

Equal Representation: Challenges and Opportunities

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Abstract

This article explores the contours of the highly politicised and gendered spaces in Kenya that female aspirant leaders still struggle to overcome in order to participate fully as citizens. It aims to highlight the exclusionary nature of the political and democratic space in Kenya, notwithstanding constitutional and legal provisions for gender equity. We argue that enjoying a simple majority in terms of overall population figures (50.1%) has not necessarily translated into political capital for Kenyan women, who are perpetually locked out of meaningful political participation due to entrenched patriarchy and sexism. The introduction of political affirmative action through the two-thirds gender rule augmented female representation in parliamentary and other public and legislative offices. This was also meant to regulate the monopoly of any one gender in the occupation of political and public positions. The article utilises secondary data and related theories in supporting the argument that the insignificant number of female parliamentarians is, *inter alia*, a result of entrenched and skewed power relations. Outdated cultural practices, gender stereotypes, negative rhetoric and ethnicity, patriarchy, and a lack of economic and social capital have indeed adversely affected women's trajectory in politics. Results of the past two elections (2013 and 2017) have indicated that gender skewing in parliament and other competitive positions in the public service is still an issue to reckon with. This, we observe, is tantamount to non-compliance with constitutional and legal provisions that were geared toward achieving an equal society. We suggest the implementation of the gender rule as envisaged in the 2010 Constitution. A conducive legal framework, coupled with collaborative efforts of relevant state and non-state actors, is paramount. A significant and current discussion should encompass new realignments aimed at disrupting and deconstructing the pervasive gendered relationships.

Keywords: gender rule; politics; representation; inequality; implementation

A Case of Women's Representation in Kenyan Politics

There is an intricate relationship between women's political participation and the economic development of a country; thus, the more developed a country, the higher the likelihood that more women would participate in politics (Norris and Inglehart 2001). Escalating concerns for gender equality, together with globalised pressure for countries to conform to agreements to foster gender equality, have heightened trepidations regarding women in politics and the impact of politics on women (Kassilly and Onkware 2010; Nzomo 2002, 2023). The impetus to bolster women's representation and participation in the political arena was envisaged in the Kenyan Constitution of 2010. More than a decade after the promulgation of the 2010 Constitution, there remains a gender skewness in politics, which persists despite Kenya being a signatory to international and regional declarations, platforms of action and conventions such as the International Convention on Civil and Political Rights and the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW 1979).

Democratic principles respect the right of all individuals to participate in elections, hold public offices and engage actively in political party structure (Conway 2001; Paxton, Kunovich and Hughes 2007). However, an analysis of gender representation in parliament over the past four decades shows that very few women held senior public positions or were elected to parliament (Kabira and Kimani 2012; Kaimenyi, Kinya, and Samwel 2013). It is because of this skewing that the 2010 Constitution provided for a two-thirds gender rule to create a balance in representation and to make sure that no particular gender dominates the political space. The rule was to enhance parity in legislative bodies at both lower and national legislative bodies (Opuko, Anyango, and Alupo 2018). This is the current area of contention in the Kenyan political and public space. In all this, the quest for women's equal representation in politics and public service is entrenched in international, regional and national legal and constitutional provisions. The aim of the 1985 Women's Conference in Nairobi was to review the state of gender relations at the end of the United Nations Decade for Women (1975–1985). The Platform for Action of the Beijing Conference in 1995 was to implement the declaration for women's empowerment. The Universal Declaration of Human Rights (UNDHR 1948) states that everyone (men and women) has the right to take part in the government of his/her country. Although much has changed, the political life of Kenyan women has been minimalistic, even though they form the biggest voting bloc.

Equal representation aptly affords women an opportunity to secure a seat at the decision-making table. Political representation greatly influences policy-making processes and fair resource allocation (Kassilly and Okwaro 2010; Milligan 2014; Opuko et al. 2018). Equal representation is also a key pillar of good governance as it supposedly affords everyone an equal voice in national discourses (Kabeer 2005). We, therefore, support the argument that equal representation is important in advancing democracy. It is laudable that Kenyan women are increasingly joining politics. However, the extent to which they participate meaningfully in elections is determined by embedded societal structures. Hence, Kassilly and Okware (2010) argue that a society that is fiercely patriarchal—such as Kenya—humiliates, ridicules and violates women, especially during the electioneering period. This can be partially linked to observations made by some authors who note that regardless of the opportunity to run for political offices, fewer women than men choose to run (Elder 2004). According to Elder, multiple factors such as gender role socialisation, a lack of political confidence, family responsibilities and the relatively few numbers of visible women role models in politics contribute to women's lack of interest in pursuing political offices. It is against this backdrop

that this article aims to explore the gendered nature of the political space in Kenya even after the introduction of the two-thirds gender rule.

The article discusses the context of women's representation in Kenyan politics. It provides a historical perspective of Kenyan women's trajectory in politics, theoretical perspectives on gender and gendering in examining how patriarchy continues to undermine gender equality in politics. It also delves into debates on the perils of masculinity, gender quotas and the two-thirds gender rule.

