# Beyond Tinkering with the System: Rethinking Gender, Power and Politics*

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**Abstract** This article offers some reflections on how the 1995 Beijing Platform for Action (BPfA) theme of women and decision-making power came to be translated into a set of policy directions, and what their implementation suggests in terms of their potential to challenge power hierarchies. The article draws on work from the Pathways of Women's Empowerment programme on voice and constituency building. The article argues that the policy focus of the BPfA, after the introduction of MDG 3 in particular, became one of redressing gender disparities in representation in legislatures. Twenty years later, we are at a critical juncture at which we need to ask ourselves whether we need to go beyond numbers in parliament as a proxy for political empowerment, and probe into: what kind of politics, through which pathways, in relation to whom, to achieve what?

## 1 Introduction

Over the course of the past 20 years, women's political representation in legislatures has been high on the policy agendas of a disparate set of actors. Actors ranging from feminist movements advocating for women's rights, to dictators who appoint 'quota women' to improve their own external image and expand their patronage system, to international development policymakers who gauge increased numbers of women in parliament as a marker of women's improved status, to right-wing political parties who wish to take advantage of a new quota to field 'their women' to broaden their party's political influence. The motives, the processes and the contexts associated with the drive to have more women in power have been just as variable as the outcomes on redressing inequalities and advancing gender equitable agendas in legislatures and policy spaces. The pathways of women's political engagement through collectives and in their personal trajectories offer rich opportunities for reflection on whether the Beijing Declaration and Platform for Action (BPfA) framing of women and decision-making power is still relevant.

Section 2 of this article examines how the main thematic focus of the BPfA agenda in increasing women's representation in parliament has fared 20 years on and what it has exposed in problematiques of implementation. Section 3 probes into the linkages between the macro and micro politics on the one hand, and the formal and informal politics on the other. Section 4 raises questions as to what the BPfA left out in engaging with women's political activism, and its implications for a future agenda. Section 5 concludes.

The arguments presented here are based partly on a synthesis of some of the policy and praxis country case studies from the Pathways of Women's Empowerment programme,[1] in particular from three key publications (Tadros 2011, 2014a; Tadros and Costa 2010), though other Pathways' work is highly relevant too (Cornwall and Edwards 2014; Nazneen and Sultan 2014).

## 2 From the gender gap to the intersecting gap

The BPfA spoke of several spheres in which a gender gap in decision-making needed to be redressed, and proposed that countries should strive for building a critical mass of 30 per cent in legislatures as a milestone towards making these spaces more representative. Twenty years later, the 30 per cent benchmark has still not comprehensively been met globally, but women's representation in parliament has doubled, from 11.3 per cent in 1995 to 22.1 per cent in 2015 (IPU 2015).

The extent to which this success can be attributed to quotas depends on how you look at it. On the one hand, of all countries that have surpassed the 30 per cent benchmark, 79 per cent used some type

of quota (IDEA 2015). On the other hand, four of the ten countries with the highest level of female representation have no gender quotas (IPU 2015: 13).

Undoubtedly, in many countries where women's representation has been extremely poor, the introduction of quotas has boosted numbers considerably and where quotas have been removed, numbers have dropped dramatically (see IPU 2015 for some excellent examples). In other cases, the introduction of the quota has been counterbalanced by measures to undermine its original purpose of changing the gendered face of politics (see Tadros and Costa 2010). However, in negotiating the introduction of quotas in new (or existing) political orders whether in the North or the many global Souths, there have been some hard-earned lessons about tinkering with the technicalities of electoral design; some, such as orange and ghost candidates, are more difficult to address through direct intervention or tinkering with the quota law itself.

### 2.1 Placement mandates, closed lists and ambiguous language

Sagot's account of quota implementation in Costa Rica (2010) shows how electoral law though positively framed can still be circumvented by political parties taking advantage of its lack of clear articulation. Despite the Costa Rican Supreme Elections Tribunal acting to address a loophole in placements by specifying an alternation system, the percentage of women winning seats dropped to 33.3 in 2014 from 38.6 in 2010, because women headed only 22 per cent of party lists (IPU 2015: 5). This shows that even with the most perfectly worded quota law and a functional electoral system rigorously ensuring its compliance, the modes of resistance to any challenge of the gender hierarchy are many and no amount of tinkering with the law will make the system immune from their impact.

