The Equal Rights Amendment: natural rights arguments and the commonplaces of stock response

Kerrie Sue Elliott
Iowa State University

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The Equal rights amendment: natural rights arguments and the commonplaces of stock response

by

Kerrie Sue Elliott

A thesis submitted to the graduate faculty
in partial fulfillment of the requirements for the degree of
MASTER OF ARTS

Major: English (Rhetoric, Composition, and Professional Communication)

Major Professor: Rebecca E. Burnett

Iowa State University
Ames, Iowa
1996
This is to certify that the Master's thesis of

Kerrie Sue Elliott

has met the requirements of Iowa State University

Signatures have been redacted for privacy
# TABLE OF CONTENTS

**ABSTRACT** ................................................................................................................ iv

**CHAPTER 1. INTRODUCTION** .................................................................................. 1
  - Background ........................................................................................................... 1
  - Purpose .................................................................................................................. 6
  - Previous Research .............................................................................................. 13
  - Sources ............................................................................................................... 17
  - Organization ....................................................................................................... 18

**CHAPTER 2. WOMEN’S SUFFRAGE AND THE 1923 ERA** ..................................... 20
  - The Suffrage Debate: An Overview ................................................................ 20
    - Pro-Suffrage Argument ..................................................................................... 22
    - Anti-Suffrage Argument ................................................................................. 28
      - Theology Commonplaces ............................................................................. 28
      - Biology Commonplaces ............................................................................... 31
      - Sociology Commonplaces .......................................................................... 33
      - Define-and-Divide Commonplaces ................................................................. 36
    - The 1923 ERA Debate: An Overview ............................................................... 40
      - 1923 Pro-ERA Argument .............................................................................. 42
      - 1923 Anti-ERA Argument .......................................................................... 46
        - Biology Commonplaces ............................................................................... 46
        - Sociology Commonplaces ........................................................................... 49
        - Define-and-Divide Commonplaces ............................................................. 52
        - Meaningful and Meaningless Commonplaces ........................................... 57
    - The Interim: An Overview .............................................................................. 63

**CHAPTER 3. THE 1970S ERA** ............................................................................... 66
  - The 1970s ERA: An Overview .......................................................................... 66
  - 1970s Pro-ERA Argument .................................................................................. 72
  - 1970s Anti-ERA Argument .............................................................................. 80
    - Theology Commonplaces ............................................................................. 80
    - Biology Commonplaces ............................................................................... 84
    - Sociology Commonplaces .......................................................................... 88
    - Define-and-Divide Commonplaces ................................................................. 93
    - Meaningful and Meaningless Commonplaces ........................................... 96

**CHAPTER 4. A THEORY OF COMMONPLACES** ................................................. 105
  - The Familiar Plot .............................................................................................. 106
  - The Normative Message .................................................................................. 111
  - Reassurance and Escape ................................................................................ 112
  - Known Information ........................................................................................... 113
  - Deeply Held Beliefs .......................................................................................... 116
  - Immediate Environment .................................................................................. 118
  - Implications and Further Research .................................................................. 120

**BIBLIOGRAPHY** ................................................................................................. 122
ABSTRACT

Rhetorical analysis regarding the persuasive capabilities of anti-ERA argument is not widely available even though some feminist authors have published texts that recount the political reasons why a federal Equal Rights Amendment failed in the United States. Contrary to popular belief, anti-ERA argument did not begin with the effort to ratify an ERA in the 1970s or even with the first effort to pass an ERA in 1923. An outline of the history and pre-history of anti-ERA arguments helps interested scholars identify a set of rhetorical commonplaces that are components of all anti-ERA arguments. The rhetorical commonplaces that comprise all anti-ERA arguments are characteristically emotional appeals, and they utilize familiar plots and normative messages, which reassure voters that voting against an ERA is reasonable and just.
CHAPTER 1
INTRODUCTION

Background

Section 1. Equality of Rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. The amendment shall take effect two years after the date of ratification. (H.J. Res. 21, S.J. Res. 75)

As a politically interested teenager in the latter part of the 1970s, I often wondered why these fifty-two words seemed to cause so much wrangling between political groups and such rancor between otherwise amiable acquaintances. When people were asked about the Equal Rights Amendment, they had an immediate, almost instinctively favorable or unfavorable opinion of the measure. Even the most rational and peaceful of discussions never ended in people really changing their minds or being swayed in the opposite direction. As a passive supporter of the federal and Iowa ERA in the early 1980s, I began to listen with particular interest to the arguments that were unfavorable to the ERA. Anti-ERA arguments, I found, sounded vastly different from pro-ERA arguments. They included a great deal more visceral, value-laden material that appealed to people's deep-seated beliefs about women, society, and the family. I also found that many pro-ERA rhetors clung to lofty ideals such as "simple justice for all," while the rabble tore each other to pieces over ideas like unisex bathrooms and witchcraft. As a brand-new, eighteen-year-old voter in 1982, I watched the anti-ERA, attitude-centered arguments won the political and rhetorical contest, as the extended deadline for full ratification of the federal ERA elapsed without much fanfare. As a pro-ERA activist in 1992, I listened again to the same anti-ERA arguments and the same pro-ERA arguments with the same defeated result for the state ERA in Iowa.

As a new-generation feminist who has experienced the drawbacks of even using "that word" to describe myself, I truly have struggled to understand how anyone in good conscience
could vote *against* equality for women, how any American could *deny* basic human rights to half of the population, and perhaps, most important, how any voter could be persuaded to this action. With my political opinions fully formed toward the left, those elusive yet powerful anti-ERA arguments in my memory took on a partisan cast. And yet, the arguments I hear today against passing an ERA sound much the same as they did when I was a teenager, when I wasn't really sure about what I thought of "equal rights." I hope this final thesis satisfies my curiosity about anti-ERA arguments and contributes helpful ideas to others regarding exactly what anti-ERA arguments are and why they have worked so well. Two rather surprising discoveries in my research should be clear at the outset. First, both pro- and anti-ERA public arguments have, in fact, remained virtually the same over generations. And second, the history of those arguments does not begin with the first ERA debate in 1923, but with the woman suffrage debate that began in 1848.

Of course, to fully understand what anti-ERA arguments are and why they work, it is necessary to also understand pro-ERA arguments. Pro-equality arguments can be called *natural rights* arguments, which were first expressed by Elizabeth Cady Stanton in 1848, and were used in 1923, and the 1970s, to defend passage of a federal ERA. Natural rights arguments flow from a rhetorical position that relies on eighteenth century rationalism, the democratic ideal, and the Aristotelian preference for *logos*. Natural rights arguments characteristically favor logical construction, which is believed to appeal to people's universal ability to reason.

My label of "natural rights" to categorize pro-ERA arguments owes a great deal to Renee Swarts' Ph.D. dissertation, *The Function of Natural Rights Warrants in the Rhetorical Discourse of Women's Suffrage, 1848–1920*. Swarts claims that pro-suffrage arguments contain an ideological core of what one might call natural rights philosophy, which was put forward in eighteenth century Britain by John Locke. Mary Wollstonecraft applied this philosophy to the status of women in 1792 with the publication of *Vindication of the Rights of Woman*. Swarts shows how this ideological core of natural rights philosophy functions in the
lengthy suffrage debate by delineating natural rights warrants in early Americans' arguments for independence from Britain, the suffragists' struggle for personhood and citizenship in the nineteenth century, and finally in the suffragists' successful claim to the right to vote. The fundamental tenet of natural rights philosophy favors individuals, and their rights as God-given and inalienable within a democratic government. I extend Swarts' thesis (though she thoughtfully discusses eighteenth century rationalism in reference to Locke) to include the idea that the arguments that utilize natural rights philosophy are largely rational, logic-centered arguments. In reference to the ERA, these kind of arguments began with suffrage and continue today. Anti-equality arguments can be called *stock response* arguments, which were used by anti-suffrage rhetors in the seventy-five-year struggle for women's right to vote and were also used in 1923, and the 1970s, to stop passage of a federal ERA. Stock response arguments flow from a rhetorical position that relies on information already known, received social and political traditions, deeply held values and belief systems, and a somewhat unconscious preference for *pathos*. Anti-equality arguments characteristically favor an eclectic, creative construction that appeals to emotions and causes people to react in predictable ways, hence the "stock response."

My label for anti-ERA arguments as "stock response" owes a great deal to W. Lance Bennett and Murray Edelman's theory of "stock political narratives," which is outlined in their article, "Toward A New Political Narrative." In this particular article that is part of a larger work entitled *Homo Narrans*, Bennett and Edelman criticize the mass media for presenting new and challenging political problems as "stock political plots" situated within familiar narratives (158). In other words, Bennett and Edelman claim that political events (such as the ERA) often require empirical examination, critical understanding, and semantic analysis for listeners to understand and fully appreciate their meaning, consequences, and even ambiguities and contradictions. Instead of evaluating events critically and taking informed, corrective action toward complex problems, citizens listen passively to familiar, recurring, and stereotypic
stories that replicate "political dramas of the past." These dramas do not move anyone to action. Rather, they reaffirm already-held beliefs and dominant ideologies, allowing citizens to comfortably avoid political change. I extend Bennett and Edelman's thesis to include the idea that the arguments that utilize stock political narratives and plots contain emotional, pathos-centered commonplaces. In reference to the ERA, such arguments began with suffrage and continue today.

Generally, arguments that employ emotional appeals are thought to be wrongheaded and unfair in public debate—especially if those appeals manipulate emotions that are prejudicial. For example, when Governor Pete Wilson of California ran for re-election, he was taken to task for his arguments that appealed to his constituents' hostility about rising unemployment rates. Rather than face the ire of voters directly, Wilson tacitly connected illegal immigration to the rate of unemployment in his state. Wilson's opponent, some political commentators, several newspaper editors, and a few voters immediately voiced their distaste for Wilson's socially volatile arguments. Similarly, in his presidential campaign, former President George Bush argued that his opponent, Michael Dukakis, was a liberal extremist. As proof of Dukakis' liberalism, Bush referenced the story of a convicted, repeat criminal offender who was furloughed under Dukakis' leadership as governor of Massachusetts. This criminal offender's name was William Horton, and as his omnipresent mug-shot image showed, Horton was African-American. Perhaps this was an unintended coincidence, but many Democrats and political pundits maintained that Bush was unfairly appealing to the fears of Americans regarding crime, as well as unfairly appealing to some Americans' anti-Black sentiments.

Even if emotional arguments do not appeal to ugly aspects of human feelings and beliefs such as scapegoating and racism, emotional arguments are typically considered less competent than logical arguments, probably because the history of rhetoric tends to favor reasoned appeals. In classical rhetoric, Sophists were often summarily disregarded for their
suggestion that one can use other forms of argument beyond the scientific method or inductive and deductive reasoning. Plato was arguably the harshest critic of the Sophists and of arguments that did employ logic and reasoned appeals. Aristotle also had an unswerving preference for *logos* and held a generally negative view of emotional appeals. Like certain political critics of this century, Aristotle felt that emotional appeals should be subordinated, if used at all, in a given debate.

Appeals to the feelings are beside the proper subject, the real question, the direct issue, which is the fact and the proof of it; and directed to the judge, intended to bias and pervert his judgment, to incline him to our side in the contest, and so to have the effect of a secondary or indirect kind of proof of the justice of our case. (Cope 7)

What might bewilder staunchly "logical" rhetors today, is the fact that President Bush won his bid for President of the United States and Pete Wilson won re-election as Governor of California. Wilson, in fact, became popular enough to seek nomination for the presidency, and Californians are currently debating anti-immigration legislation. An odd set of circumstances appears to be at work here. While emotional appeals are widely viewed as base and somewhat disreputable, something about them appears to work.

This odd set of circumstances describes exactly the situation with the Equal Rights Amendment debate. Anti-ERA rhetors have unabashedly—and successfully—used emotional appeals to stop passage of the ERA. Historically, pro-ERA rhetors have faithfully employed traditional, logical appeals, and any of their rebuttals toward particular anti-ERA argument simply censures them as "lies" and "lists of horribles." Beyond this lament, however, pro-ERA rhetors have not seriously addressed the fact that anti-ERA arguments—as they have been used for generations—work. By describing anti-ERA claims as lies and horribles, they effectively discount them and fail to recognize, analyze, and therefore understand their opposition. While pro-ERA rhetors are just as committed to their cause as any other interest group, they have dangerously, and perhaps naively, overlooked the oppositions' style of argument as valid.
Purpose

The purpose of this thesis is twofold: (1) to initiate serious analysis into the body of anti-ERA argument. To achieve this purpose, I trace the historical beginning and progression of the ERA and its pro and anti arguments. (2) To suggest a preliminary theory as to why anti-ERA arguments have been successfully persuasive. To achieve this purpose, I suggest a theory of commonplaces. My theory of commonplaces, as they appear in anti-ERA argument, owes its genesis to four primary works. The term "commonplaces" itself is my own label that takes some of Aristotle's ideas from *Rhetoric* and some of Cicero's ideas from *De Invention*. The theoretical bedrock of the commonplaces owes a great deal to Bennett and Edelman's thesis. The beginning terms of the commonplaces themselves, which I have expanded, come directly from Aileen Kraditor's book *The Ideas of the Woman Suffrage Movement, 1890-1920*. It is not my purpose to promote the ERA or to proffer any additional arguments as to why the ERA should be passed. Though I do believe that the ERA should be passed, I have attempted here to present a balanced view of the two styles of argument in the debate. My commentary about each side's style of argument and choices of the argument excerpts reflect this balance.

In an effort to achieve my first purpose, to trace the history and progression of the ERA and its pro and anti arguments, I begin with woman suffrage as the official starting point of the ERA. Before the long campaign for female voting rights began, women (and a few men) of the nineteenth century were calling for what was then called the "emancipation of women." The battle for the right to vote actually started as an offshoot of equal rights activism. Elizabeth Cady Stanton's *Declaration of Sentiments and Resolutions* is usually cited as the rhetorical beginning of the woman suffrage effort in the United States, and an excerpt of this declaration clearly reveals that Stanton initially asked for much more than the right to vote.

The history of mankind is a history of repeated injustices and usurpations on the part of man toward woman...in view of this entire disenfranchisement of one-half the people in this country...and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we
insist that they have immediate admission to all rights and privileges which belong to them as Citizens of the United States. (Campbell 68)

Although pro-equality rhetors of the early suffrage years publicly articulated their desire for full equality of rights, the actual campaign for this ideal was pared down to focus on the right of suffrage. The earliest feminists placed great faith in this power; reasoning, as they must have, that if women could secure the right to vote, female political influence would surely increase and full civil rights would eventually follow. We know, of course, that this theory was not realized in Stanton's lifetime.

In an effort to achieve my second purpose, to suggest a theory of commonplaces to explain the persuasive power of anti-equality arguments, I begin with Aristotle and Cicero as the first rhetoricians to theorize those ideas which can be called common to all argument. In Rhetoric, Aristotle posits that rhetoric is an art—an art of observing and discovering how one can persuade an audience on a given topic. The scope of this art is any subject that can be discussed. Given this inclusive scope, Aristotle divides rhetorical proofs (or means of persuasion) into artistic proofs and inartistic proofs. Inartistic proofs consist of raw data that must be interpreted by the rhetor, and artistic proofs are invented by the rhetor's imagination and skill. Artistic proofs, then, are further divided into ethos, the speaker's character or ethics; pathos, the audience's emotional state and personal/internal availability to pathetic appeals; and logos, the actual arguments that support the rhetor's position. Aristotle also describes instruments of proof, which are enthymeme and example.

Aristotle explains enthymeme as an argument consisting of syllogism (a deductive argument with a major premise, a minor premise and a conclusion), where one of the premises is understood by the audience, rather than stated, as true. For example man is physically different from woman (the known, major premise), Jack is a man and Jill is a woman (minor premise) Jack is physically different from Jill (conclusion).

By example, Aristotle explains that an argument can be furthered by the use of past facts, future facts, or facts created by the orator such as fables and illustrations. To prove the
existence of sexism, for instance, an orator can recall past facts and, therefore, suggest future facts of female oppression. To enable women to understand sexism, an orator can create scenarios or stories (or consciousness-raising events) that illustrate the manifest forms of sexism.

Having explained the uses and nature of enthymeme (which employs deductive reasoning) and example (which employs inductive reasoning) as instruments of proof, Aristotle further divides enthymeme. The divisions of enthymeme are *common topics* and *specialized topics*. Common topics, which are also known as *koinoi topoi*, are those things that are common to all subjects. Specialized topics, like inartistic proofs, are common only to specialized fields, such as the natural sciences. Common topics, then, are further divided into the possible and the impossible and size.

By **possible and impossible**, Aristotle refers to attempts to prove that an event happened, or will happen; and as such, if it is possible for one of a pair of contraries to happen, then it is possible for the other. And, if it is possible for one of two similarities to happen, then it is also possible for the other (*Rhetoric* Book II). For example, if *war* is possible, then an argument can be made for *peace* as possible. If *peace* is possible, then an argument can be made for *reconciliation* as possible.

By **size**, Aristotle refers to attempts to prove that a thing or instance is bigger or smaller than it might otherwise appear. For example, the virtues of a constitutional amendment can be argued to be bigger than they seem, and the drawbacks of a constitutional amendment can be argued to be smaller than they seem.

Because Aristotle's *rhetorical proofs* and *instruments of proof* contain many divisions and definitions, it is helpful to view his levels of proofs in diagram form. (See Figure 1.)
Although Aristotle's enthymeme, example, size and possible and impossible, exist on different levels as instruments of proof, for purposes of this paper I have included each of these levels under the single heading of "commonplaces."

Cicero defines commonplaces as "hints" for persuasive arguments to be "fixed in the mind and the memory and called forth on every subject to be discussed."

We now see that it is by no means sufficient to find out what to say, unless we can handle it skillfully when we have found it. This treatment ought to be diversified, that he who listens may neither discover any artifice, nor be tired and satiated with uniformity. Whatever you advance should be laid down as a proposition, and you should show why it is so; and, from these same premises, you should sometimes form a conclusion, and sometimes leave it to be formed by the hearer, and make a transition to something else. Frequently, however, you need make no proposition, but show, by the reasoning which you shall use, what proposition might have been made. If you produce a comparison to any thing, you should first confirm what you offer as a comparison, and then apply to it the point in question. In general, you should shade the distinctive points of your arguments so that none of your hearers may count them; and that, while they appear clear as to matter, they may seem blended in your mode of speaking on them. (131)

My definition of commonplaces owes much to Aristotle and Cicero. Definitions and examples of their ideas referenced here are by no means comprehensive. It does appear, however, that both Aristotle and Cicero advanced ways in which a rhetor might make logical...
arguments more persuasive. By introducing a theory of commonplaces for anti-ERA arguments, I suggest that certain emotional arguments also have a set of things or instances that are common. Certainly emotional arguments can employ possibility, size, example, enthymeme, propositions, comparisons, and conclusions even though these commonplaces are typical of rational arguments that appeal to reason.

I contend that in the instance of anti-ERA arguments, a different set of *emotional* commonplaces is at work, which makes the whole of anti-ERA argument persuasive. Anti-ERA arguments do not ignore reasoned appeals, but they largely employ arguments that call up powerful human emotions, values, beliefs, and sociological traditions that listeners already own. Therefore, the response that is elicited by anti-ERA commonplaces is predictable—no new information is necessarily referenced. Instead, old, familiar thoughts and feelings are restated and replayed, and, perhaps most important, reaffirmed. This idea of appealing to powerful emotions by reaffirming thoughts that we already have is at the heart of stock response arguments.

As it applies to anti-ERA arguments, stock response has three primary characteristics. Each of these characteristics can be understood more clearly by directly referencing parts of Bennett and Edelman's thesis.

In the first anti-ERA stock response characteristic, the arguments directly utilize or subtly suggest information already known.

First, many narratives accomplish a sense of realism by introducing selective documentation that supports a particular plot and that discourages the recognition of other plot possibilities in a situation. Second, in conjunction with selective documentation, the storyteller often introduces only fragmentary plot outlines. When audiences know the standard plots well enough, they gain satisfaction and belief from the process of projecting the completion of a story on to the fragmentary plot structure provided by the narrator. (163)

In the second anti-ERA, stock response characteristic, the arguments appeal to deeply held beliefs, values, or even prejudices.

Where stock political narratives display and reinforce the morals and beliefs of the normative order, reality seems perfectly objective because it has been
transformed into idealized empirical and moral terms...When plot fragments evoke familiar beliefs and values, the psychological inclination is to regard selected documentary detail as "facts" that authenticate the story...It would be easy to leap from sketchy details to a conclusion...For those who leap to it, this conclusion requires no more facts to support it, suggesting that it is compelling primarily due to its comforting normative message. (166)

In the third anti-ERA, stock response characteristic, the arguments reassure audience members of their current beliefs or thoughts, often at the expense of critical analysis.

It is possible for cultures to cling firmly to understandings of their environments even when those understandings are poorly suited to critical inquiry, learning, and change...Information that doesn't fit the symbolic mold can be ignored, denied, or rationalized out of serious consideration. When a ruling group promotes its cherished ideals at the expense of critical evaluations of the actions taken in the name of those ideals, the telling of familiar tales becomes a comforting fantasy-escape from the otherwise unpleasant contradictions of life experience...Fears or hopes are constantly being created, allayed or reinforced. (158–160)

These characteristics immediately bring to mind three important questions:

(1) What familiar "plot" is being referenced in anti-ERA stock response argument?

(2) What belief is being appealed to—or what "normative message" is being communicated within the anti-ERA commonplaces?

(3) How do stock response commonplaces reassure audiences and allow them to "fantasy-escape" unpleasantness or change?

These three questions are central to this thesis because their answers reveal what anti-ERA arguments really are. In attempting to answer these questions, we can begin the process of dismantling the emotional packaging of anti-ERA arguments. More vitally, we can begin to examine—in full and unadorned view—the core beliefs that serve the anti-ERA political position so well. These questions have guided my research and allowed me to approach the ideas that formed in my mind in the 1970s—of how it came to be that voters in good conscience cast their ballots against equality for women; and, of how it happened that Americans were persuaded to deny basic human rights to half the population. On a less personal note, answering these three questions addresses the academic purpose of this thesis—
to initiate serious analysis into the body of anti-ERA arguments and to suggest a preliminary theory as to why anti-era arguments have been successfully persuasive.

I believe it is important to discover what anti-ERA arguments "really are" because these hidden core beliefs are not the kind of ideas that most people readily admit to. They can be shockingly prejudicial and misogynistic when exposed. The packaging is no doubt skillful in the rhetorical arts, but in the case of the Equal Rights Amendment no, "common good" is served by this decoration of ideas. The ideas are, in fact, prevented from view and full understanding rather than explained for the edification of all. Aristotle and Cicero's brand of logical commonplaces were meant to serve this purpose of edification; by contrast, anti-ERA emotional commonplaces are intended to cover up and decorate what would otherwise appear as ugly and dishonorable. Nevertheless, anti-ERA emotional commonplaces are powerful and difficult to crack, and it is for this reason that I have chosen to present an historical overview of anti-ERA rhetoric beginning with suffrage. It is true that anti-suffrage and anti-ERA arguments are inextricably connected and replayed through our nation's history. It is important to know this, but it is equally important to know that the legacy of these arguments belie the packaging and decoration; they uncover for us what anti-ERA arguments are.

My framework of the anti-ERA commonplaces owes a great deal to Aileen Kraditor and her 1965 book, *The Ideas of the Woman Suffrage Movement, 1890-1920*. Kraditor presents an analytical framework that allows scholars of politics and women's history to understand woman suffrage as a social movement and to identify the components of pro- and anti-suffrage arguments. Kraditor's framework of anti-suffrage arguments consists of three categories: (1) theological, (2) biological, and (3) sociological commonplaces. To form the complete set of anti-ERA, stock response, emotional-argument commonplaces—which we know include suffrage—I have added (4) define-and-divide commonplaces and (5) meaningful and meaningless commonplaces.\(^1\)

\(^1\) The fifth category, "meaningful and meaningless" commonplaces, deals specifically with the Equal Rights Amendment and the perceived danger or folly in adding an equality amendment to the constitution. For this
• **Theological commonplaces** are rhetorical positions that are based on the belief that God ordained man and woman to be different creatures with different duties in the world.

• **Biological commonplaces** are rhetorical positions that are based on the belief that man and woman are physically, emotionally, and intellectually distinct.

• **Sociological commonplaces** are rhetorical positions that are based on the belief that the future of society depends on maintaining the family and the sex roles inherent in traditional family functioning.

• **Define-and-divide commonplaces** are rhetorical positions that are based on the "difference" definition of men and women, and that some unnatural women do not fit the definition of woman that has been biologically and theologically determined for them.

• **Meaningful and Meaningless commonplaces** are rhetorical positions that are based on the belief that the ERA itself is either dangerous or obsolete, depending on which of these premises is being advanced.

**Previous Research**

As the above explanation of my theory of commonplaces shows, themes and key terms within this thesis draw from several areas of research even though previous research in rhetoric and women's equality issues does exist. Karlyn Kohrs Campbell has done a considerable amount to write women into the rhetorical canon. In addition to writing textbooks in rhetorical criticism, Campbell published a two-volume work, *Man Cannot Speak For Her* (1989), which references arguments for woman's equality in one volume and provides critical analysis of those arguments in the other. Most of the arguments Campbell has compiled are speeches by reason, meaningful and meaningless commonplaces do not appear in the suffrage debate. They do appear, however, in the 1923 and 1970 ERA debates, and this category of commonplaces will be referenced at these points in the paper.
Elizabeth Cady Stanton, Susan B. Anthony, Matilda Joslyn Gage, Lucretia Coffin Mott, and their contemporaries who argued for woman suffrage. My research builds on Campbell's work to include the ERA debate, as well as the suffrage debate, as rhetorical acts.

Orations and political essays by such women as Stanton, Anthony, and Gage are certainly worth preserving. Their arguments for women's equality are brilliantly articulate, well-crafted, and powerful. Unfortunately, few students of rhetoric encounter these works. Campbell's 1993 volume of female argument, *Women Public Speakers in the United States* (two volumes) make discourse by more women available. With this work, Campbell expertly combined original work of female rhetors with biographical matter and criticism from respected experts. She took pains to include material by women of varying political, social, and economic backgrounds. This compilation of female rhetoric is also an invaluable sourcebook for finding and understanding pro-equality arguments. Finding equally thoughtful work on anti-equality arguments however, is less easy. By mining the notes and bibliographies of Sara Evans' *Born for Liberty: A History of Women in America*, Flora Davis' *Moving the Mountain: The Women's Movement in America Since 1960*, and Loretta Blahna's "The Rhetoric of the Equal Rights Amendment," I was able to find some beginning sources for archival research into anti-suffrage and anti-ERA argument. Though history does not regard anti-suffrage or anti-ERA rhetors as heroines on the level of Elizabeth Cady Stanton and Susan B. Anthony, these faceless anti-equality rhetors are nonetheless important participants in the dialogue of equal rights. I hope to shed light on the importance of understanding the actors and the action of anti-equality rhetoric as much as we seek to preserve and understand pro-equality rhetoric.

