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An Analysis of the Contradiction Between Gender Equality Promised by the U.S. Constitution and the Scarcity of Women in Senior Leadership Positions for Politics.

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Abstract. The contradiction between the promises of gender equality by the constitution and reality can be seen parallel with American history. When the U.S. Constitution was first written in 1787, it was ordained and established by men. Women were absent from framing the Constitution and voting for convention delegates. It was not until 1920, with the ratification of the 19th Amendment, that women received the right to vote, after decades of activism. However, political enfranchisement did not inherently guarantee proportional representation within the democratic framework. Efforts to secure constitutional guarantees of gender equality, most prevalently through the Equal Rights Amendment (ERA), have repeatedly stalled. Although the Equal Rights Amendment (ERA), intended to eliminate legal distinctions based on gender, was enacted by Congress in 1972, it failed to achieve the necessary number of state ratifications. Consequently, the United States remains among the few democracies lacking a constitutional clause explicitly guaranteeing gender equality, despite constitutional assurances of equal representation through alternative provisions. This paper, therefore, explores the contradiction between gender equality promised by the U.S. Constitution and the occurrence of scarcity for Women's senior leadership positions in politics. Through analyzing quantitative and qualitative data, a conclusion that cause is a combination of societal and institutional factors can be made.

Keywords: Gender inequality, U.S. Constitution, Culture, Double bind, Structural barriers

1. Introduction

Many researchers have examined gender disparities in political representation of liberal democracies such as the United States. Existing research has made findings on identifying challenges women face, such as limited funding and gender based bias, all of which are individual factors. Therefore, this paper will focus on addressing the lack of structural causes of such contradiction between the U.S. Constitution’s promise of gender equality and the continued scarcity of women in senior political leadership positions. Specifically, the disconnection between constructional ideals and political practice, as well as the gender imbalance within political power structure and culture, will be examined. Using quantitative data and qualitative methods of reviewing legislative texts and other case studies, an analysis will be made using legal frameworks and political realities.

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The significance of research on the contradiction between promises and reality of parity in the constitution is to disclose the foundational barriers for this problem. Despite the growing societal defense for women's political representation, a significant gap remains between principle and practice.This study seeks to elucidate the complex interplay of societal factors that collectively obstruct women's attainment of leadership positions, thereby advancing the understanding of structural barriers within gendered power dynamics.

2. Constitutional promise of gender equality in the United States

The United States Constitution, first written in 1787, is the world's longest surviving written charter of government, often interpreted as upholding the principle of equality and liberty. However, these founding ideals were not extended to all in society at its creation. The Constitution was enacted and ratified by male legislators, with women excluded from both the drafting process and the electoral selection of convention delegates. Despite this initial gender-based exclusion and the absence of explicit provisions ensuring gender equality, the core principles embedded within the Constitution uphold the ideals of equality and individual liberty. As noted in the United States Senate's official website, the Constitution's framework is "balanced governmental powers to safeguard the interests of majority rule and minority rights, of liberty and equality, and of the federal and state governments" [1]. This statement highlights the promises made for a commitment to principles such as liberty and equality that have not been translated into gender equality in political representation. Women were not recognized as full citizens under the U.S Constitution until the Nineteenth Amendment, ratified in 1920, that granted women the right to vote, declaring that "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" [2]. This acknowledgment addressed women's political agency; however, it was limited to suffrage rights and did not encompass a broader spectrum of gender equality initiatives. To address such issues, the Equal Rights Amendment (ERA) was introduced and passed by Congress in 1972 to end legal distinctions between men and women. However, the ERA fell short of ratification by the required number of states. A promise for gender equality continued with the Fourteenth Amendment's Equal Protection Clause and several Supreme Court cases. However, the absence of a specific constitutional guarantee of providing equality in power or politics set ground for the persistent gap between the Constitution's promises and the lived experience of women in American politics.

3. Current status of women in senior political leadership in the United States

Despite progress in gender equality over the past century, women remain underrepresented in senior political leadership roles in the United States, dating back to the creation of Congress. In 1992, the simultaneous tenure of two women in the Senate marked a historic milestone, subsequently designated as the "Year of the Women" by numerous observers. Nonetheless, this event followed a 140-year period during which female participation in the political domain was systematically excluded [3]. Of the 12,506 individuals that have served in the US House of Representatives or the Senate, only 3 percent, 424 in number, of all congressional members were women [4]. To contextualize, the number of male legislators named John elected to Congress exceeds the total number of female legislators elected, when aggregated [5]. Women of minority racial or ethnic groups in the United States make up an even smaller proportion in Congress. The struggle for visibility and recognition continues due to the prolonged and pervasive societal exclusion in politics.

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4. Contributing factors

4.1. Society and culture

On a federal level, the inadequate support for women often steers them away from political roles. They are often also confronted with the complex dilemma of navigating traditional norms associated with a political role.

