ever before.

Along with this increasing number of women in the workforce came increasing workplace discrimination issues. Now that more women had entered this sphere and were retaining these jobs, it called into question the notion that the woman's work outside the home was temporary (Deslippe, 1996). In previous decades, particularly during World War I and World War II, women occupied the vocational roles of the men who had gone to fight. However, upon their return, many of the women ended up back in the home. Now, however, women were seeking degrees and pursuing careers that were exclusively outside of the home.

The women had a unique role in the Feminist Movement. Following the President's Commission on the Status of Women, working class women began to file sex discrimination cases. In the first year alone, nearly 2500 women brought sex discrimination cases to the EEOC (Deslippe, 1996). Feminist activists had addressed these issues previously, but it was during this time that the women who experienced these things daily were able to speak up about them. Feminist unions also emerged as a way for women to find a voice in a male-dominated work environment, and several union leaders served on the President's Commission (Deslippe, 1996).

Despite these developments, many working-class women did not support federal legislation like the Equal Rights Amendment. Some viewed it as the work of upper-class women who were not experiencing workplace discrimination on the same level (Deslippe, 1996). Arguments were made that it was an issue that should be dealt with on a state level in a more personal way. There was also the belief that women did not need laws promoting equal treatment with men, but rather protective laws like the Equal Pay Act (Deslippe, 1996). The idea was that women needed to be protected as a compensation for being at a disadvantage in the workplace. However, by the mid 1970s this view began to shift. After seeing that the Equal Pay Act, Title VII of the Civil Rights Act, and other legislation was not truly enough to end the discriminatory practices, unions had become vehicles for collective interests toward the ERA (Deslippe, 1996). They helped bridge the gap between the prominent feminist voices and the everyday woman that those voices represented. Though it may not have been enough to get the ERA ratified by the states at that time, it was enough to solidify some of the roles of women outside of the home.

Wave 3

Time Period	Wave 1 (1848-1920s)	Wave 2 (1960s-1970s)	Wave 3 (1990s-present)
Social	<ul style="list-style-type: none"> • Declaration of Sentiments • Formation of the NWP • Widespread lobbying for the 19th Amendment 	<ul style="list-style-type: none"> • Civil Rights Movement and Gay Rights Movement • Prominent feminist literature • Loud opposition from Phyllis Schlafly 	<ul style="list-style-type: none"> • Emergence of the #MeToo Movement • More women going public about sexual harassment

Political	<ul style="list-style-type: none"> • 19th Amendment (1920) • Women’s Bureau of the U.S. Department of Labor established (1920) • Introduction of the Equal Rights Amendment (1923) 	<ul style="list-style-type: none"> • President’s Commission on the Status of Women (1961) • Equal Pay Act of 1963 • Title VII of the Civil Rights Act (1964) • ERA passes through both houses of Congress (1971) • Women made up 0% of US Senators, 3.2% of US Representatives, and 6.4% of state legislators in 1973 • By 1977, ratifications plateaued at 35 states 	<ul style="list-style-type: none"> • Department of Labor initiatives for reporting harassment cases • Nevada ratifies ERA in 2017 • Illinois ratifies ERA in 2018 • Virginia becomes 38th state to ratify ERA in 2020 • Women made up 21% of US Senators, 19.1% of US Representatives, and 25% of state legislators in 2017
Economic	<ul style="list-style-type: none"> • 20.6% women working outside of the home in 1900 • Increased labor force participation of single women (only 30% of unmarried women worked in the home by 1900) • Increase of working women 	<ul style="list-style-type: none"> • Percentage of women in the workforce over 30% • Percentage of college educated women with a bachelor’s degree or higher over 12% • Increase in women filing sexual harassment and workplace discrimination cases 	<ul style="list-style-type: none"> • Increase in number of women occupying previously male-dominated jobs • More women putting family life on hold in favor of their career • Companies like Google eliminate forced arbitration practices

	during WW1		
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Social

Although the issues facing women did not end after the 1970s, the Equal Rights Amendment's failure to be ratified by the states and the subsiding of the second wave of feminism pushed those issues into the background. By the 1990s, these issues were brought back into the forefront and became the spark for the most recent wave of feminism. The driving forces behind the formation of the ERA and its success in the 1970s, such as voting rights, education opportunities, and the fight for equal pay, began to shift in the direction of gender norms and advocating for equal treatment of women in the workplace (Machalow, 2020). Because women now have the right to vote, to obtain a college education, and to hold professional occupations previously dominated by men, they now have the footing to address the deeper layers of discrimination and inequality that occur within each of those institutions. This revitalized fight came to a head in 2017 with the emergence of the “#MeToo” Movement.