Most of the archival anti-suffrage arguments I reference in this thesis are available in popular "ladies" magazines of the late nineteenth and early twentieth centuries, such as the *Ladies Home Journal* and *Good Housekeeping*. Other anti-suffrage arguments are available in more overtly political publications of the time such as *Atlantic Monthly*, *Harpers*, *Sewanee Review*, *The Nation*, and *The Woman Citizen*. The forum for the suffrage debate was largely
held in these popular publications because suffrage was largely a popular contest. The woman suffrage campaign, or the "woman question" as it was sometimes called, was a major cultural event that held the attention of nearly all Americans at the time.

The archival anti-ERA arguments of the 1923 debate were of much the same character. Popular women's and political magazines continued to wrestle with the issue of equal rights after suffrage was won, though fewer rhetors engaged in this debate. An important addition to the archival research in this campaign is the magazine *Equal Rights*, which was the political organ of the founders of the ERA, the National Woman Party. *Equal Rights* was an indispensable aid in uncovering the arguments of the 1923 ERA debate; the magazine not only published pro-ERA arguments, it also reprinted selected anti-ERA arguments with rebuttals.

The ERA debate of the 1970s includes some other sources in addition to archival works. With the rise of feminism and women's studies programs at universities across the nation, pro-ERA arguments of this decade include essays by academics as well as short articles by everyday citizens. Because of this development, feminist and women's studies anthologies were helpful toward uncovering pro-ERA argument. However, the anti-ERA arguments of this era were mostly nonacademic. My search for anti-ERA arguments yielded brochures, fliers, and other ephemera produced by anti-ERA organizations such as the Eagle Forum, Concerned Women of America, Stop ERA, Daughters of the American Revolution, and Citizens for Family Life. National magazines such as *Policy Review* included some anti-ERA arguments; and anti-ERA rhetors of this decade occasionally published books, as was the case with Sam Ervin's *Preserving the Constitution* (1984) and Phyllis Schlafly's *The Power of the Positive Woman* (1977). I also found campaign ephemera in favor of the ERA, which was produced at this time almost exclusively by the National Organization for Women.

In the area of rhetoric and politics, Kathleen Hall Jamieson has contributed a considerable amount of work. In the style of Bennett and Edelman, Jamieson focuses on the media's role as intermediary in the dialogue of politician and voter, and, perhaps more
important, in the dialogue of invisible campaign consultant and voter. Jamieson's 1992 book, *Dirty Politics: Deception, Distraction, and Democracy* (which she dedicates to Murray Edelman), attempts to show how the conventional genres of campaign ads, news reports, candidate speeches, and party platforms are reconfigured and reduced into a single genre of media messages. For Jamieson, the campaign, rather than a particular side of the contest, is the rhetorical act. Jamieson's other books, *Packaging the Presidency: A History and Criticism of Presidential Campaign Advertising* (2nd Ed. 1992) and *Presidential Debates: The Challenges of Creating an Informed Electorate* (1988) reveal that Jamieson is primarily concerned with preserving and understanding presidential campaigns. Jamieson's work, however, informs discussion regarding anti-ERA argument because she posits that most presidential campaign rhetoric, like anti-ERA argument, employs emotional arguments that tend to produce only superficial images of the candidates. These superficial images of the candidates, then, do not necessarily inform the electorate of important public policy issues; rather, they package and dress up age-old core beliefs, values, and prejudices of the past through cookie-cutter descriptions of who the candidates are and what stand for. Additional Jamieson works, *Eloquence in the Electronic Age* (1988) and *Interplay of Influence: Mass Media and Their Publics In News, Advertising, and Politics* (2nd Ed. 1988) detail how television and news as a political/rhetorical genre greatly aid this kind of packaging and decoration of entrenched, partisan beliefs.

My research departs from Jamieson's work in that the scope of this thesis requires that I focus exclusively on print media—which does not necessarily have a reductionist intermediary—as the avenue for communicating pro- and anti-ERA arguments. I hope my research sheds some light on the importance of including proposed constitutional amendments (such as the ERA, the Victim's Rights Amendment, the Balanced Budget Amendment, and Congressional Term Limits), along with presidential campaigns, as rhetorical acts alone—and as rhetorical acts that are equally susceptible to the reductionist needs of electronic media.
Additionally, I hope my research sheds some light on the importance of including and preserving print campaign materials such as organizational ephemera, position papers, and campaign fact and action guidebooks as avenues for communicating political arguments. I will go out on a limb and further suggest that these printed sources of political arguments, unlike their electronic counterparts, are less disposed to reductionist and deceptive interpretation.

Sources

Sources closer to treating the ERA campaign as a rhetorical act are: Jane Mansbridge's *Why We Lost the ERA* (1986), Donald G. Mathews and Jane Sherron DeHarts' *Sex, Gender and the Politics of the ERA*, (1990), Joan Hoff Wilson's *Rights of Passage: The Past and Future of the ERA* (1986), and to a lesser extent, Frances Berry's *Why The ERA Failed: Politics, Woman's Rights, and the Amending Process of the Constitution* (1986). All of these sources were indispensable for understanding the foundations of pro-ERA arguments and the political, social, and even economic reasons why the 1970s federal ERA was not ratified. However, these sources did not analyze in any rhetorical depth (and to be fair this was not their intent) exactly what the whole of anti-ERA arguments are and how they might be concretely known as one-half of the rhetoric in the ERA public debate. As my first purpose states, I offer some suggestions toward the goal of serious analysis into the body of anti-ERA argument.

The bulk of my sources for actual pro- and anti-ERA arguments are archival. The arguments for and against suffrage, and, additionally for and against the 1923 ERA, are exclusively archival. The arguments for and against the 1970s ERA, however, rely to a lesser extent on archival artifacts. Feminist and women's studies anthologies were helpful toward uncovering the pro-ERA arguments of this era. There are several useful anthologies and

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2 During the course of my research, I discovered that although the federal government is required to record and publish congressional debate, which is made available to citizens through *The Congressional Quarterly*. State and local governments are no longer required to record and publish their Congressional action. Iowa, in fact, is one such state that no longer records and publishes its House and Senate debates. As a result, historical researchers have lost access to accurate, full-text, printed dialogue in the Iowa House and Senate.
compilations: *Feminism in Our Time*, edited by Miriam Schnier (1994); *Feminist Frameworks*, edited by Alison M. Jaggar and Paula Rothenberg Struhl (1978); *Sex Equality*, edited by Jane English (1977); and *The Other Half: Roads to Women's Equality* (1971). These anthologies, however, did not provide a comprehensive picture of pro-ERA arguments of the 1970s, so I also used some 1970s campaign materials preserved at the Iowa Women's Archive at the University of Iowa.

I also rely to a lesser extent on archival materials for the 1970s anti-ERA arguments. Schlafly's and Ervin's books have already been mentioned; in addition to these works I used Steven Goldberg's essay "The Inevitability of Patriarchy" in *Feminist Frameworks*, and Lionel Tiger's essay, "The Possible Biological Origins of Sexual Discrimination" in *The Other Half: Roads to Women's Equality*. These arguments were presented in these feminist anthologies not as specific anti-ERA arguments (as I use them), but as rhetorical proof and historical documentation of the roots of female oppression, an exercise that was popular in the 1960s and 1970s.

As my use of feminist anthologies as sources illustrates, some works in women's studies are relevant toward my purpose of understanding anti-ERA arguments. Any women's studies sources that informed my content decisions, but that are not directly quoted, are contained within my bibliography and will be footnoted throughout the paper.

**Organization**

Chapters 2 and 3 consist of the pro- and anti-equality arguments themselves. Chapter 2 explores the suffrage contest and the ERA debate of 1923. Chapter 3 explores the ERA debate of the 1970s. The 1970s ERA debate has been given an entire chapter because the era of the late 1960s through the 1970s was one of much discussion regarding equality for women and because the ratification process for the 1970 ERA, and hence pro- and anti-ERA arguments, lasted until 1982. The pro- and anti-equality arguments excerpted in these chapters are
primarily non-legislative arguments advanced by the voting public in popular forums. The two notable exceptions to this general rule of using non-legislative, public argument are the arguments advanced by Senator Sam Ervin (D–North Carolina) and the Senate Judiciary testimony of The Feminists (an official name). Senator Ervin's arguments are included because he was especially vocal in his opposition to the ERA outside the Senate. Having written extensively on the issue, anti-ERA rhetors of the 1970s often co-opted Ervin's arguments and relied on his perceived expertise as additional persuasive ammunition. I include testimony of The Feminists because their views, as radical feminists, were not widely published in traditional texts. The views of radical feminists were often referenced by anti-ERA rhetors as representative of the entire pro-ERA side in the non-legislative, public debate. To shed light on each of the three campaigns, I provide a brief legislative and historical overview of the measure's progress before the actual arguments are excerpted.

Chapter 4 details the anti-ERA commonplaces. First, I reference, through commentary and examples, the characteristics of stock response outlined in this chapter. Second, I answer the questions that these characteristics raise. I outline the familiar plot of anti-ERA rhetoric, provide a framework of normative messages within anti-ERA rhetoric, and last, I suggest reasons why commonplaces appear to reassure the voting public. I conclude by suggesting a few implications of my analysis and suggest some further areas of research.
The Suffrage Debate: An Overview

As I mentioned in Chapter 1, the Seneca Falls Convention and its resultant document, Declaration of Sentiments and Resolutions, are usually referenced as the political and rhetorical beginnings of the suffrage movement in the United States. As the primary organizer of the convention and the primary author of the declaration, Elizabeth Cady Stanton appears to be politically well ahead of her time because we know it wasn't "all rights and privileges" that women eventually asked for or eventually won. Even the idea of female voting rights was not well received in Stanton's time; thirty years passed after her now-famous declaration before the Senate of the United States agreed to committee hearings on a suffrage amendment. In 1878, the suffrage amendment, written and introduced to the Senate by Stanton's friend Susan B. Anthony, stated, "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" (US Const., Art XIX, § 1). Senate committee hearings on the measure continued for eleven more years; in 1887, the Senate voted on the amendment. It was defeated by a margin of more than two to one.

Faced with such a defeat, suffragists turned to a strategy that shows up again in the struggle to ratify an ERA: approving the amendment at the state level, with the hope that if enough states pass the measure, renewed pressure could be applied at the federal level. It is also necessary when adopting an amendment to the Constitution that three-fourths of the states approve the amendment in addition to a two-thirds majority in the House and Senate, so a state by state strategy made sense when the federal road to ratification was at a dead end. In 1887, the push for more states yielded some victories, as Colorado (headed by Carrie Chapman Catt), Utah, Idaho, Washington, California, Oregon, Arizona, Kansas, and Illinois all passed the amendment by 1913. This process of state-by-state ratification lasted some twenty years, however, and that took a toll on activists and on funding. Due in part to this exhausted state of the campaign, a new, more militant policy emerged, which was headed by Alice Paul, a
dedicated activist who had fought bitter battles in England over the right of women to vote in that country.

The snail's pace of progress on the amendment was not lost on Paul, who reasoned that the time had come in America for another, more forceful attempt at federal ratification. Her organization, the Congressional Union for Women Suffrage (CUWS), focused on influencing Congress and President Wilson by whatever means necessary. Alice Paul became known for what were then seen as militant tactics, which included impromptu visits to the White House, letter campaigns, and delegations that kept pressure on leaders with numerous petitions and telegrams. The National American Women's Suffrage Association (NAWSA), which was the legacy of Stanton and Anthony, was by this time headed by Catt, who (along with Stanton and Anthony) disagreed with Paul's tactics and believed that keeping in the good graces of Congress and avoiding controversy were better methods to promote the suffrage amendment. Eventually the two groups split completely, working for the same end using different and sometimes opposing means.

For the next six years, each group lobbied for the amendment using its own strategies. Alice Paul and fellow CUWS members initiated a campaign to stand at the White House gate until President Wilson decided to support the amendment; Carrie Chapman Catt and fellow NAWSA members continued their campaign for the amendment at the state level. In hindsight, both strategies were necessary to gather enough support to pass the amendment. Paul's picketing campaign exploded into violence with the onset of WW I, and illegal arrest and mistreatment in prison followed for the members of CUWS. The violence, coupled with Paul's and others' hunger strikes in prison, grabbed the country's attention and the public outcry that resulted from reports of the women's mistreatment in prison eventually forced President Wilson to support the amendment. In the meantime, Catt's group, by distancing themselves from the CUWS, remained friendly with President Wilson and quietly continued their state-by-state campaign. Nine more states ratified the amendment before 1918.
With Wilson's backing, the amendment passed with an exact two-thirds majority in the House on January 10, 1918. The Democrat-controlled Senate, however, took the position that the amendment should be ratified by all the states before federal passage was achieved, and that body twice defeated the amendment later that year and in early 1919. Still, the NAWSA had won fourteen states for ratification by 1919, and newly elected Congressmen from amended states successfully pressured the Senate to pass the amendment on June 4 of that year. Thirty-six states were needed to pass the amendment for full ratification. Finally, after numerous public speeches by Wilson and a special legislative session that involved a supreme court ruling, Tennessee passed the amendment. Women's right to vote was secured on August 26, 1920.

**Pro-Suffrage Argument**

Earliest pro-suffrage rhetors based their arguments on the generalization that men and women are very much the same, and therefore, deserve equal rights (Davis 29-30). Mary Wollstonecraft was perhaps the first female rhetor to publish her ideas on women and equality with her 1792 treatise *Vindication of the Rights of Woman*, which argued that all human beings, both male and female, have natural, God-given rights that are not contingent on human laws or governments. This idea of rights for all endowed by the Creator is a basic tenet of natural rights philosophy, a scholarly tradition of socio-political theory that pro-suffrage rhetors used extensively.3

Natural rights philosophy has a history that predates the women's suffrage movement and even Wollstonecraft's *Vindication*. Statements that assert the sovereignty of the individual are clearly outlined in John Locke's *Two Treatises on Government*, which is believed to have heavily influenced Thomas Jefferson's writing of the *Declaration of Independence* (Swarts 55-58).

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Elizabeth Cady Stanton and other early suffragists applied Locke's views and Jefferson's Declaration in their essays and oratory dealing with the extension of suffrage to women. Locke's notion of natural rights presumes the pre-existence of a "state of nature" before governments are formed by people. In this state of nature, all creatures are born and endowed by God with the inalienable right to protect themselves, their freedom, and the possessions they acquire. Once a government is formed, individuals are granted a voice in the government's management of their rights and the rights of their neighbors so the greater good of the community might be served. People, in this natural order, are rational and able to use their reason to create governments and laws that are in harmony with the more perfect state of nature (Locke 285–295). The wording of the American Declaration of Independence directly mirrors this Lockean philosophy of God-given rights, consent of the governed, and rational people's ability to rule themselves.

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; that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it. (JCC vol. V, 510–515)

From this position and the natural rights philosophy inherent in it, pro-suffrage rhetors argued for three propositions: (1) women (implied by the generic, nonliteral pronoun "men") have the right to life, freedom, and equality that is given to them by God; (2) women have not consented, and have, without the franchise, no avenue of consent to the powers that govern them; and (3) women are rationally capable and have the right (if not the duty) to alter this form of government that is destructive to their inalienable rights as human beings.

The pro-suffrage position can be adequately summarized by pointing out the natural rights assumptions and rhetorical premises suffragists employed. Like Locke, Stanton and her contemporaries presumed that a state of nature existed before a state of government and that individuals indeed have inalienable rights in that state of nature. Second, they asserted that God
endowed individuals with inalienable rights so that they might fulfill their life's destiny, which was designed by God. As such, individuals are seen as unique, valuable, and singularly responsible for themselves. Suffragists assumed that from birth to death, the only person that could represent oneself was oneself—that the right of self-representation cannot in truth be willed away or taken away. Individuals, in fact, by virtue of their singular, self-protecting perspective, can only make choices for themselves; they cannot make choices in the interest of another.

Suffragists also subscribed to the assumption that rights by nature exist in a realm above rights by law—that rights conferred in a state of nature transcend and supersede rights conferred in a state of government. Because natural rights are conferred on human beings by God, they are also sacred, and the "good of the community" could never really be served as long as any individual's sacred rights are ignored or violated. As to the realm of government, the usurpation of any individual's right to sovereignty and self-representation constitute tyranny. (Anti-suffrage men did not disagree with these tenets of the Declaration; they simply saw themselves alone as the community.)

Pro-suffrage rhetors also employed natural rights arguments that compared the condition of disenfranchised American women to that of the British subject. First, in accordance with Lockean natural rights philosophy, suffragists presumed that individuals are designated as members of the human race before and above their designation as members of a male or female "class," and that equality is a natural condition of being human. Limiting an individual's right to consent in government based on the gender class to which they belong creates an aristocracy. Further, limiting an individual's right to consent in government based on the class criterion of sex creates a rank of nobility, since one's sex is decided at birth (Swarts 157-160).

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4 See Elizabeth Cady Stanton's "Solitude of the Self" for her arguments about the unique and responsible individual.
The natural rights assumption that suffragists particularly identified with was the idea that the consent of the governed was necessary for a government's powers to be just. Consent as a requirement, they reasoned, is a condition of the state of nature, not of the state of government. Every individual, therefore, is entitled to citizenship in a created state and in a created nation based on natural rights. Suffragists also asserted that citizenship is secured for every individual based on the United States government's own documents, which state as a self-evident truth that a government derives its just powers from the consent of the governed. To this assertion they also enlisted the fourteenth amendment, which reads, in part, "All persons born or naturalized in the United States, and subject to the jurisdictions thereof, are citizens of the United states and of the state wherein they reside" (US Const, Art XIV, § 1). Suffragists maintained that consent in government is realized through suffrage, that consent in government is the active definition of citizenship, and that consentors in government are citizens and voters.

Elizabeth Cady Stanton and other suffragists asserted that the documents that signified the founding of the American government were made a lie if women were to be denied status as persons, citizens, and voters. To demonstrate this point rhetorically, Stanton and other suffrage leaders—Mary Ann McClintock, Lucretia Coffin Mott, and Martha Coffin Wright—authored their own version of the Declaration of Independence, entitled the Declaration of Sentiments and Resolutions.

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; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive to these ends, it is the right of those who suffer from it to refuse allegiance to it...Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes...But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their duty to throw off such government and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled. (Campbell 34)
Although natural rights arguments are thoughtful and persuasive, the struggle for woman's suffrage dragged on for seventy-five years. Beyond the persuasive power of anti-suffrage argument, one possible reason for the ponderous pace of progress of suffrage rights may have had to do with one particularly tenacious American belief that still exists today—what I call the "cult of the spheres." The cult of the spheres supports the idea of separate spheres for man and woman. In this view, man's sphere is public. His activities involve work that is outside the home, such as commerce, law and politics, and so on. Woman's sphere is private. Her activities involve work inside the home such as rearing children, cooking, housekeeping, and maintaining family harmony. Man's public sphere was thought to be amoral and corrupting, and one in which the ugly underside of capitalism and politics was an unfortunate but necessary element of a wealthy nation and a financially secure family. Woman's private sphere was thought to be moral and nurturing, and one in which husbands and children were nourished and replenished from the hassles and temptations of life outside the home. Given this set of beliefs, equal rights for women, and even equal suffrage, was controversial, for it required women to venture out of their sphere into the unseemly quagmire of politics and public life (Evans 68-70).

5 Other rhetorical critics and feminist scholars such as Sara Evans and Aileen Kraditor have labeled this cultural phenomenon the "cult of true womanhood," the "woman's sphere," or the "woman-belle ideal." I prefer the label "cult of the spheres" because I think it more adequately describes the situation. Although women are certainly designated a particular sphere of home and family, men too are given a designated social role and expected to fulfill it. I think it is best to use the more general term "sphere" rather than the gender-specific term "woman" because this label speaks to the fact that spheres exist for both sexes, and perhaps more important, that these spheres are impenetrable and keep men and women apart. The spheres prevent men and women from commiserating on an equal basis with each other, and therefore, keep men and women from understanding each other as human beings first, gendered group members second, which, as noted previously, is a natural rights idea that promotes equality. For additional information on the sphere of woman, see Nancy Cott, The bonds of womanhood: woman's sphere in New England, 1780-1835, Yale UP, 1977; Karen J. Blair, The clubwoman as feminist; true womanhood redefined, 1868-1914, New York: Holmes and Meier, 1980; Sheila M. Rothman, Woman's proper place: a history of changing ideals and practices, 1870 to the present, New York: Basic Books, 1978; Barbara J. Harris, Beyond her sphere: women and the professions in American history, Westport, CN: Greenwood Press, 1978; Jean Bethke Elshtain, Public man private women: women in social and political thought, Princeton UP, 1981.
The cult of the spheres forms one basic assumption behind anti-suffrage arguments; vestiges of the spheres can be seen in many anti-ERA arguments of the last decades. But before I outline anti-suffrage arguments, I want to first point out that some pro-suffrage arguments, paradoxically, were also built on the cult of the spheres. As the struggle for suffrage dragged on across two generations, certain historical and cultural changes caused a move from Stanton's natural rights position to arguments less progressive—arguments in which woman's sphere was invoked as a reason for gaining the vote. Kraditor has labeled these two distinct rhetorical approaches as "arguments from justice" and "arguments from expediency" (43-74). Justice arguments, employed by Wollstonecraft, Stanton, and early suffrage activists, are in effect natural rights arguments; ones in which woman is seen as equal to man by right of her common humanity. Expediency arguments, however, are ones in which the sphere of woman becomes central. The logic of these arguments follows reasoning that woman, as she occupies her sphere, is pure and more moral than man; thus, her virtues would benefit society, the government—and her family—if she were permitted to vote.

The suffrage rationale no longer emphasized what benefits women could derive from the vote, or what government could do for them. A new argument appeared, stressing what enfranchised women could do for the government and their communities...To the last generation of suffragists, it [the vote] became in addition a means to reform society. Hence, the new era saw a change from the emphasis by suffragists on the ways in which women were the same as men and therefore had the *right* to vote, to a stress on the ways in which they differed from men, and therefore had the *duty* to contribute their special skills and experience to government. (Kraditor 66)

An example of this new rationale is evidenced by the temperance movement of the late nineteenth century. Women spoke out against alcohol consumption without much opposition from anti-suffragists because temperance activists' recommendations and rhetoric did not violate the cult of the spheres (Campbell 5-6). Second-generation pro-suffrage arguments worked in much the same way. The romanticized and popularized image of woman as domestic and virtuous in the private sphere was extended by rhetors into the public sphere. If anti-suffrage sentiment opposed suffrage based on a belief that women did not belong in the public
sphere, then second-generation pro-suffrage arguments were based on the belief that woman's privately cultivated natures would make public activities more honorable and scrupulous.

Clearly an inconsistency exists between Stanton's natural rights arguments and later arguments based on women's virtues. Some possible reasons for this inconsistency might be the seventy-five-year length of the suffrage effort, the fact that various women's groups were involved along the way, and that the suffrage movement was one that advocated social change, which nearly always inspires fierce and multiform opposition that must be answered using several different strategies.  

**Anti-Suffrage Theology Commonplaces**

Theological commonplaces against suffrage and any view of equality for women took the cult of the spheres and added the conviction that God had decreed it. Most, if not all, anti-suffrage rhetors who took up theological arguments believed in the Bible as the living word of God, not as a document written by humans, so in effect what the Bible read, God said. Scriptural premises for these arguments were, therefore, divine and not open for question or discussion. Anti-suffrage rhetors, employing such theology commonplaces, had the privilege of working with Truth as they saw it. Their arguments usually focused on the beliefs and cluster of values that comprised the cult of the spheres. Public deliberations emphasized how these beliefs were right, sound, and ordained by God. In this way anti-suffrage theological commonplaces employed discreet pieces of Biblical proofs that spoke to a particular belief. When these pieces are put together, two dominant arguments of linking premises can be identified. There are three premises in the first chain:

1. God created man and woman as separate and different creatures.

2. If man and woman were separate and different, then they had separate duties on earth.

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6 For additional information on the suffrage campaign, see Anne Firor Scott, *One half the people: the fight for woman suffrage*, U of IL Press, 1982; Ellen Carol DuBois, *Feminism and suffrage: the emergence of an independent women's movement in America, 1848–1869*, Cornell UP, 1978.
(3) If man and woman had separate duties on earth, then man's duty was to the outside world and woman's was to the home.

There are also three premises in the second chain:

(1) God created man before woman.

(2) If man was created before woman, then man is the predominant citizen of the earth.

(3) If man is the predominant citizen of the earth, then woman is subject to man.

Chain one, premise one and two—that God decreed man and woman as separate and different creatures and that as separate creatures they had separate duties—is derived from Genesis 2:15-25.

The Lord God took the Man and put him in the Garden of Eden to work it and take care of it...The Lord God said, 'It is not good for Man to be alone. I will make a helper suitable for him'...So the Lord God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and closed up the place with flesh. Then the Lord God made a woman from the rib he had taken out of the man, and he brought her to the man.

With this passage, woman is shown as having a separate creation from man—indeed, her creation is because of man—and her duty is to be a helper while man's duty is to work and take care of the Garden of Eden.

Premise three—that man's separate duty is to the outside world and woman's separate duty is to the home—is derived from Titus 2:1-6.

You must teach what is in accord with sound doctrine. Teach the older men to be temperate, worthy of respect, self-controlled, and sound in faith, in love, and in endurance. Likewise, teach the older women to be reverent in the way they live, not to be slanderers or addicted to much wine, but to teach what is good. Then they can train the younger women to love their husbands and children, to be self-controlled and pure, to be busy at home, to be kind, and to be subject to their husbands, so that no one will malign the word of God. Similarly, encourage the young men to be self-controlled. In everything set them an example by doing what is good. In your teaching show integrity, seriousness and soundness of speech that cannot be condemned, so that those who oppose you may be ashamed because they have nothing bad to say about us.

Interestingly, this passage includes in man's duties the responsibility of public speaking. Man was to be the spokesman for the family, the defender of its virtues, the
politician who served its interests—in effect, its voter. Woman, on the other hand, was instructed to be silent.

Chain two, premise one—that man was created before woman—is derived from 1 Timothy 2:11-14.

A woman should learn in quietness and full submission. I [Paul] do not permit a woman to teach or have authority over a man; she must be silent. For Adam was formed first, then Eve. And Adam was not the one deceived; it was the woman who was deceived and became a sinner.

Premise two—that man is the predominant citizen of the earth—is derived from 1 Corinthians 11:3, 8-10.

Now I want you to realize that the head of every man is Christ and the head of the woman is man, and the head of Christ is God... For man did not come from woman, but woman from man, neither was man created for woman, but woman for man.

Premise three—that woman should be subject to man—is derived from Ephesians 5:22-24, 33.

Wives, submit to your husbands as to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. Now as the church submits to Christ, so also should wives submit to their husbands in everything.

