

Representative Bureaucracy, Role Congruence, and Kenya's Gender Quota*

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Abstract

This paper examines the sub-national determinants of descriptive representation. Agency managers may be hesitant to hire women uniformly across all localities if they perceive geographic variation in role congruence, or the degree to which a position's duties match gender roles. We expect managerial perceptions to affect hiring patterns even after the adoption of a gender quota intended to improve descriptive representation, as managers will differentially hire women to meet the quota in localities where they perceive role congruence to be highest. Evidence from Kenya's most important security agency after the adoption of a gender quota supports the theory. Broadly, this paper shows that aggregate quotas are at risk of being implemented in a way that undermines the spirit of the law. Slack in oversight pushes implementation to sub-national areas where managers perceive the quota will be least disruptive, and ultimately, have the smallest effects on passive, let alone active, representation.

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In recent years, many countries have sought to promote gender equity in the state. These initiatives are shaped by ideas of representative bureaucracy (Kingsley, 1944): a government workforce that is passively representative of the country's diversity is thought to be more actively representative of constituents (Mosher, 1982). Some research finds a correlation between passive representation in an agency and good governance outcomes: with regards to gender in particular, agencies that are passively representative implement policies that better align with the preferences of women (Keiser, Wilkins, Meier, & Holland, 2002), and improve the quality of decision making and service delivery for constituents as a whole (Bradbury & Kellough, 2011; Krislov, 2012; Riccucci & Van Ryzin, 2017).¹

This paper shifts focus to examining the difficulties of achieving passive representation, a much less studied question within the field of representative bureaucracy (M. B. Martin & George, 2018). We build on research that examines the perceptions of managers on hiring practices (Grimmelikhuisen, Jilke, Olsen, & Tummers, 2017; M. B. Martin & George, 2018). Managers may be reticent to hire women if they perceive gender incongruence (P. Y. Martin, 1992; Eagly & Karau, 2002), including among the front-line bureaucrats who interact most directly with citizens on behalf of the agency (Lipsky, 1980). If local communities' gender roles are seen as incompatible with the duties of front-line employees, then increasing the number of women front-line employees risks lowering the agency's effectiveness: managers want to employ people that local communities see as appropriate precisely because front-line employees are the bureaucracy's local agent.

We argue that managers employ women unevenly across the country. Bureaucratic elites within an agency may have different perceptions of role congruence for the same job across jurisdictions: the same position may be seen as more or less feminine across different parts of the country, depending on the culture and norms of the local community. We therefore expect that public managers will disproportionately employ women in sub-national jurisdictions where they perceive gender incongruence for women in their bureaucracy to be lowest.

Evaluating the theory is difficult, however, as underlying differences across geographic areas may affect *both* the managerial perceptions of role congruence in the area *and* the local hiring rates of women. We attempt to overcome this problem by examining relative sub-national changes to hiring patterns in the

¹See Riccucci, Van Ryzin, & Lavena (2014) for a recent review of work on active representation. See Meier (1993), Hinderer (1993) and Rocha & Hawes (2009) for research on active representation with regards to marginalized racial and ethnic groups.

immediate aftermath of a national, externally-imposed gender quota. Doing so allows us to plausibly hold constant changes to underlying ideas of role congruence and local conditions, and instead, attempt to isolate the effects of managerial preferences on descriptive representation.²

We empirically evaluate the argument in Kenya after the country's new constitution came into effect in 2013. The constitution mandated that no more than two-thirds of members of "appointive bodies shall be of the same gender."³ Many appointed bodies did not meet the floor set by this quota before 2013. Yet, and in spite of the current absence of formal consequences for non-compliance, nearly all government agencies have been in the process of implementing the quota since. We focus on implementation of the gender quota in the country's most important administrative and security agency, the National Administration. Assistant chiefs – a wholly bureaucratic, appointed position – are this agency's front-line bureaucrats.⁴ They coordinate security and administration within their individual geographic jurisdictions, which are equivalent to small towns.

We collect original, biographic data on assistant chiefs as of 2017. This data, importantly, includes the bureaucrat's year of appointment and gender. We merge this information with other local-level data about each assistant chief's jurisdiction and the citizens they oversee. We find a significant increase in women appointees after the constitution was promulgated in 2013. Interviews with managers in the National Administration in charge of hiring indicate that the gender quota prompted them to improve gender balance within the agency for fear of consequences from non-compliance.

But we find that implementation of the quota has not been uniform across the country. Assistant chief positions are generally viewed as masculine, similar to security posts in other countries (Barnes & O'Brien, 2018). However, and importantly, National Administration elites perceive variation in which sub-national areas have lower levels of role incongruence for women assistant chiefs based on their perceptions of gender norms of the ethnic groups living in different jurisdictions.⁵ Of the country's largest ethnic groups, inter-

²The theory is written for a quota that is applied and monitored at the national level. The adoption of such a quota is plausibly exogenous to the perceptions of managers in any one agency or area. But the theory could easily be adapted to quotas that target sub-national levels of government, so long as there is variation in role congruence at a level below which the quota is applied.

³Kenya constitution, article 27, sub-article 8.

⁴The term "chief" is a holdover from colonization.

⁵The administrative sub-locations of assistant chiefs are fairly homogeneous, in part because administrative units tend to be drawn around ethnic groups.

views with National Administration elites reveal that they perceive gender norms to be the most equal, and gender incongruence for women chiefs to be the lowest, in Kikuyu communities. In line with the theory, we find that many new women were hired in Kikuyu-majority administrative jurisdictions. This result holds even when controlling for other local demographic information that captures *actual* gender inequities.