In Indonesia, women's representation dropped despite an expansion and strengthening of the quota law. The IPU suggests that any progress on women's representation is hampered by the country's open list electoral system whereby votes are disproportionately cast for men (IPU 2015).

### 2.2 Compliances beyond the quota tick box

Ballington (2010), Sagot (2010) and Araújo (2010) argue that without major sanctions for non-compliance with electoral law, political parties may choose circumvention if they perceive the risks as manageable. However, all three authors make a strong case that harsh sanctions for non-compliance are not enough. Sanctions in other areas such as a limit on campaign financing are needed to level the playing field. Other issues that need tackling include the use of violence where it has become engrained in electoral political cultures as in the case of Sierra Leone where the security threats to women who venture into politics are severe and systemic (Abdullah 2014).

### 2.3 Of ghosts in orange

Costa and Cornwall's longitudinal study of representational politics in Brazil (2014) tells of how the political parties' response to new electoral powers vetoing candidate lists which did not comply with the quota was to introduce so-called 'orange candidates'. Orange candidates in popular Brazilian culture are those candidates who solely occupy a place on the list in service of another candidate.

The Brazil example has resonances with the parliamentary elections held in Egypt in 2012. In this instance, the ultra-conservative Islamist political party, el Nour, fielded women as ghost candidates. The women were anonymised on campaign posters and were placed at the bottom of the party lists. Some of the women candidates even actively championed the prohibition of women from political leadership in parliament (Tadros 2014b).

### 2.4 Beyond technical fix-its

Twenty years of quota implementation has shown us that irrespective of how well-meaning or not legislation is, the devil is in the detail. When it comes to design and implementation, those committed to achieving gender parity need to be one step ahead: ensuring legislation is unambiguous; ensuring that placement mandates favour having women at the very top of lists; ensuring that non-compliance exacts too high a price; ensuring that party lists are preferably closed rather than open; and finally, ensuring that the sum of all parts of the electoral process does not allow for discrepancies in outcome. For the last point, for example, IDEA proposes getting the electoral systems right while introducing a gender quota and working towards making political parties democratic and transparent (IDEA 2015).

Caution, however, is needed in how these lessons translate into strategy for the post-Beijing+20 phase. It is very difficult to make systems completely immune from loopholes. The implementation of affirmative action in contexts where resistance to its enforcement is high has shown that there are numerous strategies for circumventing and

manipulating the law, thus keeping the gender disparities in representation intact. Sometimes, this is even possible without seeming to violate the law itself, i.e. when orange/ghost candidates are fielded.

Moreover, the genealogy of how parity in parliament came to be a proxy for political empowerment or gender-sensitive legislatures needs to be scrutinised. The focus on the numbers of women in parliament as a proxy for women's political empowerment is appealing for those in the business of promoting democracy. For democratisation proponents, the percentage of women in parliament sits in tandem with a more general framework involving the promotion of a liberal western parliamentary democracy. This brand of democracy has been popular in many of the aid programmes implemented in the global South.

For many policymakers in international development, including many well-meaning gender and development advocates, women in parliament as a proxy could be seen as particularly appealing on several accounts. First, it is about bringing women into the highest echelons of decision-making power. In a democratic context, the hope would be that women parliamentarians would be able to influence decisions affecting gender relations in sectors and areas of governance as diverse as defence, agriculture, infrastructure, education and so forth. Second, it is a straightforward, easy way to assess change because it involves comparing clear, straightforward numbers: percentages of women represented in the lower house or parliament across time.

While the number of women in parliament is certainly an important indicator for the extent to which the gender gap is being narrowed, its appropriation as a proxy for political empowerment has proven too limiting in telling us about a country's commitment to gender equality (let alone democratic transformation more broadly). The fact that women's political representation in parliament has increased dramatically in many parts of the world and in many countries since Beijing 1995 has meant that we now have the evidence that should allow us to systematically evaluate: what kind of women make it to parliament; and the link between women's descriptive representation (numbers) and substantive representation (the kind of gender justice being advocated).[2]

In considering who makes it to parliament the intention is not to universally condemn women who succeed by way of their elitism and privileges in social capital, education, family standing and political orientation. Certainly, that is an issue, but

the same argument can be made for men as well in terms of the kind of unequal playing field that enables men of a particular standing and profile to rise in ways that others can't (Costa 2010). However, the fact that elitism and privilege are often associated with parliament is all the more reason to ask whose voices are not represented, and how the intersectionality of identity on the basis of class, religion, ethnicity and age influences parliament as a site for engaging politically.