A Historical Perspective of Kenyan Women in Politics

Women account for over 50% of the world's population, but only 20% occupy political seats in the world (Wickham 2013). Even though women have generally struggled with underrepresentation in politics since the middle of the last century, research from the past 20 years shows a remarkable acceleration globally. The acceleration has been attributed to reasons such as women's divergent interests in various levels of political representation and participation within and across countries (Paxton et al. 2007). Sub-Saharan African statistics reveal that Rwanda (56%) and South Africa (42%) have made commendable progress in terms of political representation of women in comparison with Kenya, which is ranked lowest in East Africa with only 15% (Kaimenyi et al. 2013).

A historical perspective on Kenyan elections shows that more men than women have been elected over the six decades. The first general election in 1963 did not bring forth a single woman parliamentarian. Furthermore, the total number of women elected between 1963 and 2013 did not improve significantly. Sadly, only 50 women had made it to parliament in half a century. During the same period, a total of 1456 men had been elected to parliament. A similar trend has been observed in the composition of the cabinet (appointments to the prestigious ministerial positions). The skewed nature of Kenyan politics is also evident in the lack of gender parity not only in parliamentary seats but also in cabinet appointments. A clear example of this conundrum is the composition of the 1998 cabinet, which did not have a single woman cabinet minister, despite 25 positions being made available, including the Ministry of Women and Youth (Kassilly and Onkware 2010). This is emblematic of some of the hurdles women still have to overcome in their quest for recognition and representation in higher echelons of power. It is also noteworthy that no woman has ascended to the presidency since independence—all five presidents have been male. A few women candidates have expressed interest in the presidency, but they have been unsuccessful. This is particularly difficult to fathom in a country where most of the registered voters are women (Wesonga 2023).

The trend illustrates the normalisation of the misconstrued view of women's ineptness to assume leadership positions in government and public service (Kassilly and Onkware 2010). The widening gap of unequal participation and representation of women remains an unresolved issue to date. It is increasingly growing in importance because of the continued minimal visibility of women in politics and higher positions in public service and the unfulfilled constitutional guarantees (Opuko et al. 2018). Steady (1985) and other related authors argue that the Constitution guarantees women the right to vote, to be eligible for election and appointment to public office, and to exercise public functions on equal terms with men at local, national and international levels. Nonetheless, their participation remains perpetually peripheral at the highest levels of decision-making (Kameri-Mbote 2016; Obwogi 2022; Sifuna 2006). To improve women's representation in politics, Kaimenyi et al. (2013) and Kimani

(2015) argue that affirmative action as a conduit of redress has a high possibility of propelling gender inclusivity in politics, which will have a snowball effect on other facets of society.

Including the gender rule in the Constitution (Republic of Kenya 2010) served to mitigate the gender gap while ending the monopolisation of representation by a particular gender in elective public bodies. However, the rule has been stifled by various contestations from male legislators. Male parliamentarians have used underhanded strategies, such as absconding from voting on the rule by not attending parliamentary sessions (Wesonga 2023). For instance, it has been argued on the floor of parliament that an increase in the number of female legislators, as envisaged in the Constitution, would overwhelm the budget. This form of thinking is nuanced and skewed against women's progress in the political space. The blatant non-compliance with the Constitution has unfortunately not led to a government shutdown, as should have been the case (Nzomo 2013). The aloofness and silence surrounding the prevalence of violence against women in politics have been persistent for several decades. This cannot be construed as normal because it is a threat to democracy, human rights, and gender equality around the world (Paxton et al. 2007). Unfortunately, the enormity of non-compliance with enacted policies has not had any adverse effect on governments (Krook 2020; Njiru 2014; Weldon 2002).

We argue that notwithstanding other factors that have been identified, political goodwill—although not ideal but vital—can buttress women's representation. Linking political goodwill to political parties is two-pronged; firstly, political parties are at the core of candidate nomination, and women candidates need the nomination for them to contest for political positions (Kenyata 2023). Secondly, political parties are particularly important in a political environment that is volatile and biased against women and, more so, unreceptive towards women's leadership. Our approach is that women must participate meaningfully in elections and deepen the gains of democracy by taking on leadership positions for posterity. The possibility of a “top-up” strategy, which will allow women to be nominated to the National Assembly, is plausible regardless of the stigma associated with it (Aluanga-Delvaux and Shiundu 2016).

Theoretical Perspectives on Gender and Gendering

International women's movements were linked to national struggles to make women's political rights an accepted practice (Paxton et al. 2007). It should be noted that gaining political rights did not guarantee women's rights to vote simultaneously. In America, for instance, women attained political rights in 1920; however, women's voter turnout did not equal men's until the 1980s (Burrell 2004). Although women's fight for formal representation has generally been won, studies continue to document structural domination and the oppression of women in public spaces, which continue unabated in legal, political, and economic terms. Other studies address gender inequality in various political dimensions, such as voting, campaigning, leading, gender differences in political knowledge, socialisation, and attitudes, and women's place in political theory (Okoth 2020; Paxton et al. 2007).

