

The Influence of Traditional Family Model on the Equal Rights Amendment

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Received 5 December 2016; accepted 10 February 2017
Published online 26 February 2017

Abstract

The Equal Rights Amendment, which aims to eliminate sex discrimination under the law, has not been written into the Constitution of United States though it has been in existence for nearly 100 years and the American women have been fighting for its legality. That means the basic principle of equality between the two sexes has not been acknowledged constitutionally in America, which always claims having achieved democracy. The paper tries to analyze the basic cause of the unratification of the Equal Rights Amendment from the aspect of traditional American family mode.

Key words: Traditional family mode; Influence; Cross out; The equal rights amendment

Geng, C. L. (2017). The Influence of Traditional Family Model on the Equal Rights Amendment. *Canadian Social Science*, 13(2), 24-28. Available from: <http://www.cscanada.net/index.php/css/article/view/9357>
DOI: <http://dx.doi.org/10.3968/9357>

INTRODUCTION

Women were not included in the Constitution at the founding of the United States. During the entire history of the United States, women have been purposely disadvantaged by the lack of a constitutional guarantee of equality.

Introduced in 1923, the Equal Rights Amendment was buried in Congress for nearly 50 years. In the late 1960s, over a century after the first wave of women's right movement, the second wave began to gather force.

Women organized to demand their birthright as citizens and persons and the Equal Rights Amendment became the central symbol of the struggle. The Equal Rights Amendment passed both Houses of Congress in 1972, and was sent to the states for ratification. But ten years and three months after its overwhelming approved by Congress, the proposed amendment died, only three states shy of the requisite thirty-eight states to ratify. This paper will discuss the influence of traditional family model on the failure of the Equal Rights Amendment.

Today after 200 years of living under the U.S. Constitution, women continue to suffer discrimination in employment, insurance, health care, education, social security and pensions, the military, the justice system and in many other areas. Women were participants, and not bystanders, in the events of history. Women should have been historical actors rather than victims.

1. THE SENECA FALLS CONVENTION AND AMERICAN WOMEN'S MOVEMENT

The Seneca Falls Convention in New York on July 19, 1848, organized and led by the early woman activists Susan Anthony and Elizabeth Candy Stanton, marked the beginning of the first American Women's Movement. In the Convention, Elizabeth Candy Stanton read the assertion that "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" (Flexner & Fitzpatrick, 1975, pp.75-77).

In the nineteenth century, married women were not allowed to testify in court, hold title to property, establish businesses, or signing papers as witnesses. These early women (who can be called feminists) heard a litany of complaints about the unjust laws and practices that denied women education, property rights, and self-esteem. And the declaration boldly called for women to overthrow

the male rulers who denied them liberty. Stanton also pronounced a sweeping historical generalization: "The history of mankind is a history of repeated injuries on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her." Clearly rooted in the natural-rights philosophy that had infused the Declaration of Independence (being their model), the Seneca Falls activists were seeking a kind of individual self-determination, which was the essence of universal human rights.

The Convention also produced a Women's Suffrage Resolution stated as: "It is the duty of the women of this country to secure to themselves their sacred right to the elective franchise." Although the Seneca Falls Convention could be seen as the birth of the movement for women's rights, the suffrage resolution was the only resolution not unanimously passed. All comes after the Civil War, Congress adopted the Fourteen Amendment which guaranteed to all "person" the right so equal protection under the law. However, in the second section, the use of words "male citizens" was first appeared in the Constitution, which boldly excluded women from the Constitution. Besides, the Fifteen Amendment, passed in 1870, extended the right to vote to all men, but not women. Ever since then, activists used the suffrage as their fighting goal. Under such circumstances, suffragists began the first wave of American Women's Movement, with the goal of winning the right to vote.

Fifty years of arduous and persistent efforts finally won the first and the only guarantee of women's equal right in the Constitution. The Nineteen Amendment, passed in 1920, declared: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any states on account of sex." This Amendment corrected the long time injustice the Fifteen Amendment produced. The major goal of the American Women's Suffrage Movement achieved, but it marked the women's movement's great victory as well as its death knell. The leaders believed that the "right to vote" would empower women and ensure women the equality they sought in political, economic, education, and social arenas. The women's movement all but disappeared and did not revitalize for about 40 years.