Although the phrase “#MeToo” really took hold after 2017, its origins are much earlier. In 2017, TIME Magazine revealed its person of the year to be “The Silence Breakers.” This encompasses all of the women who broke their silence on workplace discrimination and sexual harassment, showing that it is an issue that has gone unaddressed for far too long (Zacharek, et al, 2017). The article begins with the story of actress Ashley Judd and her harassment claims against Harvey Weinstein. She was the first star to go on the record about Weinstein's behavior, and her decision prompted many

other victims to do the same (Zacharek, et al, 2017). The article continues to tell the stories of women - all of different races, classes, occupations, and social statuses - who began to break down the wall of silence that had been put up. In a similar manner to how Friedan broke the silence in the 1960s about the daily struggles faced by housewives, the silence breakers of the modern day allow the problems to stop simmering in the background and be brought to light. The TIME article also goes on to say that nearly all of the women interviewed had at some point feared retaliation from their abusers if they were to come forward, and many also feared the potential social consequences of being treated differently by family, friends, or employers (Zacharek, et al, 2017). These things continued to take hold into the early 2000s, and eventually became a movement with a name.

On October 15, 2017, actress Alyssa Milano took to Twitter and encouraged the victims of sexual abuse to come forward by responding “me too” to her initial tweet. By the next day, thousands of people had tweeted using “#MeToo” (Machalow, 2020). What started as a tweet became a symbol for women across the country whose mistreatment had gone previously unnoticed. Additionally, because the media plays such a big role in the rapid spread of information, this movement gained momentum almost immediately. Women became more likely to come forward with claims and they were more likely to be believed than ever before (Machalow, 2020).

During this time, the ERA had significant developments as well. In 2017, Nevada ratified the amendment, becoming the first state to do so since 1977. As in the decades before, this new step came at a time when the greater Feminist Movement as a whole was seeing a resurgence. It has been a trend that when new issues are made known, the next

step is a potential solution for that problem. Based on this, it should not be surprising to see the ERA make a social reappearance as the #MeToo Movement continues to gain traction and more people begin to realize that the underlying causes for women's social inequality, as well as political and economic inequality, have never fully gone away.

Political

By the time the third wave of feminism began to take hold, there were more women involved in state and local politics than at any other time. In 1991, 2% of US Senators, 6.4% of US Representatives, and 18.3% of state legislators were women. By 1999, those numbers jumped to 9% of US Senators 12.9% of US Representatives, and 22.4% of state legislators. When Nevada broke the stalemate of state ratifications for the Equal Rights Amendment in 2017, women made up 21% of US Senators, 19.1% of US Representatives, and 25% of state legislators (Pew Research Center, 2018). This steady trend in the increase of women directly involved in politics is important for many reasons. Together with the increase of women in the workforce and women in higher education, these trends show that women are now being able to situate themselves in sectors of life that were previously reserved for men only. Within politics specifically, to have more women represented within legislative bodies allows for a more equal representation of the needs of the citizens as a whole. These women are able to have a say in the decisions of the government and live out the ideas that early suffragists and feminist thinkers like Elizabeth Cady Stanton, Alice Paul, and so many others fought for.

Amid the third wave's focus on advocating for women's equality through exposing widespread issues of sexual harassment and discrimination, the Women's Bureau of the US Department of Labor had many initiatives regarding these issues. In the

1990s, one of the publications from the Bureau was titled “Know Your Rights,” and it was a series of publications designed to inform women of their legal rights regarding sexual harassment, pregnancy discrimination, and family and medical leave (United States Department of Labor, 2020). This was a move by the federal government to educate women on their rights as employees.

