Representative Bureaucracy Here But Not There: Gender Norms and Quota Compliance in Kenya

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Abstract

Many countries have formally legislated or adopted gender quotas for government agencies in order to create more representative bureaucracies. The bureaucratic elites within an agency tasked with implementing the quota, however, may be hesitant to fully comply with the quota for front-line bureaucrats if (elites perceive) there is role incongruence among society for female bureaucrats. We argue that hiring elites will focus on hiring women in localities in which role incongruence is (perceived to be) smallest. We find support for this theory when we empirically evaluate appointments to the most important administrative and security agency in Kenya after the adoption of a gender quota. Our results suggest that legislation mandating bureaucratic change will produce uneven implementation as bureaucratic elites balance legislative oversight with gender congruence, thereby preserving bureaucratic autonomy while, in their opinion, maintaining the agency’s local clout.

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1 Introduction

Increasingly, many developing countries are promoting gender balance in the state through gender quotas. 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 actively representative of constituents (Mosher, 1982), thereby improving the quality of decision making and service delivery for constituents as a whole (Meier, 1993; Bradbury & Kellough, 2011; Krislov, 2012). So long as bureaucrats have domain over gendered issues or issues where preferences vary by gender, then increasing female representation can lead to implementation of policies that align with female preferences (Keiser, Wilkins, Meier, & Holland, 2002). Indeed, studies of security agencies in particular have shown that higher proportions of female officers have led to improved outcomes for female constituents (Riccucci, Van Ryzin, & Lavena, 2014).

Bureaucratic elites, however, may face conflicting incentives in increasing female hiring within their agency. We look specifically at hiring among front-line bureaucrats as these are the bureaucrats that interact directly with citizens (Lipsky, 1980). And mechanically, improving gender balance among front-line workers – the most numerous within any agency – is the simplest way to meet an agency-wide gender quota. At the same time, gender is often implicitly attributed to positions (Martin, 1992) so bureaucratic elites may be hesitant to hire female front-line workers when the roles of the position are perceived as masculine (Eagly & Karau, 2002). Bureaucratic elites want to employ bureaucrats that local communities see as appropriate precisely because front-line workers are the agency’s hands-on-the-ground.

We argue that, when pressured to comply with a gender quota, bureaucratic elites will increase hiring of women in areas where congruity between female bureaucrats and the duties of the position are most compatible. These are either areas where local gender norms are most egalitarian, or perhaps more importantly, where bureaucratic elites in charge of hiring perceive local gender norms to be the most egalitarian. Disproportionately hiring female front-line workers in these areas allows the agency to increase (perceived) congruence between bureaucratic positions and employees, thereby ensuring the agency’s local authority and clout among citizens, while simultaneously allowing the bureaucracy to meet the gender quota in the aggregate and thereby preventing potential sanctions for noncompliance.

We empirically evaluate the argument in Kenya after the country promulgated a new constitution in 2013. The new constitution sought to improve diversity within the state for various marginalized groups. Most importantly for this paper, the constitution mandated that no more than two-thirds of members of “appointive bodies shall be of the same gender.”1 Many appointed bodies were in violation of this “30% rule,” as it is known in Kenya, both before 2013 and remain so today. We focus on compliance with the gender quota in the country’s most important administrative and security agency, the National Administration. Assistant chiefs – a wholly bureaucratic, appointed position (the title is a holdover from colonization) – are the agency’s front-line bureaucrats and are expected to coordinate security and administration within their geographic jurisdiction. Assistant chief positions, similar to security posts in other countries (Barnes

1Kenya constitution, article 27, sub-article 8.
& O’Brien, 2018), are viewed as masculine. By 2017, we estimate that women comprised only 11.4% of assistant chief positions.

We estimate sub-national variation in congruence between chieftaincy roles and gender by examining gender norms across the country’s largest ethnic groups. Kenya has 40+ ethnic groups with the largest five comprising more than 60% of the population. We focus on prevailing gender norms among ethnic groups, because assistant chiefs have geographic jurisdictions that are relatively homogeneous. Of the country’s largest ethnic groups, survey evidence suggests that gender norms are the most equal among the Kikuyu ethnic group. Further, qualitative interview evidence with elites in the National Administration both confirms that elites consider the congruence between gender norms of the local ethnic group and chieftaincy duties when making decisions on who to hire to assistant chief openings, and that elites perceive this congruence to be highest among the Kikuyu.

To evaluate the theory, we collect original, biographic data on more than 75% of assistant chiefs as of 2017. This data, importantly, includes the bureaucrat’s year of appointment and gender. We merge this information with census data, including the majority ethnicity of each assistant chief’s jurisdiction. We find that there was a significant increase in female hires after the constitution was promulgated in 2013. And in line with our theory, we find variation in new female hires across the country’s largest ethnic groups with an increase in female hiring concentrated in jurisdictions dominated by the Kikuyu.