2. THE ESCALATION OF MOVEMENTS OF WOMEN'S RIGHTS

The Proposing of the Equal Rights Amendment marked the escalation of movements for woman's rights. Although it had been 72 years from the Seneca Falls Convention to the 19th Amendment to the Constitution, the discrimination against women still existed both in workplace and in the society. Women were treated as second-class citizens. Just as Julia Lathrop cautioned, "Suffrage for women is not the final word, but it is the next step in equalizing the rights

and balancing the duties" (O'Neil, 1969, p.67). It is true that voting rights did not bring them full equality in every aspect. In order to remedy the women's exclusion from the 14th Amendment, suffragist leader, Alice Paul, authored the Equal Rights Amendment (ERA). After suffrage was obtained, the National Women's Party (NWP) decided to work for a constitutional amendment that would guarantee women complete legal equality with men. The NWP insisted that discrimination against women could be eliminated effectively only by writing the rule of equality into the basic law. Despite the victory achieved in the 19th Amendment, it pointed out, over one thousand state laws continued to discriminate against women.

In 1923, in Seneca Falls for the celebration of the 75th anniversary of 1848 Woman's Rights Convention, Alice Paul introduced the Equal Rights Amendment (also called Lucretia Mott Amendment) which originally read: "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." The amendment has been introduced in every session of Congress since 1923, until both Houses of Congress passed the amendment in 1972 and sent it to the states for ratification.

In order to make the clause closely correspond to the 19th Amendment, the Judiciary Committee adopted wording provided by Alice Paul: "Equality of rights under the law shall not be denied or abridged by the United States, or by any state, on account of sex."

It seems quite certain that the ERA would become the 27th Amendment to the Constitution. The ERA aimed at most of state laws that restricted women to their rights to control their own property, sign contracts, lodge appeals, and keep their own names and domiciles after marriage; their inferior guardianship rights over children; and generally stigmatized them as less citizens. The Equal Rights Amendment enjoyed widespread, bipartisan support when it was submitted to the states for ratification in 1972 (even President Richard Nixon endorsed it). The House passed the ERA overwhelmingly 352-15; the Senate passed it 84-8. Opinion polls in favor were 3 to 1. Ratification by the states was the only step left for the ERA to become the 27th Amendment. All seemed bright for proponents of the ERA, they even couldn't help celebrating their success in advance. To everyone's surprise, there appeared a great turning point. The strong opposition emerged. In fact, the only opposition to the ERA before the 1970s had come from the labor movement. Labor leaders opposed the ERA because they thought it would damage some of their hard-won gains, such as, shorter work days for women; they also worried that the ERA would benefit upper-class women at working women's expense. By 1972, however, even the laborers changed their ground to favor it. "This amendment, if passed," said Representative Griffiths in 1971, "would be ratified in less than two years." The Equal Rights Amendment passed both Houses of Congress in 1972,

and was sent to the states for ratification. But ten years and three months after its overwhelming approval by Congress, the proposed amendment died, only three states shy of the requisite thirty-eight states to ratify.

3. THE DEEP-ROOTED CONCEPT OF TRADITIONAL FAMILY MODE

Mary Francis Berry, a lawyer and historian, argues that ratification was never a sure thing. Defeat was predictable, she maintains, because consensus was lacking. The voters simply did not believe there was an urgent problem that only a constitutional amendment could solve. Comparing the ERA ratification experience with that of other amendments, she argues that the successful ones came after years of agitation “during periods of reform and not during periods of reaction” (Berry, 1986, p.120).

In western society, traditional male and female roles are extremely different as well as highly unequal. Men have been destined to be trained to play the role of decision makers, and women have been encouraged to be submissive and obedient. According to the Holy Bible, God created man on the sixth day, and then God said “It’s not good that the man should be alone. I will make him a helper as his partner.” So the Lord God caused a deep sleep to fall upon Adam, the only man, and he slept; then God took one of his ribs and closed up its place with flesh. And with the Adam’s rib the Lord God made a woman and brought her to the man. Then the man said: “That at last is bone of my bone, and flesh of my flesh, this one shall be called woman, for out of Man this one was taken.” And after Eve eating the forbidden apple, the Lord God said to the woman, “I will greatly increase your pangs in childbearing, in pain you shall bring forth children, yet your desire shall be for your husband, and he shall rule over you”. Religion consciousness and its effects have been long rooted in people’s heart. This is one of the main reasons for the abortion of the ERA.

When the Equal Rights Amendment to the United States Constitution was proposed in 1923, it created a rift among suffragists. Women who had fought for protective labor legislation feared that the ERA would undo their efforts to protect women in the workplace, while feminists believed the amendment was necessary to bring about equality for women in American society.