4.1.1. Inadequate support for women

To begin with, there is an absence of women participants in Congress, which hinders career aspirations and political ambition in office. This absence is mainly due to the lack of support. Jennifer Lawless, a Professor of Politics, has been tracking Americans' interest in running for office since 2001.After twenty years, in collaboration with colleague Richard Fox, the recent longitudinal analysis revealed that the gender disparity in political aspiration remained largely static, measuring 16 percentage points in 2001 and 18 percentage points in 2021. Notably, their findings indicate that the gender gap in political ambition persists within the same demographic parameters [6]. This suggests the lack of ambition for women to consider running for office. According to Lawless, the big issue behind this is that men are significantly more likely to receive suggestions to run for office, and have received messages for their entire lives suggesting they are qualified [7]. Therefore, the lack of such support available to women leads to low ambitions and consideration in political positions. As a result, a cycle of discouragement is created, with a lack of female role models.Research indicates that heightened visibility of female politicians fosters favorable attitudes among adolescent girls, thereby enhancing their propensity for political engagement [8]. Female political figures can inspire young women towards political engagement and positive attitudes toward pursuing political careers. This, in turn, explains that the lack of female representation in Congress is mainly caused by the inadequate support for women to take part, which is why the promised equality by the U.S. Constitution remains unreachable.

4.1.2. Double bind

Women face a dilemma of "too sweet or too shrill"; conforming to traditional nurturing roles risks being considered weak, while power and ambition can be found as unlikable and aggressive [9]. This is a "double bind" where women are caught between contradictory expectations [5]. In other words, there are stereotypes held by society that often characterize women as a whole. Women tend to be viewed as gentle and sensitive and as the ones who give up their careers for the sake of their families. Given the traditional distribution of family responsibilities, it is still prevalent for powerful men to have stay-at-home wives, whereas the situation differs for women. Those who find time and energy for politics often foregone the traditional family role in favor of public [10]. Therefore, whether women should conform or reject traditional gender roles arises. This question is followed by being perceived negatively for adhering to either decision. Additionally, the perpetuation of the double bind is reinforced when political leadership roles are constantly associated with masculine stereotypes [11]. This anticipated adherence to traditional masculine archetypes for political leadership, coupled with societal gender normativity that ascribes specific attributes to each gender, culminates in the conceptualization that certain characteristics are deemed advantageous for one gender while being undesirable for the other. [5]. Women are challenged to present themselves as qualified for office without being viewed negatively for violating what is expected of them through

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the prescribed gender roles. In combination with the continued male domination and a system that structurally limits women's abilities to receive a senior leadership role, the gender gap remains in Congress.

4.2. Politics and structure

The challenges American women face in politics are partly structural. The single-member district voting system is one of the significant barriers. First, women candidates tend to do better in a multimember district with proportional representation (PR) rules [12]. PR is an electoral methodology that allocates multiple legislative seats within each constituency proportionally to the vote share received by political parties. Consequently, if approximately one-third of the electorate supports a particular party, its candidates are expected to secure roughly one-third of the available seats [13]. The U.S. uses a winner-takes-all system instead, where a single political party or group can elect every office within a given district or jurisdiction [14]. Existing empirical studies indicate that this electoral framework systematically disadvantages female candidates, especially when compared to proportional representation systems [14]. PR systems have parties running multiple candidates per electoral district, which is in the interest of women. It also encourages a contagion effect that promotes more women to step up. If one party nominates many women candidates on their list, other parties feel pressured to do the same. In comparison, the single-member district voting system typically fell behind in women's representation. In 2019, women constituted 23.7 percent of Congress compared with a global average of 24 percent [15].

Additionally, high levels of political partisanship and the winner-takes-all system limit women from winning. Partisanship became visible in 2012, when Democrats and Republics shifted from being fielded at similar rates for the female House to Democrats accounting for 70 percent of the women running for election to the House. The share of Republican women gradually leveled off since hitting approximately 10 percent in the mid-2000s [16]. Consequently, the bipartite political framework and the lack of legislative tenure restrictions confer an electoral advantage to incumbent legislators within the United States Congress, who have historically been disproportionately male. Women have most likely been able to enter Congress after winning open-seat contests. These electoral rules greatly limit the chances for new candidates to enter during most election cycles.

5. Conclusion

Despite the enduring promise of liberty and equality, gender inequality is still a prevalent issue in the U.S. Congress. Society, from both sociological and structural perspectives, intersects to form a complex process that influences women's integration into the social system. An imbalance of Democratic female officeholders and Republican female officeholders has also created a dependency of parties for women to gain senior leadership roles. These systemic barriers work to address the root causes of exclusion.

Nonetheless, this research paper has limitations. Further investigation could be conducted on case studies of female electoral candidates, analyzing the underlying patterns to elucidate the precise determinants influencing female candidacy, and assessing the implications for gender parity legislation within legislative bodies.

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