

## THE SEX EQUALITY GAP: HOW THE 20<sup>th</sup> CENTURY SEX EQUALITY PARADIGM CONTINUES TO LEAVE WOMEN OF COLOR BEHIND

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This policy brief is the work of the Equal Rights Amendment (ERA) Project and the Racial Justice (RJ) Project at Columbia Law School's Center for Gender and Sexuality Law—where faculty, staff, students, and researchers provide policy analysis and thought leadership on cutting-edge issues at the intersection of gender, sexual, reproductive, and racial justice, and envision a 21<sup>st</sup> century Sex Equality Paradigm that centers women of color.

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## EXECUTIVE SUMMARY

The United States has a sex equality problem that disproportionately impacts women of color. Despite the passage of sweeping federal, state, and local laws that prohibit discrimination on the basis of sex in employment, education, public benefits, housing, healthcare, voting, and in virtually all significant aspects of the U.S. economy and society, women—and particularly women of color—continue to experience persistent sex discrimination. These laws, starting with the Equal Pay Act of 1963 and the Civil Rights Act of 1964, make up what we call the *20th Century Sex Equality Paradigm*.

At face value, such laws can be credited with having made considerable progress in dismantling stubborn forms of sex-based inequality for women. For instance, in 1960, women earned 60% of what men earned for the same work, and today that gap has been reduced to about 82%. Yet, a deeper examination of this data reveals a harsher truth: white women have been the primary beneficiaries of sex equality laws, leaving women of color significantly behind.

This policy brief examines this equality gap, demonstrating how the existing sex equality paradigm centers white women and does not adequately account for the ways in which sex and race discrimination intersect with one another. An approach to combating sex discrimination that ignores or tacks on considerations of race discrimination disguises how the benefits of existing equality measures have been distributed in ways that further marginalize women of color. The implicit focus on the experiences of white women that is built into the current sex equality paradigm, thus, creates an equality gap that is itself a serious problem of gender-based injustice. The paper utilizes comparative data to measure the extent of sex-based inequality in society for women of color as compared with their white female counterparts.

**This policy brief seeks to name, examine, and disrupt the sex equality gap that continues to exist between women of color and white women in the following arenas: (1) healthcare, (2) pay equity, (3) homeownership, (4) education, and (5) food security.**

Ultimately, this brief recommends that a *21st Century Sex Equality Paradigm* should reassess the relative value of sex equality laws and policies by deliberately centering the impacts on and benefits to women of color, and by adopting a substantive, rather than formal, approach to equality.

**The paper concludes that the Equal Rights Amendment (ERA), a measure that would add specific sex equality protections to the U.S. Constitution, could—and should—be the vehicle to bring about a more equitable form of sex equality in the U.S. through practical intersectional policy interventions.**