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**Gender Representation through Equal Rights Amendment of 1972 in  
the Judiciary**  
**Case Study: *On the Basis of Sex* (2018)**

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LITERATURE

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## **Dedications II**

This work is wholeheartedly dedicated to my parents who support and encourage me ever.

To my husband Nadhir and lovely daughter Rawane and my dearest sisters.

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## **Abstract**

The quest for identity for both woman and man is one of the pivotal themes, which led to an upheaval in the American community. This constant quest has become more complex in recent years, as people started asking for their identities and who are they, as individuals within a society. For that reason, woman of achievement like: Ruth Bader Ginsburg was looking for self-identity by facing dehumanization that motivated her personality. Moreover, she found herself revolting against different segregations, adopting feminist ideologies and gender principles looking for equal treatment. This study is an attempt to examine women's and men's place fighting discrimination in the law sphere. The main objective of the study is to explore how women were discriminated, demanding for their rights as a resolution rather than a conflict. This research follows an exploratory-expository method to illustrate women's suffering through years until the bill of the Equal Rights Amendment was passed and has reduced discrimination through law. The core value of the movie is how power and beauty were demonstrated in Ginsburg's legal battle the gender discrimination case which was represented in the plaintiff in an appeal of the 1972 tax discrimination case *Moritz V. Commissioner of internal revenue*. Ginsburg argued the unconstitutionality of the code after the presentation of the tax. After all, Ginsburg succeed to change the tax law under the Equal Rights Amendment.

**Keywords:** Sex discrimination, Feminism, Equal Rights Amendment, Tax law.

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# **General Introduction**

## General Introduction

### **General Introduction**

A thought, an idea, and a belief are aspects that shape our world. They give a structure to our expectations as well as our practices. This work is about a powerful view of human rights and the belief that all human beings are created equal, deserving of dignity and right. This view resonates with all people from all nationalities, religions, races or sexualities all over the world. Human rights subjects are all around us a community or individual. By human rights, are rights that ingrained to all human beings. These rights are universal regardless of race, sex or any other status. When we understand these rights, enjoyment, reality could be achieved and this the purpose of this issue to eliminate sex discrimination in all levels and increasing access to rights and justice.

As target goal to these rights, gender equality and feminism are of the important challenges all over societies and mainly in the United States of America. There still is a long way to achieve full equality of rights and opportunities between men and women and still significant gender gap in many areas.

After the ratification of the ninetieth Amendment in the United States, which provided women with certain rights, there was a suggested amendment to abolish gender inequality and discrimination. The United States then, took some steps in reducing the gender gap through different amendments, among them the Civil Rights Act. The issue of gender equality has been a core debate everywhere, where the importance of power, achievements, security and tradition values decreased. Particularly, gender equality would permit both sexes these values, they inherently care more about.

Feminism on the other hand, is not first a matter of words, instead a way of living and struggling to change norms and against the status quo. Feminism maybe of different views, a theory, a concept or an ideology, “As a movement seeking reorganization of the world upon

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basis of sex- equality in all human relations, a movements which would reject every differentiations between individuals upon the ground of sex, would abolish all sex privileges and sex burdens, and would strive to set up the recognition of the common humanity of woman and man as the foundation of law and custom“. This definition is taken from Chris Kramarae and Paula A. Treichler’s *feminist Dictionary* which considered refreshing one from a feminist perspective.

Traditionally, women have been considered always as inferior sex and men as superior. Moreover, their roles were limited to domestic and childrearing duties. In reality, women hold many roles in every society, but this does not lead them to be respected all the time. Gender differences became a real problem when gender discrimination and women are the victims of this issue, and even men were victimized too. Being a woman is a value of being human being. It is to affirm the capacities to be strong, capable, intelligent and neglecting the general image of woman as an inferior, weak and incompetent. This sexual harassment is experienced by women and men in this research.

In the law sphere, the primary goal of the Civil Rights Act of 1964, was to end sex discrimination and by a representation of an amendment. Ending gender discrimination is now inevitable and the only solution to end is the Equal Rights Amendment.

An important quote was said by a legendary US Supreme Court Ruth Bader Ginsburg, she stated: “*It is not women’s liberation. It is women’s and men’s liberation* “.Quotes from Brainy Quotes.

She is the second influential Court in the land and wise in judgment where she became also the first female tenured professor. Moreover, she was advocator of Women’s Rights Project of the American Civil Liberties Union during the 1970’s.

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This real story of a resistant woman was portrayed in biopic movie called *On The Basis of Sex* (2018), by an American writer Daniel Steiplman, Ginsburg's real life nephew. The movie gathers series of struggles of Ruth as a wife, a mother and a lawyer. Ginsburg's main interest is to deal with gender equality cases and with various misrepresentations of female. What makes Ruth's career important is her vital challenge to defend men's rights in the Supreme Court to change the tax law of Moritz's case. For this reason, the present research is conducted to answer the following question: To what extent was Ruth Ginsburg able to achieve double success, through her demands for women's rights as a target goal, hence, her emphasis of defending gender discrimination on man, giving his rights as a caregiver?

For the purpose at hand, this study aims at depicting the status of women during second wave feminism, exploring how women were portrayed in justice and the Supreme Court, meanwhile investigating female position as well as male position in an unfair society. This research focuses on how Ruth could resist facing discrimination and oppression. In addition, her revolt against all these segregations led her adopting gender and feminist ideologies as a gateway towards freedom.

This research attempts at answering the following questions:

- To what extent are women and men's rights guaranteed in the US Supreme Court?
- How was sex discrimination seen before the Equal Rights Amendment and after the bill was passed?
- Based on Ginsburg's attitude and her pivotal empowerment to gain equality, how could she change the tax law through Moritz's case as a golden ticket for her rights as woman and Moritz's rights as a man?

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Research interprets and addresses gender equality in different stages and the steps or acts that should be implemented to empower men and women to equal patterns in any societies. All in all, it is all around the quest for identity with regard to the law context.

“*On the Basis of Sex*”, is a movie that raises too many questions and discussions in terms of real life experience and efforts of an achieved woman. She endeavors to focus on her position as a woman and how did she present a strong voice in favor of gender equality as a lawyer woman to defend man’s rights. In an article titled “The lantern”, January 15, 2019, by Paradise Thomas where he describes the film as a story of strength and perseverance. What was very important in the movie is the struggle of a supreme court justice Ruth Bader Ginsburg and the obstacles she faced in the beginnings of her career as a lawyer woman defeating humiliation and discrimination. For Ginsburg, It is a kind of self –challenge in different stages and experiencing man’s profession.

An important work that dealt with the issue of gender and discrimination titled “*Justice and Gender: Sex Discrimination and the Law*” By Deborah L. Rhode. The book gives a complete investigation of gender and law in US. The author of the book interprets the legal development over years in contrary to historical and sociological reforms in women’s attitudes. She examined the cultural perceptions of gender impact in which they are influenced by legal constructions. Moreover; the author tackles the use of law as a tool and solution for social change.