As foreshadowed by the Apostle Paul, anti-suffrage rhetors who subscribed to these premises tended also to lay blame for the fall of Man on woman's shoulders. Woman must be ruled by man, one, because God commanded it, and two, because she can't be trusted to act responsibly on her own.

Clearly, when in it came to the Christian Bible, anti-suffrage rhetors had a lot of text to work with; one or some mixture of these six premises can be found in almost all anti-suffrage theological commonplaces. By suggesting that these premises were divine law, the whole of anti-suffrage theological argument was very powerful and extremely difficult to refute, for if one disagreed with these premises, one disagreed with God, and one would likewise be labeled a blasphemer, atheist, or worse. With theological commonplaces, anti-suffrage rhetors shifted the focus from pro-suffrage arguments of natural rights, principles of democracy, and
individual freedom, to arguments of divine law, holy edict, and blind faith in an omnipotent
Creator's design. In anti-suffrage arguments, the rhetorical link between God and the question
of equality for women would be forever cast, and the idea of woman nonparticipants or
incompetent participants in political action would take hold.

A good representative example of the way anti-suffrage theological arguments
synthesized scripture with familiar cult-of-the-spheres beliefs appears in a sermon that was
typical of the time. It is entitled "The Appropriate Sphere for Women."

Here the inspired writer [Paul] instructs us that women ... that in public they
should always be learners and never teachers, and that they should never
assume the position of dictation or of authority over man. As a reason for this,
he reminds us that Adam was first formed; that Eve was then formed, to be his
help meet, and not his teacher or governess; and as further reason why woman
should be slow to dictate and ready to learn in all matters of doubtful
expediency or questionable right, he reminds us that her characteristic arder and
imprudence, her love of novelty and change, had once betrayed her into
transgression—that 'Adam was not deceived, but the woman being deceived
was in the transgression;' thus intimating that had she kept her proper place and
been guided by the man, instead of attempting to guide him, the great disaster
would not have befallen our race.

The general idea is clearly maintained, that as man is possessed of strong desire
to gratify the woman, insomuch that he is liable to dethrone his better judgment
and to follow her wishes, even if she leads him astray, as in the case of Adam
and Eve, it is imminently dangerous that she, whose predominant characteristic
is not so much sound and comprehensive judgment as curiosity and romantic
impulse, should assume the reins. Thus, if language has any definite meaning,
the Bible seems clearly to teach that man should always sit at the helm, to lead
public moments; while woman was to move in another but not less important or
honorable sphere, where she was to put forth the peculiar and powerful
influences of her personal virtues and acquirements. (Sanford 17-18)

Anti-Suffrage Biology Commonplaces

The above excerpt, while illustrating the belief of a preordained division of man and
woman, hints at anti-suffrage biological commonplaces by naming woman's "predominant
characteristics." Typical anti-suffrage biological commonplaces claimed that women were
physically, emotionally, and intellectually incapable of exercising the right to vote. Woman was
considered characteristically irrational, emotional, and fragile of mind. Logic and judgment
were man's domain; woman had intuition and feeling. Perhaps anticipating the ire of women regarding this statement, it was claimed that illogic was not inferior to logic, but rather a complement to it. Woman, therefore, must remain in her domestic realm to balance man's public, logical realm. Grover Cleveland's essay in the October 1905 issue of the *Ladies Home Journal* is representative of this belief.

Thoughtful and right-minded men base their homage and consideration for women upon an instinctive consciousness that her unmasculine qualities, whether called weaknesses, frailties, or what we will, are the sources of her characteristic and especial strength within the area of her legitimate endeavor. They know that if she is not gifted with the power of clear and logical reasoning she has a faculty of intuition which by a shorter route leads her to abstract moral truth; that if she deals mistakenly with practical problems it is because sympathy or sentiment clouds her perception of the relative value of the factors involved; that if she is unbusinesslike, her trustfulness and charitableness stand in the way of cold-blooded calculation; that if she is occasionally stubborn it is because her beliefs take a strong hold upon her; and that if she is sometimes fitful and petulant it is but the prelude to bright smiles and sunny endearments. They know she is loving, long-suffering, self-sacrificing and tender, because God made her so; and with it all they gratefully realize that whatever she has or lacks, the influence and ministrations of woman give firm rooting and sure growth to man's best efforts. (7)

In addition to woman's delicate attributes of mind were delicate attributes of body. That woman was physically different from man was obvious. This observation served as proof of woman's weaker biology generally. Anti-suffrage rhetors put forward claims that women could not keep up with the physical rigors of citizenship—she could collapse at the polling place, become overwrought witnessing debates, or weak as she overexerted herself to understand complex logic of political positions (Kraditor 20). Her biological predisposition to nervous disorders would be only exacerbated by participation in political and rhetorical activities that sometimes became tense and uncomfortable. Because women generally have smaller bodies than men, it was also argued that women had smaller brains, and that a woman's smaller brain rendered her cognitively unable to grasp the intricacies and rational foundations of political decisions and decision making (Campbell 11). Predictably, pregnancy was also introduced into the debate, from the position that if pregnant women were not physically harmed by voting, the unborn child might be.
Another consideration that ought not to be overlooked is that of the large number of women who are pregnant at the time of any national or political campaign and election. It is often a time of prolonged excitement and bitter controversy. Often even merely local issues develop extreme irritation and personal feuds. The gravity of this aspect of the matter should give us pause. Who will say that there will be no injurious effect upon women about to become mothers or that there might not be a bad effect on the offspring? (Scott 556)

**Anti-Suffrage Sociology Commonplaces**

Anti-suffrage sociological commonplaces were based on an unshakable belief in the family, rather than the individual, as the basic unit of society. Close-knit groups were viewed as the primary defense against the anarchy and confusion that would result from a society based on self-serving, individual interests. Instead of being pitted against one another for survival, individuals were brought together in families, where each member was theoretically responsible to and for the other members. Society, in turn, was held together by the positive values instilled in individuals through the family experience and by the fact that other individuals had a stock in a single member's success and happiness.

The family was represented politically through the father of the household, who ostensibly took the needs and desires of his wife and children with him to the polls (Kraditor 24-27). The success of the family as a social and political unit depended on each member maintaining and performing his or her role. As the familiar cult-of-the-spheres sex roles declared, mothers were responsible for the health and happiness of the family unit in the home, and fathers were responsible for protecting and maintaining the interests of the family unit outside the home.

Under this belief system, giving women the right to vote would break apart the internal harmony of the family unit, which would in turn threaten the harmony of society. Anti-suffrage rhetors argued that if women were included in the political process, not only would the roles of family members change for the worse, so would the relationships among family members. "Antis" reasoned that if women were given the right to participate in government, then they had
a patriotic duty to become informed citizens—and this duty would take them out of the home. Antis further supposed that politically informed women would disagree at times with the political positions that their husbands took—and this could cause dissension within the family. Robert Afton Holland, writing for the *Sewanee Review*, paints a particularly disastrous picture of this possibility.

If wives did vote with their husbands, one knows little of human nature who cannot see what strife their discord would breed in the family. As is the family, so is the State, the Church, the World. No spousal courtesy the wife counts on for freedom to dispute a husband's convictions and nullify his citizenship, could stand the strain when the disputation grew hot with campaign excitement, and the nullification habitual. The quietest attitude they could take towards each other would be that of polite toleration; and such toleration would plead politeness as the man's due to the woman more than the woman's to the man. The woman might be too decorous to brawl, and rather seem hurt than hurtful, proving herself an artist in martyr airs. She would expect to win not so much by blast as by drizzle. She would grow neuralgic with sense of mistreatment, and develop tic-doloreux of soul. Her lackadaisical sighs would fill the house with a sense of female wrongs. Her husband would know her presence in his room by a chill in the back, and when he turned to recognize the cause of it would behold the 'East wind made flesh.' How long could his most tolerant soul escape rheumatic twinges under that mode of bleak persecution, and not seek a change of marital climate. (280)

Other sociological commonplaces against suffrage suggested infidelity. The politically active mother/wife would likely find herself in the company of men other than her husband. And if women were indeed equal to men, then a woman voluntarily gives up the chivalric honor previously bestowed upon her by her male counterparts. In a world of equality, men would be free to proposition women at will, and women would be free to take these men up on their offerings. If women voted, it appeared that if the family didn't collapse from within, storms of illicit temptation would destroy it from without.

The end of the family would also spell the end of a moral society. Just as second-generation suffragists claimed their voting rights would temper masculine reason with feminine virtue and morally uplift society, anti-suffragists claimed that a moral society depended on keeping feminine virtue present in the home. Put another way, antis claimed that a mother's absence from the home (and presumably women would be absent from the home if they were
to politically educate themselves) would create a kind of domestic moral vacuum. The future of a stable society would, therefore, be threatened.

If antis feared the absence of women from the home, then they also bemoaned the female voter who never left it. Voting women who didn't leave the home to educate themselves politically were seen as an ignorant electorate, and an ignorant electorate was just as socially dangerous as an absent mother/wife. Anti-suffragists claimed that the mass of ignorant women's votes, coupled with ignorant immigrants', Negroes', and a few stupid men's, would create a situation where responsible legislation and ethical candidates would not be supported and unsound laws and deceptive candidates would become widespread. The hard-won structure of American social life would consequently crumble (Holland 272).

To accept the idea of an ignorant electorate and the extent of its damage to the social and political structure of America, one must reject the idea of natural rights. The inalienable right to certain privileges of citizenship—no matter what that citizen's particular educational or social status—exists in direct opposition to a theory of voting rights based on a belief that social processes themselves create a superior voting class that can best exercise the privileges of citizenship for the good of all society. Holland, as one who subscribes to this belief, articulates this theory of a "voting class."

If men and women were only individuals, they might all have the same individual duties, which could be turned into rights; but since they are of distinct sex, Society, which recognizes their sex distinctions, assigns, by its own experience of their respective adaptations to its need, the parts they are to play in its order. Society regards Nature only as Nature, something to be tamed, trained, transformed, humanized. It recognizes in the natural man—if there be any such *lusus naturae* as a natural man—no innate freedom which he is to give up for social service, but only a candidate for the freedom which Society has achieved, and would bestow on its eligible members. It governs him with or without his consent...

It is Society, omnipotent Society, that connects beard with ballot, and decrees not only what age, or estate, or race, but also which sex, shall exercise it; having as jealous an eye to the honor of women as to the strength of men in its contemplation of the supreme welfare of the whole community. (272-273)
While natural rights arguments ignore social demarcations and class membership of a given populace, "voting class" arguments depend upon these social circumstances to demonstrate their cause against the "unfit" voter.

Anti-Suffrage Define-and-Divide Commonplaces

An inescapable element of practically all theological, biological, and sociological commonplaces is the concept of the "true woman." Anti-suffrage rhetors attempted to define the essence of true woman and in doing so pointed out that suffrage activists did not fit that definition. Pro-suffrage rhetors were habitually depicted as shrill, hysterical troublemakers while other women, or true women, were held up as the quiet, unassuming mothers and wives they should be. This commonplace has the added effect of dividing women and, at times, pitting groups of women against each other. Define-and-divide commonplaces work more subtly than the theological, biological, or sociological kinds. Define-and-divide does not employ direct persuasive statements that reference the Bible, cite women's biological differences, or predict the disintegration of social structures; rather, define-and-divide commonplaces point out that pro-suffrage activists are unattractive, sexually undesirable, and even grotesque, and thereby subtly suggest that spiritual damnation, bodily deformities, and social ostracism could be an outcome for any woman who might be in sympathy with them.

Many a woman opposed to the measure feels that the whole thought of signing petitions, and having her name printed and appealing to the Legislature, is so distasteful to her, that she would prefer to take the chance of probable failure. Meanwhile, the advocates pile up petitions, and multiply unmeaning names...There is one class of woman to be eliminated from the discussion, because they fly into a 'frenzy' which is not 'fine,' mistake abuse for argument, and are only vulgarly violent, with sharp tongues or sharper pens saturated with bitterness and venom...The slavery of American women exists only in the warped imaginations and heated rhetoric of a few people, who have screamed themselves hoarse upon platforms or written themselves into a rage in newspapers. (Doane 259-261)

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7 For additional information on the true woman as mother, see Mary P. Ryan, The empire of the mother: American writing about domesticity, 1830 to 1860, New York: IHR and Haworth Press, 1982.
Doane's use of define-and-divide communicates the message that women opposed to suffrage are true women—public recognition and civil rights are in fact distasteful to her. The suffragists, however, are depicted as out of control. Their arguments for voting rights are summarily disregarded because they to exist in warped minds. Doane defines true woman as one who finds voting and politics repugnant; he then divides these women from the "bitter" suffragists, who want what true women don't want and behave as true women don't behave. With this argument and all other define-and-divide commonplaces, two distinct classes of women are portrayed. One that is quiet and content, and one that is loud and obnoxious.

Yet even this satisfied and sheltered woman can hardly venture outside the warm and narrow circle of her own content, without hearing a shrill feminine chatter and clamor, a more or less petulant criticism of life as it is lived, a demand—often intelligent but sometimes extremely silly and devoid of economic basis—a loud demand for the reconstruction of many things: government, business, the laws of property, the education of children. This contented woman (who has to be told by her husband whether she is a Republican or a Democrat), whose property never troubles her because her dear and honest men-creatures take such affairs from her shoulders, whose children are admirably well and good—even this happy and contented woman must know that all women are not so satisfied as she. Even while she thanks God that her girls are not as other mothers' girls, she is aware of her neighbor's daughter's discontent. (Deland 291)

Deland's argument defines the true woman as happy and contented with the way things are; her children's good behavior reflects that contentment. Here, the true woman is divided from untrue woman by children's good behavior. The suffragists' children (daughters) are not so well-behaved. Deland suggests that true woman's easy way of life is being jeopardized by the shrill, hysterical, untrue woman. The true woman quietly thanks God that she is not like them—and that she has a dear and honest man-creature to keep her from becoming as such. The men-creatures, too, prefer life as it is lived; one, because they are shown as better suited for public tasks, and two, because they will lose the privileges that come with their public position and the comforts of having their private affairs tended to.

Have men protected the community so ill that women must take the task out of their hands? Whatever a few hysterical suffragettes may claim, few sober-minded women would desire the transfer...[True]women can always exert an influence more powerful in all parties because they belong to none. Their
discussions give light and not heat because no power to command accompanies them. And they keep alive in the hearts of men ideals of political action just because they do not have to consider what are the immediate practical steps toward their realization. It is demanded of them, with varying degrees of vehemence, by suffragists and suffragettes, that they abandon this advantage of detachment from political parties in a hope to obtain greater power by becoming party adherents. (Abbott 22)

Here, the true woman is defined as sober-minded and divided from other women who are hysterical. The adulation of the woman who occupies her rightful sphere is also a large part of the common define-and-divide line. By flattering women into believing they are just as powerful, or even more powerful, than men, the rhetor is able to both defend the status quo, and to define suffragists as foolish and impetuous.

The restlessness and discontent to which I have referred is most strongly manifested in a movement which has for a long time been on foot for securing for women the right to vote and otherwise participate in public affairs. Let it here be distinctly understood that no sensible man has fears of injury to the country on account of such participation. It is its dangerous, undermining effect on the characters of the wives and mothers of our land that we fear. This particular movement is so aggressive, and so extreme in its insistence, that those whom it has fully enlisted may well be considered as incorrigible. (Cleveland 3)

Former president Grover Cleveland frequently assisted the anti-suffrage cause, and with the above argument, he adds a new dimension to both the flattery and fear elements of the define-and-divide commonplace. First, he attempts to discount the perception that men fear equality—it is not that they fear losing their power and privilege, it is that they fear for the health and well-being of women. Second, he flatters the true woman into believing that her powerful position as wife and mother is of the utmost concern, and that the suffragette—as the antithesis of true, motherly women—is a threat from which true women need male protection.

As is usually the case when a radical and unnatural change is the object of effort, those most extreme and pronounced in opinion have forged to the front and assumed leadership. In outspoken discontent with the station and opportunity American women now enjoy these clamorous leaders openly demand their equal participation with men in the right of suffrage and in every other political right and privilege. Many other women, more considerate and conservative, who refuse to indorse [sic] these demands, nevertheless by amiably tolerating them, or by advocating other less direct attempts to enlarge the character of woman's endeavor, encourage and aid, perhaps unconsciously and unintentionally, female suffrage radicalism. (Cleveland 7)
With this argument, Cleveland, perhaps unconsciously and unintentionally, exposes the disengenuousness of his previous flattery. Here the untrue woman is defined in much the same terms—radical, extreme, and even militant in her forging to the front to assume leadership. The true woman, however, is not the influential and powerful creature at home as before, she is the too-trusting, sweetly unaware female who is being exploited by her untrue counterparts.

For the sake of our country, for the sake of our homes, and for the sake of our children, I would have our wives and mothers loving and devoted, though all others may be sordid and heedless; I would have them disinterested and trusting, though all others may be selfish and cunning; I would have them happy and contented in following the Divinely appointed path of true womanhood, though all others may grope in the darkness of their own devises. (Cleveland 4)

Certainly one effective means of defining and dividing members of a group is to provide direct comparisons unencumbered by rhetorical subtleties. The suffragist/true woman comparisons above are not only directly referenced as sordid/loving, selfish/devoted, and trusting/cunning, they are also indirectly suggested as American/un-American and divine/demonic. But perhaps the ultimate define-and-divide comparison, that of feminine/masculine, is presented by Holland.

Their trouble is not that they cannot be men, but that they cannot be women. If their crusade goes on, they will lose the half-womanhood that wins for it whatever humorous toleration man's gallantry still extends to its vaudeville strut...The cumulative heredity of ambitions, suspicions, self-publications, office-hungry intrigues, exacerbant conceits, loud vulgar brazenries, would need that much time to wipe out every trace of sex...form and feature would finally show the inner by the outer change. There would come a hardening and ossification of the whole nature—bigger hands, bigger feet, higher cheekbones, lanker limbs, flatter chests, hook noses, lips thin and tight, so tight as to turn in; tight, too, all the skin of the face, and symptomatic of what blunt Dr. Bushnell calls the "colicky mind." (275-276)

No doubt, define-and-divide commonplaces depict pro-suffrage rhetors as distasteful malcontents who are quite separate from "real" women who either don't bother themselves such questions, or, seeing the folly of the suffragettes, directly oppose the progressive agenda.

Built in to the define-and-divide commonplaces are further suggestions that the "pro" activists are a small minority intent on forcing their audacious beliefs on the majority of
citizens; that they are unsexed by their beliefs and activities; that they insult male competency; that they would infect the good women of society; and, worst of all, that they will eventually become physically differentiated from true women through a kind of witch-like metamorphosis. Perhaps a few of these suggestions seem outlandish to the contemporary reader, but the root themes and basic allusions of define-and-divide commonplaces, as well as theological, biological, and sociological commonplaces, survived through the 1923 ERA debate and beyond.

The 1923 ERA Debate: An Overview

One could say that the differences within the CUWS and NWSA pro-suffrage organizations only provided fodder for anti-suffrage rhetors who successfully employed define-and-divide commonplaces. But as previously mentioned, division within the pro-suffrage side may have been helpful, as the two separate but concurrent strategies worked together, on one hand, to sway public opinion and, on the other hand, to maintain vital communication with legislative and executive bodies. For good or bad, the division between the NWSA and CUWS was strong, and the ERA debate that began in 1923 only deepened this division.

Alice Paul and other CUWS members realized shortly after the vote was won that many discriminatory practices remained in state and federal statutes, and in the courts' interpretations and decisions on matters involving women. English Common Law, which basically gives women no rights at all, was widely used to back up legal decisions that continued discriminatory practices against women (Boyd 18-19, 147). For example, some states interpreted voting rights for women as automatic qualification for jury duty, and women began to sit on juries in the western states immediately following passage of the nineteenth amendment. The privilege of serving on juries was withdrawn some time later, however, and this withdrawal was based on common law precedent which stated that women did not qualify as citizens politically and civilly. Various state attorneys general officially wrote the opinion
that jury service for women could only come by way of special legislation that nullified particular common law statutes (Boyd 18).

Because of these setbacks, Alice Paul formed the National Woman Party (NWP) from the CUWS and began work on a research project that would document all of the discriminatory statutes that existed in each state. From this study, the NWP proposed the first Equal Rights Amendment to the judiciary committees of the House and Senate on December 2, 1923. The amendment read, "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction" (H.J. Res. 21, S.J. Res. 75).

In addition to the federal amendment, a so-called blanket amendment for all the states was also supported by the NWP. This measure read, "Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects" (Hathaway 644).

Beyond working on legislative measures that asked the established order for equal rights, the NWP also engaged in a more proactive endeavor to secure equal rights by establishing councils of professional women to work toward the advancement of women in the professions. The highest goal of the NWP was to pass the ERA at the federal level, which they believed would eradicate with one sweep all of the legally sanctioned discriminatory practices that existed in the states at that time. Among them were: (1) laws that barred women from jury service, (2) laws that gave all ownership of property to husbands of married women even if the wife previously owned property and/or supported the upkeep of property in financial ways, (3) laws that gave guardianship and custody of children only to the father of the children, (4) laws that gave ownership of the wife's earnings to the husband, (5) laws that barred women from running for office, (6) laws that based a wife's legal residency on the husband's legal residency, (7) laws that gave husbands the right to sue for divorce based on the adultery of the wife, but without a corresponding provision for the wife to sue on the same grounds, and (8)
laws that gave husbands the right to sue for divorce based on the wife's pregnancy by another man, but without a provision for the wife to sue on the same grounds, i.e., if the father proved to be the father of a child by another woman (White 402).

1923 Pro-ERA Argument

Pro-ERA rhetors, who consisted almost exclusively of NWP members, referenced laws such as these in much of their literature. Weekly progress reports about how the amendment was being received by Congress and other groups were available in the NWP's *Equal Rights* magazine. This publication also reported on the activities of the NWP, and many times presented pro-amendment arguments. Other pro arguments of the time were published in various popular, political, and public commentary magazines—much like the situation of the suffrage debate. Most pro-ERA essays of this sort included real-life, personal accounts about how discriminatory laws affected the lives of women. Following are some examples of these accounts.

In many states the earnings of minor children belong entirely to the father, and the father alone is entitled to damages in the case of injuries to a child. In Florida the father recovers money damages even for the mental pain and suffering of the mother, occasioned by the wrongful death of her child; for instance, in Virginia, West Virginia, Georgia, and Arkansas, where if a child dies without a will, the father inherits to the exclusion of the mother. It is a law which must result in many tragedies. As an illustration: A man in Georgia deserted his wife and small son. The mother, an uneducated woman, supported the child by scrubbing and washing. When he grew to manhood, to repay her, he bought a house and took his mother to live with him. But he died unexpectedly; the father reappeared, turned the mother from the house, and took it for himself, as he has the right to do under the law of Georgia. (Hill 420)

For, in 1910, young Mr. Tillman, son of United States Senator Tillman, executed a deed which was absolutely legal in South Carolina. He might, by law, by deed executed in his lifetime or by last will and testament, 'from time to time and in such manner as he may see fit,' dispose of the custody of any legitimate child under twenty-one and unmarried, whether born at the time of death of afterwards. He, therefore, at war with his wife and without her consent—that being unnecessary—made a deed in which he gave his children (by common law children are his, not theirs, and never hers) to Senator Tillman; transferred them by sole power of the father from their parents to their paternal grandparents. (Kenton 368)
It is a fundamental rule of law that the husband has the right to fix the place of
abode, implied from his duty to provide a home. Unfortunately, while the
implication often fails, the fundamental rule prevails. As a Georgia court held:
'The house in which the husband and wife live is the house of the husband,
though the wife pays rent and supports the husband.' In California, where there
is an express statutory provision that for the purposes of voting the residence of
the husband is the residence of the wife, the wife must support the husband out
of her separate property if he has deserted her, or if he has no separate property
and is unable by reason of infirmity to support himself. The result is that such a
husband, supported by the wife, would be the head of the house. (White 402)

To NWP members, the right to vote would never be enough to change these common
law-based statutes, which they saw as preventing women from living a full life of freedom and
opportunity. They claimed that an amendment was the only way to efficiently wipe out the
many practices such as those described above that actively discriminated against women,
primarily married women. Other groups sympathetic to equality for women proposed legal
work to chip away at the statutes and proposed a state-by-state effort toward the federal
amendment.

Alice Paul and NWP members categorically rejected these proposals on grounds that
removing the disabilities of women state by state and working for a federal amendment state by
state were "intolerably slow and insecure." Paul was quoted in Equal Rights as saying, "If we
keep on this way they will be celebrating the 150th anniversary of the 1848 convention without
being much further advanced than we are. We have much the same feeling now that we had in
the beginning of the suffrage movement, that many groups were working in many states, all
for different measures, with much waste of effort. If we had not concentrated on the Federal
amendment we should still be working for suffrage" (Equal Rights 7-28-1923, 189).

Paul was likely speaking about the CUWS' past strategy disagreements with NWSA,
which, under the leadership of Carrie Chapman Catt, became the National League of Women
Voters (NLWV) in 1920. The League came out against the ERA, notably with an essay
authored by Catt in the November 1922 issue of the Ladies Home Journal entitled "Too Many
Rights: Women Leaders Who Would Go Beyond All Decent Limits." This essay will be
referenced in more detail later.
Once again the division between women's groups can be traced to the use of arguments of expediency on the NLWV side and arguments of justice on the NWP side. As it was in the suffrage campaign, arguments of expediency were concerned with the practicalities of politics, and arguments of justice were connected to the theory of natural rights. The question of protective labor laws for women, which was a major issue in the 1923 ERA debate, provides a good illustration of this familiar justice/expediency dichotomy.

General opposition to the first ERA consisted in large part of labor organizations, whose members believed that the ERA would nullify protective labor laws that had been hard won by certain socialist and labor groups (Blahna 26-28). The rationale for protective labor laws was that the working class needed legal protections from the exploitative tendencies of capitalism—but the laws protected only women and children. Labor groups did not necessarily agree with protection for women and children only, but they continued to lend their support to the laws (and their opposition to the ERA) in hopes that the laws would eventually be extended to men. This is a classic expediency position. Labor groups opposed the ERA because they feared it would deregulate a system that they believed needed regulation. While laws for women and children only were not perfect, they were at least better than no laws at all.

Women's groups such as the NLWV were also aware of the political and industrial realities of labor and especially of working women. One expediency argument women's groups used against the ERA was that protective legislation was necessary because women laborers could not or did not organize as effectively as men (Beyer 116). Women laborers, they asserted, were traditionally young, unskilled, and not terribly serious about making a career of their work. As such, women did not form trade union organizations like their male colleagues, and consequently women had no bargaining power for better wages and work conditions. Protective labor laws served to counter this imbalance.