Our findings thus suggest that hiring managers in the National Administration are meeting the gender quota by increasing the hiring of women in places where they perceive role incongruence to be the lowest. Hiring women in these sub-national areas allows the agency to maximize perceived congruence between bureaucratic positions and employees, ensuring the agency's local authority and clout among citizens, while simultaneously allowing the bureaucracy to meet the gender quota in the aggregate and avoid sanctions for noncompliance. Ultimately, this means that attempts to improve representative bureaucracy may only improve women's representation in the places that were already the most egalitarian.

This paper makes several contributions. First, we add to the debate about the effects of representative bureaucracy. Past research has shown various mechanisms by which gender quotas may improve the livelihoods of women; a critical mass of women in an agency may induce men in the agency to restrain their own biased behavior (Lim, 2006) or respond more robustly to offenses that disproportionately target women (Andrews & Johnston Miller, 2013), seeing women in leadership positions may cause a break-down of negative stereotypes of women (Paola, Scoppa, & Lombardo, 2010), underrepresented groups have more trust in government agencies that passively represent them (Ricucci, Van Ryzin, & Lavena, 2014; Hong, 2016, 2017; Ricucci, Ryzin, & Jackson, 2018), and symbolic representation is a good in and of itself (Meier & Nicholson-Crotty, 2006). At the same time, there is substantial evidence that passive representation does not always result in active representation (Sowa & Selden, 2003; Wilkins & Williams, 2009; Peters, Schröter, & von Maravić, 2015). Our results help explain this tension. When attempts to improve gender balance are not required to be made uniformly, the benefits of representative bureaucracy may only accrue to geographic areas or agencies in which managers perceive congruence to already be high. The parts of a country or agencies that have the most patriarchal gender norms will be the least likely to see passive – let alone active – representation.

In this way, our results highlight a methodological issue with work on representative bureaucracy and suggest a need to study the conditions under which women or other minority groups are hired before studying

the downstream effects of passive representation on outcomes (M. B. Martin & George, 2018). Studies on the effects of minority representation may suffer from systematic selection bias – the positive correlation observed between representative bureaucracy and good governance outcomes in existing work may in part be due to (perceived) differences in the underlying community norms that facilitate members of disadvantaged groups to be hired or be given more responsibilities in a particular locality in the first place.⁶ To make valid causal claims about the effects of representative bureaucracies, research must be cognizant to the conditions under which members of disadvantaged groups are hired.

Finally, we stress the benefits of our focus on Kenya to the field of representative bureaucracy, which has largely examined the United States and the United Kingdom. The focus on these two unrepresentative cases has led to the development of increasingly narrow theories that may not hold for much of the world, thereby limiting the potential impact of scholarship in this field. By examining different contexts, scholars of representative bureaucracy can develop new questions that push back on assumptions in existing work and gain analytical leverage on important topics that the empirical landscape in the US and UK cannot address.

Perceived Role Congruence and Uneven Quota Implementation

We build on work in representative bureaucracy that examines the conditions under which women are appointed. Examining this question is a necessary first step to make inferences about the downstream effects of representative bureaucracy on important outcomes: the conditions that affect whether women are hired are also liable to affect governance separately from their effect on hiring, creating an endogeneity problem. We theorize implementation of a gender quota in agencies in which hiring elites perceive variation in role congruence across localities. We focus on gender quotas that give a floor percentage of the number of women that the agency must employ at an aggregate (often national) level, a common feature of gender quotas.

Our theory revolves around perceptions of role congruence by the managers in an agency in charge of hiring. The perceptions of these elites, in and of themselves, matter for the diversity of an agency (Anestaki,

⁶Work on the effects of *electoral* quotas has tended to overcome this methodological issue by studying the effects of rotating quotas. Studies of this nature have provided convincing evidence about the effect of quotas on important governance outcomes as varied as changes in allocation decisions (Chattopadhyay & Duflo, 2004), community norms (Beaman, Duflo, Pande, & Topalova, 2012), and the influence of informal leaders (who tend to be men) (Clayton, 2014).

Sabharwal, Connelly & Cayer, 2016). But given our focus on front-line bureaucrats, we are concerned more with managers' perceptions of local communities' role congruence across the different localities in which a front-line bureaucrat may be employed.⁷ When elites perceive a locality to hold incongruent ideas about women and the requirements of front-line jobs, they are liable to discriminate against women in the hiring (as well as the promotion and retention) process(es) in that locality (Kelly, 1991; Eagly & Karau, 2002; Riccucci, 2009; Sabharwal, 2013; Smith & Monaghan, 2013). If a community does not perceive women as having the requisite skills or abilities to carry out the duties of her position, then bureaucratic elites risk losing the agency's local clout if they hire women into front-line positions.⁸

Our main argument is that bureaucratic elites will attempt to comply with the gender quota by hiring women unevenly across the country. Bureaucratic elites have a strong incentive to comply with quotas: a non-complying agency risks formal oversight and a loss of bureaucratic autonomy. However, implementation of the quota in the aggregate does not require uniform implementation across localities. To the extent that bureaucratic elites perceive geographic variation in role congruence, elites will increase the hiring of women in administrative jurisdictions where they perceive congruence is most compatible. At the extreme, bureaucratic elites may only implement the quota in localities they perceive as holding the highest levels of role congruence for women bureaucrats, without increasing the hiring of women in areas with the lowest levels of role congruence at all. It is unlikely that this uneven implementation will be sanctioned, or even noticed, for at least two reasons. First, compliance is monitored at the aggregate level that the quota was formally adopted. Second, monitoring tends to be carried out through easily observable metrics – such as an agency's national-level statistics on gender breakdown – to evaluate compliance. To the extent that monitors lack the bandwidth to dig into the nuances of an agency's implementation of a quota, agencies can implement a quota in a manner that hiring elites prefer.

The theory does not give specific predictions as to where perceived role congruence for women is lowest, and thus, where can we expect higher numbers of women appointees after implementation of a gender quota. Indeed, this answer will differ by agency and country, and will depend on bureaucratic elites' knowledge and

⁷We note that our theory does not depend on the locality's actual gender roles except in as much as these ideas affect elites' perceptions of role congruence in the locality.