A critically important caveat when thinking about gender-sensitive parliaments is the need for caution on the contention that there is a positive correlation between descriptive and substantive representation (Lindberg 2004; IPU 2015). Systematic, longitudinal data is missing on this point, and the quantitative data that is available provides only a partial picture of what is going on. An IPU survey suggesting a positive correlation was premised on the perceptions and opinions of MPs, and was not based on the actual gender agendas being promoted. It would be methodologically difficult to study substantial representation exclusively from the point of view of legislation passed because all kinds of interests and processes influence the final outcome, so it cannot be exclusively attributed to a specific actor/party. However, it is possible to examine the kind of legislative proposals put forward by women, the ones they blocked, and the nature of their contributions to legislatures under discussion in parliament. It is also possible to examine whether the line of arguments the women took is commensurate with their parties and its implications for the gender agenda being advocated.

What is disconcerting, putting global overall assessments aside, is what happens in country contexts in which an increase in descriptive representation has had an adverse impact on substantive representation. Since Beijing 1995, in many parts of the world there has been a rise to power of religiously conservative political parties, as well as right-wing parties supporting neoliberal policies. These groups have been fielding women and succeeding in securing parliamentary seats. There is a need to examine how women align themselves within parliament and the implications for the kind of gender agendas being put forward, as well as the prospects for cross-party engagements.

In Egypt, in the first post-Mubarak parliament of 2012 seven women were elected, four of whom were from the Muslim Brotherhood's Freedom and Justice Party (FJP). As these women aligned themselves with

the Islamic majority bloc of which the FJP had a majority in parliament, they endorsed an agenda that involved rolling back pre-existing legislation granting women a modicum of rights. When efforts at creating a pro-women's rights caucus in parliament were exhausted, it became clear that alliances between the non-Islamist political parties were the only logical pathway to block legislation that could potentially undermine women's rights (Tadros 2014b).

Costa Rica presents a similar scenario where a strong representation of right-wing women in parliament meant the promotion of neoliberal agendas whose implementation had an adverse impact on the rights of low-income women. Sagot (2010) gives the example of women legislators who expressed opposition to a bill proposing an eight-hour working day for domestic workers, arguing that they could no longer participate in politics if their domestic workers did not work extended hours.

## 3 Politics from below and in-between
The BPfA called for redressing the gender gap not only in parliament but at all tiers of legislature and government. The Gender and Development Network's (GADN) *Turning Promises into Progress* report recommends that the next stage should include 'an explicit focus on bringing the importance of women's local level leadership to the fore' (GADN 2015: 50). Rachael Stokes (2014) has argued that strengthening women's capacities to engage politically from the ground up will positively impact on widening their influence in broader processes of national decision-making. It is critical that a shift in focus to local-level governance would not just mean trying to increase women's representation there rather than at the national level. The risk in such an approach is that it ignores the possibility of elite capture of another kind. The limited evidence that exists suggests that decentralisation by default doesn't open new pathways for women's political empowerment, but in fact presents a situation in which women face greater obstacles, as was the case in South Africa (see Beall 2004: 2; Mbatha 2003). Pathways case studies of women engaging politically at sub-national governance levels in India, Bangladesh, Sierra Leone, Ghana and the Occupied Palestinian Territories suggests that decentralisation, even when accompanied by affirmative action such as quotas, does not by itself democratise local space and generate opportunities for women's political leadership (Tadros 2014a). Nazneen, Ehsan and Hasan's study (2014) from Bangladesh indicates that the possibilities for recognition and leadership for women elected to office

were undermined by local norms regarding gender segregation and purdah, while the gender division of labour severely restricted their opportunities for full participation in the first place.

However, if we were to think of governance more broadly as including a wide array of arenas, then the disjuncture between informal and formal political leadership needs to be tackled head on. There is a wide pool of women who do assume leadership in the informal arena but who find making the bridge to formal politics extremely difficult. Some of the factors impeding them potentially cross-cut across all tiers and arenas of formal political engagement: whether the system is corrupt and run by patronage, campaign finance, etc. However, there are also some more specific hurdles such as inability to transform community support into a political constituency, unpaid care responsibilities, and political apprenticeship.