Sex and gender are important aspects of personhood relevant to understanding political behaviour (Schneider and Angela 2014). Researchers generally explain gender skewing in political participation using three ideas of socialisation, culture and basic differences in biological determinism. These ideas are used to construct and sustain the conservation of gender inequalities (Jackson 2017; Okoth 2020; Paxton et al. 2007). Although weakly theorised and flawed, the “sex” and “gender” binary has been used to allocate gender roles,

especially in most traditional communities (Dogo 2014; Okoth 2020). Such views fall into gender essentialism, which views the psychological and physical traits of men and women as inherent and unchanging and that “male” and “female” are the only two genders that exist (Johnson 2021). Parker (2016) intimates that historically, the social norms were based on practical considerations of division of labour, reproduction, and security, but not on how a person experienced one’s body or self. In essence, gender stereotypes are perpetuated when specific roles and duties are allocated to individuals because of their gender. However, Ellemers (2018) states that stereotypical expectations are not only problematic, but they also determine the way men and women define themselves and how they view each other. We, therefore, argue that although sex and gender have significantly dominated gender inequality discourses, gender is fluid, nuanced and multifaceted. Therefore, it cannot be limited to simplistic theorisation, which does not account for all factors that account for gender and identity (Akala 2018). The position is inclined towards seeking to use the already refuted and negated deterministic anatomic, biological, physical, chromosomal, gonadal and hormonal factors to foster gender marginalisation based on maleness and femaleness (Oakley 1985; Parker 2016). Radical feminists observe that reproduction, a biological aspect of women’s bodies, has been embraced as the dominant factor in women’s subordination (Mohanty 1995). In this regard, Lorber and Moore (2002), as well as Connell (2005), maintain that the strength-weakness binary embeds sexism, patriarchy and male domination.

Using social role theory, Diekmann and Eagly (2000) maintain that typical group stereotypes are dynamic and are perceived to change over time. The authors contend that sex roles are eroding because of the similarity of roles between men and women, and secondly, female stereotypes should change significantly because of the greater change in roles of women than men. This tension contracts earlier assertions, which argued that physical strength and a superior physique are used to determine the allocation of gender roles (Oakley 1985; Schneider and Angela 2019). There are strong women in society who engage in sectors such as mining, the military, construction and land clearing, whilst childrearing itself is a task that requires great strength and character (Edwards 1990). However, Mohanty (1995) writes that the reproductive aspect of women’s biological makeup is the dominant factor in their subjugation. Intersectional feminists outline the fact that women’s marginalisation is exacerbated by the confluence of gender and other identities.

Hartsock (1983) and Epstein (2007) dispute the fact that gender construction should be wholly based on the analogies of essentialism. Essentialising gender is problematic; it assumes mutual exclusivity of the gender-sex binary, which leads to a false apprehension and a distorted version of the experiences and circumstances of the “other.” It also conceals hierarchical power relations and protects the interests of the minority ruling class. According to Hirdman (1988), the ideologies undergirding notions of masculinity and femininity inform the social actions and performances of gender roles. However, Schneider and Angela (2014) suggest a shift from the male-female binary in conceptualising the complexities within the political sphere. According to the authors, the effects of intersectional factors such as race, ethnicity, age, class and ability or disability on politics ought to be appropriated. The variability and lack of consistency in gender roles, expectations and relations across communities have rendered sex stereotyping claims implausible. Thus, conclusions from empirical research on sex-related differences are small, usually unstable across studies, very often anti-factual and inconsistent with the content and context of gender stereotypes (Eagly 1995; Koenig et al. 2011; Lorber 1994). Despite the changes in perception and acceptance of women in non-traditional positions, Haines, Deaux, and Lofaro (2016) opine that stereotypes are deeply entrenched in societies and that people should remain vigilant so as not to be influenced by them in judgements, choices and actions.

We hold the position that gender matters; our position is founded on the social construction of gender. According to Johnson (2021), the social constructionism discourse challenges sexual discrimination directly, and at the same time, it presents some significant questions. We take into cognisance factors other than the prescriptive physiological and congenital characteristics that differentiate males from females. As a means of rescinding the superiority that biological factors have allotted to men, feminists have argued that anatomy is not destiny and that one is not born a woman; rather, one becomes a woman (De Beauvoir 1989; Haines et al. 2016). Becoming a woman involves social processes that allocate privileges and dominant positions to certain groups of people and subservience and disenfranchisement to others (Johnson 2021; Mojab and Gorman 2001). Apart from historical and cultural factors, power also plays a part in the formation of gender identity. Scott (1999) defines gender as a constitutive element of social relationships based on perceived differences between the sexes, and gender is a primary way of signifying relationships of power. Instead, gender identity is a result of sex assignment and daily experiences, that is, socialisation and interaction with members of a given society. We argue that the relationships are not linear but alterable, dynamic and multifaceted, shaped by economic, political, cultural and social relations of power that impact women and men differently in predestined social institutions.