This paper makes several contributions. Past research has shown various mechanisms by which gender quotas are expected to improve the livelihoods of female citizens; a critical mass of female employees may induce male employees to restrain their own biased behavior (Lim, 2006), seeing women in leadership positions may cause a break-down of negative stereotypes of women (Paola, Scoppa, & Lombardo, 2010), and underrepresented groups have more trust in government agencies that passively represent them (Ricucci, Van Ryzin, & Lavena, 2014; Hong, 2016). Yet our results indicate that these benefits will accrue to those place in which congruence is already high; those parts of the country with the most patriarchal gender norms are the least likely to see the benefits of a gender quota. These findings suggest two contributions to the literature on representative bureaucracy. First, our results highlight a methodological issue within work on representative bureaucracy and suggests a need to study the conditions under which females (or other minority groups) are hired before studying the downstream effects of passive representation on outcomes. Studies on the effects of female representation in agencies that do not examine the entire country may be systematically biased. The positive effects of representative bureaucracy are caused, in part, by the underlying community norms that allowed for women to be hired in the locality in the first place.

Second, our work shows the importance of the design of gender quotas meant to bring about representative bureaucracy. Broad, aggregate quotas – like the one in Kenya – are at risk of being implemented in a way that undermine the spirit of the law. Slack in implementation pushes implementation to those parts of the country where the quota will be least disruptive, and therefore have the smallest effect. On the other hand, quotas that mandate implementation at the local level have been more successful. For instance, the United Kingdom’s police reforms aimed at hiring more ethnic minorities across local police forces has led to
positive changes on individual police forces and their relationships with citizens (Hong, 2016, 2017). And
India’s local-level electoral quota has found impressive, positive effects from changes in norms (Beaman,
Duflo, Pande, & Topalova, 2012) to changes in local allocation decisions (Chattopadhyay & Duflo, 2004)
precisely because they are locally targeted and force change in areas with the strongest patriarchal norms.
Policies enacted to increase representative bureaucracies should therefore be implemented at the local level.

In addition, this paper contributes to the growing body of research on representativeness in the security
sector (Andrews & Miller, 2013; Riccucci, Van Ryzin, & Lavena, 2014; Hong, 2016). We add to this work
by focusing on a case outside the developed world. Our findings about the lack of female representation
in security agencies validate many of the core ideas within representative bureaucracy, including organiza-
tional discrimination due to elite concerns about compatibility of employees with the constituents they are
serving (Kelly, 1991), by testing them in new settings. In addition, we are able to examine extensions of
representative bureaucracy that were previously under-examined in developed countries. The concentration
of ethnic groups in sub-national areas combined with different gender norms across groups allows us to
test the ways in which bureaucratic elites use perceived norms about different communities when making
managerial decisions. This insight helps answer empirical questions about other cases, including why we
see different rates of female bureaucrats across different communities: bureaucrats making hiring decisions
are affected by their perceptions of the gender norms of different groups.

The paper proceeds as follows: In Section 2, we outline our theory on the conditions under which
bureaucratic elites appoint female front-line officers. Section 3 then gives background information on the
Kenyan case, describing Kenyan assistant chiefs as well as the gender quota in the constitution. Section
4 describes our data, models, and regression results. We then refute alternative explanations in Section 5.
Section 6 concludes.

2 Theory

We build on work in representative bureaucracy that asks about 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 governance outcomes.

Our theory focuses on agencies in which women are under-represented due to beliefs about role in-
congruence. The perceptions of elites in charge of hiring matter for the diversity of an agency (Anestaki,
Sabharwal, Connelly & Cayer, 2016). However we are concerned with the perceptions held by the com-
munities in which front-line bureaucrats serve as well as the perceptions held by hiring elites about those
communities. If a community or locality considers an agency to be gendered and masculine, then there is
incongruity between women’s societal roles and the requirements of a job in that jurisdiction. Hiring elites
are liable to discriminate against women in the hiring (as well as as promotion and retention) process(es)
because the community will not perceive women as having the requisite skills (Kelly, 1991; Eagly & Karau,
2002; Sabharwal, 2013). At the extreme, the community may work to undermine her authority, and by
extension, the agency. In the minds of bureaucratic elites, therefore, discriminating against female appli-
cants is done to improve the agency’s ability to carry out its mandate since hiring front-line employees that constituents’ view as legitimate is necessary for the agency to carry out its mandate (Vinzant, Denhardt, & Crothers, 1998).

We examine the effects of a gender quota within these types of gendered agencies for front-line bureaucrats whom are recruited and posted locally. Gender quotas can take numerous forms, so we focus on quotas that have the following characteristics: 1) quotas that give a floor percentage of the number of females that the agency must employ at some aggregate level, 2) quotas that have not yet been met by the agency in question, and, 3) quotas that are implemented by the agency itself.

We argue that bureaucratic elites in charge of hiring will attempt to comply with the gender quota by hiring female front-line workers unevenly across the country. Bureaucratic elites have a strong incentive to comply with hiring quotas. The adoption of a quota suggests that a significant portion of the electorate supports formal measures to enact representative bureaucracy. Legislators, in turn, risk losing the votes of the quota-supporting segment of their electorate if government agencies do not comply with the quota. As such, legislators have an incentive to investigate agencies that do not meet target goals or even oversee the hiring processes for agencies that seem unwilling to work towards the quota.

