

WOMEN AS CONSTITUTIONAL ARCHITECTS: A COMPARATIVE STUDY OF WOMEN'S CONTRIBUTIONS TO CONSTITUTION- MAKING

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ABSTRACT

Constitution-making is traditionally narrated through the contributions of prominent political and legal actors, often obscuring the role of women who participated in shaping constitutional orders. This research examines women as “constitutional architects” by comparatively analysing their contributions to constitution-making and constitutional transformation in India, South Africa, Nepal, Rwanda, the Philippines and Ireland. It moves beyond the question of numerical representation to examine the substantive nature, constitutional significance and influence of women’s interventions. Particular attention is given to their contributions to equality, citizenship, fundamental rights, dignity, social justice, political representation and gender-sensitive constitutional guarantees. The study also examines the institutional conditions that enabled or constrained women’s participation, including constituent assemblies, reserved representation, political mobilisation and civil-society advocacy. Through a doctrinal and comparative legal methodology, the research draws upon constitutional texts, constituent assembly debates, official records, scholarly books and peer-reviewed literature. It critically evaluates whether women’s formal participation translated into substantive constitutional influence and identifies similarities and differences across the selected jurisdictions. The study argues that women’s contribution to constitution-making cannot be assessed solely through their numerical presence. Their constitutional suggestions, deliberative interventions and political agency contributed to broader principles of equality, dignity and social justice. The comparative analysis demonstrates the importance of meaningful, rather than merely symbolic, participation of women in constitution-making and highlights their continuing significance to inclusive and transformative constitutionalism.

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CHAPTER I: INTRODUCTION AND RESEARCH FRAMEWORK

1.1 Background and Context of the Study

A constitution is more than a legal framework establishing the institutions and powers of the State. It also reflects the values, aspirations and social choices of the people who participate in its making. The process of constitution-making therefore has significance beyond the drafting of legal provisions. It determines whose experiences are recognised, whose interests are represented and whose vision of citizenship becomes part of the constitutional order.²

Historically, however, constitution-making has often been narrated through the contributions of prominent male political leaders, lawyers and statesmen. This has sometimes resulted in women being portrayed primarily as beneficiaries of constitutional rights rather than as active participants in the creation of those rights. Such an understanding overlooks the fact that women have participated in constitutional processes as members of constituent assemblies, political actors, lawyers, activists, social reformers and representatives of organised women's movements.³ The participation of women becomes particularly important when constitutional questions concerning equality, citizenship, political representation, social justice and fundamental rights are considered. Women's experiences can introduce perspectives that may otherwise remain absent from constitutional deliberations. At the same time, women's constitutional contributions cannot be confined to matters conventionally labelled as "**women's issues.**" Women constitution-makers have also participated in debates concerning democratic governance, minority rights, education, labour, federalism and the institutional structure of the State.⁴

India provides an important example of this broader participation. Fifteen women were members of the Constituent Assembly, and their interventions extended across several constitutional questions. Their participation demonstrates that women were not merely recipients of the constitutional promise of equality but also participants in the process through which that promise was formulated.⁵ Similar experiences can be identified in other

² Ruth Rubio-Marín & Helen Irving, *Women as Constitution-Makers: Case Studies from the New Democratic Era* 1–30 (Cambridge Univ. Press 2019).

³ Id.

⁴ Nila Mohanan, Negotiating Political Power at "Critical Junctures": Women and Constitution Drafting in South Africa and India, 57 *J. Asian & Afr. Stud.* 559, 559–73 (2022).

⁵ Rajesh Kumar, Equality for Women: The Constituent Assembly Debates and the Making of Equality Jurisprudence by and for Women, 52 *Soc. Change* 350, 350–68 (2022).

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constitutional settings, including South Africa, Nepal, Rwanda, the Philippines and Ireland, although the institutional opportunities and methods of participation differed considerably. Against this background, the present study examines women not simply as participants in constitution-making but as "**constitutional architects**." The expression highlights their role in shaping constitutional ideas, advocating particular rights and principles, influencing deliberations and, in some circumstances, contributing to the institutional design of the constitutional order.

1.2 Women and the Process of Constitution-Making

Constitution-making is generally understood as a process involving the creation or fundamental revision of a constitution. It may take place through constituent assemblies, constitutional conventions, parliamentary processes, negotiated political settlements or broader public participation. Women's participation can therefore occur at several stages and through different institutional mechanisms.