Alice Paul and the NWP argued that protective labor laws harmed women more than helped them. ERA supporters pointed out that much of the public and court opinion on these
laws focused on women as biologically inferior to men—that women's presumed weaker bodies and potential for pregnancy were the female qualities that really motivated the so-called protective laws. Pro-ERA rhetors asserted that protective legislation, and those groups who supported it, treated the whole community of women as "invalids" and vessels for children.

As a persuasive strategy, editors of *Equal Rights* magazine chose to reprint a typical "women as invalids" anti-ERA argument and refute it directly in their issue dated 10-20-1923. Originally published in *The New Republic,* Elizabeth Evans' "The Woman's Party is Wrong," is reprinted in full in *Equal Rights* with a pro-ERA rebuttal. Evans states:

> What can equality mean between a new-made mother, too weak to raise her head from the pillow and with a thing of wonder at her breast, and the father, perhaps proud, perhaps brutally indifferent, whose physical powers have suffered no whit of deduction by the exercise of his function of creation? A 'right to life, liberty and the pursuit of happiness,' it will be agreed, should be secured by every human being in a justly ordered world. But equality between the strong and the weak when they meet on competitive terms in the industrial struggle—when they seek to bargain for a living wage with a hard-fisted employer, too often would be to insure that the physically or strategically handicapped shall be driven to the wall. (285)

The editors of *Equal Rights* take issue with Evans' form of argument and with what they see as sweeping generalizations regarding women. They state:

> Mrs. Evans' appeal is typical of the opposition. It is an invitation to reason with the emotions, not with the intellect, and depends upon the concept of woman merely as child-bearer...If the physical sacrifice of women through reproduction is to be socially compensated—and we sincerely hope and believe it one day will be—the compensation must be accomplished through mothers’ pensions, the endowment of motherhood, or some form of State insurance, and not through prohibitory legislation equally affecting all women in industry without regard to the condition of their health. But perhaps Mrs. Evans believes that all women in industry are semi-invalids, for she refers to 'the strong and the weak,' and we take it these respective adjectives mean men and women...

Precisely why Mrs. Evans should hold the physical powers of her sex in such contempt we do not know, as there is no physiological ground for such an extraordinary grouping of the two sexes. There are weak men as well as weak women and, happily, there are also strong persons of both sexes...It is an obvious economic fact that in competitive industry weakness in an employee predicates less wages and helplessness insures exploitation. Business is not philanthropy. To brand all women as congenital invalids is to condemn them to inferior positions and a lower wage scale, whether their work is of equal quality with men's or not. If women are to demand equal pay and equal opportunity...
with their brothers, they cannot at the same time accept concessions based upon the idea that they are chronic invalids. (285)

In addition to the belief that protective legislation branded all women as invalids about to become pregnant, Alice Paul and other ERA activists believed that protective legislation served as a basis for preventing women from moving into higher-paying, traditionally male jobs that required longer hours and less comfortable working conditions than what was allowed by protective laws. This kind of legislation, they argued, could in fact be used as an excuse not to protect women but to discriminate against them so the established male privileges might be preserved. These kinds of pro-ERA arguments maintained that any law that designated sex as a criterion was an inherently discriminatory law.

The natural rights tradition of this claim should be apparent. First, because protective legislation pertained to women only, the laws conflicted with the natural rights premise that individuals are designated as human beings before and above their designation as male or female. Second, because protective legislation curtailed the activities of women, the laws conflicted with the natural rights premise of inalienable rights to life, liberty, and the pursuit of happiness in the state of nature. Third, because enforcement of protective legislation depended on whether the individual was male or female, the laws conflicted with the natural rights premise of the unique and valuable individual. And last, because protective legislation assumed the needs of one class of individuals (female) by another class of individuals (mostly male lawmakers), the laws conflicted with the natural rights premise of the right to self-protection and self-representation in the state of nature.

1923 Anti-ERA Biology Commonplaces

Regarding the 1923 ERA, anti-equality biology commonplaces showed up consistently in arguments that dealt with the connection between protective labor laws and other laws that were intended to "protect" women. Anti-ERA forces were comprised in large part of labor groups and of women's groups such as the NLWV, the General Foundation of Women's
Clubs, the Consumer’s League, the National Federation of Business and Professional Women, the American Association of University Women, and the Women’s Trade Union League (Catt 81).

The focus of biology commonplaces in 1923 was of course that women and men were different and especially that they were different physically rather than emotionally or intellectually. Women’s perceived lack of strength and stamina in the workplace was due, most agreed, with the fact that she bore children.

Sex is a biological fact. The political rights of citizens are not properly dependent upon sex, but social and domestic relation and industrial activities are. All modern-minded people desire that women should have full political equality and like opportunity in business and the professions. No enlightened person desires that they should be excluded from jury duty or denied equal guardianship of children, or that unjust inheritance laws or discriminations against wives should be perpetuated. The inescapable facts are, however, that men do not bear children, are freed from the burdens of maternity, and are not susceptible, in the same manner as women, to poisons now increasingly characteristic of certain industries, and to the universal poison of fatigue. These are differences so far reaching, so fundamental, that it is grotesque to ignore them. Women cannot be made men by act of the legislature or by amendment of the Federal Constitution. This is no matter of today or tomorrow. The inherent differences are permanent. Women will always need many laws different from those needed by men. (Kelley 421)

What this argument seems to say is that women are biologically weaker and generally less healthy than men not just when they are pregnant, but also when they are not pregnant. This argument also tacitly suggests that it is "grotesque" to view women in any light other than in their role as progenitors. To do so, the author suggests, is to make women into men.

Other biological commonplaces against the ERA warn that sickness and death await working women and their children if protective labor laws are nullified by the passage of the amendment. With these arguments, work, especially in industry, is connected to the infant death rate, the death of women during childbirth, the death of children of working mothers, and the mortality rate of young women of child-bearing age.

Why should wage-earning women be thus forbidden to get laws for their own health and welfare and that of their unborn children? Why should they be made subject to the preferences of wage-earning men? Is not this of great and growing importance when the number of women wage-earners, already counted
by millions, increases by leaps and bounds form one census to the next? And when the industries involving exposure to poisons are increasing faster than ever? And when the overwork of mothers is one recognized cause of the high infant death rate? And when the rise in mortality of mothers in childbirth continues? (Kelley 421)

Refusal to recognize the biological differences between men and women does not make for equality...Exposure to strain and over fatigue in the child-bearing period, and wage-earning women are almost all in this period of life, is reflected in higher morbidity of working women than of working men, and in the excessive sickness and death rate of children of working mothers. (Beyer 116)

While these anti-ERA biology commonplaces cite a rising death rate among women and children as evidence for why protective labor laws were needed and why the ERA was dangerous, other biology commonplaces cite a falling death rate among women and children as evidence for another danger of the ERA. Legislation other than protective labor laws that named women specifically were laws that dealt with the health and welfare of pregnant mothers and infants. These laws were credited with prompting and sustaining a decrease in child and female mortality rates in the United States. The proposed ERA, it was argued, might interfere with laws that had previously done much good for society.

Until Jeanette Rankin, in August, 1918, introduced to Congress her bill for the Hygiene and Welfare of Maternity and Infancy, the great mass of grieving mothers accepted with what resignation they could command the deaths of their little ones, which they commonly attributed to the will of God...[Rankin's] measure has, under the above title, been accepted by forty states, and death-rates of infants have fallen beyond the hopes of her followers and of the Children's Bureau, which has been administering the law since it took effect in March 1922. The Sheppard-Towner law applies explicitly to mothers and babies. In some places the maternal death-rate, which had been slowly rising throughout several years, is stationary. In others it has begun to fall slightly. There is, however, no possible assurance that this beneficent measure could survive the passage of the proposed equal rights amendment. (Kelley 162)

Preserving the health and welfare of women and children through other protective laws was not only in the interests of the aforementioned groups, it was also seen as in the interest of preserving the human race. Other biology commonplaces were built on entrenched beliefs in the necessity of legal protections for women and children. After the argument of the detrimental effects of the ERA to women and children was well established, a secondary argument was
occasionally put forward that life, and the reproduction of life, as it was known, would also be made vulnerable.

For the past twenty-five years, [since 1899] most of the organized women of America, of all classes, and many far-sighted men, have been working to place upon the statute books of our states and of our nation, protective legislation which recognizes a biological difference between men and women and takes into account the fact that conservation of our womanhood means the preservation of our race at a higher degree of efficiency (Dunshee 19).

Women are certainly different from men, and I liked what one of the doctors who was a delegate to the convention had to say in this regard. 'Biologically and physiologically there is a difference [between the sexes]...It may eventually be revealed that each sex has a fitness for certain kinds of action, not necessarily that women are inferior to men; in fact they may be superior. Woman probably has certain mental and physical attributes which eminently fit her for certain work.'

I felt that Dr. O'Malley was absolutely right. We cannot get away from the fundamental differences of sex, and she might have added that a little girl cannot play so good a game of baseball as a little boy, not because she may not be as skilful [sic] an athlete, but because her arm is formed differently. She might also have added that while paternity involves no drain at all, maternity involves a very great one, and that if this drain is disregarded, we at once establish a menace not only to women but to all posterity. (Keyes 180)

1923 Anti-ERA Sociology Commonplaces

Certainly with 1923 anti-ERA biology commonplaces, women and womanhood are inextricably linked to maternity and children. In this respect, anti-ERA biology commonplaces overlap somewhat with anti-ERA sociology commonplaces. The intractable link of women with children that anti-ERA biology commonplaces insist upon brings to mind the cult of the spheres and its mandate for woman's role at home. As it was in the suffrage debate, the family, not the individual, was regarded as the fundamental unit of society in 1923; and again, woman's absence from the home is seen to have far-reaching social implications. With the 1923 ERA debate, women were presumably away from their homes not because of voting rights and political responsibilities, but because they had paying jobs. By the fact of women's

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8 For additional information on the philosophy of family, see Jean Bethke Elshtain. The family in political thought, U of MA Press, 1982.
larger-scale industrial employment, it is easy to see that by 1923 women had made some progress in their social status as persons and citizens, so in a sense some of the public pressure for women to stay at home and remain in her sphere was lessened. Perhaps a new form of social control arose in the enactment of protective labor laws, maternity and infant laws, and other social welfare legislation to counteract these new freedoms and releases from certain social controls.

But the anti-ERA rhetors of 1923 didn't see protective legislation in this light, and, as in the suffrage debate, these rhetors suggested that to extend more rights to women was to endanger American society. An anti-ERA rhetor who subscribed to this belief was, surprisingly, Carrie Chapman Catt. Ms. Catt's reasoning, as evidenced by the aforementioned essay in the November, 1922, issue of the *Ladies Home Journal*, was that the ERA asked for too many rights for women, and too many rights for one section of society would mean the infringement of the rights of another section of society. That other section of society was, predictably, children.

In the old days when a woman took a man's name at marriage it was because she belonged to him. In these days no woman belongs to a man in that sense. The custom of promising 'to obey' is even disappearing from the marriage service. Little remains of the old tutelage system save taking the husband's name. Some women rebel at that...But here comes the question of rights for others—rights of children. There are going to be children—the world will stop when they cease to come—and they must have names. There are just five things that can be done. Which do you like best? Call the children by the father's name? Call them by the mother's name? Call then by a combination of the names of mother and father? Call the boys by the father's name and the girls by the mother's name? Call them by a wholly new surname? An established custom has its advantages. (167)

Of course another term for "established custom" here could be "status quo." Catt's argument (however inconsequential it may seem to the contemporary reader) gives voice to the belief that with the proposed ERA, traditional values are in danger—that with the throwing away of established marriage customs, family life would be put in peril. Children, the most

9 For additional information on women and employment see Alice Kessler-Harris, *Women have always worked: a historical overview*, NY:McGraw-Hill, 1981.
innocent of victims, will in the end pay the highest price if the measure is passed and traditional values are discarded. The devils of destruction to the status quo\(^\text{10}\) are the equality activists who seek change; who, as part of a ruinous agenda, ask for the freedom to retain their given surname in marriage. As the argument goes, this freedom is an illustration of too many rights. Catt continues her argument against too many rights with another reference to the radical equality activist devil and the innocent suffering child.

The wildest of all wild voices crying for rights is that which would lead a woman to motherhood out of marriage. Oregon furnished a case of this sort a few years ago. A college woman of unusual endowments longed for motherhood. She did not love any man. There was no probability of marriage. She went away by herself to enjoy motherhood. But she did not find motherhood under such conditions a joy. The world's customs were against her and she robbed her child of a sacred right—the right to two parents. (31)

Catt's arguments against the ERA and the perception of too many rights for women is perhaps one of the first illustrations of the "anti-family feminist" that becomes a central part of later anti-ERA sociological commonplaces. Overlapping with define-and-divide commonplaces, anti-family feminist sociological commonplaces describe equality activists as radical extremists who impulsively demand change without caring about or contemplating the repercussions to existing social institutions. The social institution that is ultimately put in peril happens to be the most basic component of a healthy society—the family.

Another argument against the ERA that employed images of the discordant family is one which suggested that the ERA would endanger state widows' pensions. In an essay by Florence Kelley, a story is told about a young mother of twins whose husband dies suddenly of pneumonia. After savings and insurance funds are gone, the mother, who had no skills as a worker outside the home, is in danger of either loosing her children or surrendering them to incompetent care while she works for insubstantial pay. The New York Widows Pension Law comes to her aid and, with monthly disbursements, keeps the unfortunate family intact. Ms.

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\(^{10}\) See Robert Cathcart, "New approaches to the study of movements: defining movements rhetorically," \textit{Western Speech} 36 (1972).
Kelley submits that the laws protecting widows would be called into question because the law applies only to women, and a constitutional ERA would not allow such a law.

Widows' pensions are a discrimination established in almost all of the states, in favor of women. This is the form of aid to widowed mothers which the state can most fitly supply. Without it the mother of the twins must have attempted to be both home-making mother and wage-earning father. Under that strain she and they must have suffered... All good citizens who regard the home as the foundation of this Republic are logically committed to widows' pensions... Under the proposed amendment would the community pay widowers' pensions? or would widowed mothers be deprived of theirs? If not, what becomes of equal rights? (162)

An important assumption to recognize in this and other anti-ERA sociological commonplaces is not just that men and women are different (which is most often argued through the maternal capacities of women), but also that this difference calls for so-called discriminations. Legally sanctioned social discriminations, which ostensibly favor women, serve, as Ms. Kelley sees it, to equalize the unequal biological situation that women must endure as mothers and child bearers. This argument suggests that intervention in this unequal situation preserves the family, which in turn preserves society. The phrase, "all good citizens who regard the home as the foundation this Republic" brings to mind the familiar anti-equality, or at least anti-natural rights, premise that the family is the basic unit of a cohesive society. Women's position as mothers and home makers, then, is vital to the social welfare of all, so legal discriminations not only equalize the unequal position of women, they also preserve the family, society, and the Republic.

1923 Anti-ERA Define-and-Divide Commonplaces

As mentioned in previous sections, division among women and women's groups regarding equality officially began in the suffrage debate and continued into the 1923 ERA debate. It is difficult to pinpoint the various reasons why the division occurred, but it is probably safe to assume that two major contributing factors were (1) simple differences of
opinion regarding women and equality and (2) successful define-and-divide commonplaces that persuaded women to accept the dichotomy of the true woman vs. the equality activist.

The 1923 ERA debate is marked by deepening division between women and the question of equal rights; Carrie Chapman Catt's NLWV and Alice Paul's NWP become the two sides of the ever-widening divide. Unlike the suffrage debate, differences in opinion and strategy did not work constructively together to consecutively sway public opinion and maintain communications with established powers. Although the 1923 ERA and the suffrage debate argue for two different causes, and one campaign was successful while the other was not, familiar character definitions and divisions reappear. The true woman resurfaces, the mannish malcontent comes back in all her unexpressed anger, and the minority radical returns to force her audacious beliefs on all of good society.

The true woman in 1923 preferred to use the vote, her newfound educational freedom, and her familiar cult-of-the-spheres role to bring virtue and higher moral standards to public life. In this replay of the suffrage argument of expediency, the idea was put forward that a better world—made more perfect by woman's participation—would not tolerate discriminatory acts against women. Like the NWSA's state-by-state strategy for the vote, this true woman's process of weeding out discriminatory practices would take time and patience. The "untrue" woman (or, more precisely, the NWP woman) was simply in too big a hurry for too many rights.

Now come two classes of leaders. One says let women prove themselves worthy of all the rights they have gained; let them use the education the schools have given them, the business and professional freedom already won, let them show the world the fine qualities of citizenship they possess; let them improve every phase of life they touch and make this world a better place for all people to live in...But there are other women, restless, irritated women, who ask, 'Is what we have today freedom? If this is what women fought for, it was not worthwhile. We want more. We want our own names in marriage.' Some of them even say, 'We want the right to be mothers without the restrictions of marriage.' Or, 'We want careers with none of the fetters which motherhood and housewifery impose.' (Catt 31)
With this essay, Carrie Chapman Catt lists the women's organizations that opposed the ERA and included the NLWV in that list. This list is in effect a cataloging of "true women," and the NWP is, of course, conspicuously absent. The other class of women who are "restless" and "irritated" can be none other than the drafters of the ERA. The other-than-true woman of anti-suffrage argument and of anti-ERA argument are similar and yet different in one significant way. Both appear to forego their home and family responsibilities in favor of political activity, but the pro-suffrage untrue woman gives up her family responsibilities because the process of becoming politically informed requires her to do so. The pro-ERA untrue woman gives up her family responsibilities because she herself wants to. The pro-ERA untrue woman disdains the family instead of merely neglecting it.

Anti-ERA rhetors of 1923 further reasoned that the woman who disdains the family in favor of political activism unsexes herself. No longer true women, pro-ERA activists were depicted as manlike and seen as behaving in masculine ways. A second anti-ERA essay that employs define-and-divide commonplaces describes Alice Paul and the NWP in terms of a military leader and her army.

Would the [NWP] leaders evolve out of their vague program an issue which they could again attack with military precision and on which they could hope again to raise their disciplined volunteer army? Would they justify their tactics, as they had so often done before, by the brilliant success of their results? Or were they only greedy of power, eager to hold the final decision close in their own hands, unwilling to trust to the desires of their followers? Or were they, perhaps, only half awake to the fullness of life? Absorbed in a task of immense proportions, for years they had forfeited, as soldiers must, the common enterprises of life—love marriage, children, the economic struggle. Had they thereby lost touch with the plain demands of modern women? (Kirchwey 332)

Again, pro-ERA activists were defined, in masculine terms, as different from other, true modern women who, instead of writing political proposals, were active in their proper sphere of marriage, family, and home. The NWP activists were, at least with these essays, depicted as separate from everyday women because of the masculine, other-than-home demands of political work, which, it appears, deprived them even of love. In this way, women were defined as truly feminine by their marital and maternal status, and were divided from each
other by this status. Unmarried, childless women were perceived as pitiable and masculine, and if they were also equality activists, they were understood to be out of touch with everyday, true female society.

If the unfeminine pro-ERA woman is seen as out of touch with other, truer members of her sex, then defining pro-ERA women as extremists becomes less of an argumentative leap. The defined "radical" woman is not only restless and irritated, she is also fanatical. She does not see, nor care to see, the harmful consequences of the political change she is advocating. True women, on the other hand, are shown to advocate more realistic social change. Florence Kelley, writing for *The Nation* in September 1924, defines the true woman and untrue woman in terms of the NLWV and the NWP—a dividing definition we know was pervasive at the time.

A large number of the more conservative suffragists found themselves in the League of Women Voters, a nonpartisan party devoted to women's interests and interests deeply touching women—chiefly welfare measure, various reform projects, and peace. This organization avoids violently controversial questions like birth control. It opposes the 'whole-hog' feministic policy of the Woman's Party. It takes no stand on general economic issues. It has no policy for or against women in office; it works through the men and the existing parties...

The Woman's Party on the other hand has remained militant. It is not interested in anything but equality for women. It ignores social and political problems which do not touch its immediate program. It took no cognizance of the industrial problem until it stubbed its toe on the question of welfare legislation—endangered or doomed by the Woman's Party amendment—and then it boldly kicked the impediment out of the way, saying, "If equality means wiping out social legislation affecting women, let the legislation go, and good riddance to it." (231)

Kelley's argument defines the pro-equality woman as well as articulates the generally received perception of the National Woman's Party. Both fit the radical character definition, which also includes such traits as inflexibility and political naiveté. Because of their reported lack of restraint, pro-equality women were frequently illustrated as uninformed about the requisite maneuverings of political campaigns. The image of the NWP activist tripping over the protective legislation as one might trip over a fracture in a sidewalk is an effective allegorical image and a good example of the rhetorical competence with which anti-ERA rhetors defined
pro-ERA women. The act of tripping over a naturally occurring obstacle in a path also suggests that NWP women in particular, and equality activists in general, were, or chose to be, unaware of people, objects, or political circumstances outside themselves. That the NWP woman would also "boldly kick the impediment out of the way" suggests in addition an aggressive, rather impulsive character—that ERA activists would choose to rid themselves of difficult ERA questions forcefully rather than deal with them intelligently.

Another feature of Kelley's use of the define-and-divide commonplace is her decision to pronounce what NWP women and equality activists would say as well as what they would think. Essentially putting words in their mouths, Kelley speculates that activist women would say "good riddance" to social legislation in their blind adherence to the dogma of the NWP.11

Despite this decidedly unflattering press, NWP members and other equality activists did not backpedal on their claims for the necessity of an ERA, nor did they revise their message in order to make it more palatable to the public. Retaining their commitment to the tradition of equality based on natural rights, pro-equality rhetors answered the charges against the protective legislation issues by reiterating that laws created for one gender only were antithetical to a democratic government. They argued that fair labor laws and reasonable social welfare laws would not, in fact, be endangered by the ERA. Pro-equality arguments countered that the ERA would not mean the end of labor laws, but that fair labor laws would be extended to men; and neither would the ERA mean the end of maternity/infancy laws because these laws were based not on the sex of the individual but on the condition of the individual as being pregnant or an infant born into a low-income family. By repositioning protective legislation issues under the rubric of natural rights, NWP rhetors were able to point out that maternity/infancy laws were much like laws already on the books that privileged war veterans. Certain legislation privileged the veteran on the condition of his individual military status not because he was a man. (Equal Rights 4-26-1924, 84).

11 For additional information on Florence Kelly, see Kathryn Kish Sklar, Florence Kelley and the Nation's Work, Yale UP, 1995.
What the ERA actually represented, it appears, depended a great deal on one's perspective; disagreement over what the ERA would actually mean if adopted is illustrated well by these define-and-divide commonplaces and natural rights counter arguments. Certainly the 1923 ERA and its meaning or lack of meaning became a major contributing factor to the continuing ERA debate.

1923 Anti-ERA Meaningful and Meaningless Commonplaces

The second addition to Kraditor's original three-part framework—and the fifth and final category of what constitutes anti-equality commonplaces—is labeled "meaningful and meaningless" commonplaces because the focus of the argument is on what a federal ERA would mean, or not mean, if passed. Some anti-ERA rhetors in 1923 suggested that the ERA, primarily because it was a "vague" and "sweeping reform," would mean a lot—so much, in fact, that its long- and short-term implications could never be fully anticipated and, as such, traditional family and social structures (which we know are believed to be the basis of moral society and a strong democracy) would be jeopardized for future generations. In addition, anti-ERA meaningful commonplaces posited that the unclear nature of the ERA would so confound and confuse private citizens and public servants that the country's courts system would be faced with "years of litigation" (Dunshee 19).

Still other anti-ERA rhetors of the same era argued that an ERA would mean nothing at all—that a passed ERA would be a meaningless, symbolic gesture only, and sex discrimination in its sundry forms would continue unabated. In an odd twist of argument building, at times both anti-ERA meaningless commonplaces and anti-ERA meaningful commonplaces used the vagueness of the ERA as the reason it would mean everything, and as the reason it would mean nothing. Vague-meaningful arguments posited that the ERA was so general that efforts to interpret it would cause courts and Congress to be overloaded with litigation and debate. Vague-meaningless commonplaces posited that because of its generality, no two people would
ever agree on what "equality" meant; and therefore, nothing would ever really get done toward its goals. In fact, meaningless commonplaces frequently posited that a theory of equality was a fine ideal, but no one, be it private citizen or public servant, would attempt to put it into practice—it was actually impossible to do.

To clarify this rather complex component of anti-ERA commonplaces further, one can relate the 1923 anti-ERA meaningful commonplaces with panic and meaningless commonplaces with cynicism. The underlying emotion of anti-ERA meaningful commonplaces is panic—that the unforeseen and presently unimaginable consequences of an ERA would wreak havoc on a dumbfounded society and seriously disrupt federal and state policy making. In the same fashion, the underlying feeling of meaningless commonplaces is cynicism—that the grand idea of equality is so grand (and general) that the established, status-quo leadership in government will ignore its progressive possibilities, while the unenlightened masses of the governed, to their unperceived detriment, will endlessly argue the specifics of reform. Esther Dunshee, writing in the March 1924 issue of *The Woman Citizen* provides a good example of the meaningful/panic commonplace.

It should be noted in the first place that its [the ERA's] meaning is very uncertain. No standard is set by which the rights referred to may be measured. The amendment does not disclose whether the rights of women shall be automatically made to conform to the rights of men as they now exist, or vice versa. Congress is to be given power to pass 'appropriate legislation to enforce this amendment,' but there is a vast body of legislation over which Congress has no control whatsoever and over which it can have no control because the people of the states, with whom the supreme sovereignty lies, have never granted such powers to Congress. Since there is no power in Congress to force the passage of legislation in the states, the interpretation of this amendment in relation to state laws which discriminate between men and women must be found, if at all, in terms of the amendment itself and as pointed out, the amendment sets no standard. (19)

This circular argument contains a lot of information in a small amount of space, yet its rambling style contributes rhetorically to a feeling of panic and confusion. First, Dunshee states that the ERA is a sweeping reform, and because of its unmanageable proportions, Congress will be mired in heroic yet fruitless deliberations to interpret what the ERA means and legislate
those interpretations. Second, Dunshee also appears to be saying that the confusion that the ERA will surely illicit within federal law-making bodies would be complicated further by the possibility that federal-level interpretation and legislation of the ERA would not always conform to the various state-level interpretations and legislation of the amendment. This would then cause yet more dissension and debate. It is here that Dunshee points to another part of the panic not yet mentioned—and that is the fear that the constitutionally supported states' rights to govern their own domestic affairs would be usurped by the federal government. In other words, some anti-equality rhetors believed that if a general and sweeping reform such as the ERA were to be passed at the federal level, then all fifty states would be forced to follow the federal courts' and federal legislative bodies' interpretations of the ERA.

With certain meaningful/panic commonplaces such as the one above (and certain meaningless/cynic commonplaces yet to be discussed), the rationale against the ERA shifts from an ideological objection to the ERA based on the theological obligations, sociological practice, biological essence, and divisive definitions of women, to a practical/feasible objection to the ERA based on the idea that "equal rights" makes for bad legislation—that the ERA of 1923, and any possible forthcoming ERAs, are flawed. Most seriously, the amendment tends toward unclear generalities, a multiplicity of possible interpretations, and the creation of a federal equal rights dictatorship over the state.