Perhaps the most significant political gain regarding the fight for women’s equality during this time came in 2017, when Nevada ratified the Equal Rights Amendment. Though the time limit for ratification expired in 1982, this marked the first time a state had taken action regarding the ERA since 1977 (ERA, 1972). In an NPR interview with Senator Pat Spearman, who introduced the ERA on the Nevada Senate floor, she says that “the Equal Rights Amendment is about equality, period” (Dwyer and Kaufman, 2017). As part of that debate in 2017, Spearman also addressed the time limit and the fact that Congress’ original ratification deadline had long passed. She argued that the time limit is something that is determined by Congress separately, and it has no bearing on the text of the actual amendment. Congress already extended the deadline once from 1979 to 1982, so there is no reason to presume that they would not be able to extend it again (Dwyer and Kaufman, 2017).

Whether this was viewed as a legitimate step toward eventual constitutional ratification or merely a symbol, other states began to follow suit. Illinois ratified the ERA in May of 2018, and in January of 2020, Virginia became the 38th state to ratify (ERA, 1972). The vote in Virginia came early in the state’s legislative session, after having a record number of women voted into office the previous November (Chappell, 2020). Additionally, Virginia now has its first female Speaker of the House in the state’s history

(Chappell, 2020). Like in Nevada and Illinois, the vote did not come because there was a belief that doing so would mean an immediate change at the federal level. The questions around time limits and Congress' role are still questions that need to be addressed. The push came from the people living in those states who want to see equality for women under the law become a reality. Now that the Equal Rights Amendment has been ratified by 38 states, it is up to Congress to decide what that means for the amendment's future.

Economic

As with the political sphere, the number of women in the workforce continued to increase during this time period. In 1990, women made up 45.2% of the workforce. This number increased to 46.5% in 1999 and 46.9% in 2017 (United States Department of Labor, 2020). Not only did the number of women increase, but so did the types of occupations women hold. Since the early 2000s, there has been an increase in female lawyers and physicians (Machalow, 2020). Women are now holding occupations that have been traditionally reserved for men. Along with this, the number of women seeking secondary education has increased. The percentage of women with a bachelor's degree or higher was 24.5% in 1990, 29.9% in 1999, and 41.6% in 2016 (the most recent year of this particular survey data) (United States Bureau of Labor Statistics, 2017). This is particularly significant with relation to the #MeToo movement. With more women in these occupations, workplaces are having to deal with issues that could have been previously swept under the rug with relative ease. However, now that women are a part of this space, there is more of a push from the inside.

Another trend involving women in the economy is the change in marriage and family life. The married population is shrinking, and more women are delaying marriage

and parenthood in order to focus on their career (Machalow, 2020). This is completely different from the nuclear family of the 1950s. Even since the resurgence of the ERA in the 1970s, this trend has continued. With more women in the workforce focusing on their careers, the workplaces themselves have taken steps to address discrimination issues. In 2019, Google announced that they were eliminating the practice of forced arbitration for all employees (O'Brien, 2019). This was a major step in allowing anyone, women included, to bring complaints against their company. The arbitration agreements made it so an employee could not sue the company for misconduct or discrimination, and instead had to bring the complaint through an arbitration system within the company (O'Brien, 2019). With a system like this, the company involved is essentially the one tasked with holding itself responsible, which does not always result in a change in discriminatory practices. However, by eliminating this requirement, employees are able to bring their claims through a judicial court system. This policy debate, with Google and other companies, gained more attention with the development of the #MeToo movement (O'Brien, 2019). Issues involving women in the workforce continue to surface, and the changes that are being made are just the beginning of what could be a much greater movement.

Discussion

This research sought to answer the following question: what factors have contributed to the failures and successes of the Equal Rights Amendment? Along the way, it addressed additional sub questions, including: are any of these factors consistent

over time? Have any past failures become successes? Based on trends, is the passage of the Equal Rights Amendment any more likely today than it was when it was first drafted?