Epstein (2007) and Assié-Lumumba (2006) argue that, despite inadequacies, gender is a basic social divide that is used to organise labour in homes and major institutions, the workforce, politics and religion. Rather than focusing on the gender-sex binary, sociologists of gender approach their analysis from an intersection perspective to overcome the reductionism in the gender-sex binary. The discourse has intentionally used the gender divide to reassert women's reproductive roles, making them passive and limiting their autonomy, decision-making and public participation, thus allocating power and visibility to men (Gurr and Naples 2015). Butler (1988) asserts that becoming a woman is an intricate process that repeatedly subjects the female body to historical and cultural conventions and conformities that are demeaning and inhibiting in many ways. The subjugated body carries a cultural identity that subsumes the values and norms of a culture. Subject to the assigned gender, the socialisation and enculturation that take place are geared towards defining, configuring and upholding the expectations and roles of that individual (Fisher 2011).

Young (1990) conjectures that the desired results of being socialised into a *being* or *state* are not always positive or congruent with the identifiable gender. We support the ideological position of scholars who argue that gender identity is fluid and alterable and the view that humans are meaning-making beings. As a result, they question, contest, contrast, deconstruct and negotiate their allocated positions through socialisation processes. Weedon (1997) and Wodak (1997) view different forms of subjectivities as intricately produced and dependent on the historical context; that is, they shift depending on the discursive frames within which they are constituted. We conclude that although it is apparent that biological factors play a crucial role in determining one's sex, gender is largely determined through social, cultural and historical factors. With this in mind, we argue that women's participation in politics should not be decided on their gender but on what they have to offer to society in general.

The Unrelenting Spirit of Kenyan Women in Political Advancements

While the contributions of women to various aspects of geopolitics and societal well-being have been colossal, the enormity of their contributions has not been well acknowledged (Oduol 1993). The misrecognition and misrepresentation of their important contributions can be attributed to the fact that they are often relegated to private spaces that are opaque and

unremunerated (Ochwada 1997). Despite the minimal representation, women have used other means to provide a subtle defence to male domination (Christie 2008; Odora Hoppers 2009). A historical perspective on the evolution of women's roles and a juxtaposition to those of men reveal a strong inclination towards innatists' views of gender construction. Kaimenyi et al. (2013) observe that the socio-politics of pre-colonial Kenya was predominantly patriarchal. Communities were socialised in believing that men were the stronger sex. Due to this disposition, they assumed leadership roles and were seen as providers for their families. Correspondingly, the portrayal of women as weak domesticated them and relegated them to nurturing roles. This meant that there were very few and rare cases of "women leaders" in their own rights in traditional societies (Oduol 1993).

Ochwada (1997) provides accounts of how Kenyan women have exerted themselves and demonstrated their skills and acumen in areas such as entrepreneurship, weaving, pottery, trade, reproduction, bringing up families and managing homes. These were crucial in promoting and supporting the smooth running of the home and the well-being of the family and the community (Ochwada 1997; Randall 1987). Men complemented them by undertaking "dangerous" and "more demanding" jobs, often performed away from home, which included hunting, building houses, going to war, and securing their territories (Okoth 2020). Even with the gendered roles, it is important to note that there were roles that transcended the gender divide. Such roles included trade, medicine and soothsaying in communities such as the Abaluyia and Luo of western Kenya (Ochwada 2002). These skills were embedded in indigenous knowledge systems that were passed down for generations. Though the knowledge systems were determined along complex gender lines, they served the needs of society and maintained social cohesion (Ochwada 2002).

The doctrine of Christianity was crucial to embedding gendering in most Kenyan communities due to the parallels between traditional forms of gender and gendering and missionary education. The gendered nature of missionary education was aligned with cultural ideologies that assigned girls and women to the home and private spaces in society. Girls were prepared for their wifely duties by being taught key skills needed to run and manage their homes and support their husbands. Home science and child welfare, self-preservation, cleanliness, food preparation, respect, dress, hygiene and physiology were used to channel such education (Ochwada 2002). The system excluded girls from learning any serious academic subjects. Young (1990) criticises socialising children into gendered roles. She argues that encouraging girls to perform in a particular manner objectifies them by imposing a third-person perspective on their bodies. We agree with Young's argument by positing that gender inequities and inequalities are perpetuated and entrenched through socialising children into prescribed and normalised gendered roles, actions and routines. We also observe that, depending on the kind of socialisation girls go through, the normalised gendered roles inform the way they position themselves to the males in their communities and locale of operation.

The subordination propagated through education did not deter Kenyan women from various forms of mobilisation. During the pre-independence era, women organised themselves around self-help groups where principles of self-reliance were reinforced (Thomas 2003). A notable example is the 1920 women's uprising led by Mary Nyanjiru, which demanded the release of Harry Thuku (a freedom fighter) by the British colonial masters. However, this part of history has been excluded from the struggle narratives (Oduol 1993). Importantly, we believe that the misrecognition was meant to continue the portrayal of women as apolitical and pacifists (Oduol 1993; Randall 1987). The first decade after independence (1963–1974) saw a total exclusion of women from policy advances (Nzomo 2013). The government operated according to gender-

blind policies, and its citizenry was not exposed to equal circumstances. Policy documents homogenised people as rural peasants, agriculturalists, producers and farmers, while ignoring the gendered and sexist nature of roles that women performed in these sectors as producers and workers (Nzomo 1989; Ochwada 2002). This misrecognition heightened and entrenched sexism and unequal gender relations. While they were portrayed as subservient and submissive to their husbands, to the contrary, women emerged as leaders in the agricultural sector (Kiamba 2008).

