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## Lessons From the Women’s Suffrage Movement

*Ellen Carol DuBois is a professor of history and gender studies at the University of California, Los Angeles. She has written extensively on the history of women's rights in the United States and internationally.*

Updated March 26, 2013, 6:42 AM

Awaiting the decision of the Supreme Court on twin gay marriage cases, commentators are addressing the advisability of resolving contentious social conflicts by judicial versus legislative methods. Will a ruling for gay marriage set off a highly motivated reaction like the anti-abortion response to Roe v. Wade? Will a decision against gay marriage set back the movement for gay rights unnecessarily? The history of the women's suffrage movement points to another set of strategic choices facing gay activists: working at the state versus the federal level for highly contested legal changes.

After victory in several Western states, the women's suffrage movement returned to pursuing an amendment to the Constitution, now with the votes of many enfranchised women to provide crucial electoral leverage.

Our long traditions of federalism allow legal activists to move back and forth between the state and federal level, depending on which route is more open and which is more blocked at any given time. The women's suffrage movement pursued a change in the U.S. Constitution for its first few decades, then switched to seeking votes for women via amendments to state constitutions in the 1890s. Two decades later, after victory in several Western states, it returned to pursuing an amendment to the U.S. Constitution, now with the votes of many enfranchised women to provide crucial electoral leverage. This dynamic synergy was crucial to passing and ratifying the 19th Amendment in 1920.

The movement for gay marriage is similarly situated. Like the right to vote, the right to marry raises legal issues at the state and national levels. Gains in the 2012 election for gay marriage at the state level seem likely to continue. A Supreme Court ruling in favor of gay marriage would only accelerate this development. A ruling against it would not stop this cascade of state-level initiatives and laws enhancing gay rights.

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**Michael O'Neill** Bandon, Oregon

This is indeed the winning strategy, "all of the above".

Let's hope it works for gender neutral marriage and that it fails for the anti-abortion movement.

March 27, 2013 at 6:41 a.m.



**kristylyn** washington, DC

It's interesting that Prof. DuBois opted to talk about the way woman suffragists moved between federal and state strategies. Equally important, of course, was the way they moved from legislative to judicial strategies and back again. After the SC conclusively ruled in *Minor v. Happersett* (1875) that women were, indeed, citizens without the right to vote, suffragists found their judicial route to suffrage shut down. Their only remaining option was to pursue a constitutional amendment. Let's hope that today's SC doesn't repeat history and deliver such a setback to the marriage equality movement.

March 26, 2013 at 1:34 p.m. RECOMMENDED 2



**syfredrick** Charlotte, NC

The gay rights movement stands firmly on the shoulders of the women's rights and civil rights movements. I, for one, am very grateful. I am also aware of how tenuous victory can be. To this day efforts to dismantle both women's rights and civil rights continue. So it will be with gay rights.

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