A significant distinction must be made between **descriptive representation and substantive influence**. The presence of women within a constitution-making institution provides an important indication of political inclusion, but numbers alone cannot establish whether women were able to influence constitutional outcomes. A constitution-making process may contain a considerable number of women while still limiting their capacity to shape important decisions. Conversely, women may exercise influence through political movements and civil society organisations even where their representation within formal institutions is comparatively small.⁶

The South African experience illustrates the importance of collective mobilisation. During the transition to democracy, women organised across political and social divisions through the Women's National Coalition and sought to ensure that women's concerns were incorporated into the constitutional process.⁷ In India, women's participation developed within the broader nationalist and constituent framework, with individual women members making interventions on a range of constitutional questions. These experiences demonstrate that women's constitutional agency can take both **individual and collective forms**.

Accordingly, this study adopts a broad understanding of constitution-making. It considers not only membership of formal constitution-making institutions but also advocacy, political

⁶Mohanan, supra note 3, at 559–73.

⁷ Id.

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mobilisation, negotiation and other forms of participation capable of influencing constitutional outcomes.

1.3 Conceptualising Women as “Constitutional Architects”

The term "**constitutional architects**" is used in this research to describe women whose participation had a meaningful connection with the formulation, development or advancement of constitutional principles, rights or institutions.

The concept rests upon **three interconnected dimensions: participation, agency and influence**. Participation refers to women's involvement in formal or informal constitutional processes. Agency refers to their capacity to articulate political and constitutional claims rather than merely being represented by others. Influence concerns the extent to which those claims contributed to constitutional debates, provisions, principles or institutional arrangements.

This approach deliberately moves beyond a numerical understanding of representation. The question is not simply how many women were present but what they did, what they argued for, the political strategies they adopted and whether their interventions carried constitutional significance.

The concept also challenges traditional accounts of constitutional authorship. Feminist constitutional scholarship has emphasised that constitutional structures and rights cannot be understood without examining the gendered assumptions embedded within political and legal institutions.⁸ Recognising women as constitutional architects therefore contributes to a more complete understanding of constitutional history and authorship.

1.4 Statement of the Research Problem

Despite the increasing recognition of gender equality as a constitutional value, the historical role of women in creating constitutional orders remains comparatively under-examined. Traditional narratives frequently concentrate on leading constitutional figures and institutional developments while giving limited attention to women's individual and collective contributions.

⁸ Beverley Baines, Daphne Barak-Erez & Tsvi Kahana, Introduction: The Idea and Practice of Feminist Constitutionalism, in *Feminist Constitutionalism: Global Perspectives* 1, 1–12 (Beverley Baines, Daphne Barak-Erez & Tsvi Kahana eds., Cambridge Univ. Press 2012).

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The problem is not simply one of historical visibility. It also concerns the distinction between **formal inclusion and substantive constitutional influence**. The presence of women within constitution-making institutions does not necessarily ensure that their perspectives are incorporated into constitutional outcomes.⁹

The central problem addressed by this research is therefore the inadequate understanding of women's constitutional agency and the conditions under which women's participation can develop into meaningful constitutional influence.

1.5 Review of Existing Literature

Existing scholarship concerning women and constitution-making may broadly be **divided into three areas**.

First, Examines the historical participation of women in particular constitutional processes. Studies of the Indian Constituent Assembly, for example, have drawn attention to the contributions of women members and their interventions concerning equality, citizenship and social reform.¹⁰

Second, The body of scholarship adopts a comparative approach and examines women as constitution-makers across different democratic transitions. Such scholarship demonstrates that women's participation varies significantly according to constitutional structures, political circumstances and the strength of women's movements.¹¹

Third, The strand focuses on gender, representation and constitutional influence. This literature questions whether descriptive representation necessarily results in substantive representation and highlights the importance of political agency, institutional access and collective mobilisation.¹²

Although these studies have substantially advanced the field, there remains scope for a comparative framework that brings together different forms of women's constitutional participation and evaluates them through the broader concept of constitutional agency.

⁹ Rubio-Marín & Irving, *supra* note 1, at 1–30.

¹⁰ Kumar, *supra* note 4, at 350–68.

¹¹ Rubio-Marín & Irving, *supra* note 1.

¹² Mohanan, *supra* note 3.