House-Midamba (1996) and Nzomo (1997) assert that although women's formations have been characterised as a-political, the crucial role they played in organising women to pressurise the state for political reforms cannot be ignored. Studies have also alluded to the fact that the intersectionality between colonialism's interpretation of the role of women, the role of women in traditional societies and their political involvement had implications for the liberation movement (Santoru 1996). Overall, complex strategies such as sex solidarity were used to mobilise for socio-economic change that could not be brought about through political mechanisms. They also mobilised and stepped out of their traditional roles in the fight for Kenya's liberation. Kikuyu women, in the main, acted as disseminators of political ideas, participated in the nationalist movement and were active members of gangs in forests. They were not only incarcerated in detention camps and jails, known as "pipelines," but also processed, that is, tortured through threats, beatings and other forms of intimidation, during the Mau Mau Santorum (1952–1960) emergency (Kassilly and Onkware 2010; Nzomo 1997). They participated in protests by singing songs about the oppressive government, chiefs, and forced labour for women and children on the colonial coffee farms. They fought against the appropriation of their land and were involved in the clash of ideologies regarding female circumcision. Kikuyu women defended the practice that was outlawed by the colonialists. Furthermore, Kikuyu women's participation in the liberation struggle has been portrayed as an act of political maturity and a challenge to how men viewed their roles in society (Kassilly and Onkware 2010; Kinoti 1994; Santoru 1996). Although there is a clear demonstration of women's activism, "their absence" in key struggle narratives fuels falsehoods about their lack of leadership, mentorship and their place in modern politics. Oduol (1993) suggests that linking the three imperatives of leadership, mentorship and under-representation, and justifying the current gender impasses in politics are rather weak and self-serving. We argue that despite the under-theorisation of women's participation in the liberation movement, the experience of colonialism by men and women couldn't have been different.

A heightened state of women's push for equality in the post-independence era has been visible. They mobilised to fight for political, environmental and sociocultural rights. Women protested in 1990 through a hunger strike and stripped naked at Uhuru Park for the release of their sons who had been imprisoned by the Moi regime (Kassilly and Onkware 2010). Women like Wangari Maathai fearlessly took on the government despite facing abuse, brutality and public humiliation. Maathai founded the Green Belt Movement and won a Nobel Prize as a result of her environmental activism. She championed women's economic, social and political rights (Nzomo 1997; Ochwada 2002; Thomas 2003). Some of her remarkable achievements include challenging the then President Moi and the government through the courts for wanting to erect a 60-storey skyscraper at Uhuru Park and a 30-foot statue of President Moi in 1989 (Kassilly and Onkware 2010; Thomas 2003; Wesonga 2023).

As an iteration, the Kenyan socio-political landscape is characterised by entrenched gender stereotypes and patriarchal domination. Demeaning rhetoric and derogative statements, and the politicisation of women's marriage statuses are used as political weapons against those who

dare to penetrate the public space. Aside from single and divorced women, married women are also shunned for abdicating their perceived core duties as home carers and nurturers (Mungai 2017). These cases remind us of how women are essentialised and objectified. According to Mungai (2017), the practice is imbued in modern societies, such that many women shy away from politics for fear of being targeted. Moreover, political spaces are not neutral; they are used to assert masculinity. An example that has been provided in literature is with regards to demarcating signage that reads “Men Only,” which outlaws the admission of women. Any woman who transgresses and trespasses pays a heavy price (Wesonga 2023).

The views expressed by activist Mehrezia Maïza Labidi (upon the adoption of the Tunisian Constitution in 2014) epitomise what women hope for when they join politics.

According to Mehrezia Maïza Labidi (UN Women 2017):

Women in politics are still women. We can laugh and be joyful and still be in politics. We do not want to be like men, we want to be ourselves and still engage in politics.

While gender differentiation is propelled through patriarchal ideologies and hegemonies, women have remained steadfast in their fight. Such is the tenacity of the superlative women who have dared to oppose the status quo, even though it comes at a high cost. With their femininity and womanhood in doubt, they became subjects of public ridicule (Aluanga-Delvaux and Shiundu 2016). Martha Karua, a former Minister of Justice and Constitutional Affairs (2008) and ardent fighter for women’s rights and equality, is commonly referred to as the “Iron Lady” (a denotation for her fierce and unrelenting nature) in the Kenyan context (Kassilly and Onkware 2010). Her many other political encounters with male counterparts (within and outside parliament) earned her the tag of the “only man” in the Party of National Unity-PNU in 2008 (Wesonga 2023). We want to note that the use of the phrase “Iron Lady” in reference to the former minister denotes bravery, toughness and authority—attributes that are not ordinarily associated with femininity. Hence, we do not view this phrase in the negative, derogatory manner in which it is sometimes used. Instead, we conceive that the phrase can be associated with going against the gender norm. Nevertheless, the repetitive use of negative and derogatory labels in public discourses paints women in a way that serves the political ideology of the political class (Butler 1988; Wesonga 2023).

