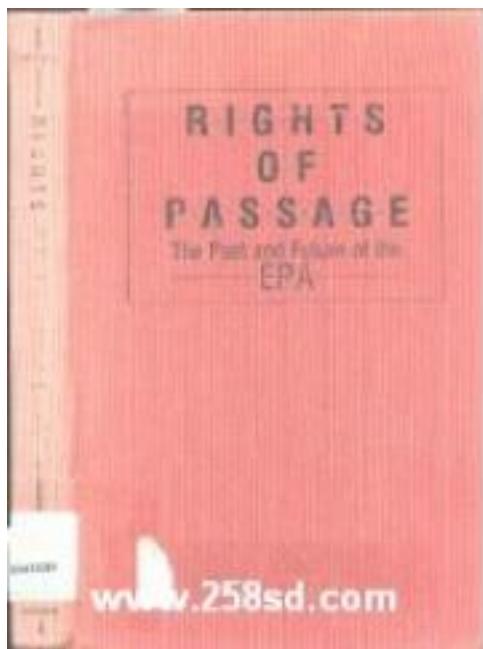


Rights of passage: The past and future of the ERA



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EVEN IF THE EQUAL RIGHTS AMENDMENT IS never resurrected and ratified, it will remain the symbol of the Second Women's Movement just as the suffrage amendment has been for the First. Women's Movement. The ERA's defeat in 1982 perpetuates the condition of unequal constitutional status which generations of women have experienced because of their being omitted from the federal Constitution and the Bill of Rights. When the Founding Fathers translated the masculine system of justice based on eighteenth-century common-law concepts of liberty, justice, and equality into American constitutionalism, they simply confirmed that they were patriarchal products of their time--nothing more and nothing less. Consequently, most of the improvements in the legal status of American women have represented

transgres;^sions of traditional English common law. In reviewing the legal status of U.S. women for any period—the words of Elizabeth Cady Stanton invariably come to mind. She and Susan B. Anthony discovered after the Civil War that women would have to organize separately from men to obtain their civil liberties. In the History of Women Suffrage, Stanton wrote:

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