But to the extent that there is geographic variation in gender norms, and this variation maps onto the jurisdictions of front-line bureaucrats, bureaucratic elites choose to increase implementation of female hiring in those parts of the country where they perceive congruence is most compatible. Where is (perceived) gender incongruence lowest for females, and thus, where can we expect higher numbers of female appointees after implementation of a gender quota? This answer will differ by agency and country. And it will also depend on bureaucratic elites’ knowledge and perceptions of different parts of the country. We might expect that elites believe gender incongruence for women, across countries, will be lowest in urban areas or areas with high levels of wealth and education.

In addition, bureaucratic elites may believe that gender norms vary across the country’s salient identity groups. Different identity groups have different norms, and in many countries, salient identity groups cluster geographically across and within jurisdictions. We should therefore expect rates of new female hires in areas inhabited by groups that hiring elites perceive to have the lowest incongruence for female employees. At the limit, bureaucratic elites may implement the quota among those groups with the most perceived egalitarian gender norms without increasing female hiring in areas with the most perceived inegalitarian gender norms.

We clarify several facets of the theory. First, the existence of a segment of the population that supports a formal quota means that there is a segment of the population that does not believe there to be role incongruence for female bureaucrats. This segment of the population can co-exist with another section in which gender incongruence for female bureaucrats is high. Indeed, it is likely that the quota-supporting segment of the population is concentrated among the identity groups with the most equal gender norms. Second, the ability to vary hiring rates across space is possible when legislators cannot attentively monitor agencies. In

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2 Indeed, administrative jurisdictions are often endogenously drawn around identity groups.
these cases, legislators use easily observable metrics – such as national level hiring statistics – to evaluate compliance. To the extent that legislators 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.

3 Context: Front-Line Bureaucrats in Kenya

This section gives information on our case. We begin by describing the National Administration, Kenya’s largest and most important security and administration agency, as well as its front-line bureaucrats, assistant chiefs. Next, we give background information on Kenya’s gender quota which came into force in 2013. We then provide information about variation in gender norms and perceived gender norms by National Administration elites across the country’s largest ethnic groups.

3.1 Kenyan Assistant Chiefs

We examine the conditions under which female front-line bureaucrats are hired through an empirical focus on Kenyan assistant chiefs. Assistant chiefs are 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 (see the Appendix for the National Administration’s structure).3 Though Kenya has a devolved state (see Opalo, 2018), the national government retains authority over this bureaucracy and assistant chiefs are among the most important of the national government’s front-line bureaucrats.

Assistant chiefs are a wholly bureaucratic position that are appointed and managed by the Interior Ministry. These positions are not hereditary or kept within certain families, but instead, are the equivalent to centrally-appointed village leaders or appointed mayors. Each assistant chief has authority within a unique administrative jurisdiction, a sub-location, which nests within larger administrative units (see Appendix). By 2009, there were 7,192 sub-locations and by extension 7,192 assistant chief positions. Importantly, assistant chief positions are at the very bottom of the hierarchy – unlike higher positions within the Interior Ministry, appointment to an assistant chief position does not require prior experience in the state.4 Further, assistant chiefs are the most numerous position within the National Administration, comprising more than half of all appointments. Appointments among assistant chiefs need to be in compliance with a quota, or close to it, for the agency as a whole to be in compliance.

Assistant chiefs are chosen by a panel that is comprised of individuals higher up the chain of command in the National Administration. The composition of the panel varies, but tends to include the Deputy and

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3 This agency was known as the Provincial Administration until 2013. 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.

4 This is the reason that we do not analyze the posting of Kenyan chiefs. Chief and assistant chief positions are largely similar, except that chiefs are one rung up the administrative ladder from assistant chiefs and are in charge of an administrative location (which itself is comprised of multiple sub-locations). Many chiefs are chosen after having served as an assistant chief in a sub-location within the location beforehand. We do not analyze the appointment of chiefs because we would be unable to determine if appointments to chieftaincy positions is thus due to gender or prior experience.
Assistant County Commissioners (three and two tiers above an assistant chief, respectively) that will oversee the assistant chief, as well as other important bureaucrats employed by service ministries in the area (e.g., the local agricultural officer). In addition, the local Member of Parliament (MP) often plays an important role in selecting new chiefs (Hassan & Sheely, 2017). The committee must post notice of and collect applications for an assistant chief position for three weeks. The committee then proceeds to interview the top two - five applicants. The committee ranks their choices but the final decision is made by the Permanent Secretary and various Under 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, and have no criminal record. Informally, new hires must have good standing within the community. Precisely because assistant chiefs are the state’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 hires 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 or clan. Indeed, one archival record from the selection of a new chief in Mombasa County in 2014 disqualified one 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.” 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.