To address this first question, I identified the social, political, and economic factors that corresponded to each wave of feminism in the United States. Those noted are some, but certainly not all, of the factors that make each resurgence of feminism identifiable. The connection to be made here is that the waves of success and failure of the Equal Rights Amendment correspond with the greater feminism timeline. The ERA was first introduced in the 1920s as part of the fight for women's suffrage, and support for the amendment died out along with much other social change not long after the 19th Amendment was ratified. Its next major success, passing through both houses of Congress, occurred in 1972 during the second wave of feminism. The goal of this era was to get women out of the home and into the workforce. This social, political, and economic gain for women led to the ERA progressing further through the federal government than it ever had. But like in the decades before, the decline the second wave was mirrored by the ERA missing its state ratification deadline in 1982. Finally, with the emergence of #MeToo and the ongoing fight against sexual harassment and workplace discrimination for women in the 1990s and early 2000s, the ERA saw its most recent success. After the halt of ratifications in the 1970s, Nevada became the 36th state to ratify in 2017. This brings the fight to the present day, where the question still remains if this will be the era of the ultimate success, or if the ERA will face another cycle in the Feminist Movement.

This cyclical fight through successes and failures can be further understood through Mackinnon's difference approach and Collins' theory of intersectionality.

Mackinnon's argument that women are measured according to their correspondence with man is the very thing that the ERA seeks to prevent (Mackinnon, 1987: 34). She discusses how women are marginalized in society simply because they are women, and both the successes and failures of the ERA reflect that. Factors like the steady increase of women in the workforce, the passage of laws such as the Equal Pay Act of 1961, and women making up roughly 20% of federal legislative bodies demonstrate how women have broken past this wall of comparison to men and continue to fight against marginalization. On the other hand, factors such as increased sexual harassment and workplace discrimination persist as evidence of the difference approach that Mackinnon writes about. Essentially, each step forward for the ERA occurred when women were able to break through existing gendered norms, and progress halted when women were not able to obtain these social victories. Collins' theory of intersectionality also feeds into this perspective because her argument is that a multitude of social factors, such as race, gender, income, social class, etc., are all essential parts of the greater social problem (Dillon, 2019: 350). This is seen through nearly all of the social movements throughout history - rarely did these social changes happen in isolation. Rather, they developed in a time when they could build off of one another. The resurgence of the ERA in the 1970s, for example, occurred alongside many other social movements. Often, supporters of the ERA overlapped with supporters of the Civil Rights movement and the Gay Rights movement. This is important because it shows that not only were the success and failures contingent upon the relationship between men and women - but there were also many other factors at play as well.

The second question asks whether the successes and failures were consistent over time. Based on the data, many of the factors contributing to both the ERA and the Feminist Movement as a whole have been consistent. Across each time period, there has been an increase in women's involvement in politics and the economy. Each wave saw more women in the workforce, seeking higher education, and being elected to all positions in both the state and federal governments. Each time period also experienced a major social goal sparked by literature and/or influential women. The suffrage goals of the first wave took hold after Stanton's "Declaration of Sentiments" and the advocates for the National Woman's Party. The goals of the second wave were made public through de Beauvoir's "The Second Sex" and Friedan's "The Feminine Mystique." Finally, the third wave is marked by the social phenomenon of the #MeToo movement and the stories of women, including celebrities, who fight the daily battle against discrimination.

The sparks by literature and influential women embody Dorothy Smith's feminist standpoint. This was a driving factor behind the data collection for this research because by uncovering the major contributions of women, there is the opportunity to gain a more complete view of society. Smith argues for the inclusion of women's voice in a world where the neutral perspective is the male perspective (Dillon, 2019: 333). These works created by women were part of the push that women of the time needed to continue fighting for the ERA. The fact that the emergence of feminist literature as a contributing factor is consistent over time further reinforces Smith's emphasis on the inclusion of women's voices.