Another important book, which treats the issue of women voice, called “*Voices of a People’s History of the United States*” by Howard Zinn and Anthony Arnove. It is an affective book that talks about male suffer as well as women suffer, and the equal treatment before the law.

Howard Zinn famous quotation about gender equality and the equal treatment:

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*“In the problem of woman was the germ of a solution, not only for their oppression, but for everybody. The control of women in society was ingeniously effective. It was not done directly by the state. Instead the family used men to-control women, women to control children, all to be preoccupied by one another when things were not going right”.* (www.goodreads.com)

It can be understood that the main issue here is that a matter of suffrage and oppression of woman and man looking for equality.

De Beauvoir’s book *“The Second Sex”* 1949, also represents the fact that women have the same opportunities as men places her to some extent in the tradition of liberal 2<sup>nd</sup> wave. She demands that women should be treated the same way as men under the law.

This research follows exploratory - expository methods to convey the clear idea about gender equality and feminism aspects and themes of the case study from an autobiographical work. Moreover, this study will follow the descriptive method to describe the relation between gender equality and feminism under the feminist theory of gender to depict their effects in fighting sex discrimination.

This dissertation holds a three-chapter structure. The first chapter tends to give an overview about gender equality as well as feminism in terms of origins, principles and aims, exploring how they emerged and the strong relation that link them as separate ideologies. The second chapter deals with thematic issue, which is sex discrimination, its definition and evolution. The second part of that chapter describes sex discrimination under the law before and after the Equal Rights Amendment of 1972 in which some reforms and acts were modified and passed to eliminate discrimination. The last chapter will examine and investigate broadly the real life experience of a female justice defending her rights as a woman as well as her commitment to change the tax law of man’ case.

# **Chapter One**

## Chapter One: Gender Equality and Feminism: Background and Origins

The struggle of gender equality was carried out through years; women were the subject of discrimination and subjugation. They had no right to give their opinions or even speak, because women were seen as a way of family utilities. But they discovered that they were not the only subject of discrimination, they should improve themselves by demanding for their rights, under what is called feminism. Feminism defined as a mode of existence in which women are free of the dependence and syndrome of husband, fathers, community, and ethnic groups.

### **1.1 Gender Equality: Background and Definition**

Gender inequality is built into the organization of families, work, politics, religions and the very language we speak. Making women and men equal, therefore, necessitates social and not individual solutions.

#### **1.1.1 Gender Equality Background**

Gender equality as a term is an important challenge in all modern societies. The United States of America as an example, started abolish gender equality and discrimination during the late nineteenth and early twentieth century.

The development of gender equality in the United States of America had been started in the area of economy and employment, the government decided to eliminate this issue by passing many amendments in order to protect its citizens. The 14<sup>th</sup> Amendment of the United States Constitution states in its first article that, “*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United State and of the State wherein they reside*” (constitution.congress.gov). It does include equality between all persons. The last part of The 14<sup>th</sup> Amendment contains that, “*The Equal protection clause protects*

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*persons against certain forms of discriminatory state action only. In a few discrete areas, the court has ruled that the clause protects certain fundamental rights that the state cannot burden*" (books.google.com). This amendment does not protect against discrimination from private entities but only from the state. Another development for women's rights in the United States of America was the passage of the 19<sup>th</sup> Amendment," *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. Congress shall have power to enforce this article by appropriate legislation*" (constitution.congress.gov). In this amendment, women gained an important political voice which is the right to vote.

The Equal Right Amendment is the most important amendment in history of women's rights. It was introduced in congress in 1923, but not started until 1972. The Equal Right Amendment contains, "*equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex*" (www.britannica.com). The Equal Right Amendment brought effective legal equality to men and women.

Since 1990's the gender perspective is still struggling to be clearly set into the development agenda of international treaties or objectives such as the Millennium Development Goals<sup>1</sup>, their principles focus only on gender equality and not concentrate enough on women's centrality (Bunch 2006).

### **1.1.2 Gender Equality Definition**

Gender equality has been expressed by many different words and under-gone various changes as a travelling concept in this global process. So the concept gender equality is when people of genders have equal opportunities and rights. It is expressed in beliefs, behaviors, attitudes and policies that reflect an equal valuing of opportunities for both sexes. Further

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<sup>1</sup> Millennium Development Goals: were eight international development goals for the year 2015 that had been established following the Millennium Summit of the United Nations in 2000.

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definition of the term, founded in the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) in 1979 was adopted by the United Nations General Assembly. The convention defines discrimination as “any distinction, exclusion or restriction made on the basis of sex in the political, economic, social, cultural, civil other field “(Lombardo, Meier and Verloo 2009).

### **1.2 Gender Equality Forms**

The aim of gender equality is to make women and men more equal, it takes a variety of forms, depending on the economic structure and social organization of a society. When we talk about gender equality, it is probably women who are disadvantaged relative to men. In many cases women obtain less pay in work unlike men, they also have not advancement, especially in top positions. Usually, there is an imbalance in the amount of child care and housework between wife and husband; wife does compare to her husband even when both spend the same amount of time in paid work outside the home. Gender equality can also take the form of girls getting less education and health services than boys, nearly two-thirds of the world's illiterates are women (Lorber 25).

Gender equality can also disadvantage men. In many countries, only men who do the more dangerous work such as fire fighting and policing, they also serve in the armed forces and sent directly to combat. Although women have fought in wars and are entering police forces and fire departments, the gender arrangements of most societies assume that women should work at home caring for children while, men will do the work of protecting and supporting them economically (Lorber 26).

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### 1.3 Gender Equality Principles

Gender equality is every one's struggle through every one's gain. It is an issue that benefits everyone, is the notion that one group equality comes at the cost of another. It is not in fact a Zero-Sum game, instead every one's responsibility for the sake of creating work and other opportunities for every one among societies. The purpose in highlighting the following principles is reinforcing the key behavior that has been associated with best practice to increase gender equality.

There are common principles to achieve women's empowerment. The starting principle is of "equal treatment" or prohibition of direct discriminations. It requires women to conform to male oriented social structure. In the United States, it takes the name of anti-classification principle. The anti-classification principle addresses prejudice where women are treated less and men are favor, simply because they are men. For example, women are excluded from equal treatment concerning child care responsibilities, unless they are able to find women to look after their children with a low paid.

Equal treatment is a systematic one since it cares about sex regardless of its aim. The aim of this principle is to ensure that women are capable to enjoy equality with men, their civil, political, economical and cultural rights, regardless of age, language, ethnicity of race.