Even though Kenya has institutionalised national, regional and international laws that condemn gender discrimination through gender mainstreaming frameworks and legislation (1990–2010) (AU 2003; CEDAW 1979), women parliamentarians still struggle to have their voices heard. They have been beleaguered by their male colleagues, and their contributions to debates are often undermined and trivialised. Using factors such as the rapidly expanding national budget and referring to women as “idlers” and “busybodies” who squander public funds, are flawed and sexist arguments. This is indicative of the glass ceilings and revolving doors that women have to break and overcome (Aluanga-Delvaux and Shiundu 2016).

Finally, women and children carry the burdens of bad governance and human catastrophes that cause poverty, diseases, post-election violence, drought, hunger, lack of water and sanitation, high cost of living, domestic abuse, and violence (Wamai 2013). Marginalising women from decision-making and leadership excludes their views on such crucial policy issues (Carroll and Fox 2013). They are outnumbered and outmanoeuvred, dispossessed and allocated junior, inconsequential and powerless positions (Kassilly and Onkware 2010; Nzomo 1989).

The Question of Patriarchy and the Politics of Women in Politics

The slow pace of realising gender equality in Kenya is a reminder of what is yet to be achieved. Gender inequality is largely sustained through nuanced and salient institutional practices and gender-neutral policies. Political symbolism legitimises political positions and ideologies (Young 2001). Policies communicate the government's intentions and course of action on an impending issue while also engineering consensus-building through public discourse (Codd 1988). Although the government has always maintained that Kenyan women are not discriminated against and do not need to fight for the rights they already enjoy (Nzomo 1989, 9), the statement is defective and misleading. Onsongo (2009) opines that minimising gender inequality gives credence to opponents of gender mainstreaming. Societies were founded on defective patriarchal philosophies and ideologies that determined social relations, cultural appropriations and hierarchical power relations at all levels (Hassim 1991; Kassilly and Onkware 2010; Kimani 2015). This has exacerbated gender-based violence and sexual harassment against women (Lamb 2002). Lorber (1994) asserts that patriarchy is insidious and the main perpetrator of women's oppression and exploitation in private and public spaces. MacKinnon (1989) and Butler (1988) contend that women's subordination stems from constricting patriarchal systems that are culturally configured. Further, MacKinnon (1989) elucidates that it is a basic fact that no woman can escape being a woman due to male supremacy, so long as she is in a gendered social environment. MacKinnon (1989) asserts that while gender inequality is contextual, it is pervasive and could be universally experienced. Women's bodies are highly politicised and hence provide a nexus between power and moral obligations (Randall 1987; Thomas 2003).

Several studies have argued that patriarchy has been used to determine, exclude and thereby invalidate women's positioning in public discourses (Coetzee 2001; Dogo 2014; Mojab and Gorman 2001). Dogo (2014) argues that Kenyan societies, like other African societies, are patriarchal, and the status and roles of men and women in every community are shaped by patriarchy. Carroll's (2007) position is that people should be concerned about the unorthodox practices associated with gendering in politics, since they have a bearing on justice and quality of representation. Okoth (2020) identifies patriarchy as a constraint to women's participation and governance. He notes that patriarchy is latent and not visible in a state's political system. Largely, patriarchal norms, structural domination and the oppression of women in public spaces have continued unabated in legal, political, and economic spheres (Dogo 2014; Gatwiri and Mumbi 2016; Okoth 2020; Nzomo 2013). Non-compliance with the gender rule reveals that its implementation is undesirable, as it is perceived as a disrupter of inherent patriarchy. Thus, it has been suggested that the consequences of implementing the rule would threaten and alter gendered hierarchical power structures and relations (Kaimenyi et al. 2013).

Feminist literature has elucidated that politics and policies provide explicit or implicit opportunities that are used to determine women's choices and options. Their reproductive rights are questioned and disenfranchised (Randall 1987). It has been argued that although women participate in the economy in several roles, their labour force is not remunerated at the same level as their male counterparts (Mojab and Gorman 2001; Randall 1987). At the same time, women's bodies have become sites of contestation. The politicisation of their reproductive rights has taken away their legal rights in terms of abortion and the use of contraceptives in some jurisdictions (Mahoney 1985). Skewed surveys serving a particular socio-political agenda are also used to advance reductionist conclusions that depict women as a ubiquitous group. This further reduces the opportunities for women in leadership positions

while obscuring their participation in war and peace-keeping missions (Randall 1987; Thomas 2003).

Previously, accounts of women who were injured or lost their lives in times of war were rarely made public. Rather, the tales of brave men and the unfortunate situations that befell them in the line of duty dominated public and popular discourses of war (Macdonald, Holden, and Ardener 1988). However, we note that this narrative is changing as the military is modernising and adopting inclusive gender frameworks in its operations and practice. Randall (1987) opines that it is fallacious to separate women from politics using the public-private binary. Arguing that politics, a public activity dominated by men and defined by masculinity, is out of reach for women, who are relegated to private spaces of family and domesticity, is improper. The separation of the public and private spaces is seen as a strategy to deny women a place in the political class, and to retain the hierarchical power relations in competitive spaces (Kassilly and Onkware 2010; Tinker 2004).