The third question to be addressed with this research was whether past failures in the life of the ERA have become successes. The answer to this is first seen within the

development of the ERA itself. The failure of Congressional approval in the 1920s became a success in the 1970s, and the failure of state ratification in the 1980s has seen recent success in the 2010s. Additionally, along the way, state legislatures have seen their own successes. Though the ERA has not been ratified as a constitutional amendment, many states have adopted equal rights amendments to their own state constitutions (see Appendix 1). This is a success in that states are taking more responsibility in passing legislation to end legal inequality for women.

The path dependency approach used here can help illustrate the failure-to-success trends. Each development of the ERA and corresponding wave of feminism served its own individual purpose with its own specific goals, but the underlying forces remained the same. Specific causes of inequality were addressed in each wave of feminism - women's suffrage, lack of participation in workforce and education, high rates of sexual harassment - but the continual resurgence of feminist activism suggests that the underlying issues are still present. Additionally, each wave continued to build upon the one before it. Women in the 1970s were only able to make the strides they did because of the work of the suffragists in the 1920s. In the early days of feminist theory, Martineau's "Society in America" highlights the lack of representation of women in politics (Martineau, 1998). These concerns are mirrored in Stanton's "Declaration of Sentiments" and serve as part of the foundation for the women's suffrage movement. Women today would not have the voice to bring issues of sexual harassment to light if it was not for the women before them breaking down the barriers within the workplace. Gilman's concept of the "sexuo-economic relation" addresses the ways in which women are framed to be economically dependent on men (Lengerman and Niebrugge, 1998). From this we see the

increase of working women and subsequent decrease in their dependency on men to engage in the economic world. With the Equal Rights Amendment, the Congressional success in the 1970s would not have been possible if women had never gained the right to vote. Additionally, the amendment's prominence in state legislatures would likely not have occurred without women being able to hold those offices. Each stage in the process has served as a building block for the stages that follow, and each individual success has ramifications much greater than itself.

The final question to be asked with this research is simply, what now? Is the Equal Rights Amendment any more likely to pass today than at any previous time? While there is no way to definitively predict the future of the ERA, the patterns that have been revealed allow for speculation. One takeaway that can be gathered from a brief study of the Feminist Movement is that the problems addressed never fully go away. Each law that has been passed and policy that has been changed serves as a steppingstone toward a greater goal. However, there are still women every day who have to deal with the consequences of not having an established amendment constituting equality regardless of sex. An important thing to note is that like the greater Feminist Movement, each resurgence of the ERA is not starting at ground zero. Rather, the developments of the past decades have slowly laid the foundation to where the amendment sits today.

A strong indicator of the potential future success of the Equal Rights Amendment is the presence of all of the ingredients that were essential to successes in the past. The successes of the previous decades were coupled with a large-scale social movement, an increase in women's involvement in politics, increased government action regarding women, and more women in the workforce. Just in the past few years, the #MeToo

movement gained momentum, more women than ever are being elected to public office, three new states have ratified the ERA, women make up nearly half of the workforce, and more women today are holding previously male-dominated occupations like physicians and lawyers. The fate of the amendment is now in the hands of the members of Congress, who must decide whether the newest ratifications have any impact and what additional steps must be taken to make the ERA a reality.

Limitations

Due to the nature of this research, the scope of the issue, and the sampling methods learned, there are notable limitations. In determining what factors have contributed to the failures and successes of the Equal Rights Amendment, I addressed this question throughout three distinct time periods. Within those time periods, I used a purposive sampling method to gather data on the social, political, and economic gains and losses for the Equal Rights Amendment and the Feminist Movement as a whole. I selected variables within each category to compare across time, including the percentage of women in the workforce, the percentage of women in Congress, and legislation passed to advance the status of women in some way. However, the overall progress of the Equal Rights Amendment is not limited to those selected variables. Further research could benefit from expanding the types of data gathered within the social, political, and economic categories. More in-depth conclusions may also be drawn from further exploration of data in these areas.

Another limitation to this research is the division of the three time periods. The major steps of forward progress for the ERA fell in line with resurgences of each wave of

the Feminist Movement. The first of these waves began in 1848 and continued through the 1920s, and the Second Wave occurred during the 1960s and 1970s. For the purposes of this research, I classified the Third Wave as beginning in the 1990s and continuing to the present day. There has been discussion about the rise of a Fourth Wave in the 2010s, but the lack of cohesive data representing this time period and the overlap of the Third and Fourth Waves led me to combine them for the purposes of this research. In the coming years, it could be beneficial to discover how the progress of the recent decade will be situated in the greater movement as a whole.