Leadership is a key concept for promoting gender equality. It is to assert strong level as well as policies for gender equality and human rights. It is to make sure that all ideologies are gender sensitive identifying factors that affect both sexes differently. Another legal standard to protect women's rights is the elimination of violence against women in all its forms, including health, safety and freedom. It is to take care of their working conditions, concerning physical abuse and prevent sexual harassment. Health insurance is highly recommended to ensure equal access for all employees. Education is an important principle

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for gender equality. It outlines an equal access to all Company - supported education as well as offering equal opportunities for both sexes.

A rights-based approach and Community based approach are both important in developing the principles of gender equality. They are developed separately but have the same principles. Both are founded on the international legal framework.

A rights-based approach is more a conceptual framework since as it deals with the participation and the empowerment of the individuals to protect and respect of these rights. It is to raise awareness of women's and girls' of their rights.

*«The rights-based approach.... means describing situations in terms of human needs, or areas for development, but in terms of the obligation to respond to the rights of individuals. This empowers people to demand justice as a right, and not as a charity ..... »* Mary Robinson, former United Nations high Commissioner for human rights.

A Community-based approach, main concern is to build an equal partnership with women and men regardless of age and backgrounds. This approach reinforces both dignity and self-esteem of people to encourage and empower to work together meanwhile enjoying their human rights.

These two approaches are likely linked to each other in terms of reinforcement and that is why they must be mentioned when talking about gender equality principles.

([www.unhcr.org](http://www.unhcr.org))

### **1.4 Gender Equality Achievements and Importance**

In any society, equality should be given for everyone, giving the right without any discrimination regardless of gender, color, professions or statuses. Gender equality is an important achievement when individuals are treated similarly since discrimination is a social menace that leads to division.

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Gender inequality is the process to achieve gender equality, what matter is that gender equality is a fundamental human right. It is a critical issue to all areas of society from reducing poverty to promote health, education, protection and the well being of both sexes. The aim is to achieve gender equality and empower all women and girls. It can be said that gender equality builds a nation especially, when all people today know their rights and know what they can do in a free society. If any community could reach gender equality, every individual would enjoy the same privileges and gets similar opportunities in education, health, job, etc. In fact, a nation needs to value every gender equally for the development in all aspects. ([www.un.org](http://www.un.org)).

### 1.5 An Overview of Feminism

Feminism is a social movement whose goal is raising the status of women. In many times and places in the past, men and women have proclaimed women's capabilities and have tried to better women's social position. As an organized movement, feminism rose in the nineteenth century in Europe and America.

#### 1.5.1 The Origins of Feminism

Feminism is a set of socio-political ideologies and movements that aim to define the political, economic and social equality of sexes. Feminism movement started earlier during the Greece period, Plato in his classic Republic, advocated that women should be equal to men for defining ancient Greece. Unfortunately not all agreed with Plato. During the Enlightenment many writers and philosophers such as Margret Cavendish, the Duchess of Newcastle-upon-Tyne and Mary Wollstonecraft ,the writer of' *A Vindication of the Rights of Woman*' ,both of them argued for equality to women. The first woman to the American

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President John Adams, Abigail Adams also called for freedom for women joined with women leaders demanding to end slavery. (History.Com Editors)

### **1.5.2 Waves of Feminism**

The history of feminism is the history of feminist movement. It divided into three waves, each one deals with different aspects of the feminist issues.

#### **1.5.2.1 First Wave of Feminism**

The first wave of feminism emerged during the nineteenth century and the early twentieth century in the United Kingdom and the United States. The first term wave, appeared out of an environment of industrialization and began to describe this new feminist movement at Seneca Falls convention 1848, when three hundred men and women held a valley to the cause of equality for women, where they focused mainly on fighting social cultural and political inequalities.

The goal of the first wave was to open, up as much as opportunities for all women in the world with the focus on suffrage. Many countries were influenced by the first wave, in both Western and Eastern societies. It consisted of white, middle class and well educated women.

#### **1.5.2.2 Second Wave of Feminism**

The second wave refers to a period of feminist activity from the early 1960, through the late 1980. It began with the publication in France in 1949 of Simone de Beauvoir's *The Second Sex*. The status of women in the Western World argues that men set the standards and values and those women are the other. Those who lack the qualities, men are the actors while women are the reactors.

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The term second wave embraced mostly to the radical feminism of women's liberation movement. This phase witnessed cultural and political inequalities. It unfolded and encouraged women to understand their position in the society of their personal lives as deeply politicized, and the growing self consciousness. The main goal of the second wave is to end discrimination and passing the equal rights amendment to the constitution.

The phase “Women’s Liberation “was first used in 1964, through time, it was commonly used for the whole women's movement. At that time, the New Left was on the rise and publishing voice of women's liberation movement by March 1968.

*“The Revlon lady tells to put on a mask. Be a whole new person  
and got a whole new life “*

Protest sign carried during the 1969 Miss American pageant. (www.jofreeman.com)

From this quotation the features of the second wave appears with first harbinger of a new feminism and the famous event in the United States; which is the protest against Miss American pageant in September 1967, to show how women in pageant competition were paraded like "Cattle Paraded" when they reduced women to objects.

The second wave propelled women of color and developing notions seeking solidarity and sisterhood. Feminists' coined phrases such as “The personal is political” and “Identity Politics” as Juliet Mitchell<sup>2</sup> described that women would “find they thought was an individual dilemma is social predicament “(Yuval-Davis 1996). In fact, the second wave is not one but many, it is not about whether you are a feminist, but which bind of feminists you are. This question is multiplied by the emergence of the third wave.

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<sup>2</sup> Juliet Mitchell: Juliet Mitchell is a British psychoanalyst and socialist feminist; she was born in New Zealand in 1940 and moved to England in 1944. She attended at St Anne’s College, Oxford, where received a degree in England, as well as doing postgraduate work.

### 1.5.2.3 Third Wave of Feminism

The third wave began in the early 1990; it was informed by post colonial and post modern thinking. This wave arose as a response to the failure of second wave and also, as a response to the Backlash<sup>3</sup> against initiatives, created by the second wave. Third wave feminism attempted to challenge what it deems the second wave's "essentialist" definition of femininity that is related and focus on the experiences of upper class.

In this phase, gender, body, sexuality and heteronormativity<sup>4</sup> are the central characteristics of the third wave ideology, including the notions of "universal women hood".

The third wave feminist is concerned and motivated by the need to develop a feminist theory and politics, where there is an interest and important constitution to third feminist thinking which in the notion "Transversal Politics". This notion was launched by the author of "Gender and Nation"1997, Nira Yaval-Davis<sup>5</sup>, it was based on the possibility of dialogue between women across national, ethnic and religious boundaries.

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<sup>3</sup> Backlash: A strong feeling among a group of people in reaction to a change or recent events in society or politics.

<sup>4</sup> Heteronormativity: Is the cultural bias in favor of opposite-sex relationship of a sexual nature, and against same-sex relationship of a sexual nature.