The disagreement on the different sex roles within the women camp also contributed to the abortion of the ERA, which fully illustrates the fact that there was no widespread support for the ERA. The source of women’s opposition to the ERA lay primarily in their religious beliefs and in their perception of its threat to their own lives. Affirming a literal interpretation of the Holy Bible, women believed that sexual equality violated the God-given authority of men over women, husbands over wives. In contrast to feminists who view traditional sex

roles as social structures, anti-ERA women believed that God had endowed men and women with different functions in life. Men were ordained to be breadwinners and women to be caretakers of family. The ERA, they insisted, would subvert that division of labor and power and liberate men from the responsibility of economic support. Further undermining the traditional family, according to opponents, was the ERA’s potential for legalizing homosexual marriages. In seeking to sustain the traditional family, most anti-ERA activists were defending their own life patterns. A large majority of opponents were full-time housewives. As Barbara Ehrenreich and others have pointed out, conservative women had a direct interest in defeat of the ERA, which they believed would abrogate the duty of men to support their families and, thus, the right of women to be housewives. The middle-aged full-time housewives who constituted ERA opponents had entered conventional marriages where, in exchange for raising children and caring for home and husbands, they expected economic support. To anti-ERA women, the Amendment threatened “a way of life they had entered in good faith.”

The goal of ERA, according to anti-feminists, was to make women identical to men, to abolish the difference between the sexes and hence, to abolish all institutions-like the family-based on differences between men and women. Feminists, especially ERA supporters, valued rampant individualism, placing their own interests ahead of those of family or society in order to achieve real equality between men and women. As a result, support for the ERA became the equivalent of making war against all the traditional values that had made America a great nation (Chafe, 1991, p. 217).

Mansbridge, the only participant among the observers, agrees that it was an uphill battle in which consensus dissolved rather than solidified, particularly in the unratified states where the debate was heaviest. But she looks to organizational characteristics for a major part of the explanation. Both sides depended on volunteers, but even more than its opposition, “the ERA offered its supporters no tangible benefits.” it was the principle of equality that sustained them and the resulting pursuit of ideological purity that scared those who were neutral. Most proponents argued that “the ERA would require the military to send women to draftees into combat on the same basis as men” and some that the states would have “to fund medically necessary abortions if they were funding all medically necessary services for men.” (Mansbridge, 1986. p.3). These arguments fed right into the right wing’s paranoia that the ERA would destroy the family and persuaded the legislators to stick with the status quo.

The pro-family group was associated with secular humanism, an anti-religious force that placed human beings ahead of God and women ahead of society. Family, in their perspective, is just a biological, sociological

unit in which the individual happens to live in; it has no meaning and purpose beyond that. The notion completely abolished traditional family roles and responsibilities. To the traditional women, self-centeredness is ugly and sinful as ever. The less time women spend thinking about themselves, the happier they are.... Women are ordained by nature to spend themselves in the meeting the needs of others. And women, far more than men, will transmit culture and values to the next generation.

Many feminists were convinced not only that the opposition had been better organized at the grass roots, but also that it had quickly gained the upper hand in the publicity wars with clever lobbying tactics. When Schlafly and her army of largely white, middle-class housewives (“middle-aged, well-groomed and frequently dressed in pink for symbolic reasons”) visited the offices of state legislators, the women usually came armed with symbolic and tasty reminders of why they opposed the ERA. (Brady & Tedin, 1976, pp.68-70). Homemade loaves of bread with notes attached reading “from the breadmaker to the breadwinner” effectively communicated their position: The ERA’s “rigid, unisex, gender-free mandate” would “seriously affect marriage as an economic and social institution by degrading the homemaker role.” (Schlafly, 1977, p.85)

By the time feminist organizations shifted their national campaigns to state-by-state drives, they discovered a well-entrenched opposition; nothing feminists tried from televised debates to fasting vigils to economic boycotts seemed to resonate with the “white, middle-aged males from business or professional backgrounds” who comprised the majority of legislators in the un-ratified states (Burriss, 1983, p.315).

Somehow, the ERA, which simply stated that “equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex,” had been reinterpreted by the New Right as a mandate to destroy the American family. Among the things the ERA stood accused of (if it passed) were the following: That married women would lose their “right” to support by their husbands (meaning that the ERA would “require” married women to seek paid employment outside the home); that working parents would “lose” their authority over their children who would be sent to government-sponsored child-care centers; that women would “lose” their automatic “right” to their children in divorce/custody cases; that homosexual relationships would be legalized (through marriage); that women would be required to register for the draft; that the ERA would give women a “constitutional” right to abortion; that rape laws would be invalidated; and that public bathrooms and prisons would become sexually “integrated” (Schlafly, 1977, pp.68-138).