Our focus on Kenya’s most important national administrative and security agency represents a critical case for the theory. To the extent that bureaucratic elites consider gender norms in hiring front-line bureaucrats, these norms are likely strongest in the security sector where maintaining law and order is often considered a job for men. In addition, our empirical case draws parallels to other papers in this special issue. We complement Opalo’s (2018) focus on citizen perceptions of the state and its obligations under the new constitution by looking at changes in government agencies in attempting to comply with the new constitution’s mandates.

5 Deputy County Commissioners were known as District Commissioners at the beginning of the study period, and Assistant County Commissioners as District Officers.
6 Appointment of an assistant chief is until the mandatory retirement age of 60. The Ministry does not want to hire someone so old such that they will have to retire and the vacancy be filled again.
7 “Re: Appointment of chiefs and assistant chiefs - Changamwe Sub-County,” Letter from County Commissioner Mombasa County to Coast Regional Coordinator, June 12, 2015, Unspecified archival folio on selection of chiefs and assistant chiefs, Coast Region Headquarters, Mombasa, Kenya.
3.2 The New Constitution, The National Administration, and Meeting the Gender Quota

Kenyans voted in favor of a new constitution in 2010 and saw it officially promulgated in 2013. The new constitution sought to improve diversity, including gender diversity, within the public sector through numerous articles. Article 27 seeks to prevent discrimination writ large, with sub-article 3 stating that “Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.” Sub-article 6 continues: “To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.” And sub-article 8 stipulates that, “[i]n addition to the measures contemplated in clause (6), 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.” Article 232, sub-article 1 further states that, “[t]he values and principles of public service include ... affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of (i) men and women.”

We are particularly interested in sub-article 8’s requirement that no gender should compose more than two-thirds of a elective or appointive bodies in the government. Parliament has passed some legislation to help ensure this quota. Parliament created the National Gender and Equality Commission (NGEC) to promote gender equality and act as watchdog to ensure gender diversity as stipulated in the constitution. The National Administration, like other government agencies, must submit an annual report to the NGEC detailing the strides that they have made to comply with constitution’s gender balance mandate. The NGEC publicizes its findings in their own policy reports and public events. The NGEC does not have the authority to intervene directly in the affairs of a non-complying agency, however. Bureaucracies therefore have wide latitude in determining how to comply. But multiple elites within the National Administration expressed concern that non-compliance might result in legislative oversight.

As with many other government agencies, the National Administration is not close to meeting the one-third rule (NGEC 2016). The top three ranks of the National Administration, comprising just under 1,200 positions, were only 20% female by 2012. And we estimate that the country’s more than 7,000 assistant chiefs were only 11% women by 2017 (see below for a description of the data).

The National Administration is hoping to gradually meet the gender quota by increasing the percentage of new hires that are female. Since promulgation of the new constitution in 2013, official policy within the National Administration is that hiring committees interview at least one female applicant for assistant chief positions. If no female applies during the initial round of application submission, ministry elites in Nairobi

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10Kenya Constitution.

11Interview with then Under Secretary of National Administration, 8 June 2018, Nairobi Kenya; Interview with then Under Secretary of National Administration, 7 June 2018; Interview with Deputy County Commissioner; 15 June 2018, Nairobi, Kenya.
often ask the hiring committee to re-advertise the post for an additional three weeks.\textsuperscript{12} Multiple officials claimed that their superiors within the ministry asked them to encourage local women to apply for open chieftaincy positions.\textsuperscript{13} And different elites working in the ministry headquarters claim that the Permanent Secretary has appointed women ranked second or third by the hiring committee over male applicants ranked first in an attempt to meet the quota.\textsuperscript{14}

### 3.3 Gender Norms Across Kenya

Our theory requires identifying variation in role congruence for female chiefs across different ethnic groups, or more specifically, perceptions of this role incongruity by the elites within the National Administration who affect hiring decisions. We examine variation across ethnic groups, instead of variation across areas, because of the salience of ethnicity in Kenya (Elischer, 2013; Horowitz, 2016). Elites’ perceptions about areas is largely affected by their perceptions about the majority ethnic group living there. This is possible because there 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.

We look at the country’s largest ethnic groups. Kenya has more than 40 ethnic groups, but most comprise only a small fraction of the population. The country’s largest five ethnic groups, together 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. We map the counties (four administrative tiers above sub-locations) in which each of these four groups comprises a majority in Figure 1.