<sup>5</sup> Nira Yaval – Davis 199 ; « Women Citizenship and Difference ». Paper presented at conference on women and citizenship, university of Green Wish July 16-19-1996

### **1.6 Feminist Theory in Gender**

Since the second-wave feminist movement and the successful phase to recognize “gender” as conceptually distinct from “sex”, there have been significant theoretical challenges to this understanding of gender from feminists across disciplines, these challenges include the feminist theory in gender.

Feminist theory in gender is a major branch in society that shifts topical focus away from male and female point view. Many people believe that this theory focuses only on women rather than men, but in reality, it has always been about viewing the social world by illuminates the forces that support oppression and injustice .In contrast, promotes equality and justice.

Through years, women and girls were excluded from social theory and social science; they focused on their experiences and interactions within society, in order to ensure that many people in the world are not left out of how understand relations and social forces. Socialist feminists, radical and Marxist argue that gender should be understood as a social category, rather than viewing it as an individual attribute, such theorists conceptualize gender as a major social organizing principle that sorts people into two separate but unequal groups; the processes of gendering must be conceptualized as one of many variable forms of domination and subordination, not as the primary operation of inequality (Foster 431 -456).

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Achieving gender equality means reducing all gender based discrimination in all aspects of life. For that, gender equality is more than the equal representations of men and women and societies that value men and women as equal, safer and healthier since it is a human right. This is what feminist activists had a great impact on different fields that guarantee women rights.

# **Chapter Two**

## Chapter Two: Sex Discrimination Theme and the Evolution of the Equal Rights Amendment in Defending Gender Equality

Sex discrimination is an issue that has created a lot of fuss and much debate in many forms within the law and the Supreme Court. It is an issue that many people in its definition and meaning. Subsequently, the concept has been transformed, interrupted and changed from discrimination to sexual harassment, based on biological differences. The evolution of the concept sex discrimination emerged from the Civil Rights Act of 1964 the proposition of this Act was to include sex in the law and for the bill to be defeated. Although the term was passed but without definition about the meaning .later, it has been redefined and became gender discrimination domestically, on the basis of sex and the elimination of discrimination is now under the state laws and of the constitution in which the term sex discrimination began to evolve.

Historically, the only solution to end sex discrimination is the Equal Rights Amendment. For that reason, there was a need for a new constitutional Amendment which was the most effective one directly after the decline of the National Women's Party of 1923. The basic principle of the Equal Rights Amendment is the prohibition of the classification of sex; The Amendment had a wide impact among societies and precisely on the Supreme Court after achieving equality to women.

### **2.1 The Definition and the Evolution of the Term Sex Discrimination**

One of the main instances that would have an effect on the regulation enforcement agencies was, *Dothared V. Rawlinson*<sup>6</sup>, who dealt with biological differences between both sexes and answering stereotyping. It involved two issues .First it is a matter of height and

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<sup>6</sup> *Dothared V. Rawlinson*, 433 U.S. 321(1977), was the first United States Supreme Court case in which the bona fide occupational qualifications (BFOQ) defense was used.

## Chapter Two: Sex Discrimination Theme and the Evolution of the Equal Rights Amendment in Defending Gender Equality

weight in which the Civil Rights Act of 1964 banned application of Alabama's height and weight statute. (Rudyk 189-214)

Second, women were banned from serving in "contact" forms. As the first issue Rawlinson failed to meet the minimum 120 - pound weight requirements of Alabama guidelines and also because of the top minimum of 5 feet 2 inches. Although height and weight were neutrally, the court found that standards had made out prima facie case unlawful sex discrimination.

The regulation that stopped women from "contact" position dealt with a new criteria of the bona fide occupational qualification (BFOQ) in which the Alabama's proof is a prison system. Dealing with sex discriminations is mainly based on transsexual, which usually relied on the plain meaning doctrine. In fact, the courtroom concludes that Congress had the traditional and the old meaning of "Sex" in mind. In essence, the court gave the traditional definition relying on anatomical characteristics.

The term "Sex" is no more equivalent To "Gender" but rather, a term, which embodies transsexual, without sexual differences. According to the fourteenth and fifteenth Amendments, none of them ensures of the due process and equal protection of law-integrated discrimination towards transsexual into the meaning of sex discrimination. The plaintiff stated that: *"has not claimed to have treated discriminatorily because she is a male or female, but rather because she is a transsexual who chose to change her sex"*. Long time ago, the United States dominated that both federal civil rights and the constitution prevented employment discrimination based absolutely on sexual orientation. (Henderson, Comapny 566)

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### 2.2 From Sex Discrimination to Sexual Harassment

After the impact of the Civil Right Act in the court of the United States, another question aroused about the meaning of sex discrimination. The defendant agency argues for an interpretation of that term, based on desperate treatment due the difference between male and female neglecting that was not discrimination but rather it is sexual harassment.

To Include and Define sexual harassment:

Harassment on the basics of sex is a violation of section 703 of title VII unwelcome sexual advance request for sexual favors constitute sexual harassment when (1) submission to such conduct is made either explicitly or simplicity a term or condition of individual's employment (2), submission to or rejection of such conduct by an individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual work performance or creating intimidating, hostile ,or offensive working environment. (Rudyk 196)

For that, it is not a matter of sex discrimination but rather a sexual harassment, it is violation in the law and that both men and women are victims of sexual harassment.

In 1998, the case of Lisa Jacqueline grants V. South West train LTD. It held that the European Union Civil Rights law did no longer limit employment discrimination on basics of sexual orientation. Interestingly, Cherie Both, QC representative of the plaintiff and the wife of the Prime Minister Tony Blair, was once in contradiction to that claim as well as the plaintiff that found that the dismissal of a transsexual was discrimination violated of the European community's Civil Right legislation.

In 1996, the court stated:

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Directive 76/207 on the implementation of the principle of Equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions... preclude the dismissal of a transsexual for a reason arising from the gender of reassignment of the person concerned since the right not to be discriminated against on grounds of the Sexes constitute a fundamental human right, the scope of a directive cannot be confined simply to discrimination based on the fact that a person is of one or other sex .it must extend to discrimination arising from gender reassignment, which is based, essentially..., on the sex of the person concerned... to be long before that operation. (Rudyk 195)

### **2.3 The Origins of the National Women's Party**

In 1923, the origins of the National Women's Party started precisely in Seneca Falls New York. There were a group of women who were colorful pageant and they were celebrating a special anniversary. Among them Lucretia Matt and Elizabeth Cady Stanton both of them helped in organizing a convention on women's right which took place in Seneca Falls and become known Seneca Falls Convention. Its first aim was the right to vote for woman. Later, Seneca Falls becomes the birth place of Equal Rights Amendment.

During that period, the leader of the party was Alice Paul as a head of the party in 1916, which helped in gaining the right to vote. The NWP was perceived and known as a Militant, doctrinal organization where the White House was picketed some of them went to prison, and many of them were arrested.