Conclusion

This research aimed to answer the question: what factors contributed to the failures and successes of the Equal Rights Amendment? Based on the analysis of the data, factors such as the increased presence of women in the workforce, the rising number of college-educated women, the rising number of women in political positions, the passing of anti-discrimination legislation, and the presence of activist groups helped move the ERA through the policy process and gain more favor in the public eye. On the other hand, the presence of anti-ERA groups and increases in sexual harassment and workplace discrimination have played a role in halting the progress.

At the present time, as feminist efforts continue to permeate the social climate, the discussion of the future of the ERA remains open. The elements discussed here have shown that many of the original underlying causes and driving forces remain the same today as they were in the late 1800s, though they have presented themselves differently over time. They also reveal that though the efforts of the past have been successful in

many ways, anything short of true equality under the law has not been sufficient to resolve the underlying problems. However, given the recent successes of the #MeToo movement and three new states ratifying the Equal Rights Amendment, there is hope that major society-level changes can be made in the near future.

The significance of the Equal Rights Amendment goes back to the 1800s, when women were fighting to have a democratic voice in their own country. It extends into the present day, while women are battling daily to end opportunities for discrimination, harassment, and the consequences that come with sticking up for those things. Though developments have been made that significantly improve the status of women in the United States, the fight for the ERA is just as important today as it was when it was introduced in 1923. Every step in the right direction helps, but the only way to enact a society-level change is with a society-level solution.

References

- Bleiweis, Robin. 2020. "Quick Facts About the Gender Wage Gap." Retrieved Feb. 28, 2021.
(<https://www.americanprogress.org/issues/women/reports/2020/03/24/482141/quick-facts-gender-wage-gap/>)
- Chappell, Bill. 2020. "Virginia Ratifies the Equal Rights Amendment, Decades After the Deadline." Retrieved Dec. 4, 2020.
(<https://www.npr.org/2020/01/15/796754345/virginia-ratifies-the-equal-rights-amendment-decades-after-deadline>)
- Declaration of Independence, Preamble, 1776.
- Delaware House of Representatives, House Bill No. 1, § 21, 2018.
- Deslippe, Dennis A. 1996. "Organized Labor, National Politics, and Second-Wave Feminism in the United States, 1965-1975." *International Labor and Working-Class History* 49: 143-165.
- Dillon, Michelle. 2019. *Introduction to Sociological Theory: Theorists, Concepts, and Their Applicability to the Twenty-First Century*. 2nd ed. West Sussex, UK: John Wiley & Sons, Inc. Retrieved September 28, 2021.
(<https://ebookcentral.proquest.com/lib/uark-ebooks/reader.action?docID=1566387>)
- Dwyer, Colin and Carrie Kaufman. 2017. "Nevada Ratifies the Equal Rights Amendment ... 35 Years After the Deadline." Retrieved Dec. 4, 2021.
(<https://www.npr.org/sections/thetwo-way/2017/03/21/520962541/nevada-on-cusp-of-ratifying-equal-rights-amendment-35-years-after-deadline>)