We attempt to evaluate role congruence in two ways. First, we attempt to uncover underlying gender equity by examining variation in education.\textsuperscript{15} We do so cautiously, however, because we recognize that measures such as educational attainment are noisy indicators of gender norms that are affected by politics.\textsuperscript{16} We pool data from the Demographic and Health Surveys (DHS) on Kenya, from 1993 - 2009. The DHS collects information on educational attainment and ethnicity. We then determined secondary school completion rates by gender and ethnic group. There is a large gender gap in education in the country as a whole: 29\% of females completed secondary school (95\% Confidence Interval: 28.5, 29.5) whereas 39\% of males did (95\%CI: 38.3, 40.0). But this gap varies in size by ethnic group, as seen in Figure 2. The left bar for each ethnic group gives the percentage of women of that ethnicity who completed secondary school with 95\% confidence intervals, and the right bar men. Notably, Kikuyu female education rates are the highest among

\textsuperscript{12}Interview with then Assistant County Commissioner, 17 July 2017, Machakos, Kenya.
\textsuperscript{13}Interview with then Assistant County Commissioner, 22 June 2018, Kiambu, Kenya.
\textsuperscript{14}Interview with a former County Commissioner, 7 June 2018, Nairobi Kenya. Interview with a then Under Secretary of National Administration, 8 June 2018, Nairobi Kenya.
\textsuperscript{15}We do not use surveys that ask about gender equity because they are subject to social desirability bias; individuals may attempt to conceal biased conceptions about gender when asked.
\textsuperscript{16}Kramon & Posner (2016) find that education rates among ethnic groups increase when a co-ethnic is president. Importantly, they find no evidence of increases in education among presidents’ co-ethnics by gender.
the five and the gender gap is relatively small, suggesting more equitable gender norms among this group.

Our second measure of role congruence is from hiring elites themselves. We carried out nearly two dozen informal, semi-structured interviews with high-ranking officials within the National Administration to give us a sense of the agency’s perceived gender norms for different ethnic groups. These officials ranged from Assistant County Commissioners who themselves screened and interviewed candidates, to elites working in Ministry headquarters in Nairobi. These interviews helped us establish that hiring elites believed their agency to be gendered. In addition, numerous elites within the National Administration singled out particular ethnic groups as being receptive or adverse to female chiefs given the gendered role of the agency. And importantly, many of these elites had fairly similar perceptions about different ethnic groups.

When asking numerous elites about where female chiefs were best able to carry out their duties, many cited counties with Kikuyu majorities. One elite within the Ministry explained that a female chief “can serve comfortably in, say, Kiambu [a majority Kikuyu county] where women are seen as strong ... but, say, in Maasailand or Baringo or those areas it is different.”17 This elite’s rationalization is in-line with our role congruency theory: Kikuyu communities perceive females to have qualities necessary for security and administration. Another official explained that it was not only Kikuyu culture, but their history that made

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17Interview with a then Under Secretary of National Administration, 8 June 2018, Nairobi, Kenya.
Figure 2: Secondary School Completion Rates by Gender and Ethnic Group. Compiled from all waves of the Demographic and Health Surveys (DHS) before the adoption of the new constitution (1993-2008) for Kenya’s five largest ethnic groups.
the community accepting of female authority. The Kikuyu launched the anti-colonial Mau Mau Rebellion (1952 - 1960) in which hundreds of thousands of (mostly male) Kikuyu fought or detailed.\textsuperscript{18} Referring to this, the official claimed that “their women are strong. And their culture had to accept it then [during Mau Mau]. Men left and the women took over. This has stayed with them ... until today.”\textsuperscript{19}

To be sure, elites in this bureaucracy consider gender norms of the host community when managing bureaucrats of higher levels too. One former Permanent Secretary, who himself is from the Kalenjin community, discussed the loss of authority that his agency would see if it employed female bureaucrats in areas where gender incongruence is high: “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 ethnic communities], 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 most efficient, he had to take gender into consideration. “It was not equal, it was equity” – he sought to achieve \textit{equivalent} governance outcomes by deliberately implementing \textit{unequal} policies in the employment and management of female front-line administrators.\textsuperscript{20}

\section{Data and Models}

We construct a dataset of assistant chief postings dataset using administrative records. These records give information on each appointee, including their appointment date and their gender.\textsuperscript{21} We were able to collect these returns for 36 of Kenya’s 47 counties and an estimated 76\% of assistant chiefs from 2015 - 2017.\textsuperscript{22} 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.\textsuperscript{23} 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 \textit{Socio-Economic Atlas of Kenya} which lists the majority ethnic group of each sub-location as of 2009. The data from the census allows us to test different hypotheses about where the central government employs female assistant chiefs (see below).

There is variation in when and where female assistant chiefs were hired. 16\% of new hires after 2010 were women, and 25\% were women after 2013. Further, we see variation across space. Past work has developed various measures of passive representation (see Riccucci & Saidel 1997 for a review). We use a