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1.6 Research Gap

Three principal gaps are identified.

- Conventional Constitutions continue to give disproportionate attention to prominent male actors, resulting in incomplete accounts of constitutional authorship.
- Existing scholarships are often country-specific, making it difficult to identify common patterns and differences in women's constitutional participation across diverse constitutional experiences.
- There is insufficient distinction between **representation, participation and constitutional influence**. Treating these concepts as interchangeable may obscure the actual extent of women's contribution.

This research seeks to address these gaps through a comparative study of India, South Africa, Nepal, Rwanda, the Philippines and Ireland.

1.7 Research Questions

1. What forms of participation did women adopt during the constitution-making processes of the selected jurisdictions?
2. To what extent did women influence constitutional principles, rights and institutional arrangements?
3. What political, institutional and social barriers affected women's constitutional participation?
4. How did women's strategies of constitutional engagement differ across the selected jurisdictions?
5. To what extent is the concept of women as "constitutional architects" useful for understanding their constitutional agency?
6. What lessons can contemporary constitution-making processes draw from these experiences?

1.8 Research Objectives

The study seeks:

1. To examine women's participation in constitution-making in the selected jurisdictions.
2. To identify women's contributions to constitutional rights, equality, citizenship and institutional development.

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3. To distinguish numerical representation from substantive constitutional influence.
4. To comparatively examine the strategies through which women sought to influence constitutional processes.
5. To identify the structural and institutional barriers affecting women's participation.
6. To develop the concept of women as "constitutional architects" within comparative constitutional scholarship.
7. To formulate recommendations for strengthening women's meaningful participation in future constitution-making processes.

1.9 Hypothesis

H1: Meaningful participation of women in constitution-making contributes to the development of more inclusive constitutional frameworks, particularly in relation to equality, citizenship, fundamental rights and democratic participation.

H2: Numerical representation of women in constitution-making bodies does not, by itself, guarantee substantive constitutional influence; the extent of influence depends upon women's institutional access, political agency, participation in deliberation and ability to engage in constitutional negotiations.

H3: Women's collective mobilisation through political organisations, social movements and civil society networks strengthens their capacity to influence constitution-making and increases the likelihood that gender-inclusive constitutional principles will be incorporated into the final constitutional framework.

1.10 Scope and Limitations of the Study

The study focuses on women's participation and influence during constitution-making, rather than providing a comprehensive account of gender equality under the subsequent constitutional order.

The comparative analysis is limited to **India, South Africa, Nepal, Rwanda, the Philippines and Ireland**. These jurisdictions have been selected because they provide diverse examples of women's formal and informal engagement with constitution-making.

The research relies primarily on constitutional texts, constituent assembly debates, official records, scholarly literature and other documentary materials. Historical records may not always provide a complete account of women's informal political influence. Differences in constitutional history and institutional structures also make direct comparison difficult. The

study therefore seeks to identify patterns and lessons rather than rank the selected jurisdictions.

1.11 Research Methodology

The research adopts a **doctrinal, qualitative and comparative methodology**.

The **doctrinal component** examines constitutional texts, constituent assembly debates, official records, constitutional documents, relevant judicial decisions and other primary materials. Secondary sources include books, journal articles, research reports and scholarly literature concerning feminist constitutionalism and women in constitution-making.

The **qualitative component** evaluates the nature and substance of women's participation rather than relying solely on numerical data. Speeches, proposals, advocacy initiatives and political interventions are examined to determine the nature of women's constitutional agency.

The **comparative component** evaluates the selected jurisdictions through four principal dimensions: **representation, participation, strategies of influence and constitutional significance**.

1.12 Chapterisation

The research is divided into **six chapters**.

Chapter I :Introduction and Research Frameworkestablishes the background, conceptual framework, research problem, research gap, questions, objectives, hypothesis, scope and methodology.

Chapter II :Women's Constitutional Agency:Conceptual and Theoretical Foundations develops the theoretical framework of constitutional agency, feminist constitutionalism, representation, participation and constitutional authorship.

Chapter III :Historical Trajectories of Women's Participation in Constitution-Making traces the historical development of women's involvement in constitution-making and situates their participation within broader struggles for citizenship, equality and democratic inclusion.

Chapter IV :Women as Constitutional Architects:Contributions, Interventions and Constitutional Significanceexamines the substantive contributions of women in the selected jurisdictions and evaluates their significance for constitutional rights, principles and institutions.