⁸As such, our theory expects sub-national variation in the representation of women in the local bureaucratic workforce as an outcome of elite perceptions of role congruence, even absent a gender quota.

perceptions of different parts of the country. That said, we adapt the theory to countries with salient identity cleavages. Different identity groups often have different cultural norms and hold different ideas about gender roles. Moreover, identity groups tend to cluster geographically within jurisdictions.⁹ This means that elites' perceptions of local role congruence will often reflect elites' perceptions of role congruence of the local identity group settled in an area. We should therefore expect more women appointees after quotas are adopted in areas inhabited by groups that hiring elites perceive to have the lowest role incongruence for women in their agency.

Context: Front-Line Bureaucrats in Kenya

This section gives information on our case. We describe the National Administration, Kenya's largest and most important security and administration agency, as well as its most local-level bureaucrats, assistant chiefs. We then give background information on Kenya's gender quota which came into force in 2013.

The National Administration and Assistant Chiefs

We examine the conditions under which women front-line bureaucrats are hired through an empirical focus on the lowest tier of the National Administration, an agency within Kenya's Interior Ministry that is in charge of overseeing development, administration, and maintaining law and order.¹⁰ Though Kenya has a devolved state (see Opalo (2020)), the national government retains authority over this bureaucracy (Hassan, 2015).

In Table 1, we detail the structure of the National Administration as of 2009, the most recent year in which a census was conducted, and thus the most recent year for which we have a definitive count of administrative units. We focus specifically on "Assistant Chiefs." Despite their title, assistant chiefs are a wholly bureaucratic position that are appointed and managed by the Interior Ministry – these positions are

⁹Indeed, administrative jurisdictions are often endogenously drawn around identity groups.

¹⁰This agency was known as the Provincial Administration until 2013. For simplicity, we use position titles from the National Administration, including for interviewees who served solely under the former Provincial Administration. Other agencies have overlapping mandates (e.g., National Police Service, various service ministries), but the National Administration is expected to coordinate service provision between agencies.

not hereditary or kept within certain families, but instead, are the equivalent to centrally-appointed mayors. Each assistant chief is the executive administrator within her administrative sub-location. By 2009, each sub-location had an average population of about 5,500. Assistant chiefs require compliance and cooperation from residents in their respective jurisdictions to carry out their jobs. These bureaucrats have a wide range of duties within their sub-location ranging from registering the population, coordinating other security and development arms of the national government, collecting intelligence, disseminating information about new central government policies, implementing those new policies, and overseeing land disputes.

Position	Number of Positions by 2009
Regional Coordinators	7
County Commissioners	47
Deputy County Commissioners	158
Assistant County Commissioners	599
Chiefs	2,599
Assistant Chiefs	7,192

Table 1: National Administration Structure

As Table 1 shows, assistant chiefs are at the very bottom of the National Administration hierarchy. This has two implications for our analysis. First, assistant chief positions are the most numerous within the National Administration, comprising well over half of all appointments in the agency. The rank of assistant chief needs to be in compliance with a quota, or close to it, for the agency as a whole to be in compliance. Second, and unlike higher positions within the Interior Ministry, appointment to an assistant chief position does not require prior experience in the state.¹¹ The gender breakdown of assistant chiefs is not dependent on promotions within the National Administration, but on new hires into this agency.

Assistant chiefs are chosen by bureaucrats higher up the chain of command in the National Administration. Once headquarters in Nairobi sanctions the employment of a new assistant chief, a local hiring committee is put together to fill the position. The composition of the committee varies, but tends to include the Deputy and Assistant County Commissioners who will oversee the assistant chief, as well as other important bureaucrats employed by service ministries in the area (e.g., the local agricultural officer). The local

¹¹This is the reason that we do not analyze the appointment of chiefs. Many chiefs are chosen after having served as an assistant chief in a sub-location within the location beforehand, so we would be unable to determine if appointments to chieftaincy positions are due to gender or prior experience.

Member of Parliament (MP) often plays an informal role as well. The committee first posts notice of and collects applications for the position for at least three weeks. The committee then proceeds to interview the top applicants. The committee then ranks their choices, but the final decision is made by the Principal Secretary and various other lower-level secretaries in ministry headquarters in Nairobi.

The National Administration has many formal and informal criteria for new assistant chiefs. Formally, new hires must reside in the sub-location for which they are applying for a position, have completed secondary school, be between 35-45 years old,¹² and have no criminal record. Informally, new hires must have good standing within the community. Precisely because assistant chiefs are the interior ministry's hands on the ground, the center wants to appoint people that the local community will respect. One important way in which the center ensures the good standing of new assistant chiefs is by only hiring individuals considered indigenous to their sub-location – often times, this means that new hires were both born in the sub-location and are a member of the sub-location's majority ethnic group. For instance, one archival record from the selection of a new chief in Mombasa County in 2014 disqualified an applicant because “the panelist observed that recommending her for appointment of Chief may result in resistance by the locals and leaders since she is not a local.”¹³ Another archival record from Nakuru County found that local residents petitioned their superiors to have an assistant chief removed, claiming that he was not from the local majority tribe and was not a local.¹⁴

The New Constitution, The National Administration, and the Gender Quota

Kenyans voted in favor of a new constitution in 2010 and saw it officially promulgated in 2013.¹⁵ The new constitution seeks to improve diversity, including gender diversity, within the public sector through

¹²Appointment of an assistant chief is until the mandatory retirement age of 60. The Ministry does not want to hire someone that they will soon retire.

¹³“Re: Appointment of chiefs and assistant chiefs - Changamwe Sub-County,” Letter from County Commissioner Mombasa County to Coast Regional Coordinator, June 12, 2015, unspecified folio, Coast Region Headquarters, Mombasa, Kenya.