\textsuperscript{18}See Anderson (2005), Elkins (2005).
\textsuperscript{19}Interview with then Assistant County Commissioner, 28 June, 2018, Nairobi, Kenya.
\textsuperscript{20}Interview with former Permanent Secretary of Provincial Administration, 10 July 2012, Nairobi, Kenya.
\textsuperscript{21}See the Appendix for an anonymized version of these records.
\textsuperscript{22}Missing data stems from two separate reasons. First, there were some records that were lost or simply unavailable. We did not see a pattern to this missingness and we do not believe that this missingness affects our results. Second, there were some records housed at sites that we could not visit due to safety concerns. These records are of area’s inhabited by ethnic Somalis (Eastern most three counties in Figures 4 and 3), and importantly, elites in National Administration claimed that these areas did have different levels of female assistant chief appointments. However, this bias goes against us. These areas of the country have the most patriarchal gender norms, and as such, the Ministry has not hired many female assistant chiefs. In Mandera, the north-eastern most county, the undersecretary claimed that there is only one female assistant chief.
\textsuperscript{23}The 2009 census is the most recent census before the assistant chief records.
representative ratio whereby we measure the total number of female bureaucrats over all bureaucrats (Figure 3) and the total number of female bureaucrats hired since 2010 over the total number of bureaucrats hired since 2010 (Figure 4). Table 1 documents the percentage of female 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 female assistant chiefs hired after passage and promulgation of the constitution across all ethnic groups, with the Kikuyu showing the highest rates of female chiefs by 2017. We examine the increases across time and space more systematically below.

Figure 3: Percentage of Female Assistant Chiefs as of 2017

Figure 4: Percentage of Female Assistant Chiefs Appointed Between 2010 - 2017

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>By 2017</th>
<th>Hired 2010+</th>
<th>Hired 2013+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kalenjin</td>
<td>8%</td>
<td>13%</td>
<td>14%</td>
</tr>
<tr>
<td>Kikuyu</td>
<td>19%</td>
<td>22%</td>
<td>27%</td>
</tr>
<tr>
<td>Kamba</td>
<td>15%</td>
<td>24%</td>
<td>33%</td>
</tr>
<tr>
<td>Luhya</td>
<td>13%</td>
<td>18%</td>
<td>20%</td>
</tr>
<tr>
<td>Luo</td>
<td>9%</td>
<td>10%</td>
<td>12%</td>
</tr>
<tr>
<td>(Total)</td>
<td>11%</td>
<td>16%</td>
<td>18%</td>
</tr>
</tbody>
</table>

Table 1: Gender of Assistant Chief Hiring by Ethnic Group

We run 7 logit regressions that examine the effect of the new constitution on the hiring of female assistant
chiefs, as well as any potential heterogeneous effects by ethnic group, in Table 2. The dependent variable of Column 1 in Table 2 is a binary indicator for whether the current assistant chief is female over our full sample of data. Columns 2 - 8 use the same dependent variable but restrict the sample to assistant chiefs hired after 2010. Columns 3 - 8 include independent variables that correspond to our theory. The main explanatory variable in Column 3 is an indicator variable for whether an appointment was made after 2013, and thus after promulgation of the new constitution. Columns 4 - 8 interact this indicator variable with a separate indicator for whether or not the sub-location’s majority ethnic group came from one of the country’s five largest ethnic groups.

All of our regressions control for variables that may affect local-level variation in perceptions of role congruity. We measure the level of urbanization by including the percentage of enumeration areas within a sub-location that the 2009 census defined as urban. We include the percentage of residents in the sample who have electricity as an indicator for local wealth.24 We include the percentage of individuals who have completed secondary education. We also include a measure of local female employment by including the difference between the percentage of employed females and employed males in the sub-location to account for the gender gap in private versus public sector employment (Dometrius & Sigelman, 1984). We also control for ethnic heterogeneity by including an indicator variable for sub-locations where there is no majority ethnic group as well as sub-locations where the majority ethnic group differs from the county’s majority ethnic group. We cluster standard errors at the county level.25

The regressions also control for variables that may affect perceptions of the hiring elites in charge of assistant chief selection. Past work has found that women are more likely to get into leadership positions in agencies that are headed by women, in part because these organizations are considered feminine or positions that oversee feminine policy areas (Riccucci & Saidel, 1997; Smith & Monaghan, 2013). Given the important role of the local MP in influencing the selection process (Hassan & Sheely, 2017), we therefore include an indicator variable for whether the MP of the sub-location’s constituency during the year of an assistant chief’s appointment was female.

The results are in Table 2 and give support to the theory. Table 2 suggests both that promulgation of the new constitution had a significant effect on the appointment of female chiefs and that much of this effect was concentrated among one ethnic group. Columns 1 - 2 suggest that our control variables do not explain where female assistant chiefs in our full sample are employed (Column 1) or that have hired them since 2010 (Column 2). Column 3 suggests women were 3.7 percentage points (95% Confidence Interval: 0.1, 6.7) more likely to be hired after promulgation of the constitution in 2013 than before. 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 female assistant chiefs occurred in Kikuyu majority areas. For assistant chiefs appointed after 2013, women were 7.9 percentage points (95% CI: 0.1, 15.3) more likely

24 The results are robust to different specifications of the above variables, including substituting the percent of urban enumeration areas with the percentage of urban or peri-urban enumeration areas and the percentage of individuals completing secondary school (see Appendix).

25 Our results are robust to clustering at other levels (not shown).
to be hired in Kikuyu majority sub-locations than sub-locations with a different ethnic majority. We do not see this interactive effect among any other ethnic group.

