

The Evolution of Women's Rights in the United States

Anika Butala

The legal position of women in America has been altered in recent centuries with changing social, economic, and political institutions. The campaign for gender equality has been long standing and multifaceted through modern times, with alternating pockets of success and failure. Although women today have many rights unheard of during earlier times e.g., the right to vote, access to education, protection in the workplace, and reproductive rights, the legal controversies surrounding women persist in shaping the new role of women in American society. The following essay discusses the various turning point events within the legal rights of women, from the 1848 Seneca Falls Convention through the current disputes regarding reproductive justice, equal workplace rights, and gender identity.

Even after all the legal victories, the definition of constitutional values remains a decisive factor in establishing the legal status of women, and there are some rights which still remain controversial or restricted. The majority of the victories that led to equality between gender in the law were not straightforward ones; they were the result of concerted campaigning, court actions, and the shifting winds of opinion. Women's inclusion in the legal system has been codified through state and federal law and its enforcement has typically rested precariously in the hands of courts, legislatures, and policymakers' political inclinations. Understanding that history allows us to better appreciate how far along these past few decades have carried the movement toward equal citizenship for women and how much still remains to be done.

In the early days of the United States, women had virtually no legal autonomy. Married women are effectively regarded as extensions of their husbands under the English common law

concept of coverture, hence they could not own, enter into contracts, or even sue in their own names. Single women had a little more autonomy, but their rights were still quite restricted. Truly explosive was the fight for women's legal rights starting at the Seneca Falls Convention of 1848, seen as the start of the systematic women's rights movement in America. This convention yielded the Declaration of Sentiments, a strong treatise demanding women's voting rights and gender equality, driven by Elizabeth Cady Stanton and Lucretia Mott. Rejected initially as too radical, the demand for voting rights would become a core concern for the women's movement for many years.

Especially in the legal system, the fight for suffrage dragged on. Some activists sought legal justice, while some others pushed for change through state legislatures. *Minor v. Happersett* was a significant decision. This 1875 case would rule that voting wasn't a right of citizenship and would permit states to deprive women. Though this was a devastating setback, the suffragists carried on determinedly and eventually the 19th Amendment was passed in 1920, therefore at last giving women the right to vote.

Perhaps no legal controversy has been more volatile than women's reproductive rights. In *Griswold v. Connecticut*, the Supreme Court decided the constitutional freedom of married individuals was guaranteed, and that freedom extended to the practice of birth control. The precedent of the ruling presaged the landmark ruling of the Supreme Court of the 1973 case of *Roe v. Wade*, upholding the constitutional freedom of a woman for abortion.

Reproductive rights were met with resistance. Republican lawmakers and judges have sought to limit access for abortion via state law, waiting periods, and mandated counseling since the last twenty years. The most extreme of the changes was with *Dobbs v. Jackson Women's*

Health Organization, which overturned the long-held precedent of *Roe v. Wade* and brought abortion back into the hands of the states. The decision resulted in a patchwork of laws across the country with some making abortion legal entirely and some remaining available.

One other of the landmark advances for women's legal rights was the passage of the Education Amendments of 1972, also known as Title IX. Title IX prohibits sex discrimination on the basis of race at those colleges and universities that take funds from the federal government. Title IX had tremendous meanings, particularly for the future of women athletes and protecting students from sexual harassment and assault.

Legal interpretation of Title IX is also ongoing. In the Supreme Court case of *Davis v. Monroe County Board of Education*, decided in 1999, the High Court held that the institutions can be held responsible for the prevention of sex harassment of students by other students. In the recent several years, the controversies of the Title IX continued unabated, and the rights of the transgender students being the latest frontier, with legal and political battles about these students' inclusion on the sports teams and the facilities.

All the legal advances of the decades haven't yet succeeded in removing the U. S. women from the face of perceived impenetrable barriers of achieving total equality. The most deeply ingrained, perhaps, is the gap of pay. Women still, on balance, take home less than men for the same work, with even wider disparities for women of color. In the face of the law of the Equal Pay Act of 1963, loopholes and the lack of enforcement give the edge of pay disparities based on gender. Women remain cheated financially as politicians, executives, and professors. In spite of some advances, barriers of the gender-bias character, the lack of mentorship, and the lack of

access to the networking opportunities remain a barrier faced by many women from accessing the top of the rung of the employment ladder.

