

Why the Recent Push for the Equal Rights Amendment Isn't Necessary

If asked about the Equal Rights Amendment (ERA), most people would say it was something that died out in the 1970s. Women were liberated and worked their own way into male-dominated arenas without bothering with the amendment that couldn't become law.

But according to recent reports, interest in resurrecting the ERA is brewing in several parts of the country. Why?

[Renewed interest](#) in passing the [equal rights amendment \(ERA\)](#) isn't based on a need for legal or social protections. Women in America have the same legal rights as men. Although this hasn't always been the case, it's the reality now. This isn't a subjective opinion, for it is confirmed by the Equal Protection Clause in the U.S Constitution and corresponding case law. It's the result of the decades of hard fought battles by [heroic women](#) we should all be grateful for.

[The 14th amendment](#) clearly states,

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[In Reed v. Reed \(1971\)](#), the U.S. Supreme Court ruled unanimously that the dissimilar treatment of men and women was unconstitutional. The Court declared:

To give a mandatory preference to members of either sex over

members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment.

Unsurprisingly, due to fear of losing donor dollars and votes, some partisan organizations have resorted to running [campaigns of misinformation](#) based on denying or trivializing the aforementioned. Many feminist activists will doubtless cringe at the idea of realized equality. They will inevitably bring up gender disparities in society while omitting the [disparities](#) that negatively affect men.

But what these activists will gloss over is the fact that the ERA's current text promises legal protections that are already well established in constitutional law. The implementation of the ERA's current language would do next to nothing to address social (non-legal) disparities often cited by today's women's rights activists. It wouldn't change the social perception of women or mandate their inclusion in non-public entities.

The current push to pass the ERA arguably has nothing to do with legal equality. Opponents to the implementation of the ERA believe the amendment will expand on the federal level what has been done on the state level with similar amendments, namely, the enshrinement of [unlimited taxpayer-funded abortion](#) into the constitution. In their view, renewed interest in the ERA is simply special interest rent-seeking by the abortion lobby.

Proponents of the ERA, on the other hand, appear eager to pursue this course and invalidate the Hyde amendment, which forbids the direct funding of abortion with federal tax dollars.

Undoubtedly, we have to do more to fully integrate women into leadership roles throughout society. This is something we should all work towards by challenging the stereotypes

concerning female leadership. However, it's unclear what the need of the ERA is today given that the standard interpretation of the constitution is highly conducive to continued equality under the law.

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