Whereas there is heightened advocacy against gender inequality in politics, the manifestation and experiences of gender subjectivities are divergent. Relegation to private spaces has denied the majority of women opportunities to participate in leadership and decision-making. Notwithstanding the above, a few women, like the late laureate Professor Wangari Maathai and other formidable women, have broken the glass ceiling by venturing into male-dominated fields. Kassilly and Onkware (2010) supposedly theorise that women's interest in politics has been marred by ridicule, humiliation and violence. The violence is mainly prevalent during primary party nominations to persuade the women candidates to step down in favour of male candidates (Wesonga 2023). Women are vulnerable to physical and sexual harassment, economic slavery and blackmail from male opponents, party agents and their supporters (Wesonga 2023). According to Nzomo (1997), power and privilege are hard to relinquish, especially for men who have enjoyed them for a long time.

Patriarchy, politics and the economy intersect in a very fundamental manner. The intersectionality of these factors propagates gender inequalities at various levels. For example, women struggle to raise funds to advance their political aspirations because key financiers are reluctant to support them (Ellis et al. 2007; Opongo and Murithi 2022). The prestigious office of the political party leader is rarely occupied by women (Mathews and Whiting 2022). They are not embraced fully by political parties and other interest groups due to gender-related reasons (Mungai 2017; Nyamu-Musembi 2006). We argue that women require strong political structures and comradeship to obliterate the constrictions in the political sphere. As currently constituted, the Kenyan political environment is fragile and fragmented along political party lines. The lack of a credible, non-partisan women's movement that can articulate women's issues has created a vacuum (Nyamu-Musembi 2006; Nzomo 1997). Women should engage in cross-party platforms to find unity beyond party lines while rallying men and youth around a common agenda. The dilemmas of political violence and the displacement of people during the election season should be resolved using security apparatuses (Kassilly and Onkware 2010; Wamai 2013). The physical and psychological trauma that accompanies such actions is immense and limiting to female aspirants.

Gender Quotas and Navigating the Two-thirds Gender Rule

Gender quotas have played an important role in improving gender representation in politics. More than 60 countries have adopted gender quota legislation of party rules that require a certain percentage of candidates or legislators to be women. Argentina heralded the adoption

of an electoral law quota that saw an increase of 17% in women's representation in the Chamber of Deputies in subsequent elections (Paxton et al. 2007). Countries like Afghanistan and Iraq also boosted women's representation in politics due to the introduction of gender quotas (Paxton, Kunovich, and Hughes 2007). Data from the Inter-Parliamentary Union (IPU) show that women's representation in parliaments globally attained a milestone in 2010; thus, a historic level of 23.3% of parliamentary seats was won by women globally. This is a double increase in comparison to 11.7% in the 1997 elections. The same data show that 23.9% of women won parliamentary seats in countries that instituted gender quotas in comparison to 16.1% where quotas do not apply (Schwindt-Bayer 2018). Arguably, increased women's representation in politics contributes to increased social policy attention and advancement concerning gender equality and women-specific issues. Classically, the reality of women representatives not meeting this goal is very high due to the limitations posed by the specific contexts within which they operate (Barnes and Holman 2020).

Despite the positive argument for gender quotas presented in literature and data, Schwindt-Bayer (2009) observes that introducing this measure in politics elicits mixed reactions of fear and excitement. Using a consequentialist argument, the proponents of the system view its success in terms of benefits accrued to women when they "receive a helping hand" (Dhanda 2000). According to Dhanda, women in different contexts have experienced exclusion from competitive parliament politics for various reasons. Schwindt-Bayer (2009) further observes that even though gender quotas can increase women's representation in politics, their effectiveness depends on their design. Nevertheless, the opponents of the intervention see doom and gloom if women get to power. It is further argued that rather than considering gender quotas, the root causes of women's exclusion should be identified and addressed. Although controversial, it has been suggested that gender quotas have influenced women's numbers, the performance and outcomes of decision-making bodies, and broader public attitudes (Hughes, Praxton, and Krook 2017).

Precisely, Kenyan women have been on the peripheries of politics as iterated (Nzomo 2013). Godia (2015) intimates that the gender skewness can be seen clearly when comparing the number of women and men who have been elected to parliament over the last 50 years (142 women: 2068 men). Unlike the 2007 elections, which registered an improvement of 9.8% for women representatives, the 2013 elections failed to meet the constitutional threshold of the two-thirds gender rule. It is worth noting that the 2013, 2017 and 2022 elections have had the highest number of women in Kenyan history, both in the legislature and the executive branch. However, most government institutions did not attain the one-third gender rule, hence violating the Constitution (Baraza 2018; Kenyatta 2023). Before the promulgation of the new Constitution (Republic of Kenya 2010), two attempts (the first in 1997 and the second in 2000) had been made to introduce affirmative action in politics. Although the motion by Hon. Phoebe Asiyo was defeated in 1997, it would have had the same implications as the 2010 gender rule. It envisaged an upsurge in women representatives up to 33.1% (Kabira and Kimani 2012; Kaimenyi et al. 2013).