Chapter V :Comparative Critical Analysis: From Representation to Constitutional Influence comparatively examines representation, participation, political mobilisation, institutional access, barriers and substantive constitutional influence across the selected jurisdictions.

Chapter VI : Findings, Recommendations and Conclusion presents the principal findings, evaluates the hypothesis, proposes recommendations and concludes the study by assessing the broader significance of women as constitutional architects.

CHAPTER II : WOMEN'S CONSTITUTIONAL AGENCY: CONCEPTUAL AND THEORETICAL FOUNDATIONS

2.1 Women's Political Participation and Constitutionalism

Political participation is fundamental to constitutional democracy because it determines who can take part in shaping the institutions and values of the State. Historically, women were excluded from voting, public office and formal political decision-making in many societies. As a result, early constitutional structures often reflected predominantly male political experiences.¹³

The expansion of women's political participation challenged this exclusion. Women's movements for suffrage, citizenship and political equality gradually created opportunities for women to enter political institutions and participate in constitutional processes. Their involvement was significant not merely because it increased representation, but because it enabled women to articulate their own constitutional concerns.

Women's participation therefore strengthens the representative and democratic character of constitution-making. However, representation alone is insufficient. The crucial question is whether women are able to participate meaningfully in constitutional deliberations and influence the resulting constitutional framework.¹⁴

2.2 Feminist Constitutionalism: Evolution and Significance

Feminist constitutionalism developed from feminist legal scholarship challenging the assumption that law and constitutional structures are inherently neutral. Feminist scholars

¹³ Baines, Barak-Erez & Kahana, supra note 7, at 1–12.

¹⁴ Rubio-Marín & Irving, supra note 1, at 1–30.

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have shown that apparently neutral legal rules may operate within social structures shaped by historical gender inequality.¹⁵

Initially, feminist constitutional arguments focused largely on formal equality and removal of explicit discrimination. The field subsequently expanded to questions of substantive equality, political representation, structural discrimination, dignity, reproductive autonomy and economic justice.¹⁶

For the present study, feminist constitutionalism is important because it shifts attention from asking only what rights women receive to asking **how women participate in creating constitutional rights and institutions**. It therefore allows women to be understood as constitutional actors rather than merely beneficiaries of constitutional protection.

2.3 From Political Representation to Constitutional Agency

Political representation is an important basis for women's participation, but it does not necessarily establish constitutional influence. Descriptive representation concerns the presence of women in political institutions, whereas substantive representation concerns the extent to which representatives advance relevant interests and perspectives.¹⁷

Constitutional agency goes further. It refers to women's ability to formulate constitutional claims, participate in deliberations, challenge existing proposals and influence constitutional outcomes. Such agency may be exercised individually by women members of constitution-making bodies or collectively through political movements and women's organisations.¹⁸

Thus, the presence of women within a constitutional institution should be treated as the beginning of analysis rather than its conclusion. The central concern is whether their participation enabled them to exercise meaningful constitutional influence.

2.4 Formal Representation versus Substantive Participation

Formal representation refers primarily to the numerical or institutional presence of women in constitution-making bodies. Substantive participation concerns the quality, nature and consequences of that participation.

A constitution-making body may include women without providing them meaningful opportunities to influence important decisions. Conversely, women may exercise influence

¹⁵ Baines, Barak-Erez & Kahana, *supra* note 7, at 1–12.

¹⁶ *Id.*

¹⁷ Hanna Fenichel Pitkin, *The Concept of Representation* 60–91 (Univ. Cal. Press 1967).

¹⁸ Mohanan, *supra* note 3, at 559–73.

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through political mobilisation and civil society organisations despite limited representation within formal institutions.¹⁹

Substantive participation may therefore be assessed through women's speeches, proposals, amendments, negotiations, advocacy and involvement in constitutional committees. These factors help determine whether women's presence was translated into constitutional agency.

The study accordingly treats representation as an important foundation but not a sufficient measure of women's constitutional contribution.

2.5 Women's Deliberative Role in Constitution-Making

Constitution-making depends upon deliberation, negotiation and compromise. Women's participation in these processes can broaden the range of experiences and perspectives considered while constitutional principles are formulated.