Some of the other serious issues are violence against women, domestic violence, harassment, and assault. Despite the laws for the protection of the survivors and the incarceration of the perpetrators, the majority of the survivors find barriers on their path for seeking justice. Non-enforcement of the laws and lack of legal protection, combined with social stigmas, deter most women from making violence claims or seeking the law for action against the perpetrators. Despite the success of the campaign of the #MeToo, legal and institutional reform is required for the assurance of the survivors would be believed and supported. The rights of the trans community, of the recent era, also fall under the arguments of gender equality. Arguments for the right of the trans community for the access of gender-affirming care, their inclusion in sports, and the right of access of the trans community for gender-segregated facilities drew polarized views. The activists believe the establishment of the rights of the trans community is the key for the full realization of gender equality, with some believing such realization has the possibility of breaking the protective barriers originally established for the protection of the cisgender women. Courts and legislatures still wrestle with these complex and new questions of law, a sign of the fact the struggle for the realization of gender equality is ongoing.

To this effect, the Equal Rights Amendment(ERA), proposed in 1923 and enacted by Congress in 1972, is yet to be ratified. Even as ERA activists think ERA is required for gender equality status constitutionally, the foes of this proposal oppose this on the basis of the fact that women already obtain sufficient protection under the existing laws. Non-ratification of ERA marks the persistence of political resistance for full inclusion of gender equality as part of US law.

The women's status law, however, has improved but is still on-going. From the initial struggle for the franchise, women's right of suffrage, up to the present struggle for workers' rights, reproductive rights, and gender identity rights, the law still goes on. Despite amendments of the constitution, landmark cases, and congress acts, women's rights, though increased, become losses and challenges making achievement of the law never assured.

History indicates that gender equality is achieved not by the passage of laws but by their enforcement and compliance with their terms. Courts, legislatures, and activists will be involved with the future of women's rights, pushing legal wins on the shelf into reality on the streets. The struggle for gender justice is not near its end, but whatever has been gained up to this point provides the basis for a better, balanced future. Women continue to fight for their place within the legal field and made sure their voices are adequately echoed amongst their male counterparts, built brick-by-brick by a rich history of dedicated women dating all the way back to 1848.

Works Cited

Stanton, Elizabeth Cady, et al. "Declaration of Sentiments." Seneca Falls Convention, 1848.

Accessed April 1, 2025.

<https://www.owleyes.org/text/declaration-of-sentiments/read/text-of-stantons-declaration>.

U.S. Constitution. Amendment XIX. Accessed April 1, 2025.

<https://www.archives.gov/founding-docs/amendments-11-27#19>.

Civil Rights Act of 1964. Pub. L. No. 88-352, 78 Stat. 241 (1964). Accessed April 1, 2025.

<https://www.ourdocuments.gov/doc.php?flash=false&doc=97>.

Equal Pay Act of 1963. Pub. L. No. 88-38, 77 Stat. 56 (1963). Accessed April 1, 2025.

<https://www.eeoc.gov/statutes/equal-pay-act-1963>.

Title IX, Education Amendments of 1972. 20 U.S.C. §§ 1681-1688. Accessed April 1, 2025.

<https://www.justice.gov/crt/title-ix>.

Minor v. Happersett, 88 U.S. 162 (1875). Accessed April 1, 2025.

<https://www.law.cornell.edu/supremecourt/text/88/162>.

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986). Accessed April 1, 2025.

<https://supreme.justia.com/cases/federal/us/477/57/>.

Griswold v. Connecticut, 381 U.S. 479 (1965). Accessed April 1, 2025.

<https://supreme.justia.com/cases/federal/us/381/479/>.

Roe v. Wade, 410 U.S. 113 (1973). Accessed April 1, 2025.

<https://supreme.justia.com/cases/federal/us/410/113/>.

Dobbs v. Jackson Women's Health Organization, 597 U.S. ____ (2022). Accessed April 1, 2025.

https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf.

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999). Accessed April 1, 2025.

[https://supreme.justia.com/cases/federal/us/526/629/.](https://supreme.justia.com/cases/federal/us/526/629/)