We also find some support for an effect of females on hiring committees. The regressions indicate that whether the sub-location’s MP was a female in the year of an assistant chief’s appointment is associated with a 3.9 (95% CI: 0.4, 7.9) percentage point increase in the hiring of a female assistant chief. Further, if we interact the indicator for a female MP with appointments made after promulgation of the new constitution, we see that women were 14.6 percentage points more likely to be appointed in constituencies represented by a female MP after 2013 than before (95% CI: 0.0, 31.1). In line with the theory, we see that females in leadership and authority positions, who are unlikely to see incongruence between the hiring of female applicants and the duties of a position, can push for increases in female hiring.

5 Refuting Alternative Explanations

Our theory argues that variation in female hiring is due to the perceptions of hiring elites about different ethnic communities willingness to accept a female bureaucrat. Table 2 shows results that are consistent with the theory. This section considers alternative explanations of our results, and refutes them each in turn, to further establish confidence in the validity of our theory in the Kenyan case.

First, perhaps there is real variation in the duties of assistant chiefs over space (as in other field bureaucracies (Kaufman, 1960)) and that this variation is correlated with the location of ethnic communities. If these duties are gendered – such as maintaining law and order – then the results from Table 2 are simply showing that hiring elites are unwilling to hire females in the localities where masculinity is deemed necessary. To refute this argument, we incorporate data on violent events to determine where maintaining law and order is most difficult. We use Armed Conflict Location and Event Dataset (ACLED) data to geolocate violence to the sub-county-level.\(^{26}\) We make an indicator variable of whether a sub-county experienced any violence during our study period. We re-run the main model after interacting this indicator variable with an indicator variable for appointments made after 2013 (see Appendix). This interaction term and the lower-order violence term are not significant. This suggests that violence does not significantly alter the likelihood that a female will be hired as an assistant chief.

Second, gender norms could make it easier to hire Kikuyu women to assistant chief positions for reasons other than role congruity. If Kikuyu women are more qualified on average than women from other ethnic groups, then Kikuyu areas would see more female chiefs simply because there are more qualified female applicants. Though female completion rates of secondary school are highest among the Kikuyu, as we showed earlier in Figure 2, some other ethnic groups have high rates of female education too. Further, the ministry recognizes this variation in qualifications and gives waivers to local hiring committees if the committee does not have enough applicants who meet the minimum education threshold.\(^{27}\) Even if Kikuyu

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\(^{26}\)Unfortunately, we could not accurately geo-reference this data to the sub-location level.

\(^{27}\)Unspecified folio on chief and assistant chief selection from 2014 - 2015, Coast Regional Headquarters, Mombasa, Kenya.
Table 2: Main Results: Where Female Assistant Chief are Appointed

<table>
<thead>
<tr>
<th>Assistant Chief Sample:</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed post-2012</td>
<td>0.26*</td>
<td>0.31*</td>
<td>0.27*</td>
<td>0.18</td>
<td>0.25†</td>
<td>0.26†</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kalenjin Majority Sub-Location</td>
<td>–0.28</td>
<td>(0.13)</td>
<td>(0.14)</td>
<td>(0.13)</td>
<td>(0.14)</td>
<td>(0.13)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointed post-2012 * Kalenjin Majority Sub-Location</td>
<td>–0.10</td>
<td>(0.29)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kamba Majority Sub-Location</td>
<td>0.50</td>
<td>(0.34)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointed post-2012 * Kamba Majority Sub-Location</td>
<td>0.25</td>
<td>(0.46)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kikuyu Majority Sub-Location</td>
<td>–0.02</td>
<td>(0.24)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointed post-2012 * Kikuyu Majority Sub-Location</td>
<td>0.55*</td>
<td>(0.28)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luhya Majority Sub-Location</td>
<td>–0.10</td>
<td>(0.25)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointed post-2012 * Luhya Majority Sub-Location</td>
<td>0.30</td>
<td>(0.41)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Luo Majority Sub-Location</td>
<td>–0.52*</td>
<td>(0.22)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appointed post-2012 * Luo Majority Sub-Location</td>
<td>–0.05</td>
<td>(0.25)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female MP during Appointment</td>
<td>0.99***</td>
<td>0.59*</td>
<td>0.64*</td>
<td>0.70**</td>
<td>0.66*</td>
<td>0.65*</td>
<td>0.64*</td>
<td>0.60*</td>
</tr>
<tr>
<td>% Urban</td>
<td>0.15</td>
<td>(0.28)</td>
<td>(0.28)</td>
<td>(0.26)</td>
<td>(0.28)</td>
<td>(0.28)</td>
<td>(0.28)</td>
<td>(0.27)</td>
</tr>
<tr>
<td>% w/Electricity electricity mean</td>
<td>0.76</td>
<td>(0.30)</td>
<td>(0.32)</td>
<td>(0.32)</td>
<td>(0.32)</td>
<td>(0.32)</td>
<td>(0.33)</td>
<td>(0.33)</td>
</tr>
<tr>
<td>% Finishing Secondary School</td>
<td>0.26</td>
<td>(1.00)</td>
<td>(1.20)</td>
<td>(1.21)</td>
<td>(1.24)</td>
<td>(1.19)</td>
<td>(1.22)</td>
<td>(1.18)</td>
</tr>
<tr>
<td>Heterogeneous County</td>
<td>–0.27</td>
<td>(0.19)</td>
<td>(0.23)</td>
<td>(0.23)</td>
<td>(0.22)</td>
<td>(0.23)</td>
<td>(0.24)</td>
<td>(0.24)</td>
</tr>
<tr>
<td>Heterogeneous Sub-Location</td>
<td>0.27</td>
<td>(0.26)</td>
<td>(0.28)</td>
<td>(0.28)</td>
<td>(0.29)</td>
<td>(0.29)</td>
<td>(0.29)</td>
<td>(0.28)</td>
</tr>
<tr>
<td>Employment Gender Gap</td>
<td>–0.44</td>
<td>(0.75)</td>
<td>(0.82)</td>
<td>(0.83)</td>
<td>(0.86)</td>
<td>(0.83)</td>
<td>(0.82)</td>
<td>(0.83)</td>
</tr>
<tr>
<td>Intercept</td>
<td>–1.77***</td>
<td>(0.23)</td>
<td>–1.88***</td>
<td>–1.80**</td>
<td>–1.94***</td>
<td>–1.91***</td>
<td>–1.87***</td>
<td>–1.78***</td>
</tr>
<tr>
<td>Num. obs.</td>
<td>5433</td>
<td>2750</td>
<td>2750</td>
<td>2750</td>
<td>2750</td>
<td>2750</td>
<td>2750</td>
<td>2750</td>
</tr>
</tbody>
</table>