Women's interventions may bring greater attention to questions of equality, citizenship, family, education, labour, social welfare and discrimination. However, women constitution-makers should not be assumed to hold a single or uniform political position. Their perspectives may differ according to their social, political and ideological backgrounds.²⁰

The South African experience demonstrates the importance of collective deliberation. Women's organisations, particularly the Women's National Coalition, sought to ensure that women's concerns entered the constitutional negotiations during the transition to democracy.²¹

Women's deliberative role is therefore significant because it provides a means through which political representation can develop into substantive constitutional influence.

2.6 Equality, Dignity, Citizenship and Social Justice as Constitutional Concerns

Women's constitutional participation has particular relevance to the principles of **equality, dignity, citizenship and social justice**.

Equality cannot always be achieved through identical treatment. Substantive equality requires consideration of historical and structural disadvantages affecting women.²² Women's participation in constitution-making can therefore contribute to a broader understanding of equality that addresses both formal discrimination and systemic inequality.

¹⁹ Rubio-Marín & Irving, *supra* note 1, at 1–30.

²⁰ *Id.*

²¹ Elisabeth Perham, *Review of Women as Constitution-Makers: Case Studies from the New Democratic Era*, 19 *Int'l J. Const. L.* 763, 763–68 (2021).

²² Mohanan, *supra* note 3, at 559–73.

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Dignity recognises women as autonomous individuals possessing equal moral and legal worth. Citizenship is similarly significant because women were historically denied independent political and legal status in many constitutional systems. Their participation helped challenge the understanding of citizenship based upon male authority or familial dependence.

Social justice extends the constitutional discussion beyond formal political rights to concerns such as education, labour, health and economic security. Women's constitutional contributions may therefore influence the wider understanding of what an inclusive constitutional order should provide.

These principles demonstrate why women's constitutional contributions cannot be confined to provisions specifically described as women's rights. Their participation can influence the broader meaning of constitutional equality and citizenship.

2.7 Criteria for Assessing Women's Constitutional Contributions

To determine whether women can be regarded as constitutional architects, this study assesses their contributions through the following criteria:

1. **Institutional Participation:** Whether women had access to constituent assemblies, constitutional conventions, committees or negotiations.
2. **Substantive Intervention:** Whether women proposed, supported, challenged or modified significant constitutional provisions or principles.
3. **Deliberative Influence:** Whether their arguments entered wider constitutional debates and influenced other decision-makers.
4. **Collective Mobilisation:** Whether women's organisations and movements helped formulate and advance constitutional demands.²³
5. **Constitutional Significance:** Whether women's interventions were connected to constitutional principles, rights or institutional arrangements that emerged from the process.
6. **Transformative Potential:** Whether their contributions challenged existing structures of exclusion and advanced broader understandings of equality, dignity, citizenship or democratic participation.

²³ International IDEA, *Women Constitution-Makers: Comparative Experiences with Representation, Participation and Influence* 9–34 (2020).

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These criteria enable the study to move beyond simply counting women in constitution-making institutions. They provide a framework for examining whether women exercised genuine constitutional agency and contributed substantively to the formation of constitutional orders.

Accordingly, the concept of "**constitutional architects**" is used in this research to describe women whose participation, agency, deliberation and influence contributed meaningfully to constitution-making.

CHAPTER III : HISTORICAL TRAJECTORIES OF WOMEN'S PARTICIPATION IN CONSTITUTION-MAKING

3.1 India: Women in the Constituent Assembly (1946–1950)

Women played a significant, although numerically limited, role in India's constitution-making process. The Constituent Assembly included fifteen women members, among them Hansa Mehta, Rajkumari Amrit Kaur, Durgabai Deshmukh, Dakshayani Velayudhan and Sucheta Kripalani.²⁴ Their participation reflected the longer history of women's involvement in India's nationalist and social reform movements.

The women members contributed to debates concerning fundamental rights, equality, citizenship, education, social reform and the position of women in independent India. Hansa Mehta, in particular, advocated an understanding of equality that rejected assumptions of women's dependence upon men.²⁵ Dakshayani Velayudhan also brought the perspective of a woman from a historically marginalized community into constitutional deliberations, demonstrating that women's constitutional experiences were not uniform.

Women's participation in the Constituent Assembly was therefore significant beyond their numerical strength. Their interventions contributed to the broader constitutional commitment to equality and democratic citizenship.²⁶ However, their limited representation also demonstrates that formal inclusion did not necessarily correspond to equal political power.