This is not to say, however, that some familiar, cult-of-the-spheres social themes cannot be found in meaningful/panic and meaningless/cynic commonplaces. Dunshee also argued that the confusion that would surround the ERA in legal and governmental matters would have implications for the family, the home, and male/female relationships.

Let us suggest a few of the questions which might arise for interpretation if this amendment were passed and accepted by the state. Will husbands continue to be legally bound to support their wives? How would this amendment affect mothers' pensions? Would the Sheppard-Towner law for the promotion of the welfare and hygiene of maternity and infancy still be valid? Would women be subject to conscription? Would the age-of-consent laws be wiped out? Would women in Illinois remain minors until they reach the age of twenty-one, or would the men in this state have the right to claim majority at eighteen? Would
fathers be jointly responsible financially with mothers for their illegitimate children? These are only a few of the questions which may be raised, with no hope of an adequate answer, and they point to endless years of litigation...

We cannot afford to remain silent. Some amendments, now a part of the Federal Constitution, have produced results entirely unsuspected by the men who framed them and advocated their adoption, and after years of litigation, still are frequently the subject of construction in our courts. Let us not repeat this error. (19)

Dunshee does not provide any examples of exactly what or which amendments had caused unintended results and "years of litigation" in the 1920s, but her list of questions regarding implementing an ERA counterbalances these unsupported claims and upholds her core contention that enforcing an ERA would be a messy, inelegant process, if not a socially harmful one.

Meaningful/panic commonplaces certainly emphasized any possible harmful effects of the ERA, both political and social. Other rhetors argued that not only would the ERA produce unknown and unwanted results for future generations, but that some measures, which were favorable to equality, would be jeopardized by a federal ERA mandate.

Slow and wearisome though the process may be, it is better to keep what has been won, and go steadily on getting good laws by votes backed by organization, than gamble upon the chance of hoped-for quick winnings, and then lose. (Kelley 19)

Meaningless/cynic commonplaces, or arguments that claimed the ERA would have little of no effect because of the established powers' immovability and the public's insensibility, focused on this idea of the ERA's danger to existing equality laws and added the more alarming contention the ERA could not be easily modified or rescinded if such a move became desirable. This fear of the permanence of the ERA spawned new debate over whether or not legislative and judicial processes were the proper means to elicit social change.

Modifications in state laws can be made with relative ease when needed as social conditions change. But an amendment can hardly be repealed. It can be changed only by the long, slow process of judicial interpretation...Statutes can be obtained without the delays which attend every federal amendment...In the long history of human experience there is no record of a quick, sure remedy for
an injustice involving fundamental social relations. It becomes daily clearer that much injustice to women is attributable to the general absence from the courts of competent, thoroughly-trained [sic] women judges. This situation is obviously not remediable by amending the federal constitution...

The ballot is our most recently acquired instrument of choice and change. With it statutes can be fitted precisely, skillfully, [sic] to the needs of every group in the community. If, moreover, the proposed amendment were desirable, its enactment in the near future would be premature. The Eighteenth Amendment [sic] is not yet four years old. The uses of the ballot, which it conferred upon women, have not begun to be tested. (Kelley 19.162)

Where Esther Dunshee's position against the ERA was largely based on maintaining the status quo, Kelley's position against the ERA was based on the premise that the best way to achieve equality was not by constitutional amendment. Many of the meaningless/cynic anti-ERA commonplaces that rejected government intervention as a means for social change proposed proactive alternatives to the ERA such as uniting female voting power, electing women officials, and promoting women in the professions. These anti-ERA arguments were not against equality ideologically, nor were they necessarily against the ERA and its practicality or feasibility, but rather that equality between the sexes is best achieved by a different means altogether—one that didn't involve legislatures or the judiciary at all.

Should the amendment be embodied in the Federal Constitution, it will lie, in all probability, like some other provisions, a dead heap of words. Or if there be a very active ferment in its phrases, efforts to define 'equal' and 'rights' may keep bench and bar busy for a generation or more...A high-school pupil could define the word 'sex' and 'right to vote.' But the Supreme Court would undoubtedly define 'equal' and 'rights' in nine different ways...We readily admit many a flaw in statutes, in domestic relations for instance, but deny that the equality amendment can prove a Messiah to lead beset womanhood to freedom...Equality not only looks one shade of justice by candle light and quite another by day, but it means one thing to a young women of twenty and quite another to a grandmother of fifty. Are even the members of the Woman's Party of one mind?...Perhaps, if the Woman's Party substituted for the proposed amendment an oath binding each of its members to employ women doctors, lawyers, architects, and the rest, quite a stride could be taken toward the happy goal of "equal rights." (Blatch 301).

Politics, it would appear, was not considered the best place to work toward equal rights. A certain distrust of politics and politicians becomes clear in other meaningless/cynic
commonplaces that proposed ERA alternatives. Certainly the international history of legislated equality outside the United States was not encouraging.

We can benefit in this very important matter by the experience of Englishwomen, who in some ways are a generation ahead of us. Those thirty years of age won the right to vote and to sit in Parliament near the close of the war in 1918. Dissatisfied with this concession, which they saw left them still outside government walls, with laws, the professions, business, and industry discriminating against them, they persuaded the coalition leaders just before the General Election in 1918 to pledge themselves "to remove all existing inequalities of law, as between men and women." In 1919 the Coalition Government passed the so-called Sex Disqualification Removal Act, hailing it as the "Woman's Charter of Liberty." I remember we heralded it in the United States as the second great "Act of Emancipation." Its opening words seemed nobly and generously to promise the dawn of a new freedom:

A person Shall not be disqualified by sex or marriage from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from entering on or assuming or carrying on any civil profession or vocation, and a person shall not be exempted by sex or marriage from the liability to serve as a juror.

But after this sweeping opening statement come certain qualifying clauses which give the appointment of women to the civil service into the hands of the hoary old enemy, the Treasury, and give to courts and judges the right to call women as jurors. A certain piece of portentous language in the Act seems to open up the whole field of higher education on absolutely equal terms, but on analysis it merely gives Oxford and Cambridge permission to admit women if they want to!...Thus Englishwomen have learned to beware of politicians bearing gifts, and to be wary of equality laws. They are now preparing to take equality, by taking a half-share in government. (Martin 165)

These arguments employing meaningless/cynic commonplaces proved prophetic in their call for action over legislation, for in the decades that followed the first ERA effort, world events (which were no doubt beyond the control of activists) did more to advance equality for women than any legislation at federal or state levels. Two major events in American life, the Great Depression and WW II, began the change in the status of women that would come to fuller fruition in the 1960s (Blahna 45-49). Because the family's day-to-day survival was at a premium during the Depression years, cult-of-the-spheres male–world work/female–home work and sex roles became much less important. The growth of labor unions after the traumas of the depression effectively erased the practical and ideological divisions regarding protective labor laws for women. And women's massive contributions in the private sector and in the
military during World War II forced a somewhat reluctant society to recognize the other-than-mother, other-than-wife abilities of females.

**The Interim: An Overview**

Legislative activity, however, certainly had a role in the post-1923 ERA debate. The Fair Labor Standards Act, for example, passed in 1938, and gave women *and men* equal protection under federal regulations that required standards for wages and work hours.

During the late 1930s, 1940s, and 1950s, growing popular support for an ERA prompted several women's groups to finally join the NWP in support of the amendment.12 Many other political groups, however, opposed the NWP amendment and their natural rights stand for full legal and civil rights for women. These groups proposed various versions of a softened ERA.13 These alternatives, in the form of amendments, bills, and riders, addressed certain issues of equality but stopped short of providing full legal rights for women on a par with men.

The Lucas Amendment of 1941, for example, requested equality for women, but only in the areas of holding public office, employment, and jury duty (Manning 184). Similarly, in 1945 the Committee of American Women (CAW) proposed that a rider be attached to the ERA that qualified their request for equality with language that any past or future legislation regarding women and work and women and family be left unaffected (Hornaday 3). In 1946, together with various other anti-ERA groups, the National Women's Trade Union League introduced the Women's Status Bill, which requested equality for women except in instances

12 Some of these groups were The National Education Association, the General Foundation of Women's Clubs, and the National Federation of Business and Professional Women's Clubs.

13 Some of these anti-ERA groups were The American Federation of Labor, the American Federation of Teachers, the National League of Women Voters, the National Consumers' League, the National Council of Catholic Women, the National Council of Jewish Women, the National Council of Negro Women, the National Women's Trade Union, the League Council of the YWCA, and the American Association of University Women.
where legal gender distinctions were made necessary by females' "physical difference," and "social functions" (H.J. Res. 49 and H.R. 2007). Similar to the CAW's rider and the Women's Status Bill, the coalition of anti-ERA groups also supported Senator Carl Hayden's (D-Arizona) rider to the ERA, which stated, "The amendment shall not be construed to impair any rights, benefits, or exemptions hereinafter conferred by law upon persons of the female sex" (S.J. Res. 25) Versions of the Women's Status Bill were introduced to sessions of Congress in 1946, 1956, 1959, and 1961; and the Hayden rider passed the Senate but not the House in 1950, and was reintroduced to sessions of Congress in 1953 and 1960. None of the amendments, bills, or riders as attached to the ERA was passed.

As one might expect, none of these legislative alternatives was acceptable to the NWP coalition (which was eventually spearheaded by the National Federation of Business and Professional Women's Clubs.) Pro-ERA forces throughout the 1940s and 1950s remained committed to full equality for women. They did not compromise either the amendment or their natural rights argumentative stance. Mirroring pro-suffrage and pro-1923 ERA arguments of the past, pro-"as is" ERA arguments of the 1940s and 1950s held that nothing other than the original language of the NWP 1923 ERA would be acceptable. Harkening back to the natural rights arguments originally referenced by Elizabeth Cady Stanton, these pro-ERA groups defended the rights of women based on the inalienable right of the individual in a state of nature; the right of the unique, valuable, and singularly responsible individual to self-representation in a state of government; and the right of the individual to be regarded as a member of the human race before and above his or her designation as a member of the male or female class.

The anti-ERA amendments of this era are evidence of the continuing serviceability of the five-part, anti-equality framework of commonplaces. Certainly these ERA legislative alternatives reference biological differences, sociological functions, theological work assignments, and cult-of-the-spheres definitions of true women; and certainly these alternatives
speak to a meaningful/panic interpretation of the ERA. For example, the Lucas Amendment of 1941 alludes to theological work assignments by limiting male/female equality to areas of public office, employment, and jury duty. The CAW's proposed rider brings to mind accepted female social functions by seeking to disqualify women's assigned family work from the ERA. The CAW rider also speaks to the fears of the meaningful/panic interpretation of the ERA by preventing other legislation (both past and future) from touching the traditional role of women. The Equal Status Bill specifically mentions female biology and sociology in its attempt to limit the ERA from influencing existing legal distinctions based on the "physical difference" and "social function(s)" of the female gender. Similarly, the language of the Hayden Rider directly references "female sex" and prevents the ERA from revising any of the so-called rights, benefits, and exemptions they enjoy. Although the original, NWP version of the ERA was introduced to every session of Congress since 1923, the strength of the five ERA commonplaces probably prevented any action on the measure until 1970.
CHAPTER 3
THE 1970s ERA

The 1970s ERA: An Overview

With the inauguration of liberal Democrat John F. Kennedy in 1960, hope for a federal ERA began anew. Expectations of Kennedy's support for the ERA proved to be overly optimistic, however, as he owed his presidential victory in part to labor organizations that continued to oppose the ERA. Kennedy did appoint a woman, Esther Peterson, as Assistant Secretary of Labor and as head of the Women's Bureau, but Peterson opposed the ERA as well. Perhaps as a political tool to diffuse organized efforts and growing public sentiment in favor of the ERA, Peterson and Kennedy created a commission to identify the social and political situation of American women. The commission was called the President's Commission on the Status of Women and the twenty-six-member board was nearly 100 percent opposed to the ERA. (This board, incidentally, included Eleanor Roosevelt.) In 1963, the Commission issued a report, which documented discrimination against women and issued recommendations. Beyond this documentation, however, the commission did little to further the ERA effort (Evans 274).

The Civil Rights Bill of 1964, however, came to the aid of pro-ERA forces. Political groups in favor of a federal ERA saw an opportunity to incorporate a ban on discrimination on the basis of sex along with the bill's existing ban on discrimination on the basis of race. Thanks in part to the political acumen of Alice Paul, Southern conservatives went along with the idea. A few members of the NWP who were on friendly terms with Howard Smith (D-Virginia) contacted him and asked if he would amend the Civil Rights Bill to include a ban on sex discrimination. NWP members gambled on Smith's anti-civil rights sentiments and reasoned that Smith would be agreeable to the addition of the word "sex" to the bill because it would likely hold up its progress through Congress. As a member of thirty-three years, Smith

14 By 1970, many groups that had previously opposed the ERA in 1923 dropped their opposition; most notably the American Association of University Women and the League of Women Voters.
was a powerful Congressman, and if he proposed the amendment, other Southern conservatives who likely owed Smith favors would vote favorably.

As debate in the House on the Civil Rights Bill began, other Southern conservatives tried to hold up the bill using the same strategy, but without success. When Title VII—the most controversial section, which banned discrimination in employment—was up for debate, Smith proposed that the word "sex" be added to the language of the section wherever language that prohibited discrimination of the basis of race appeared. As expected, Southern conservatives and anti-civil rights democrats supported Smith's amendment. Representative Martha Griffiths (D–Michigan) was present for the debate, and, in a manner similar to Paul, Griffiths appealed to the Congressmen's racist sentiments by wondering aloud that if "sex" wasn't included in Title VII, would Black women have the same privileges as White and Black men in employment laws; and further, would Black women be given privileges in employment over White women? Her feigned speculation succeeded, and the House passed the amendment to Title VII. Weeks later the full Civil Rights Bill, with the word "sex" in Title VII, passed the House. The Senate followed suite, and President Johnson signed the bill in July of 1964.

Title VII was another step toward the natural rights version of equality that Elizabeth Cady Stanton had demanded in 1848; and after this equal employment victory of 1964, the time was again ripe for an ERA.

By 1970, a renewed ERA effort was under way that had the support of the long-opposed United Auto Workers. Citizen agitation for the ERA effort began when Pittsburgh National Organization for Women (NOW) members disrupted a Senate subcommittee hearing on constitutional amendments. Somewhat serendipitously, the hearing in progress was regarding the right of eighteen-year-olds to vote. The subcommittee Chair Birch Bayh (D–Indiana) met with the NOW members and agreed to work toward hearings, and on May 5, 1970, hearings began. On August 10, 1970, the House passed the ERA. The Senate debated the ERA the following October, where in the style of the 1940s and 1950s, various
amendments and riders softening the measure were introduced. One of the amendments of particular consequence to pro-ERA rhetors added language to exempt women from the draft. A vote to amend the ERA with language on the draft passed, but by the end of the session the ERA was still unresolved and it would have to be reintroduced in the Senate the next session.

Anti-ERA Senator Sam Ervin (D–North Carolina) and Representative Emanuel Celler (D–New York) were largely responsible for introducing the draft argument into the ERA debate; the emotional nature of that argument blossomed into other areas. During Congressional ERA debates that occurred on and off until 1972, Celler and Ervin introduced issues of alimony, child support, unisex bathrooms, unisex jail cells, and rape laws—all of which proved to be quite effective in fanning the flames of opposition to the ERA. Ervin also recapitulated the time-worn sociology commonplace by stating that an ERA would destroy the family. Despite Celler and Ervin's best efforts, however, the ERA passed the House on October 12, 1972, and the Senate on March 22, 1972.

For full federal ratification, the next step was to win resolutions to ratify the ERA in 38 states; Hawaii, Delaware, Nebraska, New Hampshire, Idaho, and Iowa all passed resolutions within a week of the Senate vote. By 1973, twenty-four more states ratified, but in January 1973 the landmark Roe vs. Wade case was decided by the Supreme Court on the premise that state laws that outlawed abortion violated a woman's constitutional right to privacy. Though there is no legal connection between the ERA and the right to privacy, the Roe vs. Wade decision would impact the future of the ERA from that day on. The trend of the states speedily ratifying the amendment came to a halt almost immediately. In the end, 35 of the required 38 states approved ratification for the ERA by 1977. And though pro-ERA forces were successful in extending the 1979 deadline for ratification to 1982, no other states signed on after 1977.

Before this legislative activity of the 1970s began, many women in the United States had become increasingly dissatisfied with their role in American life, which, they believed, still did not allow them to be regarded as equal citizens with men. Shortly after Kennedy's
Commission on the Status of Women was created, several different women's groups, each in its own way addressing women's dissatisfaction, began to take shape. The Women's Strike for Peace (WSP), the National Organization of Women (NOW), the Redstockings, and the Women's Equity Action League (WEAL) were some of the most vocal groups. Scholars of feminism, women's history, and rhetoric tend to disagree on what event and/or manifesto precipitated the mass insurgence of women's rights activity in the 1960s. Some cite the civil rights movement and its focus on equality as the impetus for women to organize (Evans 273). Others posit that the so-called women's liberation movement was sparked by females being ignored and relegated to "women's work" within the co-ed organization, Students for a Democratic Society (SDS) (Hancock 264). Still others credit popular women's books of the time, such as Betty Friedan's *The Feminine Mystic* and Germaine Greer's *The Female Eunuch* as the clarion call for women's action (Epstein and Goode 170).

Feminist scholar Judith Sabrosky rejects all of these hypotheses in favor of one positing that a coherent feminist theory, begun by Simone de Beauvoir in 1949, was the true inspiration for women's renewed action in the 1960s and 1970s. de Beauvoir's feminist theory was presented in her work *The Second Sex*, which Sabrosky asserts was more or less plagiarized by Friedan and Greer (108–110). Briefly, de Beauvoir took Jean Paul Sartre's existentialist theories and applied them to the problem of women's social inequality, especially Sartre's ideas of human experience as Subjects and Objects. According to Sartre, Man's existence is meaningless, and Man is nothing but what he chooses to do as a Subject in his brief existence in the world. Each existent being has an idea of himself as a Subject and an idea of others as Objects. Human relations, therefore, always involve conflict because everyone is both a Subject to himself and an Object to others. Subjects seek to control Objects in order to avoid being controlled themselves; freedom from control is vital to the existent being because, as stated, he exists only to the extent of what he says and does. He exists only to the extent that

he has the freedom of a Subject to make himself without the control of Objects. Beauvoir posited, as Sabrosky retells it, that throughout history women came to permanently occupy the Object (or Other) existence in human relations.

In determining the reasons for man's definition of woman as Other, Beauvoir adopted the Sartrian notion of the basic conflictual nature of human relations. She contended that any Being-For-Itself [or Subject] sought to control other Beings...

Man established himself as a Being-For-Itself, as Subject, because he perceived of himself as creative. He constructed society while woman retained the predetermined biological functions of nature. Thus, man feared woman as he feared nature because both were the unknown. To control his fear, and hence to preserve his freedom, man considered it mandatory to control woman...

Woman's inferiority began in primitive society. Woman was the gaver of life. But in primitive society, man risked his life to protect others. This was the source of woman's inferiority. Man, the creator of society, controlled the forces of nature. Woman, the human representation of nature, was destined for the 'repetition of life'...

When man began to control nature and therefore separated himself from nature, he separated himself from woman. Woman was nature personified because she gave life without controlling it. When this separation between man and woman occurred, man became free. Since the threat of potential power of the Other must be eliminated for man to be really free, he controlled woman. This development, for Beauvoir, was the source of woman's inferior status. Man, consciously or unconsciously, was forced to subordinate and control woman in order to preserve his own freedom. As civilization developed, the forms that male control over woman took became more complicated and powerful. (Sabrosky 114-115)

While Beauvoir's feminist theory is lengthy and complex, it is important to pro-ERA argument in that it informs pro-ERA arguments of the 1960s and 1970s and is compatible with natural rights philosophy in many (but not all) ways. Both natural rights philosophy and Beauvoir's existentialist theory contend that it is unnatural for one sex to have dominion over the other. A point-by-point comparison of the tenets of natural rights philosophy and the tenets of Beauvoir's existentialist-feminist theory help clarify the parallels. While the statements of each theory are different in language, the ideas of freedom, hegemony, and conflict are the same.
<table>
<thead>
<tr>
<th>Natural Rights Philosophy</th>
<th>Beauvoir's Theory &quot;à la Sartre&quot;</th>
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<tbody>
<tr>
<td><strong>Human Beings have the right to, as well as the nature for, freedom:</strong></td>
<td><strong>Human beings have the divine gift of free will and the existential imperative of choice:</strong></td>
</tr>
<tr>
<td>• A state of Nature exists before a state of government and the individual has inalienable rights in that state nature.</td>
<td>• A state of being exists before a state of substance, and Man only achieves his substance by making it for himself.</td>
</tr>
<tr>
<td><strong>Human beings have the divine gift of free will and the existential imperative of choice:</strong></td>
<td><strong>A natural, higher power (God) gave individuals inalienable rights and free will so the individual might fulfill his destiny.</strong></td>
</tr>
<tr>
<td>• A natural, higher power (God) gave individuals inalienable rights and free will so the individual might fulfill his destiny.</td>
<td><strong>God does not exist, but Man is nothing except what he chooses to be as a free Subject.</strong></td>
</tr>
<tr>
<td><strong>Human beings have the right to self-representation as well as the disposition for Subjectivity:</strong></td>
<td><strong>Government oversees individuals' rights while Subjects seek to control Objects:</strong></td>
</tr>
<tr>
<td>• All individuals are unique, valuable, and singularly responsible for themselves. One can never truly represent another.</td>
<td>• Rights by Nature transcend rights by Government.</td>
</tr>
<tr>
<td><strong>Government oversees individuals' rights while Subjects seek to control Objects:</strong></td>
<td><strong>Man as Subject makes himself, but Man as Object is made by the Other.</strong></td>
</tr>
<tr>
<td>• Rights by Nature transcend rights by Government.</td>
<td><strong>The nature of humanity is for equality and the nature of Man is for self-making:</strong></td>
</tr>
<tr>
<td><strong>The nature of humanity is for equality and the nature of Man is for self-making:</strong></td>
<td><strong>Man as Subject is free, which is necessary for his self-making.</strong></td>
</tr>
<tr>
<td>• Individuals are designated as members of the human race before and above their designation as members of a male/female gender.</td>
<td>• Man is self made, but only if he is a free Subject rather than a controlled Object.</td>
</tr>
<tr>
<td><strong>Human beings are captives without consent in government and Man is controlled if he is Objectified:</strong></td>
<td><strong>Subjectivity is key for Man's self-making.</strong></td>
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<tr>
<td>• Consent of the governed is necessary for a government's powers to be just.</td>
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</table>
Objects, who simultaneously see themselves as Subjects and other self-believing Subjects as Objects. The conflict in natural rights philosophy lies in the fact that the government is the people—the individuals, but what is good for the individual is not always good for the government, and vice versa. What is important to recognize in the similarities of the two philosophies regarding pro-ERA argument is that the female is the Object, the other, the individual in a Jeffersonian democracy—who, in the natural rights vein, is seeking rights from a male-dominated government and who, in the existentialist vein, is seeking freedom for self-making from the control of a male Subject.

1970s Pro-ERA Argument

One can see that as Beauvoir's theories were applied to pro-ERA arguments of the 1960s and 1970s, natural rights assumptions re-emerge alongside Beauvoir's brand of existentialism. In Maureen Reagan's essay, "In Support of the ERA," the intermeshing of these two schools of thought becomes clearer.

This concept of equal rights is not a new one. For 200 years America's women have struggled for the rights that would be accorded them under ERA—equality in all areas of life, financial, legal and social. Abigail Adams was one of the earliest advocates. On May 7, 1776, she sent her now-celebrated letter to her husband John, hard at work in Philadelphia helping to draft the Declaration of Independence: 'In the new code of laws which I suppose it will be necessary for you to make,' she wrote,

I desire that you would remember the ladies and be more generous and favorable to them than your ancestors. Remember that all men would be tyrants if they could. If particular attention is not paid to the ladies, we are determined to foment a rebellion and will not hold ourselves bound by any laws in which we have no voice or representation.

Until we ratify the 27th Amendment and include women as equal citizens under our federal constitution, the original intent of the Women's Movement as defined since Abigail Adams will not have been accomplished...The amendment would require changes in the basic legal, social and economic attitudes we have been conditioned to accept for centuries...Isn't equality in this nation what we hold most dear, the very foundation of our existence? (Jaggar 179-181)
Reagan's employment of natural rights philosophy is most clearly apparent in her re-introduction of the Declaration of Independence into the debate. Just as Elizabeth Cady Stanton did in 1848, Reagan questions why equality, the "very foundation of our existence" as a democracy, is not available to women. Reagan also references the natural rights ideal of justice and consent of the governed in her quotation of Abigail Adams—that the "ladies will not hold themselves bound by any laws in which they have no voice." She may not have intended it, but Reagan's equally effective use of Beauvoir's existentialist theories are also expressed in part through the words of Ms. Adams, that "all men would be tyrants if they could,"—that is, all Subjects would objectify the Other if they could. In addition, Reagan posits that the ERA would correct inequalities that women have been conditioned to accept for centuries. One can easily find that this statement is in agreement with Beauvoir's thesis that women have become Objects, the Other, through the application of control by male Subjects.

Sabroski's thesis that Simone de Beauvoir is the foremost leader of feminist theory—and that all other theorists in some form mimic her ideas—illustrates an important facet of 1960s and 1970s pro-ERA argument. This era in the history of equal rights for women was one in which scholars in several fields of the academy became preoccupied with exploring feminist theory and the issues of equality that follow such a theory. Political theorists argued the meaning of "equality." They primarily asked the question: Does equality imply sameness; that is, is the first condition of equality that the two objects (or people) be identical and interchangeable? (Segers 321). Other political scientists differentiated "equality" from "equal opportunity" and went on to propose the implications of applying a theory of equal opportunity to legal and political matters in the United States (Elshtain 452-477).

As political scientists discussed equality, equal opportunity, and what those ideals would mean to government and the private sector, linguists began to study what has come to be called sexist language; psychologists, the mind of woman; and philosophers, the personal-political nature of feminism. But perhaps the best example of the intellectualization of equal
rights for women was the rise of women's studies programs in universities across the country. With the advent of these programs, feminists began to identify and theorize what they called the roots of female oppression. Alison M. Jaggar and Paula Rothenburg Struhl, editors of the 1978 anthology of feminist essays, *Feminist Frameworks*, explain that the theories of women's oppression can be categorized under four schools of thought: liberal feminism, traditional Marxist feminism, socialist feminism, and radical feminism (82–85).

