

Significance of a feminist constitutional analysis of local government

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This chapter focuses on the research question why should local government be analysed within feminist constitutionalism? Local government is the third tier of governance in a country that is distinguished from the central and subnational levels. Members to local government institutions are elected from within the localities. Feminist constitutionalism involves procedural and substantive elements and involves rethinking constitutional law through feminist analysis. Within this broader question, the chapter asks three sub-questions: why has feminist constitutionalism not focused on local government thus far? What are the recent developments in constitutional law and constitutional theory on local government that warrant a reconsideration of feminist constitutionalism's lack of focus in this area? What is the significance of analysing constitutional theory on local government through feminist constitutionalism? This chapter will use the feminist methods of exploring the silences and rely on comparative constitutions and academic writings as materials. My main argument in this chapter is that centralised nature of the modern nation state and historical lack of constitutional recognition for local government has resulted in the neglect of analysing local government through feminist constitutionalism. However, this is changing with more recent constitutional developments that provide constitutional status to the local authorities and the renewed academic interest in the transforming nature of the local government with the rise of cities and megacities. This calls for a reassessment of the constitutional theories of local government through feminist constitutionalism. There are two constitutional theories on local governance developed in the United Kingdom. I call these theories 'unitary constitutional theories of local government' in contrast to the literature emanating from federal constitutional theories. They are local democracy and self-government. Meanwhile, federal constitutional theories on local governance are subsidiarity, local autonomy, and partnership. It is important to analyse these theories through feminist constitutionalism because countries electoral reforms at the local authority level include gender quotas, parliaments consider that women have distinct political contributions to make at the local level, and that local government level is a training space for politicians.