3.2 South Africa: Women and the Post-Apartheid Constitution-Making Process

²⁴ Ministry of Law & Justice, Government of India, *The Life and Contributions of the Women Members of the Constituent Assembly* (2025).

²⁵ Kumar, *supra* note 4, at 350–68.

²⁶ Mohanan, *supra* note 3, at 559–73.

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South Africa provides an important example of collective women's mobilisation during constitution-making. Following the end of apartheid, women sought to ensure that the transition to democracy addressed gender inequality alongside broader political transformation.

The **Women's National Coalition (WNC)** became an important platform for women's participation. It brought together women from different political parties, racial groups and social organisations and developed a Women's Charter that articulated demands concerning equality, political participation and socio-economic rights.²⁷

The South African experience demonstrates the importance of collective constitutional agency. Women were not dependent solely upon their numerical presence within formal institutions; they also organised outside those institutions and used political mobilisation to influence the constitutional process.²⁸

The post-apartheid constitutional settlement consequently provides an important example of how organised women's participation can contribute to a more gender-inclusive constitutional framework.

3.3 Nepal: Women's Participation in the Constituent Assembly and Constitutional Transformation

Nepal's constitution-making process provides another important example of women's participation during a period of significant political transformation. The Constituent Assembly elected in 2008 included a substantial number of women, reflecting efforts to increase the representation of historically marginalised groups.²⁹

Women representatives participated in debates concerning citizenship, equality, political representation, inclusion and social justice. Their participation was particularly important in a constitutional process that sought to restructure the political system following conflict and the transition from monarchy to republican government.

The Nepalese experience demonstrates that numerical inclusion can create opportunities for substantive participation when constitutional institutions provide mechanisms for historically excluded groups to engage in drafting and deliberation. At the same time, debates concerning

²⁷ Women's National Coalition, *Women's Charter for Effective Equality* (1994).

²⁸ Mohanan, *supra* note 3, at 559–73.

²⁹ International IDEA, *supra* note 22, at 12–23.

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citizenship and gender equality revealed continuing tensions between formal constitutional commitments and social and political realities.³⁰

Nepal therefore illustrates both the possibilities and limitations of increased women's representation in constitution-making.

3.4 Rwanda: Women in Post-Genocide Constitution-Making and Institutional Reconstruction

Rwanda's post-genocide constitutional reconstruction provides a distinctive example of women's participation in rebuilding political institutions. Following the 1994 genocide, Rwanda undertook extensive institutional and constitutional reforms aimed at reconstructing the State and promoting national unity.

Women participated in the constitutional process and subsequently achieved substantial representation within Rwanda's political institutions. The 2003 Constitution expressly recognised gender equality and incorporated mechanisms intended to increase women's political representation.³¹

Rwanda's experience is particularly significant because women's participation became connected with institutional reconstruction and the rebuilding of a society deeply affected by conflict. The constitutional framework established mechanisms for women's representation in political institutions, including reserved representation in the Chamber of Deputies.³²

However, Rwanda also demonstrates the need to distinguish numerical representation from broader political agency. High levels of women's representation provide an important measure of inclusion, but the extent of independent political influence must be assessed within the wider political and institutional context.

3.5 Philippines: Women's Participation in the Constitutional Process and the 1987 Constitution

The Philippines offers an important constitutional experience following the political transition associated with the People Power movement and the fall of Ferdinand Marcos. The 1986 Constitutional Commission was tasked with drafting a new constitutional framework, eventually resulting in the 1987 Constitution.

³⁰*Constitution of Nepal* arts. 84, 86 (2015).

³¹*Constitution of the Republic of Rwanda* arts. 10, 82 (2003).

³² *Id.* art. 82.

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Women participated in this process as members of the Constitutional Commission and as political and civil society actors. Their participation occurred within a broader democratic transition that sought to restore constitutional government and fundamental rights.³³

The 1987 Constitution contains important commitments to equality and explicitly recognises the role of women in nation-building. Article II, Section 14 provides that the State recognises the role of women in nation-building and ensures the fundamental equality of women and men before the law.³⁴

The Philippine experience demonstrates how women's participation during a democratic transition can contribute to the explicit constitutional recognition of gender equality while also connecting women's rights with broader democratic reconstruction.

3.6 Ireland: Women's Participation in Constitutional Development and Reform

Ireland provides a distinctive example because women's constitutional participation has developed through both the original constitutional framework and subsequent processes of constitutional reform.