By delineating the different schools of feminism, feminists and pro-ERA rhetors could have better explained the theoretical underpinnings for their pro-amendment position. This framework of feminism, however, was not clearly articulated outside the academy and was certainly not placed within the public ERA debate. Typically, anti-ERA rhetors categorized all feminists as *radical feminists*; but more accurately, feminists in favor of the ERA were *liberal feminists*. By explaining the complexities and shades of meaning of the word "feminism," pro-ERA rhetors might have prevented the demonizing of all feminists that began in the 1960s public debate. The still-lingering negative connotation of the word "feminism" can be traced back to this time, when the academy had the tools to explain the facets of feminism but failed to use them effectively. Still, the scholarly treatment of women and their oppression and rights did in some ways aid the ERA discussion outside the academy. At the very least, participants in the public forum came to better accept the position that women were and are an oppressed population. The academic theories regarding the roots of female oppression lent credence to the position that women were indeed treated differently than men in the United States and elsewhere. Put another way, 1960s anti-ERA rhetors understood female oppression better than their foremothers, but they had virtually no knowledge of the different approaches different feminists had toward eliminating it.

*Liberal feminism* is defined as the philosophy that emphasizes equal opportunity. Liberal feminists believe that women's oppression is the result of legal discrimination in education and employment, and that eliminating these discriminations through established
governmental channels would result in equality. Liberal feminists argue that, while males and females are not identical, they are still equal. One's sex is not a relevant characteristic for one's right to utilize his or her human talents and abilities to their fullest.

*Traditional Marxist feminism* is defined as the philosophy that most emphasizes economics and the have and have-not class system that capitalist, market economies produce. Marxist feminists believe that women's oppression is a secondary characteristic of a society that values profit, wealth, and private ownership over the rights of the individual. True equal opportunity in any form can therefore never exist in such a profit-driven society and, by extension, such a profit-driven government. Eliminating discrimination against women must begin with eliminating discrimination against the working class, who produce the wealth of a nation but have little power or wealth of their own to control their lives and life choices.

Similarly, *socialist feminism* emphasizes the intermingling of Marxist theories of economic class with cultural/societal institutions, claiming that each works jointly to oppress women. Socialist feminists argue that the entrenched values of a particular society or social class—such as the cult of the spheres in the U.S.—conspire with the unequal distribution of wealth to promote discrimination against women. Though the means to oppression may differ from place to place, socialist feminists maintain that all cultures and all forms of government everywhere subordinate women. Socialist feminists, then, believe in the idea of sisterhood: that women everywhere, in every kind of culture, share the same unequal status. To eliminate inequality, socialist feminists advocate eliminating "sexism" as well as class elitism in society—that neither one's sex, nor one's bank account, should have anything to do with how an individual fulfills his or her needs and goals.16

Finally, *radical feminism* emphasizes biology, and especially woman's child-bearing ability, as the most fundamental root of all female oppression. Radical feminists believe that the female capacity for pregnancy, hence, dependence, coupled with the male capacity for

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aggression, hence, control, creates a situation in which male domination/female subordination seems natural. Through this biological lens, male and female roles are pervasive and become so universally accepted that the human animal often lives and behaves according to sex roles without ever fully realizing it or ever fully realizing why. To eliminate discrimination against women, radical feminists propose eradicating the biological roles of women and men.17

It is important to mention Simone de Beauvoir and feminist theory building, the rise of feminist scholarship and women's studies programs, and the four varieties of contemporary feminist thought because each of these developments relate to pro-ERA argument in ways that are important but that may not be immediately apparent. First, Beauvoir's and others' attempts at a solid feminist theory lend a new kind of sophistication, if not an element of inarguability, to pro-ERA argument. That women are an oppressed population becomes "a given" (at least for most people) in the 1960s and 1970s. In the long history of the equality struggle that began in 1848 and led to a mass movement in the 1960s and 1970s, female oppression was still a largely contested premise. Second, though they often have been derided and disregarded by people both inside and outside the academy, women's studies programs have produced a wealth of information, action, and reaction to the ERA debate. And third, any framework that helps one grasp the multiple voices involved in the equality discussion can certainly shed considerable light on both pro- and anti-ERA arguments—where they originated—and how they function in the ERA debate as a whole.

Within this four-part framework of contemporary feminism, Jaggar and Struhl subsume natural rights philosophy (though they do not call it such) within the category of liberal feminism. This is an agreeable move because those rhetors who spoke out specifically in

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17 Jaggar and Struhl cite Shulamith Firestone's essay, "The Dialectic of Sex," as the basis for their definition of radical feminism. In her essay Firestone proposes technology as the means to eradicate biological male/female roles. Jaggar and Struhl also note that radical feminism is multiformal, and different radical feminists submit different "problems" and posit different kinds of answers to problems. These editors recommend Charlotte Bunch's "Lesbians in Revolt" for another view of radical feminism. For additional information on radical feminism see Ann Koedt (comp), Radical Feminism, New York: Quadrangle Books, 1973.
support of the ERA can be labeled as primarily liberal feminists. It also stands to reason that as liberal feminists advocate using existing political and governmental channels to elicit change, pro-ERA rhetors, because they are petitioning for a constitutional amendment, appear to qualify generally as liberal feminists given the definitions Jaggar and Struhl provide.

For example, Maureen Reagan's essay supports the ERA on liberal feminist (as well as existentialist-feminist) grounds that equal opportunity for females does not exist in the current language of our nation's constitution. The ERA will remedy this mistake, she says, especially in legal, economic, and social matters. Reagan's stance is consistent with liberal feminism with its emphasis on equal opportunity and the elimination of legal sex discrimination in employment and opportunity.

Organizations as well as individuals can be identified with liberal feminism, and NOW—the first and only women's group to support the ERA before the legislative activity of the 1970s—qualifies under this category. In the tradition of Elizabeth Cady Stanton's Declaration of Sentiments and Resolutions, NOW issued a Statement of Purpose in 1966.

We, men and women who hereby constitute ourselves as the National Organization for Women, believe that the time has come for a new movement toward true equality for all women in America and toward a fully equal partnership of the sexes, as part of the world-wide revolution of human rights now taking place within and beyond our national borders.

The purpose of NOW is to take action to bring women into full participation in the mainstream of American society now, exercising all the privileges and responsibilities thereof in a truly equal partnership with men.

We believe the time has come to move beyond the abstract argument, discussion, and symposia over the status and special nature of women which has raged in America in recent years; the time has come to confront, with concrete action, the conditions that now prevent women from enjoying the equality of opportunity and freedom of choice which is their right, as individual Americans, and as human beings.

NOW is dedicated to the proposition that women, first and foremost, are human beings, who, like all other people in our society, must have the chance to develop their fullest human potential. We believe that that [sic] women can achieve such equality only by accepting to the full the challenges and responsibilities they share with all other people in our society, as part of the decision-making mainstream of American political, economic, and social life. (Espstein and Goode 193)
With this statement, the members of NOW tell the reader that their basic argumentative assumption, the central premise from which all future pro-ERA claims will proceed, is the belief that equal rights are a human right. True equality, in their view, can only occur when women are accorded identical rights and identical responsibilities with those of men. NOW's purpose, then, echoes that of past pro-ERA rhetors and natural rights philosophers—that human beings in a state of nature have the right to equality in a state of government. Women, NOW proclaims, "first and foremost are human beings," which is to say, as expressed through natural rights philosophy, that women are designated as members of the human race before and above their designation as members of the female gender. Equal opportunity and freedom of choice, NOW says, are women's rights as "individual Americans, and as human beings," or, as the natural rights stance would have it, free will and the paths for fulfillment are granted to them by Nature (or God) and so should they be granted to them by government.

In keeping with NOW's position that equal rights for women are a human right, pro-ERA arguments necessarily had to include equal responsibilities. Perhaps the most controversial implication of equal responsibility was the natural rights, pro-ERA line that women would, like men, be required to register for military conscription. Questions regarding the draft and female participation in the military were asked by anti-equality rhetors in the suffrage debate and in the 1923 ERA debate, but only in the 1970s did this question become a central theme. In the era of the Vietnam conflict, when practically all Americans had suffered some form of personal loss because of U.S. involvement in Southeast Asia, images of young women being forced to participate in the war were powerful. Pro-ERA rhetors no doubt were aware of these images, but they could not sacrifice their natural rights ideology to allay the public's fears; for if they agreed to special privileges for women during wartime, then their entire argumentative base for "true equality" would be called into question. Anti-ERA biology commonplaces would certainly be strengthened if pro-ERA rhetors conceded that women, because of their so-named delicate natures and weaker bodies, could not in reality perform...
military tasks.

To address this difficult issue, some pro-ERA rhetors chose to emphasize the changing nature of warfare. They claimed—as exemplified by the clandestine, guerrilla fighting that characterized the enemy in the Vietnam conflict—that lightness, agility, quickness, and stealth and were equally, if not more, important than brute strength in combat (Davis 398). Other pro-ERA rhetors chose to emphasize the realities of the military establishment in the U.S. They contended that the power structures that existed (and still exist) within the military and among the military and such institutions as the courts and Congress, would never really allow women into combat anyway. In wartime, they explained, military leaders from the field tend to get everything they ask for because Congress and the courts trust the military's expertise in war, and because neither Congress nor the courts want to do anything that might be perceived as undermining the war effort. The reality of the United States at war, then, was that no individual or body of government would force military leaders into something they did not want to do, and military leaders made it unequivocally clear that they did NOT want women in combat (Mansbridge 60–67). 18

Still other pro-ERA rhetors chose to emphasize rights—that even under the weight of equal responsibilities, draftees would still retain rights to equal treatment.

If a draft is reinstated, women will be subject to it just as men are. Exemptions for child or other dependent care responsibilities, physical incapacity, and hardship will be available to women as well as to men. Women fully qualified to do so could serve in combat units; they would be subject to physical fitness standards for such service as stringent as those applicable to men.

More importantly, however, under the ERA women will have equal opportunity to enlist in the armed forces, and to receive retirement benefits, and all employment preferences accorded veterans. Currently, service opportunities for women who seek them are more limited than they are for men. (ACLU 12)

These rights and equal treatment arguments retain their natural rights underpinnings by making three important points that have more to do with equality between the sexes than with

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18 For additional information on women and the armed forces, see Jean Bethke Elshtain, Women and War, New York: Basic Books, 1987; ---------. Women, militarism, and war: essays in history, politics, and social theory, Totowa, New Jersey: Rowman and Littlefield, 1990.
women in combat. First, the rhetor emphasizes that some women would be exempted from combat just as some men are; second, the rhetor emphasizes that physical fitness standards for women would be just as stringent as for men; and third, the rhetor emphasizes that opportunities for women are not currently on par with opportunities in existence for men.

**1970s Anti-ERA Theology Commonplaces**

Although anti-ERA theology commonplaces tend to use and re-use the same biblical proofs that were outlined in Chapter 2, the political activity in the 1960s and 1970s introduced a new feminist theology, and many church leaders, both traditional and progressive, began to question their established biblical assumptions regarding women and religion. Feminist religious discussion generally centered around four primary theological assumptions that neatly summarize the proofs listed in the previous chapter: (1) that God is male, (2) that God created female as subordinate to male, (3) that females as a population are either evil as evidenced by Eve, or pure as evidenced by the Virgin Mary, and (4) that the writings of St. Paul are God's word (Hole and Levine 378). But just as certain church leaders attempted to come to terms with "sexist" religious assumptions, others of the Christian faith retained their beliefs and redoubled their efforts to defend the immutability of established interpretations of scripture.

The avant garde Marxist, socialist, and radical feminist facets of the equality question that gained wider acceptance in the 1960s and 1970s prompted reaction from traditional religious quarters, and the scope of anti-ERA theology commonplaces expanded to include anti-feminist discourse. Many anti-ERA rhetors perceived feminism and the ERA as one and the same, and as such, anti-ERA arguments developed an _ad hominem_ quality. "Feminism" through this lens, is an umbrella term that includes humanism, communism, socialism, and homosexuality, among other so-called aberrations. Because feminism came to represent this multiplicity of alternative theories and came to represent the ERA, the most widely used

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arguments employing theological commonplaces posited that the ERA, because of the feminists, contained a subversive, hidden agenda that was perceived—as were the feminists—as anti-Christian. This position illustrates one very well-defined division between the core beliefs of pro-ERA natural rights rhetors and anti-ERA theology rhetors: while pros believed that the United States was built on natural rights, the Constitution, and the American Revolution, antis believed that the United States was built on the Judeo-Christian tradition (Vogel 12). The typical anti-ERA theology rhetor tends to believe that anything which is seen as un-American (like Socialism) is also seen as anti-Christian.

Anti-ERA rhetors believed that feminists and the ERA stood for subversive things such as these: the abolition of Christianity in favor of humanism, the total eradication of sex distinctions, moral relativism, free love and sexual promiscuity, the overthrow of the capitalist market economy, an underground socialist revolution, witchcraft and paganism, homosexuality marriage, homosexuality in the public school curricula, giant tax caches for feminist and other progressive activities, the creation of a cultural and intellectual elite class, and federally funded abortion on demand (Frierson 1–30).

Pro-ERA counter-arguments to the "hidden agenda" premise often describe these notions as reactionary, ill-informed, or just plain "lies." But when one is made aware of the alternative feminist frameworks that came to the fore in the 1960s, and one gains a deeper understanding of the theoretical frameworks that undergird traditional, albeit male-centered, religion, it becomes easier to see how these ideas of witches and communists could have developed. Because of these beliefs and because of their religious, sometimes fundamentalist values, some anti-ERA theology rhetors came to view themselves and their opposition in terms they were most familiar with: good and evil. Just as the Bible teaches that Satan can change

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20 One radical feminist group was created in 1968 to counter and activate what they saw as passive women’s discussion groups that had become the fad. This group named itself Women's International Terrorist Conspiracy from Hell or, WITCH. See English, pp. 124-131. Several other groups called themselves by the acronym at different times throughout the ERA debate. For further discussion of the different meanings of and around WITCH, see Hole and Levine.
himself and appear beautiful to the unsuspecting, so is it that the ERA is a dangerous proposition that on the surface appears innocuous.

We are truly sympathetic with women who have suffered discrimination, and we believe in equal rights. But the feminist movement and the ERA carry a dangerous cargo which most Christians do not realize is part of the package...In some cases the public media—our main source of information—are being manipulated by a well-organized, cunning minority. The basic intent of the movement is to overthrow the 'establishment' and restructure American society...Alarmed citizens who perceive the inherent evil in the revolutionary goals of the feminist movement and its allied movements have banded together by forming numerous conservative action groups...

Expose evil; take no part in the unfruitful works of darkness, but instead expose them. When anything is exposed to the light it becomes visible...Remember the admonition in Ezekiel 33:6. If we see the evil and do not expose it, we will bear the responsibility. (Frierson 2, 29)

Not only was subversive activity and godlessness tied to the ERA, but abortion was also believed to be one and the same with feminism and the ERA. The distinctions among feminists discussed in the previous section were not in any significant sense recognized by anti-ERA theology rhetors. Generally, all feminists were seen as radical feminists. If one recalls the radical-feminist theoretical assumption that the biology of women is their chief oppressor, and one has some knowledge of treatises like the "Dialogic of Sex" by Shulamith Firestone—which advocated eliminating the biological oppressor by technological advances—it becomes easier to understand why abortion became aligned with the ERA. The chain of anti-ERA theological reasoning might go something like this: Feminism and the ERA are one in the same. Feminism is radical feminism. Radical feminists abhor pregnancy and women's biology. Feminists advocate abortion and other so-called technologies to end women's biology. Abortion and the ERA are one and the same.

Certainly pro-ERA rhetors could have made the case that Firestone's and others' essays were meant to be provocative and generate discussion, and that not all feminists necessarily agreed with its premises, but no such case was clearly made. It is arguable whether any counter-arguments of this kind would have been effective anyway. Nevertheless, the ERA, through the literature of mostly traditional Christian groups, became the ultimate symbol of
feminism, radicalism, abortion, and evil. The following excerpt from the People Concerned for
the Unborn Child is quoted at length to illustrate the abortion/ERA reasoning of anti-ERA
theology rhetors and to show how the ERA came to represent such a wide array of values.

To understand the nature of the Equal Rights Amendment, one must first
understand the nature of the (new) Feminist Movement and its "liberation
philosophy." For the ERA IS the political extension of the Neofeminist
philosophy, which is nothing short of revolutionary—a revolution which few
understand and even fewer are prepared to live.

It is necessary to examine the historical development of this philosophy and it is
relationship to the ERA. Perhaps one of the best sources we can draw upon is
Lawrence Lader. As an abortion pioneer he was both a friend to Margaret
Sanger (founder of Planned Parenthood) and to Betty Friedan (founder of
National Organization of Women). In his book so aptly titled Abortion II,
Making the Revolution, Lader describes how the abortion movement and
the feminist movement converged and became one and thereby kicked off the
"revolution."

The publication of Friedan's Feminine Mystique in 1963, and the founding of National
Organization for Women in 1966 (these two events) marked the dividing line between
the old feminism of rights and the new feminism of liberation—Friedan and Neofeminism
erupted on a wave of technology. For it was the technology of contraception, the birth control
Pill, that made possible the radicalization of women. Only when technology—and abortion is
a crucial step in this process—allowed women to free themselves from the prison of incessant
childbearing could they grapple with the possibility of achieving themselves on every plane...

There you have it—the breakthrough, when the feminism of rights, which was
particularly concerned with economic and social reform in the tradition of Susan
B. Anthony, gave way to the feminism of revolution...

Christian supporters of this amendment would do well to realistically recognize
that whatever good the original promoters sought to achieve through this
amendment, it is now in the hands of the most radical element of the feminist
movement...

How then can we who love and embrace the laws of God support a movement
such as Neofeminism when the cornerstone upon which it is built is
ABORTION ON DEMAND! And how can we take part in the ongoing
propaganda campaign to enact an amendment (ERA) which would risk
cementing the "right" to abort in the Constitution? This alone should disqualify
our participation and serve to alert us to the inherent evil which is at the heart of
this 'new' feminism and its political extension—the ERA (Vogel 4, 12, 14,
parentheses, boldface, and capitalization theirs)

The corresponding implication of naming the "Other" as evil of is, of course, that the
Self is good, and in this way anti-ERA theological rhetors tended to define their opposition to
the ERA less in terms of a ideological disagreement with liberalism and more in terms of good

Christians battling the forces of evil. Pro-ERA rhetors can be defined as evil because they are seen as the opposite of good: they subscribe to a largely humanist philosophy, and they do not take pains to advance any well-publicized religious arguments of their own. But even if pro-ERA rhetors were to advance religious counter-arguments that favor the ERA, they would still have to reject the four traditional theological assumptions that (1) God is male, (2) God created female as subordinate to male, (3) Females are either good or evil, and (4) St. Paul’s writings are God’s word. These four assumptions are the philosophical bedrock of the anti-ERA theology arguments, and so pro-ERA rhetors can never really escape being the "Other" to the traditional Christian Self. Hence, church leaders who did question these four assumptions are not portrayed as one and the same with the feminists; they are portrayed as having been duped, innocently unaware of the hidden agenda that the ERA advocated.

One can see with the anti-ERA theology arguments outlined above that the biblical proofs of the previous chapter are not directly referenced as they were during the suffrage and 1923 ERA campaigns. Rather, the biblical proofs are taken for granted as Truth, and the theological focus is on who the feminists are, how they lie outside traditional religious frameworks, and how they reject fundamentalist interpretations of the Bible. Anti-ERA theology rhetors, however, view traditional religious frameworks and fundamentalist interpretations of the Bible as good, and therefore the feminists lie outside of and reject good, which renders them evil.

1970s Anti-ERA Biology Commonplaces

The anti-ERA commonplaces tend to overlap. This can be seen in the kind of "us and them" thinking of theology commonplaces—the portrait of the good Christian woman vs. the pagan radical feminist—which shares certain characteristics with define and divide commonplaces. Anti-ERA biology commonplaces also overlap with theology commonplaces, mostly in the premise that God created man and woman to be different and that woman's and
man's different biologies render them fit for certain roles. Anti-ERA biology commonplaces in the 1970s, as do many of the previous anti-equality arguments, tend to focus on difference. Anti-ERA biology commonplaces of the 1970s argued that the differences between males and females are not only desirable, they are necessary for the continuation of life, and as such the roles that biology creates for men and women are inevitable.

True to this theme of inevitable biological roles (which were also present in suffrage and the 1923 ERA), Lionel Tiger argues in "The Possible Biological Origins of Sexual Discrimination," that the biology of human beings renders the male dominant and that male-to-male bonding is what keeps men dominant and in their rightful position of authority. Women, as one might guess, bond with their offspring. Tiger uses examples from the animal kingdom as proofs for his thesis and includes genetic programming as an important key to the male-dominant role. Tiger concludes that biologically predisposed male authority, and hence male/female roles, is necessary for the continuation of "communities." He also posits that male authority, because of its biological nature, is inevitable—that no matter how "equal" feminists might desire the world to be, biology overrides their best efforts.

The stability, order, and defense of the community depend on the male-bonded individuals...females seem biologically unprogrammed to dominate political systems, and the whole weight of the relevant primates' breeding history militates against female participation in what we call "primate public life"...the pattern of sexual division of labor may relate not only to real differences in skills, aptitudes and interests, but to a clear pattern of the human primate: that in some circumstances, particularly those defined as dangerous, important for the community, or involving matters of high moment, males will exclude females from their groups and engage in male bonding undisturbed...

I am suggesting that a species-specific pattern of Homo Sapiens is the creation of particular bonds between males, that these bonds are intrinsically related to political, economic, military, police, and other similarly power- and dominance-centered social subsystems, that equal female colleagues—even one—could interfere with these bonding processes, that one reflection of this principle is the constant division of labor by sex, and that while conscious social management of these processes may of course alter or reverse them, the propensity to behave in this way continue to manifest itself in each new generation until genetic change "breeds it out."
Tiger is advancing a theory (as was Firestone), but the received wisdom of biological reasons for female subordination are employed here just as forcefully as they were in the suffrage and 1923 ERA debates. That this theory is articulated in academic language and supported by scientific research does add a level of sophistication to previous arguments of the "smaller female brain," but what makes this argument different from previous anti-equality biology commonplaces is the suggestion that biology overrules human endeavor—that the social demand for sex equality is doomed to failure, even if thousands, hundreds of thousands, or millions of women do not like their biologically predetermined role. In this way one sees the other side of the intellectualization of 1970s equality arguments: "hard science," and its opposition to social science and philosophy, is used to support anti-equality themes.

Other hard science arguments emerged in the 1970s. Instead of Tiger's genetic coding as the basis for male dominance, Steven Goldberg argues that the hormonal chemistry of men enables them to gain and maintain authority in a society. Goldberg's book, The Inevitability of Patriarchy posits that male aggression is a biological certainty, and male aggression can explain "patriarchy, male dominance, and male attainment of high status roles." Goldberg argues that men's roles in society are not automatically given high status, but that in fact the reverse is true: men, through a kind of chemical natural selection called the "aggression advantage" come to ultimately occupy high status roles. Again, given this theory and the title of his book, Goldberg claims that there is nothing females, or even feminist males, can do to change this fact. Biology is reality and reality is biology, and the pre-eminence biology has in the grand scheme of social roles can in fact include other factors, which themselves also contribute to male authority.

The line of reasoning used would make the social institutions we discuss inevitable and does not preclude the existence of other forces also leading in the same direction; there may be a biologically based tendency for women to prefer male leadership, but there need not be for male attainment of leadership and high-status roles to be inevitable...No doubt some women would be aggressive enough to succeed in competitions with men and there would be considerably more women in high-status positions than there are now. But most women would lose in such competitive struggles with men (because men have the aggression advantage) and so most women would be forced to live adult lives as failures in areas in which society had wanted them to succeed...
For even if the boy is more aggressive than the girl only because society allows him to be, the boy's socialization still flows from society's acknowledging biological reality...

If society did not teach young girls that beating boys at competitions was unfeminine (behavior inappropriate for a woman), if it did not socialize them away from the political and economic areas in which aggression leads to attainment, these girls would grow into adulthood with self-images based not on succeeding in areas for which biology has left them better prepared than men, but on competitions that most women could not win...

Feminists make much of the fact that women constitute a slight majority of voters but in doing so make the assumption that it is possible to convince the women who constitute this majority to elect equal female leadership. This is a dubious assumption since the members of a society will inevitably associate authority with males if patriarchy and male dominance are biologically inevitable. (94-97)

Biology arguments such as these attempt to bring the discussion of equality for women to a screeching halt. To say that biology creates social roles for men and women, and to say that such roles are inevitable, is to come to a final conclusion. The ERA, under this premise, is human folly, an attempt by some individuals to change that which cannot be changed. The question of "equal rights" may not even be relevant under this premise because many of these same biology arguments also posit that women and men are "separate but equal." Harkening back to Cleveland's sociology commonplace, Goldberg posits that traditional male and female roles are equally important and each role complements the other. So-called rights, then, depend on which role the individual happens to inhabit—men have their rights, women have theirs. The glaring weakness in these arguments is, of course, that men hold the power in the arrangement. These arguments also fail to explain why, if biological roles are so natural, do so many women feel unfulfilled and cheated.

These questions of power differential and women's dissatisfaction are never adequately answered by anti-ERA biology arguments, except to say that some anti-ERA rhetors attempt to mollify women and their questions by exalting the biological condition of motherhood (as does Cleveland in the suffrage debate and Evans in the 1923 ERA debate). Women are powerful as mothers, they say, and the experience of motherhood is supposed to be intensely satisfying.
When he created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend...

Custom and law have imposed upon men the primary responsibility for providing habitation and a livelihood for their wives and children to enable their wives to make the habitations homes; and to furnish nurture, care, and training to their children during the early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. (Ervin 185)

In these arguments employing biology commonplaces, the "science of real differences" is the basic premise. This premise is then extended into social, economic, political, and even psychological areas. Tiger starts with the claim that men and women have different genes, then extends that difference to justify sex-role divisions of labor and male authority in communities. Similarly, Goldberg starts with the claim that men and women have different hormones, then extends that difference to justify social/political structures and male attainment of power. Senator Ervin starts with the claim that men and women were created differently by God, then extends that difference to female psychology and the sanctity of motherhood. These arguments are intended to persuade readers to accept the "scientific" certainty of the biology of sex difference, and hence, to accept the inevitability of the various extensions of difference to non-biological realms.

1970s Anti-ERA Sociology Commonplaces

If some anti-ERA rhetors claim the inevitability of sex differences and sex roles, then other rhetors explain that the ERA attempts to eradicate the acknowledgment of sex differences.
in the nation's laws. As has been previously stated with the analysis of historical anti-equality sociology commonplaces, 1970s anti-ERA sociology commonplaces also operate under the assumption that the family is the root of a successful society. Much of the 1970s anti-ERA sociology commonplaces depict ways in which "absolute equality" under the law undermines the family and crucial social structures. If sex difference is not recognized under the law, then a whole host of social problems will result: homosexual marriage; the eradication of child support, single sex schools, widows' pensions, wives' rights to financial support, alimony, child custody, pension plans and life and auto insurance benefits; the proliferation of welfare mothers, massage parlors, elementary co-ed athletics, unisex bathrooms, and state-funded abortion.