In examining women's political trajectories across different country contexts and regime types, one of the recurring themes is the critical importance of having a constituency. Many women leaders may have earned recognition in certain spaces with certain groups on account of their informal engagement in politics through acts of benevolence, using their work as a basis for responding to broader needs (i.e. being a school teacher and establishing youth clubs, Manuh 2014) or through service provision, in particular through non-governmental organisations (NGOs), networks and local institutions. However, they find it very difficult to transform this base support into a political constituency that will endorse their candidature for a more formal political position. Allies, both individual and collective, have often played crucial roles in supporting women's ability to make the bridge from the informal into the formal.

Closely tied to constituency building are political apprenticeship opportunities, a term coined by Goetz and Cornwall (2005) to refer to the arenas in which political skills are learnt and constituencies built. Political apprenticeship opportunities in informal arenas can potentially provide important bridges to formal political spheres. There is an impressive body of literature on political parties being the gatekeepers and pathways into politics, or the providers of political apprenticeship opportunities (see for example Kittilson 2013; IDEA 2011; Lovenduski and Norris 1993). This is undoubtedly true. However, it is also noteworthy that there has been a neglect in the literature of other spaces, terrains and avenues for building a political career,

through informal clubs, associations, community service and work. When women build political profiles through these political apprenticeship opportunities they are better positioned to negotiate their relationship with political parties. A striking example of that is in Palestine (Jad 2014) where women who had established a solid leadership profile in the community were being wooed by the political parties to join them and to represent them in the elections. In some instances, the women's positions were sufficiently strong as to convince them to run independently, without recourse to support from any political party. The inferences to be drawn here are that recognition of the diversity of women's political apprenticeship experiences would allow for a better understanding of where support is due. In practical terms, it means that rather than focusing exclusively on making political parties responsive to gender issues, it is worthwhile expanding political apprenticeship opportunities elsewhere with a view to strengthening their constituency-building prospects.

Another factor essential for bridging the formal and informal is addressing unpaid care responsibilities. Unpaid care responsibilities, underpinned by the gendered division of labour, intersected with class, go a long way to explain why certain profiles of women never make it into formal politics. Our study (see Contestations 2014) shows that women who pursue political careers are most likely to have older children, or to have either the privilege of drawing upon paid domestic help or to have women from their extended families financially able to stay at home and help them with their children. This is corroborated by a study from Franceschet, Krook and Piscopo (2012: 49) which shows that female legislators in Argentina are more likely to be single and have fewer children when compared to the national average, suggesting that family obligations may diminish their opportunities to enter politics. Not even the most progressive of quotas will address that. A study of local women leaders in Ghana by Takyiwaa Manuh (2014) shows that among the women in local politics she interviewed, many relied heavily on their older children to assume some of the care responsibilities while they were away campaigning. Islah Jad's study of women in local office in Palestine (2014) also shows that women rely on their older children to take care of their younger siblings. This hurdle is not a 'southern phenomenon' as is evident from the case of the UK (Rigby 2015).

If we are serious about dealing with elitist politics and how the intersections of gender and class work to keep women out of formal politics, unpaid care

is one good place to start. Many young women with families and with well-recognised leadership skills and a strong constituency base choose informal activism because of the flexibility it affords. They choose not to make the leap from the informal to the formal because of its inherent constraints to their ability to meet unpaid care responsibilities. The way politics is done needs to factor in unpaid care. Policy parameters need to go beyond the old discourse of assisting women to reconcile their home and public responsibilities which entrenches the patriarchal status quo premised on a particular division of labour. As Hassim (2014) points out, 'The resolution of unpaid care burdens by employing domestic workers or using extended family networks does not touch upon the ideological dimensions of social reproduction. It is usually still women's responsibility to negotiate solutions and to bear the emotional burden, regardless of their available material resources.' Hence, the transformation of this order will require both state welfare support as well as making non-state actors' political empowerment interventions responsive to these realities.