The 1937 Constitution, *Bunreacht na hÉireann*, contained provisions concerning equality, family and the social role of women. Some of these provisions reflected the social and political assumptions of the period and subsequently became subjects of constitutional debate and reform.³⁵

Women's participation in later constitutional reform processes has been particularly significant in challenging traditional understandings of gender, family and citizenship. The **Citizens' Assembly** established in 2016 provided an important deliberative mechanism through which citizens, including women, participated in discussions concerning constitutional reform.³⁶

The Irish experience demonstrates that women's constitutional agency is not limited to the creation of a new constitution. It may also operate through later constitutional reform, public deliberation and attempts to transform inherited constitutional norms.

3.7 Comparative Institutional Mechanisms for Women's Constitutional Participation

The experiences of the six jurisdictions demonstrate that women have participated in constitution-making through different institutional mechanisms.

³³ Rubio-Marín & Irving, *supra* note 1.

³⁴ *Constitution of the Republic of the Philippines* art. II, § 14 (1987).

³⁵ *Constitution of Ireland* arts. 40–41 (1937).

³⁶ Citizens' Assembly, *Report of the Citizens' Assembly on Gender Equality* (2021).

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In **India**, women's participation primarily occurred through membership of the Constituent Assembly and its committees. In **South Africa**, women's organisations played a particularly important role in influencing constitutional negotiations. **Nepal** relied significantly on representation within the Constituent Assembly, while **Rwanda** combined constitutional guarantees with institutional mechanisms designed to secure women's political representation. The **Philippines** illustrates participation through a constitutional commission during democratic transition, while **Ireland** demonstrates the continuing importance of deliberative mechanisms in constitutional reform.³⁷

These experiences reveal three broad mechanisms of participation:

1. **Direct institutional representation**, through membership in constituent assemblies or constitutional bodies;
2. **Collective mobilisation**, through women's movements, political organisations and civil society networks; and
3. **Deliberative participation**, through public consultations, citizens' assemblies and other mechanisms allowing citizens to contribute to constitutional reform.

The comparative experience suggests that no single institutional mechanism guarantees substantive constitutional influence. Representation provides access, collective mobilisation can strengthen bargaining power, and deliberative mechanisms can broaden public participation. Their effectiveness depends upon the wider political and institutional environment.

Accordingly, the historical trajectories examined in this chapter demonstrate that women's constitutional participation has taken diverse forms. The significance of women as constitutional actors cannot therefore be measured only by their numerical presence. It must also be assessed through the extent to which institutional structures enabled them to articulate claims, participate in deliberation and influence constitutional outcomes.

CHAPTER IV : WOMEN AS CONSTITUTIONAL ARCHITECTS: CONTRIBUTIONS, INTERVENTIONS AND CONSTITUTIONAL SIGNIFICANCE

³⁷ International IDEA, *supra* note 22, at 12–34.

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4.1 Women's Contributions to Equality and Non-Discrimination

Equality has been one of the most significant areas in which women have contributed to constitutional development. Women's participation challenged legal and social structures that historically treated women as subordinate or dependent members of society. Their interventions helped strengthen the idea that constitutional citizenship must be based upon equal legal status rather than gender.³⁸

In India, women members of the Constituent Assembly participated in debates concerning equality and discrimination. Hansa Mehta was particularly associated with the demand for universal language in the articulation of human rights and equality. Her constitutional engagement reflected the broader argument that women should be recognised as equal citizens rather than as a specially protected but subordinate category.³⁹

South Africa provides a further example. Women's organisations advocated constitutional equality as part of the post-apartheid transformation. The Women's National Coalition sought to ensure that the new constitutional framework addressed discrimination against women alongside racial and political inequality.⁴⁰

The comparative experience therefore demonstrates that women's contribution to equality was not limited to obtaining formal legal protection. It also involved challenging the social assumptions underlying discrimination and promoting a broader conception of substantive equality.

4.2 Citizenship, Political Participation and Representation

Citizenship determines an individual's relationship with the State and includes rights of political participation and equal membership in the constitutional community. Historically, women were often denied full political citizenship through restrictions on voting, property ownership and public office.