¹⁴“Memorandum from Kipkabus Location,” To Rift Valley Provincial Commissioner, December 14, 2000, unspecified folio, Rift Valley Region Headquarters, Nakuru, Kenya.

¹⁵See Cottrell & Ghai (2007), Barkan & Mutua (2010) and Kramon & Posner (2011) for Kenya's new constitution. In this Special Issue, Opalo (2018) also examines the ramifications of Kenya's new constitution.

numerous articles.¹⁶¹⁷ Sub-article 8 of article 27 clearly stipulates a quota in which no gender should compose more than two-thirds of elective *or appointive* bodies in the government: “the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.”

We note that, as with many other government agencies, the National Administration has not met the one-third rule (NGEC 2016).¹⁸ Part of this is mechanical: bureaucrats cannot be fired without cause, the majority of bureaucrats are well below the mandatory retirement age, and the agency faces a budget constraint in ramping up new hires. There have yet to be formal consequences, however, in large part because constitutional drafters did not expect government agencies to be in compliance with the gender quota immediately. Instead, they expected government agencies to meet the quota in the medium-run. As one Deputy Secretary within the ministry explained,

First and foremost I want to say that the constitutional requirement for one-third of women in the government and in all state organs is to address a historical imbalance. And if you look at the spirit of that constitution, it demands that government take measures to address the imbalance, contrary to the idea that you must *instantly* address that imbalance. Because if you do that, you’ll have failed to appreciate the historical perspective of that problem ... The current scenario is that we have no one-third. There is a serious imbalance. But through presidential directive, and through deliberate policies to address the gender balance ... we have seen appointments [in the past few years] but the one-third we have not achieved it. And therefore, the focus is what should government do to bring on board more women.

There is an expectation that Parliament will pass legislation to sanction non-complying agencies in the near future. Indeed, a recurring theme in interviews with National Administration managers is the potential for legislative oversight if their agency does not meet the gender quota soon.¹⁹ And Parliament has already

¹⁶Gender is not a salient cleavage in Kenya, and as in many other sub-Saharan African countries, policy preferences do not vary substantially by gender (Gottlieb, Grossman, & Robinson, 2016). The new constitution was passed in the wake of Kenya’s deadly 2007/2008 inter-ethnic election violence. The new constitution sought to increase ethnic equality, but drafters used the opportunity to address other structural inequalities in Kenyan society.

¹⁷See sub-articles 3 and 6 of article 27, as well as article 232, sub-article 1.

¹⁸This is not uncommon for much of the (developing) world where there is often a gap between formal legislation and actual compliance. At the same time, and as discussed below, there are still informal ways in which non-compliance is sanctioned.

¹⁹Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi, Kenya; Interview with then Deputy Secretary of National Administration, June 7, 2018, Nairobi; Interview with Deputy County Commissioner; June 15, 2018, Nairobi.

created the National Gender and Equality Commission (NGEC), an agency tasked with promoting gender equality and acting as watchdog to ensure gender diversity in other government agencies as stipulated in the constitution. The National Administration, like other government agencies, must submit an annual report to the NGEC detailing the strides that it has made to comply with constitution's gender balance mandate. The NGEC publicizes its findings in their own policy reports and public events, with the expectation that citizens use this information to pressure their elected representatives to pressure non-complying agencies. In sum, while the gender quota currently lacks a formal sanctioning mechanism, it still has informal authority that is changing gender balance in the civil service.

We examine changes in the hiring patterns of assistant chiefs. Assistant chiefs comprise more than half of the bureaucracy, so agency compliance with the quota requires an increase in the number of women appointed as assistant chiefs.²⁰ Since the gender quota came into effect, the National Administration has put into place numerous measures to increase the percentage of new assistant chiefs that are women. For instance, current official policy is that hiring committees interview at least one woman applicant for assistant chief positions. If no woman applies during the initial round of application submission, ministry elites in Nairobi often ask the hiring committee to re-advertise the post for an additional three weeks.²¹ Officials discussed how they are instructed to encourage local women to apply for open chieftaincy positions.²² In addition, different elites working in ministry headquarters claim that the Principal Secretary has appointed women ranked second or third by the hiring committee over men ranked first in an attempt to meet the quota.²³

Role Congruence in the National Administration

Our theory requires identifying variation in perceptions of role congruence for women chiefs among the elites within the National Administration who affect hiring decisions. We examine variation across ethnic

²⁰In fact, the National Administration could technically meet the quota without changing hiring patterns of higher-level positions if the agency sufficiently increased the number of women at the assistant chief level.

²¹Interview with then Assistant County Commissioner, July 17, 2017, Machakos, Kenya.

²²Interview with then Assistant County Commissioner, June 22, 2018, Kiambu, Kenya.

²³Interview with former County Commissioner, June 7, 2018, Nairobi. Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi.

groups, instead of variation across areas, because of the salience of ethnicity in Kenya (Elischer, 2013; Horowitz, 2016). Elites' perceptions about areas are largely affected by their perceptions about the cultural norms and practices of the majority ethnic group living there.²⁴

This section draws on nearly two dozen informal, semi-structured interviews with high-ranking officials within the National Administration to allow us to estimate hiring elites' perceptions of role congruence.²⁵ Interviewees included current and former Assistant and Deputy County Commissioners who themselves have screened assistant chief candidates as well as managers who have worked in the headquarters of the National Administration in Nairobi. Together, the interview evidence allows us to substantiate two points. First, elites perceive role incongruence for women in assistant chief positions. Second, and more importantly for the theory, perceived levels of role incongruence vary across ethnic communities. In particular, elites perceived areas dominated by the Kikuyu ethnic group as those with the lowest levels of role incongruity for women assistant chiefs.