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The National women's party leadership Alice Paul and Party Chairman had an aim which is the remove of all discrimination against women in existing legislation and some shapes of endowment of motherhood or childhood.

In 16th of February 1921, Alice opened the convention and stated that the NWP must:

*Decides whether with this organization which has battled for eight years for the political freedom of woman, it shall now that this object is obtained, disband, and whatever, is shall take off some either lines... (Whether to) Furl its banner forever or weather it shall fling it forth on a new battle front (Gelletly 2013)*

In her speech, Alice Paul indicates that there must be an absolute equality between man and woman and the party should continue to existence and resistance to work for sexual equality.

The February 1921, a convention was the final conference for the debates of the freedom issue. After that convention, there was a preparation for a federal campaign for sexual Equality. Thus was the National Woman party's solution is the Equal Rights Amendment and its decline led to the rise of the constitutional Amendments.

### **2.4 The Case of a New Constitutional Amendment**

Over the years, there was no constitutional obstruction to the reduction of discrimination. However, there is an effective suggestion to do which is the new Constitutional Amendment. This new modification in the Amendment is a serious and difficult step to be accepted as a truth in which the Equal Rights for women are achieved. A foremost reform and change within the constitution is the formal alteration of the crucial document. The amending system is designed and planned to elicit national ratification for modification in primary governing value.

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This amending process should be welcomed by the Supreme Court in which an effective constitutional reform through different interpretations. An important value of the Amendment is to have an immediate mandate, a nationally uniform theory of intercourse equality. A political and psychological effect of using This Amendment will be indispensable significance in realizing the goal of equality. The constitutional Amendment main importance is sex discrimination and the roughly corresponds to the boundaries of a magnificent and set of legal relationship.

As previously seen, women's status before the law and the regulation was seen as an inferior status. This is because in the past the social construction I have been permeated with inchoate theory of woman's inferiority. Moreover , the success of the quality for women give its exceptional problems which are differ in disposing discrimination where equal protection theory have been applied. Women are now residentially segregated from men .Women are in fact the majority, thus, reform in their status have an effect on most of the population. For that reason, that constitutional mandates as well as woman statues will be no mean be linked to the extraordinary difficulty which race now received due do the fact of the fourteenth Amendment. That is what highly regarded to have a Constitutional Amendment directed to equality. The impact of Constitutional Amendments goes beyond the legal system since equality before the law is part of the broader claim by women for the reduction of rigid sex-role determination.

### **2.5 The Basic Principle of the Equal Rights Amendment**

The main simple precept of the Equal Rights Amendment is that sex or gender is not a permissible factor in deciding the legal rights of both man and woman. This treatment of anyone via the regulation may also not be based totally upon the surrounding causes that such character is one of sex or the other. Of course, this law fixed top-notch benefits upon several

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numbers of the society. This kind of the differentiating persons in treatment actually affected particular characteristics such as, strength or intelligence. In Contrary, the equal rights Amendment does not allow such characteristic to a greater degree in one sex classification. Moreover; the law has no right to fix legal right by the virtue of member-ship in the sex, which means that gender is a prohibited classification and that the law obliged to treat female as human being no as a statistical obstruction. For the law, sex is an inadmissible category by which to determine and fix the right to a minimum wage to refrain from taking the life of another and not on a vast over-classification by sex.

The elimination of discrimination against women within the Equal Rights Amendment is essentially based on two fundamental judgments in the legal system. First, it depends on moral judgment in which women as a group are no longer be treated as an inferior but rather as superior to men. It is again on the prohibition of sex classification in the law. Second, the core principal Amendment derived from series of moral and practical judgment that were done by respect of an individual's fundamental rights among the society. It is always related to characteristics, which are common to both sexes. The values of group equality as well as self-fulfillment must be applied exhaustively and without exception to have a solid principle for the Amendment.(Brown, Emerson, falk and Freedman 890-891)

### **2.6 Consequences of the Equal Rights Amendment**

The Equal Rights Amendment was the only solution for women to get their rights equally to men through the issue of sex discrimination. The ERA would protect individuals against discrimination on the basis of sex, gender identify and sexual harassment as well as sexual orientation. When the ERA was written, woman status was often secondary to men's.

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The need of constitutional Amendment guaranteed Equal Rights regardless of sex. A legendary activists like Alice Paul, insisted, " *we shall not be safe until the principle of Equal Rights is writing into the Framework of our government.* (Gelletly 12). The group of activists decided to work on that. They did it in order to complete the Equal Rights ideal to the victory that was for suffrage. It demonstrates fundamental respect for the value of women across gender.

Rising tide of human rights does not always proceed without turbulence. Although the American law expends human rights in many areas concerning sex discrimination but it did not completely steady without impediment. The federal law does not prevent sex discrimination based on sexual harassment or gender discrimination instead it, prohibits sexual stereotyping by expanding the meaning of sex discrimination including sexual harassment. To a great extent; the United States found itself pressed for a constitutional amendment guaranteeing sexual equality with a huge and unresolved questions that were still insufficient and debated. The process of amending the constitution will bring about the re-consideration of the laws. The Equal Rights Amendment was a turning point in the American history. It seemed to be on its way to becoming part of the US constitution.

# **Chapter Three**

## Chapter Three: Ginsburg's Success to Change Tax Law and End Sex Discrimination in "*On the Basis of Sex*"

Like countless American success stories in justice, that of the one hundred- seventh justice of the U.S Supreme Court, began in a diverse immigrant community in New York City. Ruth Bader Ginsburg is one of them; she started her career from a lawyer to the Second Woman of the Supreme Court. Ruth has inspired generations of women to break gender barriers, and fighting many cases in court to help people who were being treated unfairly because of their gender. Charles E. Moritz is one case that Ruth won it. The case is about unmarried man, who cannot get a tax deduction for nursing his invalid mother because he is a man. In 2018, Mimi Leader directed the movie « *On the Basis of Sex* » which portrays the early career of Ruth Bader Ginsburg and the landmark sex discrimination case of Charles E. Moritz.

### **3.1 An Overview of the Movie "*On the Basis of Sex*"**

The movie "*On the Basis of Sex*" is true story applied on a biopic movie, written with great affection by an American writer "Daniel Stiepleman", Ginsburg's nephew. Mimi leader is the director of the movie; she had a considerable and personal influence over the creative choices of the movie. Which presents the struggles of a woman in fighting for equality in the legal sector .The movie focuses on the start of Ruth Bader Ginsburg's career in the law. At the beginning of the movie, Ruth is a student at Harvard Law School; she studies alongside her husband Martin, who is diagnosed with cancer. Felicity Jones as Ruth takes over both of their classes until Martin is later remission. After this, Armie Hammer as Martin is hired by

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law firm, while Ruth cannot find a work as she is a woman, like many women during the 1960. After that, Ruth finds a job as a professor teaching law at Harvard University.