Regionally, Article 9 of the Maputo Protocol (2003) requires parties to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action. This would enable national legislation and other measures to ensure the participation of women without any discrimination in all elections, the equal representation of women with men in all electoral processes, the recognition of women as equal partners at all levels of development, and the implementation of state policies

and development programmes. Moreover, Article 9(2) obligates parties to ensure increased and effective representation and participation of women at all levels of decision-making.

The drafters of the current Constitution (Republic of Kenya 2010) contemplated and provided for gender equity through the provision of the one-third gender rule. The rule states that:

... no more than two-thirds of the members of elective public bodies should be of the same gender.

The provision set a threshold of a minimum of 33.3% and a maximum of 66.6% for public bodies in Kenya's electoral system. Article 27(8) states that:

... the electoral system shall comply with the following principle—(b) not more than two-thirds of the members of elective public bodies shall be of the same gender.

Article 27 goes further to obligate the government to develop and pass policies and laws, including affirmative action programmes and policies, to address the past discrimination that women have encountered. The government is tasked with the responsibility of developing policies and laws to ensure that no more than two-thirds of elective or appointive bodies are held by people of the same sex. Despite this directive, the government has been unable to bring the spirit of the Constitution to life (Baraza 2018; Kaimenyi et al. 2013). Notwithstanding the illegalities advanced through non-compliance with the Constitution, women were able to make substantial gains in the 2017 election season. While the increase is laudable, an increase of 9.2% in comparison to 7.7% in 2013 is negligible and still below the constitutional threshold of 33.3% (Bouka, Berry, and Kamuru 2019). The 2022 elections produced the largest number of women in any election cycle. Seven governors, three senators and 26 MPs were elected, with men accounting for the overwhelming majority of elected officials.

This means that Kenya requires more reforms for gender equality to be a reality in politics. Even though voting patterns in Kenya reveal that many women participate in elections as voters, they are mostly inclined to vote for a male candidate instead of a female candidate who is vying for the same position (Kiamba 2008). We attribute the preference to historical factors and misleading cultural attitudes that still view female leadership negatively. Regardless of the historical burdens, some authors have also questioned the ambivalence of Kenyan women regarding their inability to elect fellow women, and their fidelity to their citizenship rights (Kenny 2019). We, therefore, suggest that women have to transcend sexism and internalised falsehoods about their inability to lead (Akala 2018). We encourage solidarity amongst Kenyan women as they champion their political rights and agitate for gender equity and equality in general.

Concluding Remarks

Besides devolution raising the stakes of local elections and improving the gender quota in women's political representation, the reforms have not significantly shifted the power of political parties, the way campaigns are run and financed, traditional stereotypes about women's leadership, and the generality of violence in Kenyan elections. An in-depth analysis of current research on the role of women in the political spaces in Kenya reveals one key challenge facing the country: accepting the merit of women's equal representation and participation to provide a different and unique perspective. The article reiterates that we cannot be expected to use the same solutions used in the past to address new problems in a changing

and evolving global village. Therefore, it is recommended that a legal framework, teamed with the collaborative efforts of relevant state and non-state actors, will provide an unparalleled strategy for the upliftment of the country. Further research needs to be conducted to emasculate and demystify political spaces as a preserve of men. The inclusivity of such spaces will encourage women and men to walk and work side-by-side without being prejudiced. By adopting realignments aimed at disrupting and deconstructing the pervasive and persistent gendered relationships, Kenya has the potential to address new problems in a diverse context with a balance of female and male representation and participation. It is not that opportunity is absent, but rather that there is a lack of courage and a constricting environment. Kenyan leaders need to have the support of both Kenyan women and men, who will also support each other by beginning to adhere to and advocate for the provision of the one-third gender rule regarding representation. However, far too little attention has been paid to power imbalances, the ongoing supremacy of masculinity, and the glaring lack of equal female representation across political, public and private spheres.

Finally, we argue that the constitutional provision and other legal apparatuses pave the way for women's representation and participation. However, gender equity in politics and any other field of interest cannot be a reality if Kenyan women are not at the centre of the struggle and in important decision-making spaces. This view is supported by the gains made in the 2017 and 2022 general elections, which brought in more women legislators, female senators and governors in comparison with the gains made in 2013. This is indicative of what can be achieved if more women put themselves forward for political party nominations and public service appointments. They can transcend "nature's prescribed inferiority" by creating new meanings from the new reality that has been presented to them. Butler (2004) equates such a shift to a voyage of disengagement from the perspectives and incessant conditions that perpetuate and propagate inferiority complexes. Although this trajectory may not guarantee the demise of the material struggles instantly, a new dawn that is based on women's own lived experiences can be created. We are of the view that notwithstanding the constrictions that have been alluded to in this article, Kenyan women can use their numbers and goodwill from civil society and political parties to mobilise and engage meaningfully in politics.

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