General Role Incongruence for Women Assistant Chiefs

Many elites within the National Administration perceive role incongruity for women assistant chiefs due to the the agency's security docket. This incongruity is perceived across the country, regardless of where women are employed. One elite within the agency explained;

The imbalance is obviously in favor of men and seriously so. [We are] sort of a paramilitary sort of outfit. You have to go through rigorous training of a paramilitary training ... because you coordinate security, you are assumed to be a security person and you are subjected to training, along with the police with whom you'll be supervising, so you are supposed to appreciate what they do. And that is the reason why you go for those paramilitary courses While we want to balance, and while we can say that we are all equal in every respect, those conditions are more challenging to women. And for that reason, somehow you find queued imbalance against women.²⁶

A former Principal Secretary of this ministry reiterated, "this is the security arm of state and there's a feeling

²⁴There is high overlap between administrative units and ethnic groups. Though administrative sub-locations are not uniformly homogeneous, the National Administration attempts to hire local assistant chiefs from the majority ethnic group.

²⁵We received clearance to carry out interviews by the National Administration and Kenya's Ministry of Science and Technology (which oversees research). Further, all interviewees consented to being interviewed for academic research.

²⁶Interview with then Deputy Secretary of National Administration, July 17, 2012, Nairobi.

that women are the gentler sex ... Let's say we give a soft spot to our ladies and everybody does that."²⁷ Another official working in the National Administration headquarters explained why he believed women were ill-suited for positions in the agency: "It is the nature of the job. When you look at it vis-à-vis the role of ladies. ... Now in practice it can best be done by men. Because if it is a young woman, she has no entry point."²⁸

Variation in Role Congruence Across Ethnic Groups

At the same time, there is variation in the *degree* of perceived role incongruity across the country. Elites within the National Administration made clear that women would be better able to command respect and control a jurisdiction in some parts of the country over others. These perceptions of local role congruity depend on the ethnic group in the locality. One former official stated, "we are also very cautious [about where we employ women]. Because perception. You [put] them in [an ethnic] community where they don't see how a woman can stand and deal with conflict, so you are dealing with a weak point. So we do all of this."²⁹ Another said,

For chiefs it is not [always] good because of cultural issues. Women in some of our [ethnic] communities are supposed to be in the homestead and there are some [ethnic] communities that have not come to accept that time has come for these ladies to be the chiefs. There are some [ethnic] communities that cannot go to a lady chief. These are challenges.³⁰

Yet another manager said that he was reticent to hire women assistant chiefs in areas where they would be seen as "pushy" – i.e., giving directives to men and demanding compliance – in carrying out their routine duties.³¹

Kenya has more than 40 ethnic groups, but most comprise only a small fraction of the population. According to the 2009 census, the country's largest five ethnic groups jointly comprise more than 60% of the population. These are the Kikuyu (17% of the population), Luhya (14%), Kalenjin (13%), Luo (10%), and Kamba (10%). These "Big 5", as they are known in Kenya, are the ethnic majority in 58% of sub-locations.

²⁷Interview with former Principal Secretary, July 1, 2012, Nairobi.

²⁸Interview with then Deputy County Commissioner, June 8, 2018, Nairobi.

²⁹Interview with then Assistant Secretary of Provincial Administration, July 16, 2012, Nairobi.

³⁰Interview with then Secretary of National Administration, July 17, 2012, Nairobi.

³¹Interview with then Deputy Secretary of National Administration, June 7, 2018, Nairobi.

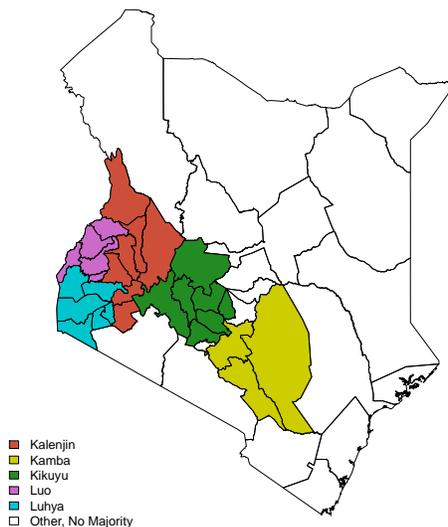


Figure 1: County Ethnic Group Majority. Compiled from the 2014 Socioeconomic Atlas for Kenya’s five largest ethnic groups.

We map the counties (four administrative tiers above sub-locations) in which each of these groups comprises a majority in Figure 1.

We rely on qualitative interviews to estimate gender congruence in Kenya’s largest ethnic groups.³² Numerous National Administration managers cited areas with Kikuyu majorities as those where women chiefs would be better able to carry out their duties. One elite within the Ministry explained that a woman chief “can serve comfortably in, say, Kiambu [a majority Kikuyu county] where women are seen as strong ... but say, in Maasailand [areas dominated by the Maasai ethnic group] or Baringo [where the ethnic majority are from the Kalenjin ethnic group] or those areas it is different.”³³ Another official explained that it was not only Kikuyu culture, but their history that made the community accepting of women in authority positions. The Kikuyu ethnic group was at the center of the anti-colonial *Mau Mau* Rebellion

³²Finding a systematic, reliable measure of gender congruence, or more broadly of gender norms, across ethnic groups in Kenya is difficult. Surveys that ask about gender norms face social desirability bias, while readily available demographic information (such as levels of education or employment) are endogenous to gender norms in the first place.

³³Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi.

(1952-1960) in which hundreds of thousands of (mostly men) insurgents fought against the British or were detained. Referring to this war, the official claimed, “their women are strong. And their culture had to accept [female authority] then [during *Mau Mau*]. Men left and the women took over. This has stayed with them ... until today.”³⁴ Another manager said that while working women, across all sectors, are accepted in Kikuyu-majority areas, he feels pressure to appoint men over women in areas dominated by other ethnic groups because of community gender norms about employment – good jobs, such as chieftancy positions, should go to men.³⁵ Yet another manager explained that, “Central Province [comprised of counties that are all majority Kikuyu] of course has more female chiefs. Because they are more educated, well-exposed.” Whereas this elite considered the culture of the Kikuyu ethnic group “cosmopolitan”, he claimed that the culture of his own ethnic group, “is still very strong and active. They will accept reluctantly the changes imposed on them, extremely reluctant. They actually feel that the government is interfering in their rights in their community.”³⁶ His unwillingness to steadfastly support women applicants for chieftancy positions across all areas of the country was done in order to maintain the agency’s local standing.