Later in the movie, Martin tells his wife about a tax law case. It is about Charles E. Moritz a commissioner, who cannot get a tax deduction for nursing care his aged mother, because he is a man. In this case, Ruth sees a chance to expose the gender assumptions existing within the law, and a chance to challenge it .Unfortunately, some lawyers trying to convince them to take on the case. At the end, it is decided that Martin and Ruth will take the case. It does not go entirely according to plan at first, as Martin goes beyond his allotted time, and Ruth is forced to make her points with a little time left. The government offers a meager settlement, and is not prepared to accept the unconstitutional elements of the case. However, Ruth's final speech is powerful and convincing, by leading the Court deciding in favor of Moritz.

At the end of the movie, the real Ruth Bader Ginsburg walks up the steps of the Supreme Court Building, symbolizing the fact that she later became the second woman to serve on the Supreme Court of US.

### **3.2 Early Life of Ruth Bader Ginsburg and Her Early Achievements**

Ruth Bader Ginsburg spent a lifetime flourishing in the face of adversity, before being appointed a Supreme Court justice, where she successfully fought against gender discrimination.

Joan Ruth Bader Ginsburg was the Second Woman of the Supreme Court in the United States of America. She began her legal career from a mother, teacher and lawyer. She was born on March 15, 1933 in Brooklyn, New York. Ruth was the second daughter of

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Nathan Bader and Celia Amster. His Father come from Russia and her mother was a native born Americans. Celia's parents arrived in the United States from Poland. So both her parents were escaped from Eastern Europe to America searching for new life. When she was a child, Ruth spent time reading with her mother because her mother loved reading. She enjoyed reading Greeks and Roman mythology, such as the stories of Pallas Athena. (Caffrey 17)

Three years later, Ruth met her future husband Martin Ginsburg. He was a student in law school at Harvard University. The couple was married on June 1954, in Rockville Centre, New York. Following their marriage, Ruth and Martin moved to Oklahoma. When Martin carried out his military duty, Ruth worked at the Local Social Security Office in London.

Unfortunately, Ruth suffered in her job by the supervisors, when they discovered that she was pregnant by cutting in her wages. Pregnant women were seen as risky propositions in the work. Moreover, the social conventions of the time held that once a woman became a mother, she has to stay at home and raise her kids. The experience, however, shaped her outlook on the gender divide and later would encourage her to fight similar types of discrimination as an attorney.

On July 21, 1955, Ruth and Martin had a daughter named Jane Carol Ginsburg. For the first time, Ruth did not work outside the home, she stay caring for her baby. One year later, Ruth reapplied to Harvard Law School While, Martin completed his military duty. She was a student at Harvard; she was faced by many obstacles, especially discrimination. For example, in her class of about 500 students, there were only nine women, none of whom were made to feel entirely welcome. Early on, Ginsburg and her female classmates were invited to a dinner at the home of law school's director. He asked them to justify why taking up a seat in the law school that otherwise would have gone to a man. To avoid offending the headmaster,

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Ruth answered that studying law would help her grasp her husband's work and maybe allow her to find a part time legal job.

Sadly, this was not the only example of divide gender that Ruth and other women would encounter at Harvard. In the dormitories of law school, no rooms were reserved for women. Unlike, men they had all the opportunities in the school. Ruth wants to describe the image in Harvard Faculty Club she said, "*Women were not admitted to the Harvard Faculty Club dining tables. One could invite one's father but not one's wife or mother to the Law Review banquet*" (Bayer and Ruth 38). The periodicals room at Harvard's Lamont Library was not open to women. This is another difficulty that faced Ruth at Harvard, one night she wanted to verify a reference there but the guard would not allow her to enter, unless she find a male student to obtain the source for her. With a few women at the law school, the few in attendance always stuck out. Ruth's professor said, "*If you were one of two women in a section*". Ruth answered, "*You felt... that you were in plain view.*" (Gilbert and Moore 158).

Ginsburg gave birth to a son, James Steven Ginsburg on September 8, 1965. Two years later, the little boy James had swallowed a drain cleaner; Ruth was blaming herself because she did not care for her .After what happened to James, Ruth felt that in some way her decision to focus on her kids only, by giving them much love and time. When James becomes elder, he recalled her mother, "*A night did not go by when my mother did not check to that I was doing my school work. She was always there when I wanted her to be and even when I did not*" (Hewitt 50).

Although, Ruth Bader Ginsburg found herself a barrier to carrier advancement, she was fighting to improve herself in Justice. From 1959 to 1961, Ruth was offered several law

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firms; she becomes an associate director of Project on International Procedure<sup>7</sup>, she co-founded the Woman's Right Law Report<sup>8</sup>; the first law journal in the United States devoted to gender equality issues.

In 1969, Ruth became involved in the Women's Right Movement<sup>9</sup>, and in 1970s, she served as the director of Project of the American Civil Liberation Union<sup>10</sup> at the University of Rutgers. After two years, Ruth left Rutgers and come back to Columbia Law School, which offered her a full professorship. She accepted and become the first woman to receive tenure there. (achievements.org)

During 1972 and 1973, Ruth Bader Ginsburg took and won many cases hinged on gender discrimination such as: Reed V. Reed, Frontiero V. Richardson and Charles E. Moritz. Charles E. Moritz's case is about unmarried man, who cannot carry his ill mother at home. Based on the Section 214 of the tax law, which stated a single man could not be a caregiver. The same year, Ruth was writing and publishing the first textbook on Sex Discrimination Law and Material on Sex-Based Discrimination

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<sup>7</sup>- Projects on International Procedure: The law review is one of the world's leading publications of legal scholarship. Founded in 1901, the Review is an independent nonprofit corporation that produces a law journal, edited and published by students at Columbia Law School.

<sup>8</sup>- The Woman's Right Law Report: Is a semi-annual journal of legal scholarship and feminist criticism published by students at the Rutgers School of Law in Newark.

<sup>9</sup> The Women's Right Movement: It also called Women's Liberation Movement; it sought equal rights, opportunities and greater personal freedom for women.

<sup>10</sup> The ACLU: During World War 1, many Americans who voiced their opposition to the conflict were jailed and silenced by the Government. In 1917, a group of leading liberations founded the National Civil Liberties Bureau to protect freedom of speech.

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In 1980, President Jimmy Carter appointed Ruth to the US Court of Appeals for the District of Columbia Circuit. After 13 years on the Court of Appeals, President Bill Clinton also appointed her to the Supreme Court of the United States; she was only the second woman to be named to the Supreme Court of America. (Caffrey 62)

Over the years, many Americans were embraced by Ruth, as a feminist icon. Her life and work were celebrated in books such as, "*Notorious RBG: The Life and Times of Ruth Bader Ginsburg*" (2015), "*My Own Words*" (2016) and even in movie like, "*On the Basis of Sex*" (2018), which portrays her early career and the landmark sex discrimination case of Charles E. Moritz. Ruth Bader Ginsburg still surviving on the Court, until her death on September 18, 2020, at the age of 87.