The above three 'bridges' from informal to formal political power have an in-built assumption that women wish to invest their political energies in the liberal procedural democratic systems associated with legislatures. However, as argued below, when political systems have become deeply dysfunctional or facades for highly repressive orders, the heavy focus on legislatures may be entirely disconnected from the pulse of the citizenry.

### 4 The politics outside legislatures

Twenty years after the Beijing conference, it would be a fatal mistake if our attention continued to focus on numbers in parliaments when these forums themselves are being questioned in terms of their legitimacy, representativeness and the kind of politics that they embody. This is not to suggest their irrelevance, nor to suggest that people can entirely ignore the formal sphere and engage exclusively in the informal if they want to elicit structural changes in systems and policies. However, it is to suggest that we cannot go back to the business of counting numbers as if the world looked as it did in 1995 and as if legislatures continue to be the predominant domain for people to engage politically. Unruly ruptures have unfolded, in particular over the last five years, and they have manifested themselves in two highly significant phenomena. First, the expression of voice through direct citizen action, whether in an organised or spontaneously disorganised fashion. This has often

been contrasted with engaging through the ballot box. Such disillusionment with the political system, again, is not a 'southern' phenomenon and people are choosing alternative pathways of expressing their voice outside the ballot boxes across Europe, the US and elsewhere. Second, increasingly dysfunctional political contexts in which politicians are debating politics in parliament while their people are facing a genocide outside (such as in Iraq). Both relatively new phenomena expose the fragility of parliamentary democracies in contexts of severe disjunctures between the ruling status quo and the pulse of the citizenry (or at least some of them).

Women and men are choosing to engage in political activism in protest spaces – in some cases as a direct challenge to politics as practised through parliamentary democracy and in others in parallel to it. The notion of citizens expressing their voices through elections and through mediating their grievances to representative MPs is being challenged in contexts in which there is a severe trust deficit in the political system. While revolts wax and wane, young women leaders find themselves almost consistently unable to translate their power to lead and mobilise informally into decision-making power in policy influencing circles (see Tadros 2014b for the case of Egypt). Sometimes they reject engaging in such circles in the first place; at other times, they do not have the opportunities to access and navigate the backdoor alleys of political negotiations, even on a local governance level or they choose not to in view of the dissonance of the political system with their own expectations (Jad 2014). With such important ruptures such as the Arab revolts, the Occupy movements, the mass protests against austerity in Spain and Greece, we cannot act as if it is business as usual. The debate needs to be broadened to engage with these spaces and what this form of engaged citizen activism means for understanding politics and political engagement and the gendered dimensions of it, but also class, religion, ethnicity and other relevant contextual identifiers. In other words, these cannot continue to be the domain of politics with a small 'p' while parliamentary legislatures are considered politics with a big 'P'.

The implications for international frameworks of supporting women's political empowerment cannot simply be to add on 'unruly politics' to the menu of policies and strategies of engagement. In effect, it requires a scrutinising of the models and the genealogies that they were built upon. This includes, but is not restricted to, an acknowledgement, no matter how painful, that the notion of parliamentary democracy being where transformational potential lies, needs to be reconsidered. Perhaps women who espouse progressive gender justice agendas will choose to engage through alternative spaces than parliaments which are lacking in legitimacy. How do you support them then? Certainly, one of the universal blueprints of women's political empowerment has been to link civil society with parliament. But what if parliament is elitist and disconnected from the populace and by linking them, international policymakers are only contributing to giving them the veneer of being democratic? Moreover, unruly politics involves an intersection of identities and agendas. In other words, the reification of women's common oppression as a group across political ideological orientations, class, religion, ethnicity, is incongruent with how unruly politics works. Such differences can be ignored, and the women's political empowerment agenda can continue to focus primarily on the formal, the legislative and those who work within and through the system. It might even produce promising numbers and figures. However, it will, with time, be exposed to be as irrelevant to people's lives and as removed from the struggles on the ground as issues that unruly politics currently contends with. That would be a pity because the BPfA was never intended to speak to an exclusive club of liberal electoral parliamentary democracies.