Elites in the National Administration have strong perceptions about role congruence in parts of the country dominated by other ethnic groups as well. Gender incongruence was seen as especially high in areas dominated by pastoralist groups. One former Principal Secretary, who himself is from a pastoralist community, said: “There are some peoples who don’t consider women anything. So you get a female [bureaucrat] to go talk to a Maasai or Samburu [two pastoralist groups], or some people in northern Baringo [where the ethnic majority are Kalenjin]. Seeing women as wives. ‘This is our daughter who is telling us! Get [another] to talk to us!’” For his agency to be effective, he had to take gender into consideration. “It was not equal, it was equity” – he sought to achieve *equivalent* governance outcomes by deliberately implementing *unequal* policies in the employment and management of women front-line administrators.³⁷

Data, Models, and Results

We construct a dataset of assistant chief postings using administrative records to evaluate the theory. We

³⁴Interview with then Assistant County Commissioner, June 28, 2018, Nairobi.

³⁵Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi.

³⁶Interview with then Deputy Secretary of National Administration, June 7, 2018, Nairobi.

³⁷Interview with former Principal Secretary of National Administration, July 10, 2012, Nairobi.

were able to collect these returns for 36 of Kenya's 47 counties and an estimated 52% of assistant chiefs from 2015-2018.³⁸ All records list the assistant chief in a sub-location. Records also list the bureaucrat's gender and date of appointment. We merge this data with information from the 2009 census. Most of the census data comes from a random 1% sample of the census at the sub-location level. Given Kenya's history of ethnic and land related conflict, however, the census sample does not contain ethnicity information. Instead, we rely on the Kenya National Statistic Bureau's *Socio-Economic Atlas of Kenya* which lists the majority ethnic group of each sub-location as of 2009.

Kenya's local-level census data is a rich source for scholars of public administration and provided us with necessary information to evaluate our theory. However, we note that we encountered several data quality issues while working with this census data that are illuminative of the problems that scholars studying public administration in the developing world tend to face (Bertelli, Hassan, Honig, Rogger, & Williams, 2020). We describe these issues and how we corrected for them in the Appendix.

Before presenting our statistical results, we first give descriptive statistics of when and where women assistant chiefs were hired. 18% of new hires after 2010 were women, and 20% were women after 2013. Further, we see variation across space. We measure the total number of women assistant chiefs over all assistant chiefs (Figure 2) and the total number of assistant chiefs who are women hired since 2010 over the total number of assistant chiefs hired since 2010 (Figure 3) based on our data sample. Table 2 documents the percentage of women assistant chiefs for Kenya's five largest ethnic groups looking at all assistant chiefs, for assistant chiefs hired after 2010, and for assistant chiefs hired after 2013. We see an increase in the percentage of assistant chiefs who are women hired after passage and promulgation of the constitution across all ethnic groups, with Kikuyu-majority sub-locations showing the highest rates by 2017.

We run 7 logit regressions that examine the effect of the new constitution on the hiring of assistant chiefs

³⁸Missing data is due to one of two separate reasons. First, some records were lost or simply unavailable. Unfortunately, we are missing results from three predominately Kikuyu counties. Second, some records are housed at sites that we could not visit due to safety concerns. These records are located in (and contain information about assistant chiefs who oversee) area's inhabited by ethnic Somalis (the three Eastern-most counties in Figures 2 and 3). This missingness affects our results, but runs against us. National Administration elites perceive these areas to have the most patriarchal gender norms and highest levels of perceived role incongruity for women assistant chiefs. In line with our theory, one Deputy Secretary in the National Administration claimed that there was only one woman serving as an assistant chief in all of Mandera County as of 2018 (Kenya's most north-eastern county).

Sub-location Ethnic Majority	% Women	
	Hired 2010+	Hired 2013+
Kalenjin	10%	12%
Kikuyu	29%	34%
Kamba	24%	28%
Luhya	19%	24%
Luo	13%	14%
Total	18%	20%

Table 2: Gender of Assistant Chief Hiring by Ethnic Group

by gender in Table 3. We restrict the sample to assistant chiefs hired after 2010 because trends in gender norms have evolved over time, making the hiring of women assistant chiefs more likely in recent years across all sub-national areas, independent of the theoretical interest of this paper.³⁹⁴⁰ We cluster standard errors at the district level.⁴¹

The dependent variable across all columns is a binary indicator for whether the current assistant chief is a woman. The independent variable in Column 1 is a binary indicator for whether the assistant chief was hired after 2013, and thus after promulgation of the new constitution. Column 2 includes variables from the 2009 census that proxy for a sub-location's underlying gender norms, and thus more conventional factors as to why a National Administration elites may perceive a community to be more or less willing to accept the authority of a women chief. We measure the level of urbanization by including the percentage of enumeration areas within a sub-location are defined as urban.⁴² We include the percentage of individuals who have completed primary education. This is in part to address new findings that, in Kenya, local public sector employment is dependent on local education levels (Simson, 2018). We also include the difference between, the percentage of employed men and employed women in the sub-location to account for the gender gap in employment (Dometrius & Sigelman, 1984; Gottlieb et al., 2016).

Column 2 also includes variables that test alternative explanations. Past work has found that women

³⁹This restriction biases against us. One extension of the theory is that the elites who make hiring decisions likely began to preemptively hire more women in 2010, as soon as the new constitution was drafted and passed.

