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COMMENT

SOME THOUGHTS ON THE PATRIARCHAL STATE AND THE DEFEAT OF THE ERA

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What does it signify politically--that is what does it tell us about the relations of power of the 'state' in 1982--that the Equal Rights Amendment has not been ratified? It tells us that the patriarchal foundations of the state, even when narrowly defined in terms of the law, remain necessary to those in power. Or (at least) that those in power, particularly in this case state legislators as well as President Reagan, think that the political system of capitalist patriarchy cannot abide women's (legal) equality.

Why has the ERA been singled out by politicians, particularly of the right, for defeat? Because they think that by defeating the ERA they can defeat the women's movement. Hence, the question constantly posed by the media: Does the defeat of the ERA signify the demise of the women's movement? And, the corollary question: What did the women's movement do wrong; how and why did N.O.W. fail to get the ERA ratified?

First one needs to recognize that the ERA, in demanding equal rights before the law for women, reflects that minimum vision of women's equality which is entertained by feminists today. This is not to say that it is an irrelevant or inconsequential demand. But the demands of the ERA are understood, by most feminists including liberal feminists, to be necessary but not sufficient for creating real sexual, economic, and racial equality for women. It is true that the ERA would make it illegal to pay women 59¢ when a man is paid \$1.00 for doing the same work. But the ERA would not by itself enforce economic equality or destroy the sexual or racial ghetto of which woman is a part. It would simply make unequal pay illegal while doing little about the structural relations of inequality.

Feminists know that a law in and of itself cannot create sexual equality. But they also know that it can lay the basis for further assaults against patriarchal privileges, and is therefore important. In this same vein, feminists also know that, although it will affect them, the ERA does not legislate relations in the home between husband and wife. Even though Phyllis Schlafly argues that it will, the ERA applies directly to the public, not the private sphere.

To the degree feminists understand that sexual equality requires changes in the Editor and contributor to Capitalist Patriarchy and the Case for Socialist Feminism and the author of The Radical Future of Liberal Feminism.

private and the public realm, and changes in the way these realms are defined in relation to each other, they also understand the limits of liberal legislation which focuses on the public realm. Hence, although feminists, especially liberal feminists who are committed to creating legal equality between men and women, believe the ERA is utterly important to American women in 1982, they also know that it is more symbolic than it is substantive. Abortion law would be an example of legislation which has a real, direct, effect. Interestingly enough legislators like Paul Laxalt seem to be backtracking on their antiabortion stands, whereas Senators Hatch and Hatfield cannot seem to agree on how to demobilize this aspect of the women's movement. It is much simpler to attempt to delegitimize the women's movement by defeating the ERA because of the ambiguities it reflects and because it is limited in terms of its direct effect.

The ERA clearly reflects the contradictory nature of liberal (and liberal feminist) reform legislation. It may be more symbolic than real, but it does affect consciousness. It also constructs ideology, which never reflects a true or full picture of reality and yet defines reality. And it operates in a semi-autonomous fashion from our real sexual, economic, and racial identities. This contradictory nature of the ERA has limited its effectiveness as a rallying point for the women's movement because it is so clearly insufficient for creating woman's real sexual equality. As a demand, it does not encompass the politics of feminism, which in some sense has moved beyond it. Yet, the ERA remains a necessary element in the struggle toward equality in a liberal democratic society. It is because the ERA does not represent the feminism of the 1980s adequately, and because it does represent the antifeminist politics of the New Right sufficiently, that the New Right was able to mobilize against the ERA so effectively. The New Right sought to curtail the radical potential of the ERA to go beyond its own liberal-legalistic framework. New Rightist, George Gilder has argued in this vein, that even reformist feminists are really revolutionary, in that, in order to create sexual equality, the male role as we know it will have to be destroyed. It is this revolutionary aspect of feminism which the state sought to destroy in defeating the ERA.

The problem with the ERA is that it seems to be, and is, insufficient to feminists, and it is also radical in its potential to redefine patriarchal law. The ERA is not enough for feminists, and it is too much for antifeminists. The New Right has therefore been more singly committed to the defeat of the ERA than feminists have been singly committed to its ratification. It remains to be seen whether feminists will be able to build a pro-ERA politics which more directly encompasses the radical potential of feminism itself by focusing on the private as well as the public realm. This is really the crucial dilemma which faces the women's movement today: To decipher how it can utilize the radical potential of liberal feminist reform which challenges the legal basis of patriarchal privilege while not being limited to liberal feminist reforms of the public arena.

To return to the question of what the women's movement did wrong in its campaign for the ERA, I think it did nothing wrong. The movement should not have focused all its energy on the ERA, for the very reason N.O.W. found it impossible

to endorse Carter in the 1980 election. Officers of the state seek to protect patriarchal privilege. Feminists must therefore not allow those who wish to defeat them to set their political agenda, because they will only narrow feminism's vision.

The ERA was defeated by state legislators, not the incapacity of the women's movement or the skill of Phyllis Schlafly. A simple lesson can be uncovered here. Legislators effectively protect the interests of the patriarchal state, even when there is not popular support for such legislation. With a majority of Americans supporting the ERA, the only explanation for its defeat is that those in positions of power rule in their own patriarchal interest. The defeat of the ERA only proves the state's commitment to patriarchal politics, and its desire to fight it out in this arena because it has the upper hand. The bluntness of this contradiction--between majority opinion in favor of the ERA and its legislative defeats--has radicalized feminists in the pro-ERA struggle. This can be seen in N.O.W.'s announced political strategy for the new ERA campaign which calls for the election of women to state and federal legislatures. Such a strategy which is clearly reformist also points to what George Gilder has called the revolutionary aspects of feminism, i.e., that the role of men as the primary operatives in the public sector is under attack.

Whether the ERA is finally passed (as women finally got the vote) or not, feminists must remember what they already know: that equality, although it can be formulated in legislation, cannot be created by it. The state hopes to limit the feminist movement to the struggle for the ERA and feminists must not allow this to happen. Feminists need to use the existing pro-ERA political forces to unify the organization and broaden the commitments of the feminist movement.

With the defeat of the ERA the women's movement has begun to rethink what a viable strategy within the electoral arena should be. I think this strategy should be built upon the political autonomy of the women's movement with its own agenda, while recognizing the importance of electoral and reform politics. The seeds for such a politics exist at present. As long as feminists, while fighting for the ERA, continue to fight for reproductive freedom, economic and racial equality, freedom of sexual preference, sexual freedom, and international peace, the Right won't get what it wants, which is a demobilized feminist movement. The defeat of the ERA can only mean the deradicalization of the women's movement if liberal feminism, the largest part of the movement, narrows its vision and limits its struggle to the ERA.