## 5 Concluding reflections: rethinking political empowerment beyond binaries and essentialisms

This article began with revisiting the key policy path through which the BPfA was operationalised: improving women's representation in politics, and which through MDG 3 became even more narrowly focused on representation in parliament. As this was an area of high priority for democratisation specialists and development practitioners alike, it was particularly important to examine how genealogy reflected on the nature of efforts in this arena. One of the principle means through which global policy advocated for narrowing the gender gap in representation was through the adoption of a gender quota. The quota did deliver on increased numbers for the most part, sometimes in dramatic ways. However, 20 years later feminists are far savvier about the design of affirmative action legislation, and the many ways in which technicalities can dilute the law of any potential to redress gender representation. Feminists have learnt that it is critically important to be one step ahead in preventing loopholes and ambiguities in electoral systems. However, no amount of tinkering

with the technicalities of the law will prevent power-holders, formal or informal, from finding ways of undermining or even blocking the effect of positive legislation. The modalities of resistance to change tend to be deeply contextual. Knowledge about what is kept on or off the law in order to make it toothless is important, but no amount of ticking boxes on the list will make a political order immune from the many political tools to circumvent, obfuscate and subvert measures to redress gender inequalities. Hence, recognition that the quota is just one measure, not a yardstick of women's political empowerment is needed.

This is also an opportune time to re-examine the assumed positive link between descriptive and substantive representation. As women who hold anti-feminist agendas become more prominent in legislatures both at national and supra-national levels (such as the EU parliament) there is a need to examine whether in effect, there are instances in which the promotion of women's substantive representation is inversely correlated with women's descriptive representation. This has serious policy implications, as it suggests that in certain political situations, feminists who aspire to have parliaments issuing gender-just legislation may consider aligning themselves with men in political parties who share the same agenda rather than women who are advocating an anti-feminist agenda. In other words, substantive representation would require a compromise in these particular circumstances on boosting women's descriptive representation. Even if research shows that the dominant trend is for a positive correlation between descriptive and substantive representation, the individual country case studies in which this is not the case should not be dismissed, as the implications for numbers as a proxy for empowerment still have to be taken seriously.

One of the key themes underpinning many of the country case studies from partners in the Pathways of Women's Empowerment programme has been the need to broaden our understanding of what constitutes political engagement and pathways to political leadership and their implications for diverse women. Pathways argues that the disjuncture between informal and formal political leadership needs to be tackled because there are many women who do assume leadership in the informal arena but who find making the bridge to formal politics extremely difficult. There are opportunities for both

virtuous and vicious circles. When women have a wide array of political apprenticeship opportunities which enable them to build constituencies, they can become appealing to political parties who in turn are challenged to think of women candidates as assets rather than liabilities, and who as a consequence, assume a more positive policy towards recruiting women. Conversely, limited political opportunities, and the difficulties in building and transforming a community base into a political constituency may lead to the entrenchment of the existing patriarchal power hierarchies in politics.

Yet the agenda for the Beijing+20 phase cannot be one of merely shifting the representation of women in legislatures as a proxy to the local, meso or sub-national levels. That risks reproducing the same dynamics that have concealed deeply problematic power relations behind a positive allure of shifts in numbers. The focus on numbers emerged from and led to an accentuation of a binary lens on gender and power, reifying the women versus men dichotomy. It must be acknowledged that in so many contexts around the world, the gender gap in representation is so severe as to merit a focus on this hurdle. However, the approach to redressing the gender gap in political representation does not have to be linear nor teleological in the sense of fixing the gender gap in representation first and then moving on to address the struggle for diversity in women. An alternative way of approaching this may be of identifying the women and their political parties who endorse agendas promoting social and gender justice and choosing to support them.

A shift from binary essentialisms may also challenge a new emerging language around inclusion, i.e. 'inclusive politics', and 'inclusive development'. Inclusive development may encompass 'women' as a category; however, this needs to be challenged: Which women? Representing whom? Holding what kind of agenda? This in no way suggests that those with a different agenda should not be included; however, it does have implications on strategising, coalition building and mechanisms for accountability both to local, national and international actors.

Moving forwards, this is a critical juncture at which to think creatively and ontologically about what constitutes politics, the spaces through which it is mediated, which power inequalities we would like to redress and with what outcomes in mind.

## Notes

1 See www.pathwaysofempowerment.org.

2 Descriptive representation refers to the proportion of women present in electoral political bodies. Substantive representation refers to when legislators pursue policy goals that are aligned with the interests of their constituents although in the case of women's representation there are serious questions as to whether they represent 'women' and who defines them (Krook 2012: 87).

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