### **3.3 Brief History of the Tax Law**

The story of taxes in the United States started before the Revolutionary War 1775. The country was income-tax-free because there was no federal government established but the colonists had to deal under the British government, which imposed many of taxes such as: tea tax. After the Revolutionary War the American Constitution gave Congress the authority to impose taxes and collecting them to the government; most of these taxes were imposed on tobacco and alcohol. Following the war, the new American government still collected tariffs on some items such as: sugar. During the American Civil War, the nation was destroyed and disastrous with huge debts that is way , the Congress passed the Revenue Act<sup>11</sup> of 1861, in order to help pay for the war.

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<sup>11</sup>The Revenue Act: The Revenue Act was signed into law by Abraham Lincoln in August 5, 1861. It motivated by the need of fund the Civil War ,imposed an income tax to be levied, collected and paid upon the annual income of every person residing in the United States.

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During the WWI and WWII, the taxes were increased due to a huge number of people paying it. From 1918 to 1941, taxes were raised several times than the previous years of war; in 1940, the Americans with incomes of 500\$ faced 23% a tax and the rates climbed up to 94%. These taxes were used to prepare for war and support the allies. Although the taxes were increased, the government faced with a massive inflation, it turned out to be a problem for taxpayers because taxes were not indexed. In 1970s, President Reagan succeeded to bring inflation under control; he lowered all the individual tax by 25% and changed the way of companies by encouraging investment in equipment. (www.forbes.com)

### **3.4. Analysis of: Charles E .Moritz, Petitioner -appellant, V. Commissioner of Internal Revenue, Respondent- appellee, 469 F.2d 466(10<sup>th</sup> Cir.1972)**

The case of Moritz taxpayer was amongst the tenth Circuit that compelled to the appeals from a decision of the tax court holding that he was entitled to a deduction for the care of his dependent<sup>12</sup> invalid mother .The Government stated that this deduction was inexistent since he is a single man who has never married and deduction is limited to a woman ,a widower or divorce or a husband whose wife is institutionalized .For that reason, the Government's position sustained Moritz's case for the deduction is no longer available and rejecting the contention that the denial of the deduction to him by Section .214<sup>13</sup> is an unlawful .

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<sup>12</sup> The term « dependent » means a person with respect to whom the taxpayer is entitled to an exemption under section 151.

<sup>13</sup> Section 214: "There Shall be allowed as a deduction expenses paid during the tax able year by a taxpayer who is a woman or widower, or is a husband whose wife is incapacitated or is institutionalized, for the care of one or more dependents, but only if such care is for the purpose of enabling the taxpayer to be gainfully employed."

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The facts of Moritz's life were convenient for the success of his issue. He was a resident of Denver and full time employee and he maintained an office in his home, his duties involved extensive travel. In 1968, October, Mrs. Moritz became 89 and incapacitated by arthritis and confined to wheel chair and she suffered from lapses of memory and she refused to enter nursing home.

It seems that the constitutional issue needs not to be reached since the expenditure was for the purpose of permitting the tax payer to be gainfully employed as Section .214 requires. After that, the Government argues that the denial of the deduction to unmarried man is not invalid, it is a just a matter of legislative grace and must be authorized. For those reasons, we can conclude that the taxpayer was entitled to the deduction claimed and the decision of the Tax Court is accordingly reversed.

In 1971, December, the statute was amended and the challenged provision denying the deduction was removed. ([www.jusia.com](http://www.jusia.com))

### **3.5 Sex Discrimination as a Theme**

Sex discrimination is the most distinct theme throughout the movie. Indeed, it portrayed when the student Ruth Bader Ginsburg has only been one of nine female students at Harvard Law School, Ruth graduates as valedictorian but is still unsuccessful in finding a position in the legal sector. Her occupation used to be pigeonholed due to her gender and instead she ends up taking on the role of a Professor at Rutgers Law School, teaching "Sex Discrimination and the Law". However, throughout the movie, Ruth aims to challenge the status through taking on cases against the Supreme Court that highlight, how unfair the system is against women.

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### **3.6 Ruth and the Equal Rights Amendment**

As previously seen in chapter two, the Equal Rights Amendment was the only solution for women to get rights equal to men. Ruth Bader Ginsburg was a lifelong proponent of the Equal Rights, she was not fighting for woman; she was fighting for equality to benefit a man.

The Equal Rights Amendment had been passed in March 1972, by both houses of Congress and sent to the states for ratification. It would provide a fundamental legal remedy against sex discrimination. For the first time, sex would be considered a suspect classification as race and religion. As we mention in the second chapter, before the ERA; was to provide for the legal equality of the sexes and prohibit discrimination on the basis of sex. While, after the Equal Rights Amendment; is to give equal legal rights regardless of sex.

Ruth Bader Ginsburg, was a lifelong proponent of the Equal Rights Amendment, she succeed in many sex discrimination cases. Moritz's case is one of theme, the lawyer Ruth won a male case and benefit from it, by ending sex discrimination for both sexes.

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However, Ruth Bader Ginsburg believed that the law was gender-blind and all groups were entitled to equal rights, she built her career on the fight for women's rights and even for men's rights. Ruth challenged the American society to liberate all persons from gender equality; she won man's case in which she wants to change the tax law of Moritz's case, by ending all types of discrimination under the Equal Rights Amendment.

# **General Conclusion**

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Gender equality and feminism are two concepts that have nearly same problems of definition. In the beginning of gender equality issue, the term gender in its essence reflects to “sex” as biological deference between man and woman, and later it refers to culturally constructed differences.

Feminism also faces many debates concerning its ideas and remains inconsistent. However, the term carries different connotation especially in American feminism. It is clear that its purpose is to oppose the patriarchal system and mainly sexism. Feminism as an ideology is not a matter of words, but instead a way of struggling against the status quo.

On the primary purposes of gender equality and feminism is to challenge the law that reinforces inequalities either on man or woman since they are separate spheres and unequal. What really links gender equality and feminism is the feminist theory in gender in which it gathers their main goals, such as reintegration of humanity, ending sexual violence and encouraging sexual freedom.

Although the human rights are expanded to everyone especially for sex discrimination, this does not lead to a complete prohibition of sex discrimination based on sexual orientations. The term itself “sex discrimination” was expanded in its meaning to include sexual harassment as a product of special circumstances and special characters with their cases as the example of Dothard, who dealt with biological differences between both sexes. For that purpose, the National Woman’s Party looked to subjects that deserve more attention especially with Alice Paul who focused on an absolute equality between men and women and the remove of all discrimination against women. The decline of the NWP leads to the emerge of the Equal Rights Amendment which was the only solution to end this debate .Even the American society has changed some people today between ERA in which it protects the value

## General Conclusion

of women. In fact, it continues to call for women to be acknowledged as equal in the US Constitution where they insist that the Equal Rights Amendments would do that.