All of these arguments support the contention that the ERA undermines family values and traditional female roles of wife and mother. These arguments were persuasive in the debate, as career-oriented women tended to be more supportive of the ERA than homemaking-oriented women. (Chadwick 14). In addition, feminists were perceived by many home makers as "radicals" who scorned traditional family conventions. This belief served anti-ERA argument well, and a good deal of the literature touting the dangers of the ERA was directed to home makers.

The chief victims of these "painful" effects of the "far-reaching change" will be wives and mothers. This is the inescapable conclusion to be drawn from family law litigation in states that have adopted authentic State ERAs...

Wives had traditionally had in this country a great variety of extensive rights based on their marital status, as a result of our public policy to respect the family as the basic unit of society, and as a statutory and common-law balance to the biological fact that only women have babies...

The states that have State ERAs are blazing the trail of the "painful" effects of applying an absolute standard of equality to the marital and parental relationships. They provide a window into which we can look to see what "equality of rights" means when applied to the husband-wife relationship.

Maryland is a State ERA state. In Coleman v. Maryland the Court of Special Appeals held that the statute which makes it a crime for a husband to fail to support his wife is unconstitutional under the State ERA. The court said that this statute "establishes a distinction solely upon the basis of sex" and "such
distinctions are now absolutely forbidden" by the State ERA... The court held that the support statute 'is no longer the public policy of this state.' (Schlafly, "Policy" 17-18)

While this argument appears to approve of governmental involvement in private affairs such as marriage by making a husband criminally responsible if he does not support his wife financially, other anti-ERA sociology commonplaces warn that government, if the ERA is passed, will create a kind of fascist equality police, who seek out discriminations in every corner of American life. A newspaper comic reproduced in the Eagle Forum publication A Magic Window, depicts a "sex discrimination patrol" questioning a group of boys inside a treehouse that has the sign "no girls allowed" on its entrance. This same publication reports that a Wethersfield, Connecticut boys choir was forced to disband because of Connecticut's state ERA (12, 15).

If anti-ERA sociology rhetors fear government intervention in private affairs to this extent, they equally fear that closeted, "perverted" private affairs will become visible and legal under an ERA. Homosexuality epitomizes both the anti-ERA tendency to associate radical feminism with the ERA and the anti-ERA fear that society will crumble at the hands of radical feminists and other liberals who live "alternative lifestyles." Feminism is considered to be one and the same with radicalism, abortion, and evil, and as the ERA debate continued into the 1970s, feminism also came to be associated with lesbianism. Some radical feminists did advocate lesbianism as a political and personal choice against perceived male domination.21 Anti-ERA sociology commonplaces sought to unveil the lesbian faction of feminism, however small, and hold it up as representative of feminism in general and of the ERA.

Certainly these arguments assume that homosexuality is bad for society—an assumption that some people find offensive. Nonetheless, the antis' alignment of lesbianism with feminism was persuasive, and it was achieved mostly through examining the policies of the most widely known organizational proponent of the ERA, NOW, which had an inclusive

policy regarding membership.22

It is no accident that the principal organization spearheading the push for ratification of the Equal Rights Amendment is the National Organization for Women—known as NOW—an organization whose membership includes admitted lesbians and whose major political objectives include pro-lesbian legislation.

The 1973 national convention of NOW adopted a lesbian workshop resolution placing NOW on record in support of legislation to 'end discrimination based on sexual orientation'...

At the same 1973 NOW convention, gay-liberationist Ms. Sidney Abbott told reporters that '10 percent of the approximately 2,000 NOW members attending the convention were lesbians'...

Among the officers of NOW who are lesbians is Ms. Jan Welch, who was elected president of the Philadelphia NOW...

The official pre-convention booklet issued by NOW in 1973, called Revolution: Tomorrow is NOW, and defined as a 'summary of NOW's existing resolutions and policies by issue' states that NOW acknowledges 'the oppression of lesbians as a legitimate concern of feminism.' (Magic 26)

Cited in this same booklet that allies the ERA with lesbianism is a list of reasons why homosexuals are not wanted in the mainstream of society. Arguments employing anti-ERA sociology commonplaces contend that homosexuals would destroy established social structures, specifically by teaching in public schools and State-supported colleges, marrying each other so they can file joint income taxes and enjoy other benefits of married couples, adopting children, and by infiltrating dormitories and firemen's quarters. All of these rights would "Interfere with our right to have a country in which the family is regarded as the basic unit of society" (Eagle Forum 24, italics mine).

If these rationalizations sound extreme, it is important to recognize that other anti-ERA sociology commonplaces were less so. More orthodox sociological commonplaces posited that under an ERA, less expensive rates for female drivers in auto insurance would be nullified, alimony for dependent housewives would be eradicated, husbands would not be responsible

22 NOW was the only organization in the beginning of the second wave of feminism in the '60s that admitted males as members; and in this same spirit of acceptance, NOW publicly recognized its lesbian members.
for dependent wives' medical bills, child support for mothers would become illegal, child custody laws favoring mothers would be dismantled, unwed mothers would lose the right to choose adoption for their babies, and girls would be allowed to participate in boys' sports such as wrestling (Schlafly, "Policy" 16–24).

Pro-ERA rhetors stuck to the claim originally made in the 1923 debate that the ERA would not cause any of these social contraventions, that laws which gave "protection" to women would be extended to men, and that laws which discriminated against women would be abolished. Still, perceptions about the ERA and the widespread social anomalies it would cause remained persuasive as "bread and butter issues" which would affect the daily lives of everyone. Similarly, while pro-ERA rhetors contended that their amendment would help home makers by giving value to housewives' work (especially in divorce where the non-financial contributions to home and family was now counted), anti-ERA rhetors quickly countered that husbands would have to pay a social security tax on some created dollar amount of that value.

Regarding this perception, the following argument was advanced:

The long-range effect of this consequence of the ERA, of course, will be to drive millions of American mothers and wives out to work. In a majority of American families, the wife will be economically compelled to take a job outside her home to help pay the additional $1,000 in Social Security taxes. If this is not an attempt to communize and sovietize America we would like to know just what is the real reason behind this ERA movement. It is becoming clearly obvious that the ERA is being furthered by the same apostate radical humanists, socialists and godless liberals who have been behind the efforts to legalize abortion on demand, homosexuality, and pornography, and the legalization of marijuana (Taylor 4, Underline theirs)

While this argument illustrates the fears, real or imagined, attached to the ERA and women's roles in society, it is also both an excellent summary of anti-ERA commonplaces mentioned so far, and an appropriate beginning for a discussion of define and divide commonplaces of the 1970s. Elements of theology commonplaces are present in equating communism, socialism, godlessness, humanism, radicalism, and a hidden agenda with the ERA. Elements of biology commonplaces are present in positioning women as subordinate wives and mothers whose higher-status husbands must legally support them. And elements of
sociology commonplaces are present in positing that the ERA would force women to work outside the home, which will undermine the welfare of the family—the bedrock of society.23

1970s Anti-ERA Define and Divide Commonplaces

The definition of true woman as unassuming wife and mother changed very little—if at all—during the 1970s. However, the division between true woman and equality activist grew much deeper than before. During the suffrage debate, untrue women were depicted as shrill, hysterical, and unattractive; during the 1923 ERA debate untrue women were depicted as restless, irritated, and overly political; but during the 1970s ERA debate, untrue women became downright alien. As the above Taylor excerpt illustrates, untrue women of the 1970s were seen as un-American, as atheists, sexual deviates, pornographers, and drug users. The theology excerpts cited in the previous section illustrate that while true women were "good," untrue women were not simply just bad, they were "evil"—an amorphous menace indescribable by even the most negative of adjectives. Untrue women of the 1970s were not simply true women who had lost their way, as was the common perception in suffrage and in 1923, they took on a difference that became as fundamental as the male/female division so many anti-ERA biology and sociology commonplaces depended on.

Like 1923 define-and-divide commonplaces, 1970s define-and-divide commonplaces named names. The most often named feminists were Betty Friedan, Germaine Greer, Gloria Steinem, and state and national NOW presidents. The following made in the Illinois House of Representatives illustrates how true women and equality activists were divided into two well-defined groups; how true women's and equality activists' personal realms were acutely circumscribed; and how true women were portrayed not just as political rivals of equality activists, but innocent, honorable lady-victims who needed protection from the "rabid gung-ho

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23 For additional information on women, the family, and social structures, see Nancy A. Hewitt, Women, families, and communities: readings in American history, Glenview, IL: Scott, Foresman, 1990; Alice Rossi, The family, New York: Norton, 1978.
I have nothing against the ERA, except I believe that the hoards of kooks and carpetbaggers who have swarmed into Illinois on its behalf, to stampede its passage in recent days, represent a considerable threat to that grand American tradition called "Family and Home." You and I know that the honored head of that block of this national foundation is the wife of the breadwinner, the mother of the children, the queenbee around whom all life can happily revolve. And yet the grand Madame of the ERA, one Gloria Steinem, has often publicly described these extraordinary housewives and mothers as "prostitutes." On behalf of my mother, my wife, my daughters and yours, I resent Gloria Steinem, her ilk, and every alien philosophy that they espouse. I have never met a rabid gung-ho libber who was happily married, and that somber fact, that somber fact should be noticed by the thousands of dedicated ladies...who have striven so mightily for ERA's ratification.(quoted in Mansbridge 280)

A male Congressman is responsible for this quasi-chivalric tirade, but as feminist scholars Judith Hole and Ellen Levine show, women are likely to compartmentalize each other in this way as well. One basis for women's own participation in define and divide argument is the fact that generally speaking, women's only recognized worth in society is as a wife and/or a mother; and as such, women cannot escape defining themselves against each other. Recognition for women as as real and unique individuals is not really possible under these circumstances. In this sense all women (even feminists) are prone to define and divide themselves from a female Other.

Resistance from men is perhaps most understandable, and feminists had no illusions that it would not be forthcoming, for those in positions of power are reluctant to relinquish them. Resistance from women has other sources. According to feminists, women's entire emotional and social existence is defined by their relationship to men. Unlike other minority groups, women do not live in a physical ghetto, but rather a ghetto of the mind...Thus to analyze, for example, the nature of the institution of marriage is to question women's socially accepted goal as well as threaten one of the few positions of security and "authority," however limited, that she has.

A woman is judged and judges herself in comparison with other women. Her efforts in order to secure a man are to individualize herself, not to find common ground with other women. Thus, feminists point out that women have little or no history of thinking of themselves as a group, an interest group, in political terms. (227)

Part of the feminist spin on the ERA is that equal opportunity is meaningless if women continue to allow society, men, or fearful yet genuinely happy home makers to define for all
women who they are and what they should be. Feminism, and by extension the ERA, was construed in the 1970s to be against homemaking as a choice for women, and this is probably the root cause of the widening division among women that marks this era. Women who claimed they were not fulfilled as persons in homemaking also implied, however unintentionally, that homemaking as a whole was not worthwhile. This being subtly said to a group of women whose work was already undervalued, the groundwork for defensive reaction was laid. But as Hole and Levine point out, the defensive reaction was an act of one group of women individualizing themselves against another group of women.

What anti-ERA define-and-divide argument shows, in part, is that the act of individualizing involves disparaging the Other, and this serves no purpose but to deepen the prevailing division between groups of women. Phyllis Schlafly24 was perhaps one of the most outspoken home makers involved in the anti-ERA offensive and (anti-homemaker defensive). A great deal of her anti-ERA propaganda includes a scholarly treatment of the possible legal effects of the ERA, but other portions of her work employ define-and-divide commonplaces. Her 1977 book, *Power of the Positive Woman*, is largely a handbook for the true woman, and as one might expect, portions of it disparage a female Other.

On the preceding pages are authentic pictures of the May 16, 1976, ERA rally that the press failed to print. They show the unkempt, the lesbians, the radicals, the socialists, and the government employees who are trying to amend the United States Constitution to forces us to conform to their demands. Even these pictures don't tell it all, because they don't reveal the obscene language and foul four-letter words that are part of the everyday language of the women's lib

24 Within the ERA debate of the 1970s, many pro-ERA rhetors pointed out that Mrs. Schlafly appeared to be anything but a home maker. Holding a law degree from Washington University and an MA from Harvard, she apparently had enough money, education, and leisure time to write several books, participate in many political conferences, and speak in many venues regarding the ERA and feminism. That Schlafly at once venerates the woman who works tirelessly at home and apparently does little of this thankless work herself, was an argument frequently used to undercut Schlafly's arguments against the ERA. Pro-ERA rhetors, then, are also participating in the act of disparaging the Other by portraying Schlafly as a hypocrite who enjoys all of the advantages of an ERA, but speaks widely and forcefully against it. A Marxist-feminist critique of this apparent hypocrisy includes the position that the ERA would afford all women—poor, uneducated, and required to work outside of the home for their survival—the opportunity to enjoy the fruits of equality. It has been suggested that Schlafly, instead of the archetypal true women, is in reality a true liberationist, and her rhetoric against an ERA may be less an act to save the family and society and more an act to preserve her own high-status economic and social position. This premise is a provocative one and worth further investigation.
movement...[which is] for prolesbian legislation giving perverts the same legal rights as husbands and wives. (180)

Juxtaposed against this portrait, Schlafly outlines for the reader the identity of the true woman, or in Schlafly's words, the Positive Woman:

The Positive Woman understands the differences between men and women. Your outlook on life, your faith, your behavior, your potential for fulfillment, all are determined by the parameters of your original premise. The Positive Woman starts with the assumption that the world is her oyster. She rejoices in the creative capability within her body and the power potential of her mind and spirit. She understands that men and women are different, and that those very differences provide the key to her success as a person and fulfillment as a woman. (11)

The feeling of the female Other is further achieved by how Ms. Schlafly writes to the positive woman on a personal level, but of the movement women on an observer level. Just how the Positive Woman can assume the world is her oyster and at the same time remain within the parameters of her original premise is unresolved throughout the book, but this phrase is in itself a wonderful articulation of the tension that feminists argue exists within every woman: the desire to define herself on her own terms, yet endlessly constrained to be an idealized true woman.

1970s Meaningful and Meaningless Commonplaces

Certainly all of the theology, biology, sociology, and define-and-divide anti-ERA commonplaces have at different times claimed that the ERA and its so-called hidden agenda would mean more than anyone could have ever imagined. The ERA would mean the forces of evil would come to command the lives of all Americans. The ERA would mean that scientifically proved, biological roles and functions for men and women would be debased (if only temporarily in evolutionary terms.) The ERA would mean the downfall of family-based society. And the ERA would mean that loving housewives would be assimilated by kooks, carpetbaggers, and lesbians.

Still other anti-ERA arguments of the 1970s attempted to outline the meaning of the
ERA by documenting its legal and constitutional implications. Because sixteen states had state ERAs by 1977, a good deal of the meaningful/panic commonplaces cited state-level interpretations and court cases as evidence for the meaning of a federal ERA. The "states rights" argument also resurfaced, with anti-ERA rhetors claiming that the ERA would create a federal bureaucracy that would strip the powers of the states to govern their own affairs (Concerned 1).

One document in particular, "The Equal Rights Amendment: A Constitutional Basis for Equal Rights," which appeared in the April 1971 issue of the *Yale Law Journal*, was widely circulated and quoted as the authoritative text on the legal and constitutional meaning of the ERA. Perhaps one reason why this article was given such weight was that both sides of the ERA question agreed with the article's conclusions, although pro-ERA groups routinely accused anti-ERA groups of misquoting it (Chadwick 12).

Anti-ERA meaningful/panic commonplaces maintained that the ERA would require an "absolute standard" of interpretation, or, that any law which recognized sex difference would be invalidated. For example, Senator Ervin claimed that "the amendment will nullify all laws of the United States or any state that define as crimes, sexual offenses, such as forcible and statutory rape, which can be committed only by men" (254). Pro-ERA rhetors argued that such a nullification would not in fact occur, but that men, as well as women, would be protected under current rape laws. Pro-ERA rhetors repeated almost verbatim the argument that dates back to 1923: that laws which protected women would be extended to men, and laws which discriminated against women, for no other fact than that they are women, would be nullified.

Under this premise, the draft would apply to women, which was a situation utterly unthinkable to Senator Ervin but something that pro-ERA activists could live with if it meant their equality of rights would be guaranteed. This facet of the ERA debate shows that at times

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25 In 1975, the Supreme Court upheld a state law charging a male with statutory rape for having sex with a female under the age of eighteen but not a woman who had sex with a male under the age of eighteen. See Mary Frances Berry and *Rostker v. Goldberg* (453 U.S. 498 1975.)
pro- and anti-ERA rhetors agreed on the meaning of the ERA but disagreed in their values, perceptions, and beliefs regarding women. Another example of the two sides agreeing on the ERA's meaning and disagreeing on woman's perceived benefits was the question of the legal rights of unwed mothers and fathers. Anti-ERA rhetors posited that under a federal ERA an illegitimate child's father, as well as its mother, must be notified for adoption proceedings. The pro-ERA side saw nothing wrong with this notion, but antis found it unthinkable.

The result of this decision is that an unmarried girl or woman, who is pregnant and wants to place her baby with loving adoptive parents so she can start a new life, will not be able to complete adoption proceedings unless she first identifies the father and secures his consent to the adoption. This could be a great injustice to an especially vulnerable woman, invade her right to privacy, or induce her to have an abortion rather than have to identify the father. (Schlafly, "Policy" 23)

It is interesting that Schlafly brings up this hypothetical girl's right to privacy, since legal abortion is guaranteed under *Roe V. Wade* as a right to privacy issue. One wonders if this same girl, had she chosen to abort rather than adopt, would still have the right to privacy that Schlafly believes will be undermined by the ERA. This extracting of different meanings from the same constitutional language is part and parcel of anti-ERA meaningful/panic commonplaces. Clearly the right to privacy and other issues had different semantic implications to anti-ERA activists than to pro-ERA activists. Within this same category of argument, debate regarding the semantics of the words "equality," "sex," and "rights" surfaced again in the 1970s debate. These arguments were essentially the same as before: that the unknown connotations of certain equal rights words and phrases is cause for alarm, and cause for further arduous and burdensome debate. A facet of this semantic position that is particular to the 1970s debate had to do with the word "sex." Aside from the perceived lesbian and gay rights agenda outlined in the preceding excerpts, the word "sex" in the Equal Rights Amendment gave anti-ERA rhetors additional ammunition for the claim that homosexuality under the ERA would become a constitutional right.

It should also be pointed out that nowhere in the Federal or any State ERA are the terms "equality of rights" or "sex" defined. The former is not a term of art for which there are legislative, judicial, or dictionary definitions. It is a
nebulosue phrase that can mean different things to different people, especially in situations in which different results would be obtained depending on which quality of the asserted right is being equalized. The phrase came into our constitutional lexicon without any judicial history to circumscribe its scope. "Sex" is a word with a half dozen different dictionary definitions which can be loosely divided into (a) the sex you are and (b) the sex you do. (Schlafly, "Policy" 8).

The "panic" part of meaningful/panic commonplace is clear in Schlafly's rather prudish premise—that the word "sex" can be interpreted as a verb as well as a descriptive noun; and as such, equality of sexual activity could be sanctioned by the Constitution of the United States. To arrive at the conclusion that gay sex would be just as legal and acceptable as sex within a heterosexual marriage if the ERA were passed requires several, rather panicky assumptive leaps. To support this argument, first, one must believe that Congress and the courts would indeed interpret "sex" as a verb. Second, one must believe that Congress and the courts would become involved in such privacy issues. Third, one must believe that homosexuals everywhere desire to have their sexual activity legalized and would organize for such a cause. Last, one must be convinced that homosexual activity is somehow contagious and that legal gay sex would adversely affect the lives of heterosexuals. This very idea, in fact, is the root of all meaningful/panic commonplaces—that the ERA would in some way reshape the lives of people who prefer "life as it is lived."

While these meaningful/panic arguments were being advance, other meaningless/cynic arguments emerged that posited the ERA would do nothing at all to life as it is lived. Like Harriet Stanton Blatch and Anne Martin in 1923, the radical feminist group, The Feminists, stated in 1970 that the ERA would do nothing for them.

We foresee the necessity for change in the very foundation of human society for the freedom of women to be a real possibility. In view of this belief, we feel it is our responsibility to denounce the proposed Equal Rights Amendment, and to caution the Women's Movement against squandering invaluable time and energy on it...

Women do not have power in society; men do. Men control the courts which will interpret this law, and the agencies which are empowered to enforce it. Men control all important areas of government and the two political parties which nominate or appoint all important officials. Men control the information and
skills we need. Men control the media necessary to communicate ideas. Men control the armed forces through which they convince us of the justice and superiority of their ideas when other arguments prove insufficient....

Our function is basically service. We serve men. Our place is to relieve men of all those disgusting, petty, prosaic, practical, annoying, stupid, but absolutely essential and at times overwhelming human necessities. We relieve men of these trifles and his spirit soars; he achieves greatness, excels, produces marvels. He writes poems extolling Man’s greatness, while Woman sweeps up his dirt and cleans his shirts and minds his children and has his children...

There is no evidence whatsoever that the Equal Rights Amendment will change these conditions for women, for they existed in custom long before they were enshrined in law (U.S. Senate Commission 398–399).

As Blatch and Martin advocated taking equality from men in 1923, The Feminists similarly point out the folly in asking for equality from men who will probably not grant it or let it be exercised. Where Blatch and Martin advocated electing women to office, the Feminists advocate destroying society as currently known and starting again from scratch. This notion earns them the label of radical feminists. Their agenda for society’s reconstruction played wildly into the hands of anti-ERA rhetors employing sociology commonplaces as well as anti-ERA rhetors employing meaningful/panic commonplaces.

The "cynic" part of meaningless/cynic commonplaces is reflected in The Feminists view of men and of government. The argument that women do the drudgery work in society is certainly hard to refute, but The Feminists saw no possibility at all, short of revolution, of changing this state of affairs. The Feminists felt male control was everywhere, and the essence of that male control is as lords over women. They believed as well, that men would maintain their control by whatever means necessary and no doubt they had all the means necessary at their disposal. The Feminists had no faith in government and no faith in the possibility that some men may actually desire equality for women.

Still other anti-ERA rhetors of the 1970s created a pastiche of meaningful/panic commonplaces and meaningless/cynic commonplaces together on the same rhetorical canvas. These arguments claimed that the ERA was dangerous because nobody could agree on its meanings and nobody could predict its implications—an argument that by now should be well
known. This very same thesis led to the claim that the ERA was not really needed anyway, that in fact equal rights already existed for women. The rhetorical question was, Why mess around with a possibly dangerous amendment that is not even necessary; indeed, that is not even meaningful given existing equality laws?

The existing equality laws that were most often referenced to answer this question are as follows:

- **The 14th Amendment of 1787** which states, in part, that

  All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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 the law; nor deny to any person within its jurisdiction the equal protection of the laws. (US Const. Art. XIV § 1.)

- **The Equal Pay Act of 1963**, which states, in part, that

  No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex. (Public Law 88-38, 88th Cong., 1st Sess.)

- **Title VII of the Civil Rights Act of 1964**, which states, in part, that

  It Shall be an unlawful employment practice for an employer—(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. (Public Law 88–352, 88th Cong., 2nd Sess.)

- **The Comprehensive Health Manpower Act of 1971**, which states, in part, that

  The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine,
osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs. (Public Law 92–157, 92nd Cong., 1st Sess.)

- **Equal Employment Opportunity Act of 1972**, which states, in part, that

  United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin. (Public Law 92–261, 92nd Cong., 2nd Sess.)

- **The Comprehensive Employment and Training Act of 1973**, which states, in part, that

  It is the purpose of this act to provide job training and employment opportunities for economically disadvantaged, unemployed, or underemployed persons, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency by establishing a flexible and decentralized system of Federal, State, and local programs...

  The secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this title and other federally supported manpower programs. Such data shall include information on—(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience. (Public Law 93–203, 93rd Cong., 1st Sess.)

- **The Enlistment and Commissioning of Women in the Coast Guard Reserve Act of 1973**, which states, in part, that

  Effective upon enactment of this Act, all members of the women's branch of the Coast Guard Reserve who were serving on active or inactive duty on the day before enactment shall become members of the Coast Guard Reserve without loss of grade, rate, date of rank, or other benefits earned by their prior service. (Public Law 93–174, 93d Cong., 1st Sess.)

- **The 1973 Amendment to the Small Business Act**, which states, in part, that
Section 4 (b) of the Small Business Act is amended by adding after "The Administrator shall not engage in any other business, vocation, or employment than that of serving as Administrator," the following new sentence: "In carrying out the programs administered by the Small Business Administration including its lending and guaranteeing functions, the Administrator shall not discriminate on the basis of sex or marital status against any person or small business concern applying for or receiving assistance from the Small Business Administration, and the Small Business Administration shall give special consideration to veterans of the Armed Forces of the United States and their survivors or dependents." (Public Law 93–237, 93rd Con., 1st Sess.)

- **The Housing and Community Development Act of 1974**, which states, in part, that

  The primary objective of this title is the development of viable urban communities, by providing decent housing and a suitable living environments and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this primary objective, the Federal assistance provided in this title is for the support of community development activities...

  No person in the United States shall on the ground of race, color, national origin, or sex be excluded in the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. (Public Law 93–383, 93rd Cong., 2nd Sess.)

- **The Equal Educational Opportunities Act of 1974**, which states, in part, that

  No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin. (Public Law 93–380, 93rd Cong., 2nd Sess.)

Lists of existing equality laws such as the ones above attempted to reassure voters that women already had equality and the ERA would be meaningless and redundant. Within the same argument, however, the rhetor often made the parallel and somewhat contradictory claim that the ERA was meaningful and dangerous. The reasoning for the meaningful/panic and meaningless/cynic pastiche might go something like this: The ERA is dangerous to all existing and future laws because its meaning can be interpreted in far-reaching and expansive ways. The ERA and its dangers can be avoided, however, because women already have equal rights, and this state of present equality actually renders the measure obsolete. Unlike the previous four commonplaces, meaningful/panic and meaningless/cynic commonplaces such as these dealt with the Equal Rights Amendment itself more than they dealt with normative perceptions about women. In this way, meaningful/panic and meaningless/cynic commonplaces can be
seen as more "logical" than commonplaces that appeal to listeners' emotions.

Despite the fact that anti-ERA stock response arguments were sometimes conceptually artful and usually non-rational, the federal ERA was nevertheless defeated and no other attempts have been made for a constitutional equality measure to date. Various attempts to pass state ERAs have fared no better. Currently, sixteen states have ERAs, the last having been ratified in Massachusetts in 1976. Unsuccessful State ERA attempts were made in 1973 (Wisconsin), 1975 (New York and New Jersey), 1978 (Florida), 1980 (Iowa), 1984 (Maine), 1986 (Vermont), and 1992 (Iowa). All were defeated by margins ranging anywhere from two to twenty-six percentage points.