***p < 0.001, ** p < 0.01, * p < 0.05, † p < 0.1. Results from logit regressions of female assistant chief appointees. Column 1 examines all assistant chiefs. Columns 2 - 8 examine assistant chiefs hired after 2010. Standard errors clustered at the county level.
women have higher levels of education, the increase in female hiring among the Kikuyu is unlikely due to variation in female candidate qualifications.

Third, it could be that there have been more chieftaincy positions created in Kikuyu areas since 2013, and our findings would thus be a function of the need to fill a higher proportion of assistant chief positions in Kikuyu areas as opposed to a concerted effort to increase female hirers in Kikuyu areas. New chieftaincy positions often go to constituencies represented by strong, ruling party MPs (Hassan & Sheely, 2017). The current president, who took office in 2013, is Kikuyu and many of his strongest legislative supporters are Kikuyu. This alternative explanation suggests that our results might be mechanical: the agency is simply attempting to comply with the gender quota and there are more opportunities to hire women in Kikuyu areas. However, as shown in Figure 5, the rates of new hirers in Kikuyu areas was not significantly different from rates of new hirers in areas inhabited by the country’s other largest ethnic groups. We therefore cannot attribute the increase in female hiring among the Kikuyu to an increased number of positions among this group.

Figure 5: Assistant chief hiring rates, by year and ethnic group

6 Conclusion

In this paper, we examine how bureaucratic elites within a gendered and masculine agency respond to a new gender quota. We argue that bureaucratic elites will increase hiring of women in areas inhabited by groups where role congruity between female bureaucrats and the duties of the position are thought to be the most compatible. This allows the agency to stay in compliance with the quota while not substantially affecting the ability of their agency to carry out its functions at the local level.
Our empirical analysis provides support for our theory. We collect data on the gender of appointments to front line bureaucratic positions in Kenya’s most important administrative and security agency after adoption of a new constitution which includes a gender quota. We find that agency elites have attempted to meet the quota by concentrating hiring of female bureaucrats in areas inhabited by the ethnic group perceived to have the most progressive gender norms.

Women and minority groups face glass walls between agencies (Newman, 1994; Sneed, 2007). Our findings add to this work by recognizing that recruitment does not only vary by agency, but within an agency across space. Even when quotas are implemented to break down the barriers to entry for marginalized groups, bureaucratic elites can sidestep the spirit of the quota by concentrating compliance in areas that are least likely to resist the authority of a quota appointee. In this way, passive representation may only translate to active representative within bureaucracies in areas that already have relatively high levels of active representation. As a result, our research suggests that gender quotas be as locally targeted as possible. If a quota is only mandated in the aggregate, bureaucratic elites may take the path of least resistance, avoiding compliance in precisely the areas that stand to benefit most from diversity and inclusion efforts.
References


**Interviews**

Interview with former Permanent Secretary of Provincial Administration, 10 July, 2012, Nairobi, Kenya.
Interview with then Assistant County Commissioner, 17 July, 2017, Machakos, Kenya.
Interview with then Assistant County Commissioner, 22 June, 2018, Kiambu, Kenya.
Interview with then Assistant County Commissioner, 28 June, 2018, Nairobi, Kenya.
Interview with a former County Commissioner, 7 June, 2018, Nairobi, Kenya.
Interview with a then Under Secretary of National Administration, 8 June, 2018, Nairobi, Kenya.