Even though, the most obvious forms of sex discrimination have been considerably reduced, discrimination takes more subtle forms. Gender equality creates a structural change mainly in understanding the complex picture of inequality which requires analysis mainly on gender. The equal rights amendment indeed was a golden gate to both sexes in the elimination of discrimination. This deep desire to end discrimination, led Ruth Bader Ginsburg to be the most challenged everyone to change the tax law of Moritz's case, where she demonstrates and uphold her strong character towards justice and success. Ginsburg as an influential figure depends on equal justice under law to protect the right of country to change.

It is true to say that our research faced with some difficulties, especially in using the tools of research, with the limitation of data where more than half articles are not free. In fact, the lack of the resources about the movie reduced the chances of getting more knowledge and information about it, since it is a new one and each time we find new information about it.

Remarkably, it seems that gender equality creates a structural change in which women could achieve equality. What is important is to maintain and continue anti-discrimination policies in which all citizens are treated equally regardless of any form of discrimination.

# **Glossary**

**1-Sex Discrimination:** Discrimination (gender discrimination) “Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” [United Nations, 1979. ‘Convention on the Elimination of all forms of Discrimination Against Women,’ Article 1]. Discrimination can stem from both law (de jure) or from practice (de facto). The CEDAW Convention recognizes and addresses both forms of discrimination, whether contained in laws, policies, procedures or practice.

**2-Gender:** A social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women. Gender-based roles and other attributes, therefore, change over time and vary with different cultural contexts. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviours of both women and men (femininity and masculinity). This concept is useful in analyzing how commonly shared practices legitimize discrepancies between sexes.

**3- Gender equality:** The concept that women and men, girls and boys have equal conditions, treatment and opportunities for realizing their full potential, human rights and dignity, and for contributing to (and benefitting from) economic, social, cultural and political development. Gender equality is, therefore, the equal valuing by society of the similarities and the differences of men and women, and the roles they play. It is based on women and men being full partners in the home, community and society. Equality does not mean that women and

men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.

#### **4-Convention on the Elimination of all forms of Discrimination Against Women**

(CEDAW) (1979) Adopted in 1979 by the United Nations General Assembly, "CEDAW is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms. As of 1 January 2008, responsibility for servicing the Committee on the Elimination of Discrimination against Women has been transferred to the Office of the High Commissioner for Human Rights in Geneva.

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# **Appendices**

## Appendix One



A portrait of Ruth Bader Ginsburg taken in the mid-1970s, while she was serving as a professor at Columbia Law School in New York City and successfully arguing cases before the U.S. Supreme Court for the ACLU's Women's Rights Project.

## Appendix Two



Ruth Bader Ginsburg takes the oath of office from Chief Justice William Rehnquist (*right*) during a ceremony in the East Room of the White House in Washington, D.C., on August 10, 1993. Ginsburg's husband Martin holds the Bible as President Bill Clinton looks on at left.

### **Appendix Three**



**Ruth Bader Ginsburg walks up the steps of the Supreme Court Building**

## Résumé

La quête d'identité pour la femme et pour l'homme est l'un des thèmes centraux qui a conduit à un bouleversement de la communauté américaine. Cette quête constante est devenue plus complexe ces dernières années, alors que les gens ont commencé à se demander de leur identité et qui sont-ils, en tant qu'individus au sein d'une société. Pour cette raison, une femme accomplie comme : Ruth Bader Ginsburg cherchait à s'identifier en faisant face à la déshumanisation qui a motivée sa personnalité. De plus, elle s'est retrouvée en révolte contre différentes ségrégations, adoptant des idéologies féministes et des principes de genre en quête d'une égalité de traitement. En résumé, cette étude est une tentative d'examiner la place des femmes et des hommes en ce qui concerne la lutte contre la discrimination, et ceci dans le cadre juridique. L'objectif principal de cette étude est d'explorer comment les femmes ont été discriminées, en exigeant leurs droits comme une résolution plutôt qu'un conflit. Cette recherche adopte une méthodologie exploratoire - explicative pour illustrer la souffrance des femmes au cours des années jusqu'à ce que le projet de loi de l'amendement sur l'égalité des droits soit adopté, et par la suite la réduction de la discrimination par la loi. La valeur fondamentale du film est la façon dont le pouvoir et la beauté ont été démontrés dans la bataille juridique de Ginsburg, pour l'affaire de discrimination fondée sur le sexe qui a été représentée par le plaignant dans un appel de l'affaire de discrimination fiscale de 1972 *Moritz V. Commissaire des recettes internes*. Ginsburg a plaidé l'inconstitutionnalité du code après la présentation de la taxe. Finalement, Ginsburg a réussi à modifier la loi fiscale en vertu de l'amendement sur l'égalité des droits.

**Mots clés :** Discrimination sexuelle, Féminisme, Amendement sur l'égalité des droits, Code de loi sur taxe.

## الملخص

البحث عن الهوية لكل من المرأة والرجل هو أحد الموضوعات المحورية التي أدت إلى حدوث اضطرابات في المجتمع الأمريكي. أصبح هذا البحث المستمر أكثر تعقيداً في السنوات الأخيرة ، حيث بدأ الناس يسألون عن هوياتهم ومن هم، كأفراد في المجتمع. لهذا السبب ، كانت سيدة الإنجاز مثل: روث بادر جينسبيرغ تبحث عن الهوية الذاتية من خلال مواجهة التجريد من الإنسانية الذي حفز شخصيتها. علاوة على ذلك ، وجدت نفسها تائرة ضد الفصل العنصري المختلف ، وتتبنى الأيديولوجيات النسوية ومبادئ النوع الاجتماعي بحثاً عن معاملة متساوية. تختصر هذه الدراسة في محاولة لفحص مكانة المرأة والرجل لمحاربة التمييز في المجال القانوني. والهدف الرئيسي من هذه المذكرة هو دراسة التمييز ضد النساء، والمطالبة بحقوقهن كحل وليس نزاعاً، ويتبع هذا البحث منهجية استكشافية وتفسيرية لتوضيح معاناة النساء على مر السنين حتى إقرار قانون تساوي الحقوق وتقليل التمييز من خلال هذا القانون. تكمن القيمة الأساسية للفيلم في كيفية إظهار القوة والجمال في معركة جينسبيرغ القانونية ضد قضية التمييز بين الجنسين والتي تم تجسيدها ضد المدعي موريتز في قضية التمييز الضريبي للإيرادات سنة 1972. لقد جادلت جينسبيرغ بعدم دستورية هذا القانون بعد إقرار الضريبة. وفي الأخير نجحت جينسبيرغ في تغيير قانون الضرائب بموجب التعديل الذي يضمن تساوي الحقوق.

**الكلمات المفتاحية :** التمييز الجنسي ،النسوية ، قانون تعديل تساوي الحقوق، قانون الضرائب.