The state ERA campaigns were conducted in much the same way as the federal campaign. Pro-ERA rhetors continued to argue for the ERA based on natural rights and anti-ERA rhetors continued to utilize the commonplaces of stock response arguments by focusing on homosexuality, abortion, the draft, and radical feminism. A popular slogan for the pro side was, "It's a matter of simple justice," and a popular slogan for the anti side (in Maine) was, "Who put the sex in [amendment] six?" (Fund 9). Based on the defunct status of the federal ERA, anti-ERA arguments appear to be more compelling than pro arguments, both in the 1923 and 1970s debates. And, based on the more recent thwarted attempts at state ERAs, it appears that the anti-ERA commonplaces continue to resonate with voters.
CHAPTER 4
A THEORY OF COMMONPLACES

With the previous two chapters, I have explained the emotional commonplaces of anti-ERA, stock response argument by excerpting the rhetorical artifacts themselves, providing some critical analysis of those artifacts, and explaining how they fit into the anti-ERA framework of commonplaces. These two chapters have served my purpose of providing an historically comprehensive, rhetorically thorough picture of the whole of anti-ERA argument. I additionally believe that these two chapters illustrate—on the strength of the artifacts themselves—how the whole of anti-ERA argument remained astoundingly static from 1848 to 1982. The packaging of the arguments changed, of course, but the core beliefs—those rather unattractive ideas that have been hidden from view—have been surprisingly similar throughout the long history of women’s equality movements. Now that the anti-ERA packaging is clear, the question of what anti-ERA arguments really are is yet to be answered. In this final chapter, I explain what the anti-ERA arguments really are by outlining the hidden core beliefs that can be shockingly prejudicial and misogynistic. As I stated in Chapter 1, these hidden core beliefs are not the kind of ideas most people would readily acknowledge as their beliefs. Nevertheless, they exist and they have been persuasive in the ERA debate. Answering the three central questions raised in Chapter 1 shows what the anti-ERA look like, what the anti-ERA really are. (See Table 1.)

The rhetorical artifacts presented in the previous two chapters should have also illustrated that the anti-ERA, stock response framework of arguments consists almost exclusively of emotional commonplaces rather than Aristotelian, logical commonplaces. In Chapter 1, I pointed out that emotional appeals rather than logical appeals have been a successfully persuasive form of argument even though emotional appeals are generally thought to be wrongheaded and unfair. Now that we know the emotional nature of the anti-ERA
Table 1. Three Central Questions

<table>
<thead>
<tr>
<th>Questions Posed in Chapter 1</th>
<th>Questions Answered in Chapter 4</th>
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<tbody>
<tr>
<td>What familiar &quot;plot&quot; is being referenced in anti-ERA stock response argument?</td>
<td>This question is answered under the subheading, &quot;The Familiar Plot.&quot;</td>
</tr>
<tr>
<td>What belief is being appealed to—or what &quot;normative message&quot; is being communicated within the anti-ERA commonplaces?</td>
<td>This question is answered under the subheading, &quot;The Normative Message.&quot;</td>
</tr>
<tr>
<td>How do stock response commonplaces reassure audiences and allow them to &quot;fantasy-escape&quot; unpleasantness or change?</td>
<td>This question is answered under the subheading, &quot;Reassurance and Escape.&quot;</td>
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commonplaces, we are still left with the question of why they work. In this final chapter, I explain the persuasive power of the anti-ERA commonplaces by explaining in more detail the three characteristics of stock response that were stated in chapter 1. (See Table 2.)

To conclude this thesis, I suggest some implications of my work on this topic and discuss some possible areas for further research.

The Familiar Plot

What familiar "plot" is being referenced in anti-ERA stock response argument?

To uncover the familiar plot of anti-ERA argument, it is important to revisit Aristotle's comments on logical and emotional argument (page 5). He states that appeals to the feelings are beside the proper subject, which is the fact and the proof of it. I submit that the Aristotelian proper subject of the ERA debate is the proposed Equal Rights Amendment itself. The pro-ERA, logical, natural rights arguments are attempts to deal with the existence of the amendment.
Table 2. The Characteristics of Stock Response

<table>
<thead>
<tr>
<th>Characteristics Outlined in Chapter 1</th>
<th>Characteristics Detailed in Chapter 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stock response directly utilizes of subtly suggest information already known and a sense of realism is achieved through selective documentation.</td>
<td>This characteristic is detailed under the heading &quot;Known Information&quot;</td>
</tr>
<tr>
<td>Stock response appeals to deeply held beliefs by reinforcing the normative order.</td>
<td>This characteristic is detailed under the heading &quot;Deeply Held Beliefs.&quot;</td>
</tr>
<tr>
<td>Stock response appeals to readers' understandings of their immediate environment and cherished ideals within that environment; alternative ideas are rationalized out of serious consideration.</td>
<td>This characteristic is detailed under the heading &quot;Immediate Environment.&quot;</td>
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by referencing proofs toward its legitimacy. Natural rights rhetors, from suffrage to the 1970s ERA, continually talk about how women do not have rights that equal those of men. They then provide proofs for their claim to the necessity of the amendment by referencing documents of American democracy and the ideals of natural rights within those documents.

If natural rights arguments are the proofs of the proper subject of the ERA, then the anti-ERA stock response arguments fit Aristotle's definition of emotional argument, which uses secondary and indirect proofs. I submit that the entire subject of anti-ERA arguments is indirect—it is not the amendment they argue, but the nature of women. The secondary proofs for this indirect subject are contained within the stock response familiar plot. Stock response rhetors, from suffrage to the 1970s ERA, continually talk about the familiar plot of womanhood, making use of secondary proofs, which are the theology, biology, sociology, define-and-divide commonplaces. Anti-ERA rhetors do occasionally discuss the proper subject
of the amendment itself by using the meaningless/panic and meaningful/cynic commonplaces, which discusses the perceived danger or folly of the ERA itself rather than the nature of women.

The anti-ERA familiar plot, then, might sound something like this: Man was created before woman; therefore, man's existence is that of Object and woman's existence is that of Subject (theology). Man and woman each have special, mutually complementary traits that suit them for certain duties; therefore, man's traits suit him for public life and woman's traits suit her for birth and nurturance (biology). There are, in an imperfect and fallen world, a few bad women who reject their essence as females and their duties as such; therefore, the bad women are to be feared by good women and silenced by men (define-and-divide). The good of society depends exclusively on the good women as mother; therefore, it is vital to our nation and to our culture to reject any political agenda that the bad woman might create (sociology).

To see how this plot plays itself out, it is necessary to go back to some of the arguments that cover the debate. First, the Pauline interpretation of God's message to man gives us the theological commonplace of man as first sex and woman as second sex.

A woman should learn in quietness and full submission. I [Paul] do not permit a woman to teach or have authority over a man; she must be silent. For Adam was formed first, then Eve.

Sanford's argument against suffrage provides the extension of this statement by arguing for the Object and Subject positioning of male and female.

[Women] should always be learners and never teachers, and they should never assume the position of dictation or of authority over man. As a reason for this, he reminds us that Adam was first formed...it is imminently dangerous that she, whose predominant characteristic is not so much sound and comprehensive judgment as curiosity and romantic impulse, should assume the reins.

By mentioning woman's predominant characteristics, Sanford hints at the next development in the familiar plot, the biology commonplace. Recall Mrs. Evans' arguments against the 1923 ERA.

What can equality mean between a new-made mother, too weak to raise her
head from the pillow and with a thing of wonder at her breast and the father, perhaps proud, perhaps brutally indifferent, whose physical powers have suffered no whit of deduction by the exercise of his function of creation?...Equality between the strong and the weak when they meet on competitive terms...to often would be to insure that the physically or strategically handicapped shall be taken to the wall.

Woman's traits not only suit her for birth and nurturance, they effectively handicap her. However, a woman is relentlessly reminded in the plot that although her biological traits exact a price on her ability to commiserate equally with men in public affairs, her biological destiny is of the utmost importance in the continuation of the race. The next development in the plot, the define-and-divide commonplaces, suggests that some bad women eschew their exceptional-yet-debilitating duties as wives and mothers. These Eve-like women are to be feared for what they might do to society. Recall Taylor's argument against the ERA in the 1970s.

If this is not an attempt to communize and Sovietize America we would like to know just what is the real reason behind this ERA movement. It is becoming clearly obvious that the ERA is being furthered by the same apostate radical humanists, socialists and godless liberals who have been behind the efforts to legalize abortion on demand, homosexuality and pornography, and the legalization of marijuana.

Although these untrue women appear powerful enough to Sovietize America, Taylor argues that they are really unhappy because they are not fulfilling their woman-as-mother/wife role that society demands of them.

I have never met a rabid gung-ho libber who was happily married, and that somber fact, that somber fact should be noticed by the thousands of dedicated ladies...who have striven so mightily for ERA's ratification.

The good of society in fact depends on the happily married, good women as mother/wife. Therefore, it is vital to our nation and to our culture to reject any political agenda that the bad woman might create. Echoes of the various commonplaces advanced in the 1923 ERA debate serve to illustrate this point.

The [Woman's Party] is not interested in anything but equality for women, it ignores social and political problems that do not touch its immediate program.
The political rights of citizens are not properly dependent on sex, but the but social and domestic and industrial activities are.

Conservation of our womanhood means the preservation of our race at a higher degree of efficiency.

If this drain [of maternity] is disregarded, we at once establish a menace not only to women but to all posterity.

Let [good women] show the world the fine qualities of citizenship they posses; let them improve every phase of life they touch and make this world a better place for all people to live in.

Though these statements do not directly say that the good of society depends exclusively on the good woman mother/wife, we can certainly infer this is true because we know that it was (and is) widely held that the family, rather than the individual, is the basic unit society. In the public sphere, fathers earn the wealth for the nation, culture, and family; but the moral standing and cohesiveness of the family, which is the root of a moral and cohesive society, is solely the mother's responsibility.

As we know by the historical statements and restatements of the commonplaces, familiar plot did not end with the suffrage debate, the 1923 ERA debate, or even the 1970s ERA debate. The plot outline only picks up persuasive power with additional creative variations on its original themes. The 1923 ERA debate sounded different but the basic plot that owed its genesis to the suffrage debate remained the same as the public argued over the NWP's bold amendment. In the 1970s, the ERA debate sounded different than in 1923, but the play that was enacted in the decade of women's liberation was yet another interpretation of the ever-familiar plot.

To suggest some reasons as to why this plot and the commonplaces it employs have worked so well, we might recall what Cicero tells us about commonplaces (page 8): they should be handled skillfully, they should be diversified, that he who listens may neither discover any artifice, nor be tired and satiated with uniformity. I believe that the generations of anti-ERA rhetors can claim this skill. Only through critical rhetorical analysis have we been
able to find the plot. And even if the message is uniform, it appears that listeners over several decades have not tired of hearing it. No doubt these rhetors have also diversified their message, as the variations on the commonplaces are several. Cicero also tells us that we should "shade the distinctive points of your arguments, so that none of your hearers may count them; and that, while they appear clear as to the matter, they may seem blended in your mode of speaking on them." I also maintain that not only have anti-ERA rhetors successfully shaded between the points of their commonplaces within each time frame of a particular debate; but also, they have successfully shaded the commonplaces themselves between the debates of 1848, 1923, and 1970. Only through critical rhetorical analysis do we discover that each historical era employs the same commonplaces again and again.

The Normative Message

What belief is being appealed to—or what "normative message" is being communicated—within the anti-ERA commonplaces?

Somewhat like the shaded commonplaces and diversified familiar plot, the normative messages of anti-ERA commonplaces are not immediately clear. As testimony to this, today we often hear politicians, sociologists, and even some feminists proclaiming that women of the 1990s now have equal opportunity with men. I maintain that the normative messages within the anti-ERA commonplaces say something quite the opposite. If we accept the above sketch of the anti-ERA familiar plot, the severity of the normative messages becomes easier to accept as real. The normative messages, predictably, can be uncovered according to each anti-ERA commonplace:

• Message One: The voice calling for equal rights is created from man rather than by God (theology).
• Message Two: The voice calling for equal rights is female before human (biology).
• Message Three: The voice calling for equal rights is responsible for the family and society
rather than a part of a familial and societal cooperative (sociology).

- Message Four: The voice calling for equal rights is one that possesses some degree of an ideal rather than a single member of a uniform group (define-and-divide).
- Message Five: The amendment being supported by the voice has been created by a naive/manipulative minority rather than as a deserved inalienable right accorded to all (meaningful and meaningless).

The normative messages built in to the commonplaces sound harsh, but it is important to remember the buried nature of the messages. Though they have been blended, shaded, recapitulated, and creatively expressed, critical analysis of the whole of anti-ERA stock response arguments reveals this basic ideology above. Anti-ERA rhetors are, in fact, supporting the notion that voters must vote against equality for women; they are, in fact, supporting the notion voters must deny basic human rights to half of the population. Typically anti-ERA rhetors will not express these statements directly, but their printed media can help us see what they do not say.

**Reassurance and Escape**

*How do stock response commonplaces reassure audiences and allow them to "fantasy-escape" unpleasantness or change?*

Toward reassurance and escape, simple repetition of these commonplaces is effective because the more something is stated, the more listeners consciously or unconsciously come to appropriate that statement as their own truth. Certainly the normative messages outlined above are unconsciously appropriated. Commonplaces of any kind make a listener feel comfortable. If a listener has heard a statement before, then he is less likely to feel surprised, or think skeptically, of a re-telling of that statement. Certainly arguments for maintaining the familiar plot outlined above make us feel more at ease than arguments that challenge us to look at our immediate environments in new ways. Commonplaces of any kind also allow a set of
normative messages familiar plots to hang together well to make a cohesive, almost impenetrable whole. Even pro-ERA counter arguments might directly take on certain anti messages and plots can easily be refitted and redefined within the ubiquitous anti-ERA commonplace conglomerate. Commonplaces of any kind can also have the effect of strengthening its ideological core of beliefs. If a statement is repeated in several eclectic and creative forms, then the commonplaces become self-validating to the rhetors who initially advanced them, and to the rhetors and listeners who have come to embrace the repeated, familiar, ideology.

Maintaining the status quo is often much easier than confronting change. The anti-ERA familiar plot and normative messages take full advantage of this difficulty. If, for instance, a housewife of the 1970s is afraid of some portrait that has been presented of feminism, then she can easily, and more comfortably, fantasy-escape the reality that change in fact happens, that women in fact may not all be delighted with the private sphere, and even that she may not really be that thrilled with the feminine roles that Phyllis Schlafly or Sam Ervin have to offer.

Additionally, Cicero tells us that the commonplaces are fixed in the mind and the memory of the rhetor and called for on every subject to be discussed. I submit that with the ERA debate, the familiar plot and the normative messages are as concretely fixed in the mind and memory of the audience as much as they are in the anti-ERA rhetors.

**Known Information**

*Stock response directly utilizes or subtly suggests information already known and a sense of realism is achieved through selective documentation.*

The first characteristic of stock response is that it directly utilizes or subtly suggests information already known and a sense of realism is achieved through selective documentation that supports a particular plot (page 9). An example of this first characteristic of stock response would be the meaningless/cynic commonplace of listing existing equality laws (page 103). This
list was taken from an anti-ERA flier that was advancing the argument that the ERA is unnecessary because equality already exists for women.

The known information, or familiar plot, in this argument is that laws are indeed contained in the U.S. Code that protect the rights of women. Obviously, the longer the list of laws on the flier, the more persuasive the argument, and the list on this flier contains thirteen laws, two of which could not be found in the *U.S. Statutes at Large* government publication. The long list (even if it is partially incorrect) gives the argument its sense of realism.

The list on the flier includes the name of the law only, not the text of the law as shown in this paper. The referenced Comprehensive Employment and Training Act of 1973, for instance, is a public law of some twenty pages; and upon closer inspection, one finds that its major purpose is to provide opportunities for disadvantaged or unemployed persons, principally Native Americans, persons of limited English-speaking ability, and older Americans. The meaningless/cynic commonplace that is employed implies that the Comprehensive Employment Training act of 1973 was created especially for women, but no specific reference to women as a target group appears in the law and the word "sex" is only referenced one time in the statement of nondiscrimination. The choice of the anti-ERA rhetor to include the name of the law only, without any explanation of its intent, can be seen as selective documentation.

This meaningless/cynic commonplace is persuasive because, as Bennett and Edelman state, the reader is discouraged from considering other plot possibilities. And further, the reader can project the completion of the story based on fragmentary information because the standard plot of existing laws that *do* reference women as the target group is there to provide that the reader feels comfortable believing that women do not need any more laws to protect their rights.

Another example of this first characteristic of stock response is the biology commonplace employed by Grover Cleveland (page 30). Remember that Cleveland claimed
that women should not vote or otherwise participate in public affairs because their soft-hearted, pliant female natures rendered them unfit for the practicalities and hard realities of civic duties. The known information, or familiar plot, in this argument is the generally held belief that women are the gentler sex. Though this known information is based on belief rather than fact, a sense of realism for this belief is achieved through Cleveland's various examples of woman's gentler character: that she is intuitive, sympathetic, sentimental, trustful, charitable, occasionally stubborn, and endearing.

The selective documentation used to support the argument that women should leave voting to men might contain the list of the man's qualities: that he is logical, practical, businesslike, and calculating. This is selective because, of course, all men and women do not fit so neatly into these categories. Cleveland's idea that woman gives "firm rooting and sure growth to man's best efforts" suggests women do indeed vote, if vicariously through their husbands. The most obvious selective documentation in this argument, then, is the claim that women, as wives, participate in public affairs by giving firm rooting to their husbands. The alternative plot possibility that is being discouraged here is the reality that many women are single, and as such they have no voter to whom they could give firm rooting and sure growth.

Because the images of women as good and virtuous and of men as pragmatic and methodical are played out in Cleveland's argument, the reader is able to complete the story because the emphasis is on the delineation of men's and women's character traits and how men's are suited for voting and women's are not suited for voting. Marriage is not mentioned, but it is implied as universally true for everyone, thus it becomes easy to fail to consider single women's civic position.

Cleveland's use of the biology commonplace is persuasive because the particular plot is that biologically businesslike men vote and biologically charitable women vote through their husbands. This normative plot discourages the alternative plot possibilities that some married women who are not biologically sentimental would love to vote, that some married men who
are not biologically calculating might not bother to vote, and that all women who are not sociologically conjoined to a man (and, therefore, may be biologically flawed) aren't allowed to vote. If Cleveland's listeners are not aware of these plot possibilities, they feel comfortable in completing his story by leaving the voting to men.

**Deeply Held Beliefs**

*Stock Response appeals to deeply held beliefs by reinforcing the normative order.*

The second characteristic of stock response argument is that it appeals to deeply held beliefs by reinforcing the normative order. The argument is compelling, not because it is logical, reasonable, and well researched but because it is comforting to the reader (page 9).

Recall Sam Ervin's biology commonplace argument of the 1970s (page 89). Ervin states that God made men and women different and that men and women were made different for good reasons. Ervin justifies the sex roles that are an inevitable development of this difference by commenting that the roles of men and women complement each other. Not unlike Grover Cleveland in 1905, Ervin suggests that men were created for arduous and hazardous tasks, while women were intuitive and created for motherhood. The ERA is perceived to be a threat to these roles and even to the very development of the race. The normative order is of course these sex roles as male: strong worker and female: gentle nurturer. The normative order is, in fact, exalted and heralded as the basis for life on earth.

Ervin's argument is persuasive because his use of the biology commonplace romanticizes the roles of male and female. It is not necessarily reasonable to suppose that women would be satisfied and fulfilled with housework while men enjoyed the pleasures and recognition of public life. Neither is it reasonable to suppose that all men are happy working nine to five. It is not necessarily logical to believe that a household can be adequately run on one income, and it is not logical to proclaim that families could not be just as happy with a working mother and a stay-at-home dad. In presenting his argument for the value of traditional
sex roles, Ervin gives his reader no evidence of his claim; he simply says that God made man
and woman different and that "some wise people even profess the belief that there may be
psychological differences between men and women." Ervin's argument succeeds because his
use of the biology commonplace creates a comfortable, warm and fuzzy portrait of American
life that appeals to deeply held beliefs about the essential natures of man and woman. He even
praises custom and law for maintaining these beliefs. The ERA is deemed irresponsible and
dangerous because it lies outside of this picture, which is a picture of the normative order.

Another example of the ERA as a threat to the normative order might be the
meaningful/panic commonplace that began with the 1923 ERA. Esther Dunshee's anti-ERA
argument poses several questions about how an ERA would affect established customs (page
60). These customs are such things as the husband being legally bound to support his wife, the
right of women's protection during pregnancy, and women being exempt from military
conscription. Again, these ideas of men and women, and their rightful duties in society, are
fundamental. They are the comfortable, normative order. The ERA is portrayed as the opposite
of comfort because its implications are unknown. The ERA, as the argument goes, would call
into question all the parts of American life that were once thought to be dependable. The ERA
would not help male/female relationships; it would aggravate them. It would aggravate time­
honored processes of government and law as well. With Dunshee's argument, the reader is
meant to feel uncomfortable by the mere thought of an ERA.

It would not be fair to say that reason and logic are not part of Dunshee's argument, as
one could make the case that her suggestions toward what the ERA could do are indeed
possible outcomes. However, it is not reasonably likely that the venerated Sheppard-Towner
Law would be obliterated. Neither is it terribly relevant to worry over whether the age of
consent law for men will be or eighteen or twenty-one. Additionally, it is not in the least bit
logical to suppose that men should not be equally responsible with women for their illegitimate
children. I submit that Dunshee's questions—like the list of equality laws in the 1970s flier—
are asked for effect rather than for thoughtful consideration. Dunshee may be using reason, but she is not appealing to it. She is appealing to the emotions that surround changing the normative order.

Additionally, Dunshee tells the reader that there are currently parts of the Constitution that have produced results entirely unsuspected by the men who framed them and that they have cause years of litigation, but there are no examples or documentation to support this claim. Further, it is not really reasonable to suggest that voters and the Congress should not consider constitutional amendments that might have unknown consequences. While it is true that the framers of the Constitution created laws that the courts still interpret even today (such as free speech), it is not logical to conclude that these amendments were errors simply because they are open to interpretation for future generations.

Although Dunshee's arguments are logically weak, they are emotionally persuasive. Her use of meaningful/panic commonplaces evoke familiar, albeit uninformed, beliefs about government systems and the Constitution of the United States. But because these beliefs are familiar, the inclination of her audience is to regard her selected details as facts that authenticate her story of the dangerous ERA. Her argument is compelling not because she uses facts to support it, but because of its disconcerting message that the normative order is in peril.

**Immediate Environment**

*Stock response appeals to readers' understandings of their immediate environment and cherished ideals within that environment; alternative ideas are rationalized out of serious consideration.*

The third characteristic of stock response argument is that it appeals to readers' understandings of their immediate environment and cherished ideals within that environment. Alternative ideas are rationalized out of serious consideration, which enables the reader to "fantasy-escape" from realities they find bothersome or unpleasant (page 10).
The define-and-divide commonplaces in the 1970s debate are good examples of this characteristic of stock response. In the 1950s and early 1960s, the home setting of working father and stay-at-home mother was well established as the predominant personal environment. The maternal female is certainly a cherished ideal, as is the concept of the nuclear family as the basic component of society. With the women's liberation movement, these cherished ideals were challenged, sometimes vehemently, as evidenced by Firestone's "Dialogic of Sex" or Bunch's "Lesbians in Revolt." Radical feminists such as Firestone and Bunch were certainly rationalized out of serious consideration, as they were often referred to as kooks, perverts, and communists.

Recall Phyllis Schlafly's positive woman (page 98). This woman understands the differences between men and women and the parameters of [her] original premise. She also rejoices in the creative capability within her body. The positive woman is the cherished ideal of the maternal female. Schlafly explains, mostly to anxious housewives, exactly how the libbers are alien to the current environment of true women and of typical society. The positive woman can fantasy-escape the reality of the change and unrest going on outside her cloistered environment by appropriating Schlafly's propaganda rather than thinking critically for herself.

And not so coincidentally does Schlafly's portrait of the libber lack such critical analysis. She presents a cartoon image of the equality activist rather than a thoughtful portrait of her. One might also suggest that Schlafly's picture of the positive woman is equally one-dimensional.

By explaining that the supporters of the ERA lie outside one's immediate environment, one can more easily rationalize them out of existence. Surprisingly, Carrie Chapman Catt rationalizes the ERA supporter of 1923 in a fashion similar to Schlafly (page 50). Catt speaks out against the equality activists of the 1923 debate by claiming that they go beyond all decent limits. The limits she references are women who do not wish to give up their surname upon marriage and women who would choose to be single mothers. This kind of woman is
portrayed as a social aberration rather than as a sign of changing values regarding marriage and parenting.

Schlafly's and Catt's use of define-and-divide commonplaces is persuasive because these commonplaces promote fear over knowledge—fear of the Other, fear of change in one’s immediate environment, and fear of losing cherished ideals. Fear is certainly easier to come by than knowledge, and it is easier to fantasy-escape than it is to confront those things which scare us. Therefore, emotional commonplaces that employ fear rather rational commonplaces that require critical thinking are going to work better—at least in the short term. Ironically, today married women who retain their surname and women who are never-married single mothers are becoming more and more common. History, in this sense, provides the empirical data that supports the rational argument that those Other women in the 1920s were not at all as Catt claimed. They were indeed a sign of changing values. But in Catt’s time, her arguments were persuasive, and they helped to stop ratification of the 1923 ERA. Short-term emotional arguments may not have as much staying power as rational arguments, but they certainly get the job done.

Implications and Further Research

Having conducted research over the course of many months, I can say that I have satisfied my initial curiosity regarding anti-ERA argument, and I sincerely hope that I have contributed some aspect of analysis and understanding toward the whole of anti-ERA argument. Having arrived at this final point, however, I find that I am left with as many new questions as I have possible answers for old ones. First, given the persuasive power of stock response, could there be any more public debates, or particular issues, that utilize this same sort of emotional argument? I hope that more research might be done to see if stock response is a major category of emotional argument or if it is indeed specific to the ERA debate.

Second, given the success of stock response, what is to be said for the persuasive
power of logical argument? Have we come to a time where the ideals of Aristotle and Cicero no longer inform our public debate? I hope that more research could be done to see if logical arguments in the tradition of eighteenth century rationalism have been successful in any contemporary public debate. Given the apparent public distaste for political rhetoric as it is now practiced, perhaps a case can be made for returning, or at least rediscovering, the conventions of reasoned appeals.

And last, given the sometimes deceptive nature of stock response, is there any code of ethics that contemporary rhetors follow, or have we arrived at an "anything goes" approach to public argument? I hope more research might be done to investigate *ethos* and its presence or absence within current public debate. Perhaps a case can be made for a pedagogy of ethics as it forms the minds of politically interested citizens.
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