- Equal Pay Act of 1963*, Public Law 88-38, United States Code, Vol. 29 (1963).
- ERA. 1972. "Equal Rights Amendment." Retrieved January 31, 2021.
(<https://www.equalrightsamendment.org/>)
- Etikan, Ilker, Sulaiman Abubakar Musa, and Rukayya Sunusi Alkassim. 2016.
"Comparison of Convenience Sampling and Purposive Sampling." *American Journal of Theoretical and Applied Statistics* 5(1): 1-4.
- Executive Order 10980 (1961).
- Freedman, Estelle B. 1974. "The New Woman: Changing Views of Women in the 1920s." *The Journal of American History* 61(2): 372-393.
- Friedan, Betty. 1963. *The Feminine Mystique*. New York: W.W. Norton & Company, Inc.
- Geidel, Peter. 1980. "The National Woman's Party and the Origins of the Equal Rights Amendment, 1920-1923." *The Historian* 42(4): 557-582.
- Gladstone, Leslie W. 2004. "Equal Rights Amendments: State Provisions."
Congressional Research Service: The Library of Congress. Washington D.C., U.S.
- Goldin, Claudia. 1983. "The Changing Economic Role of Women: A Quantitative Approach." *The Journal of Interdisciplinary History* 13(4): 707-733.
- Haydu, Jeffrey. 1998. "Making Use of the Past: Time Periods as Cases to Compare and as Sequences of Problem Solving." *The American Journal of Sociology* 104(2): 339-371.
- Lengermann, Patricia Madoo and Gillian Niebrugge. 1998. *The Woman Founders: Sociology and Social Theory, 1830-1930*. Long Grove, IL: Waveland Press, Inc.

- Library of Congress. "Historical Overview of the National Woman's Party." Retrieved Nov. 20, 2021.
(<https://www.loc.gov/collections/women-of-protest/articles-and-essays/historical-overview-of-the-national-womans-party/>)
- Machalow, Deborah. 2020. "The Equal Rights Amendment in the Age of #MeToo." *DePaul Journal for Social Justice* 13(1).
- Mackinnon, Catharine. 1987. *Feminism Unmodified*. Cambridge, MA: Harvard University Press.
- Mackinnon, Catharine. 2013. "Difference and Dominance: On Sex Discrimination." Pp. 336-349 in *Social Theory: Roots and Branches*. Edited by Peter Kivisto. New York, NY: Oxford University Press.
- Mahoney, James. 2000. "Path Dependence in Historical Sociology." *Theory and Society* 29(4): 507-548.
- Martineau, Harriet. 1998. "Society in America." Pp. 125-143 in *The Feminist Papers: From Adams to de Beauvoir*. Edited by Alice S. Rossi. New York, NY: Columbia University Press.
- Miller, Kelly A. 1995. "The Pink-Collar Ghetto." *Clearinghouse Review* 28(10): 1168-1172.
- Mintz, Steven. 2007. "The Passage of the Nineteenth Amendment." *OAH Magazine of History* 21(3): 47-50.
- Murphy, Bridget L. 2018. "The Equal Rights Amendment Revisited." *Notre Dame Law Review* 94(2): 937-958.

National Park Service. 2015. "The First Women's Rights Convention." Retrieved Nov. 20, 2021.

(<https://www.nps.gov/wori/learn/historyculture/the-first-womens-rights-convention.htm>)

National Women's History Museum. 2020. "Feminism: The Second Wave." Retrieved Nov. 20, 2021.

(<https://www.womenshistory.org/exhibits/feminism-second-wave>)

O'Brien, Sara Ashley. 2019. "Google Eliminating Controversial Forced Arbitration Practice." Retrieved Dec. 4, 2021.

(<https://www.cnn.com/2019/02/21/tech/google-mandatory-arbitration/>)

Palley, Marian Lief. 2001. "Women's Policy Leadership in the United States." *PS: Political Science and Politics* 34(2): 247-250.

Pew Research Center. 2017. "Gender Discrimination Comes in Many Forms for Today's Working Women." Retrieved October 6, 2021.

(<https://www.pewresearch.org/fact-tank/2017/12/14/gender-discrimination-comes-in-many-forms-for-todays-working-women/>)

Pew Research Center. 2018. "The Data on Women Leaders." Retrieved October 6, 2021.

(<https://www.pewresearch.org/social-trends/fact-sheet/the-data-on-women-leaders/>)

Simons, Margaret A., Jessica Benjamin, and Simone de Beauvoir. 1979. "Simone de Beauvoir: An Interview." *Feminist Studies* 5(2): 330-345.