As a result, the future of American civilization hinges on the failure of ERA. The logic is simple and clear,

the family depends on clearly demarcated sex roles and responsibilities. It is women’s role to think on behalf of the whole family and to serve others in family. That is what motherhood was all about. There is an old saying, “the hand that rocked the cradle rules the world”. In most societies, motherhood is viewed as central to a woman’s identity and fulfillment. Western society has a strong belief in motherhood. The ideology of motherhood includes the following myths :

Motherhood is the ultimate fulfillment of a woman. It is a natural and necessary experience for all women. Those who do not want to be mothers are psychologically disturbed, and those who want to be but cannot to be are fundamentally deprived of that right.

Women are instinctively good at care-giving and should be responsible for infants, children, elderly parents, home as well as husband. Good mothers enjoy this kind of work; a woman who doesn’t enjoy this kind of work is maladjusted or poorly organized.

A mother has infinite patience and willingness to sacrifice herself to her children. If she does not put her own needs last, she is an inadequate mother.

A woman’s intense, full-time devotion to mothering is best for her children. Women who work are inferior mothers.

An analysis of three best-selling child-rearing manuals showed that they held mothers primarily responsible for child care, prescribed intensive mothering, and glorified self-sacrifice (Hays, 1996).

The motherhood mystique may be a form of benevolent sexism in which women and men are seen as naturally having different roles and naturally being happy in them. It persists because it has important functions for men (Ibid.). In this aspect, women are encouraged to sacrifice for other parts of their lives for motherhood, which then created economic dependence on men and is used to justify women’s lower status and pay at work. “The social order that elevates men over women is legitimated by women’s devotion to child care, since it takes them out of the running for top-level jobs and political positions and diffuses their consciousness of oppression.” (Lorber, 1993b, p.170)

It may persist also because it is the one area in which western society values of connectedness and caring over individual achievements. But glorifying motherhood and defining it in ways that make many women feel guilty and burdened by it, benefits groups that have the most powerful economically and politically.

The Equal Rights Amendment made the demand to eliminate the inequality on the basis of gender, which means that women should participate in the society equally to men. As American women have been deemed as chattels to their fathers and husbands from the very beginning, it would be never easy for them to get equal treatment or equal rights to men. Women had to fight

fearlessly and tirelessly for the rights automatically gained by men out of their male identity.

Male-dominated society would never allow women to have their right claimed back, just as the forefather John Adams said: "Depend upon it, we know better to repeal our masculine systems" (Levin, 1987, p.87). It is necessary here to clarify the meaning of full equality which the ERA would bring forward. Owing to women's unique biological system, if gender equality was paraphrased as that men and women have the same rights, the struggle of women would be meaningless. Gender equality should be and must be based on acknowledgment of the differences between men and women. The equal rights that women have been struggling for should contain all the rights that men have enjoyed as individuals in society, which include the right to vote and make decision, the same opportunity in workplace and no discrimination, equal pay for equal work and so forth. In a word, gender equality that proponents yearn for is basic human rights of a social citizen.

The females were "taught to regard marriage as the one thing needful, the only avenue of distinction." Consequently, they directed all their energies toward pleasing men by developing those qualities most attractive to potential spouses and downplaying their intelligence, independence and assertiveness.

In the eyes of most Americans, marriage itself was a woman's primary career, so anyone who tried to combine an outward profession with the occupation of mother and housewife received little support. As one executive wrote in the 1920s, "The highest profession a woman can engage in is that of a charming wife and a wise mother." Women's responsibility to society lay in raising virtuous sons (future citizens) and dutiful daughters (future mothers).

It seemed clear that the ERA supporters were attacking the entire spectrum of traditional male and female roles. The activists of ERA deeply offended people who had been raised to believe that existing norms of behavior were not only functional but morally inviolable. To women who had spent a lifetime devoting themselves to the culturally sanctioned roles of homemaker and helpmate, the ERA threatened their family. Such women did not believe that they had wasted their lives or had been duped by malevolent husbands. Many joyfully enjoyed the supportive roles of wife and mother; believe that the family should operate with a sexual division of labor. From their point of view, the Equal Rights Amendment was guilty of contempt toward the majority of American women. So they voted against it.

CONCLUSION

As a result, the future of American civilization hinges on the failure of ERA. The logic is simple and clear, the family depends on clearly demarcated sex roles and responsibilities. It is women's role to think on behalf of the whole family and to serve others in the family. That is what motherhood was all about. There is an old saying, "the hand that rocked the cradle rules the world".

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