⁴⁰Our results are largely robust to changing the sample to all chiefs hired since 2007 (not shown).

⁴¹Our results are robust to clustering at other levels as well (not shown).

⁴²The results are robust to different specifications of the above variables, such as substituting the percent of urban enumeration areas with the percentage of urban or peri-urban enumeration areas (not shown).

are more likely to be selected for leadership positions in agencies that are headed by women (Riccucci & Saidel, 1997; Smith & Monaghan, 2013), so we include an indicator variable for whether the MP of the sub-location's constituency during the year of an assistant chief's appointment was a woman. Separately, our results may be biased if there is real variation in the duties of assistant chiefs over space (as in other field bureaucracies (Kaufman, 1960)) and if this variation is correlated with the location of ethnic communities. As the above qualitative information suggests, maintaining security is both an important part of an assistant chief's job and considered a masculine duty. We include two variables to account for local-level variation in the security duties assistant chiefs. Since Kenya's most deadly conflict is inter-ethnic (Kimenyi & Ndung'u, 2005), we first include an indicator variable for sub-locations in which the sub-location majority is different from the county majority. This variable proxies whether a sub-location might face hostility from other parts of the county. Second, we use the Armed Conflict Location and Event Dataset (ACLED) to geolocate actual violence. We make an indicator variable for whether a sub-county – the lowest administrative level we are able to map the violence – experienced any violence during our study period.

Columns 3-7 include independent variables that correspond to our theory. Each interacts the indicator variable for appointment after 2013 with a separate indicator variable for whether or not the sub-location's majority ethnic group came from one of the country's five largest ethnic groups.

The results are in Table 3. Table 3 suggests that promulgation of the new constitution had a significant effect on the appointment of women chiefs and that much of this effect was concentrated in Kikuyu majority areas. Columns 1 and 2 demonstrate that the National Administration responded to the quota. We see an increase in the hiring of women after 2013. When interacting this term with indicator variables for sub-locations that were dominated by one of the country's five largest ethnic groups, however, we see that much of the hiring of women occurred in Kikuyu majority sub-locations. Substantively, the results from Column 5 indicate women were 16 percentage points (95% CI: 0.07, 0.24) more likely to be hired in Kikuyu majority sub-locations than sub-locations with a different ethnic majority after 2013.

In the Appendix, we evaluate and rule out several alternative explanations. First, we consider whether it may be easier to hire Kikuyu women to assistant chief positions for reasons other than role congruity. Second, we evaluate whether there have been more chieftaincy positions created in Kikuyu areas since 2013, and thus, whether there were more opportunities to hire women in Kikuyu-majority areas. Available

	1	2	3	4	5	6	7
Appointed post-2013	0.38** (0.14)	0.34* (0.14)	0.32* (0.15)	0.32* (0.14)	0.16 (0.16)	0.30* (0.14)	0.32* (0.15)
Kalenjin Majority Sub-Location			-0.79* (0.39)				
Appointed post-2013 Kalenjin Majority Sub-Location			0.23 (0.38)				
Kamba Majority Sub-Location				0.47 (0.49)			
Appointed post-2013 Kamba Majority Sub-Location				0.20 (0.49)			
Kikuyu Majority Sub-Location					0.23 (0.27)		
Appointed post-2013 Kikuyu Majority Sub-Location					0.63* (0.29)		
Luhya Majority Sub-Location						-0.12 (0.32)	
Appointed post-2013 Luhya Majority Sub-Location						0.43 (0.46)	
Luo Majority Sub-Location							-0.43* (0.20)
Appointed post-2013 Luo Majority Sub-Location							-0.22 (0.39)
Woman MP during Appointment		0.19 (0.24)	0.29 (0.20)	0.17 (0.24)	0.19 (0.24)	0.20 (0.25)	0.13 (0.24)
% Urban		0.49* (0.23)	0.37 (0.23)	0.53* (0.23)	0.35† (0.19)	0.49* (0.23)	0.51* (0.22)
% Finishing Secondary School		-1.38 (1.94)	-0.91 (1.88)	-1.70 (1.95)	-0.00 (1.91)	-1.54 (1.95)	-1.22 (1.91)
Heterogeneous County		-0.43* (0.20)	-0.38† (0.20)	-0.37† (0.20)	-0.27 (0.21)	-0.42* (0.20)	-0.50* (0.20)
Employment Gender Gap		-0.17 (0.97)	0.42 (0.86)	-0.43 (0.95)	-0.21 (0.91)	-0.07 (0.97)	-0.50 (0.95)
Violence		0.24† (0.14)	0.18 (0.14)	0.30* (0.14)	0.16 (0.14)	0.24† (0.14)	0.29* (0.14)
Intercept	-1.76*** (0.12)	-1.63*** (0.34)	-1.57*** (0.35)	-1.67*** (0.34)	-1.87*** (0.36)	-1.60*** (0.34)	-1.59*** (0.34)
Num. obs.	1893	1893	1893	1893	1893	1893	1893

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$, † $p < 0.1$. Results from logit regressions of women assistant chief appointees. All columns examine assistant chiefs hired after 2010. Standard errors clustered at the district level.

Table 3: Where Women Assistant Chief are Appointed

data, however, suggests that neither of these explanations can fully explain our results. Third, we consider whether women opt out of applying to assistant chief positions (a supply side constraint) instead of elite decision making based on perceptions of ethnic groups role congruence (a demand side constraint) (Gravier & Roth, 2019). While we can not quantitatively evaluate this hypothesis, elites in charge of hiring indicated that hiring committees were often ordered to re-advertise chieftancy posts if no women applied during the initial round of applications.⁴³ Further, in additional tests, we re-run the interaction term model with the country's next 10 largest ethnic groups. The interaction term is not significant for these other groups or is signed negatively.