- Soule, Sarah A. and Susan Olzak. 2004. "When Do Movements Matter? The Politics of Contingency and the Equal Rights Amendment." *American Sociological Review* 69: 473-497.
- Stanton, Elizabeth Cady. 1848. *Declaration of Sentiments*. Seneca Falls, NY.
- U.S. Bureau of Labor Statistics. 2017. *A Look at Women's Education and Earnings Since the 1970s*. Washington D.C., U.S.
- U.S. Census Bureau. 1907. *1900 Census Special Reports: Statistics of Women at Work based on unpublished information derived from the Schedules of the Twelfth Census*. Washington D.C., US Government Printing Office.
- U.S. Constitution, Amendment 19.
- U.S. Department of Labor. 2020. *Civilian Labor Force by Sex*. Washington D.C., U.S.
- U.S. Department of Labor. 2020. "Women's Bureau: History." Washington D.C., U.S. (<https://www.dol.gov/agencies/wb/about/history>)
- White, Marilyn Domas and Emily E. Marsh. 2006. "Content Analysis: A Flexible Methodology." *Library Trends* 55(1): 22-45.
- Zacharek, Stephanie, Eliana Dockterman, and Haley Sweetland Edwards. 2017. "TIME Person of the Year 2017: The Silence Breakers." Retrieved Dec. 3, 2021. (<https://time.com/time-person-of-the-year-2017-silence-breakers/>)

Appendix 1

Equal Rights Amendments: State Provisions (Gladstone, 2004)

California (1879): “A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.” California Constitution, Article I, §8.

Wyoming (1890): “In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal. Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than the individual incompetency or unworthiness duly ascertained by a court of competent jurisdiction. The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.” Wyoming Constitution, Articles I and VI.

Utah (1896): “The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy all civil, political and religious rights and privileges.” Utah Constitution, Article IV, §1.

Illinois (1971): “All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry, and sex in the hiring and promotion practices of any employer or in the sale or rental of property.” “These rights are enforceable without action by the General Assembly, but the General Assembly by law

may establish reasonable exemptions relating to these rights and provide additional remedies for their violation.” Illinois Constitution, Article I, §17.

“The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts.” Illinois Constitution, Article I, §1.

Pennsylvania (1971): “Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.” Pennsylvania Constitution, Article I, §28.

Virginia (1971): “The right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.” Virginia Constitution, Article I, §11/

Alaska (1972): “No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex or national origin. The legislature shall implement this section.” Alaska Constitution, Article I, §3.

Hawaii (1972): “Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section.” Hawaii Constitution, Article I, §3.

Maryland (1972): “Equality of rights under the law shall not be abridged or denied because of sex.” Maryland Constitution, Declaration of Rights, Article 46.

Texas (1972): “Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.” Texas Constitution, Article I, §3a.

Washington (1972): "Equality of rights and responsibility under the law shall not be denied or abridged on account of sex." Washington Constitution, Article XXXI, §1.

Colorado (1973): "Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions because of sex." Colorado Constitution, Article II, §29.

Montana (1973): "The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin, or condition, or political or religious ideas." Montana Constitution, Article II, §4/

New Mexico (1973): "No person shall be deprived of life, liberty or property without due process of law. Equality of rights under the law shall not be denied on account of the sex of any person." New Mexico Constitution, Article II, §18.

Connecticut (1974): "No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex." Connecticut Constitution, Article I, §20.

Louisiana (1974): "No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for a crime." Louisiana Constitution, Article I, §3.

“In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, sex, religion, or national ancestry and from arbitrary, capricious or unreasonable discrimination based on age, sex, or physical condition.”

Louisiana Constitution, Article I, § 12/

New Hampshire (1974): “All men have certain natural, essential and inherent rights — among which are, enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.” New Hampshire Constitution, Part 1, Article 2.

Massachusetts (1976): “All people are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.”

Massachusetts Constitution, Part 1, Article 1.

Hawaii, cont. (1978): “No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.” Hawaii Constitution, Article 1, §5.

Florida (1988): “All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real

property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability.” Florida Constitution, Article I, §2.

Iowa (1988): “All men and women are, by nature, free and equal and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.” Iowa Constitution, Article I, §1.

Delaware: “Equality of rights under the law shall not be denied or abridged on account of sex.” Delaware House Bill No. 1, § 21 (2018).