Conclusion

In this paper, we examine how bureaucratic elites respond to a gender quota when there is sub-national variation in perceived role congruence for women bureaucrats. We argue that managers will increase hiring of women in areas inhabited by groups where role congruity for women and the duties of the position are thought to be the most compatible. Our empirical analysis provides support for the theory. We collect data on appointments to front-line positions in Kenya's most important administrative and security agency after adoption of a gender quota for each government agency. We interviewed two dozen managers that oversee hiring about role congruence for women bureaucrats in different parts of the country. We find that agency elites have attempted to meet the quota by concentrating new women appointees in areas inhabited by ethnic groups perceived to have the lowest levels of role incongruence.

At its broadest, this paper demonstrates that bureaucratic elites can respond strategically to externally imposed changes. National-level reforms may be implemented unevenly across the country when the incentives and constraints of the bureaucracies carrying them out differ locally (Berliner, 2017). Put differently, aggregate quotas – like the one in Kenya – are at risk of being implemented in a way that undermines the spirit of the law. Slack in oversight pushes implementation to parts of the country where bureaucratic elites perceive the quota will be least disruptive.

While we believe this paper pushes forward several debates in public administration and representative bureaucracy, it has limitations on which future research can build. Kenya's current lack of formal sanctions

⁴³Interview with then Assistant County Commissioner, July 17, 2017, Machakos, Kenya.

for non-compliance limits the official repercussions that managers meet in the short-run. Yet, that managers have still changed their hiring priorities for some subset of new appointees suggests the importance of informal institutions in structuring behavior. This is similar to Berliner (2017), where although the South African Promotion of Access to Information Act lacked a sanctioning mechanism, local political context “endogenously produced incentives for compliance” in some jurisdictions. By shifting the empirical context to a country where informal institutions are strong, this study pushes future research to consider the importance – and at times paramountcy – of the informal in developing countries (Helmke & Levitsky, 2004).

Institutional design is thus especially important for developing countries with salient identity cleavages. Real inequities across groups can persist despite the adoption of policies to close these gaps – public managers are liable to reproduce, and in effect harden, perceptions of different groups within society if policies are not designed to actively counter implicit biases (Grimmelikhuijsen et al., 2017) or made without an understanding of the strength of informal norms upon which formal legislation is layered. Reforms that focus only on formal institutional design may lead to the expected results in developed countries where formal institutions are strong,⁴⁴ but ignoring informal institutions can lead to unintended outcomes across much of the developing world.

⁴⁴For instance, the United Kingdom’s police reforms aimed at hiring more ethnic minorities across local police forces have led to improvements in the organization’s culture and officer relationships’ with citizens, while reducing negative stereotypes about minority citizens (Hong, 2016, 2017).

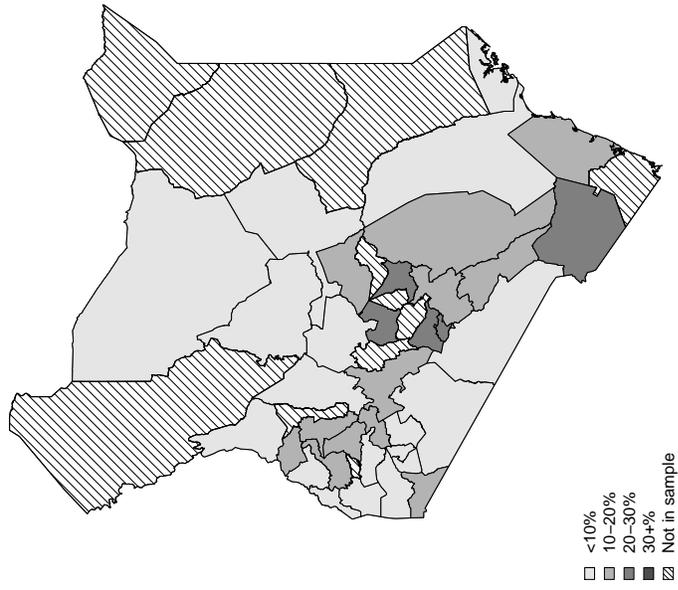


Figure 2: Percentage of Women Assistant Chiefs as of 2017

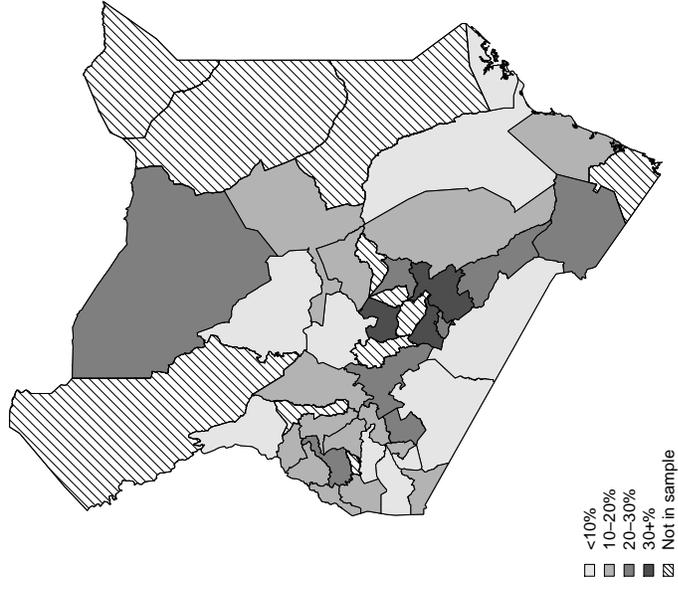


Figure 3: Percentage of Women Assistant Chiefs Appointed Between 2010-2017

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Interviews

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Interview with then Assistant County Commissioner, June 28, 2018, Nairobi, Kenya.

Interview with former County Commissioner, June 7, 2018, Nairobi, Kenya.

Interview with then Deputy Secretary of National Administration, June 8, 2018, Nairobi, Kenya.