Women's participation in constitution-making challenged this exclusion by asserting that women should be recognised as independent constitutional citizens. In India, women members of the Constituent Assembly participated in debates concerning citizenship and political equality within the framework of a newly independent republic.⁴¹

³⁸ Kumar, *supra* note 4, at 350–68.

³⁹ *Id.*

⁴⁰ Women's National Coalition, *supra* note 26.

⁴¹ Mohanan, *supra* note 3, at 559–73.

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The experiences of Nepal and Rwanda demonstrate the importance of institutional representation. Nepal's Constituent Assembly included substantial women's representation, while Rwanda incorporated constitutional mechanisms designed to increase women's participation in political institutions.⁴² These mechanisms indicate that constitutional citizenship may require more than formal equality; institutional arrangements may also be necessary to enable historically excluded groups to participate effectively.

Women's contribution to citizenship therefore extends beyond the right to vote. It includes the right to participate in public institutions, to hold political office and to be recognised as equal participants in determining the future of the constitutional community.

4.3 Fundamental Rights, Liberty and Human Dignity

Women's constitutional interventions also contributed to broader understandings of fundamental rights, liberty and dignity. The recognition of women as autonomous constitutional persons requires protection against discrimination and arbitrary restrictions on individual freedom.

The principle of dignity is particularly important because historical legal systems often defined women through relationships of dependence, particularly marriage and family. A dignity-based constitutional approach instead recognises women as individuals possessing independent legal and moral worth.⁴³

In the Philippine Constitution, for example, the constitutional commitment to the fundamental equality of women and men reflects the connection between equality and women's status as full constitutional citizens.⁴⁴ Similarly, constitutional developments in South Africa placed equality and dignity at the centre of the post-apartheid constitutional order.

Women's participation in constitutional processes therefore had significance beyond provisions expressly directed towards women. It contributed to a broader constitutional understanding in which liberty, equality and dignity apply to women as equal members of the constitutional community.

⁴²*Constitution of Nepal*, supra note 29, arts. 84, 86; *Constitution of the Republic of Rwanda*, supra note 30, art. 82.

⁴³ Baines, Barak-Erez & Kahana, supra note 7, at 1–12.

⁴⁴*Constitution of the Republic of the Philippines*, supra note 33, art. II, § 14.

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4.4 Social Justice, Education and Welfare

Women's constitutional contributions also extended to social and economic concerns. Equality in constitutional law cannot always be achieved through formal legal rights when social conditions prevent individuals from exercising those rights effectively.

Education was particularly important because access to education affects women's economic independence, political participation and ability to exercise citizenship. Women constitution-makers and women's movements have consequently treated education and social welfare as important components of gender equality.

The South African constitutional process illustrates this broader approach, as women's organisations advocated not only political equality but also socio-economic concerns affecting women's lives.⁴⁵ Similar concerns can be identified in constitutional debates concerning education, labour and social welfare in other jurisdictions.

The constitutional significance of these contributions lies in connecting women's equality with material conditions. Rights to political participation and formal equality have limited practical value when women remain excluded from education, economic opportunities or essential public services.

4.5 Family, Marriage and Gender Relations

Family and marriage have historically been important sites of gender inequality because legal systems often assigned women different rights and responsibilities within the family. Constitutional discussions concerning family therefore have implications for women's citizenship and autonomy.

Women's constitutional agency has challenged the assumption that women's primary constitutional identity should be derived from their role within the family. The question of family cannot be separated from equality because rules governing marriage, family relationships and social responsibilities can determine women's legal and economic independence.

The Irish constitutional experience illustrates the continuing significance of this issue. The 1937 Constitution contained provisions concerning the family and the role of women that reflected the social assumptions of its time. Subsequent constitutional reform debates have

⁴⁵ Women's National Coalition, *supra* note 26.

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increasingly questioned whether those provisions adequately reflect contemporary understandings of equality and individual autonomy.⁴⁶

Women's participation in constitutional reform is therefore significant in challenging traditional understandings of gender relations and in developing constitutional approaches that recognise women as independent rights-bearing individuals.

4.6 Women's Rights and the Transformation of Traditional Legal Structures

One of the broader contributions of women constitution-makers has been their challenge to inherited legal structures that reproduced gender inequality. Constitutional transformation may occur not only through the creation of new rights but also through questioning the assumptions underlying existing institutions.

Traditional legal structures concerning citizenship, family, property, political participation and social roles frequently reflected hierarchical understandings of gender. Women's constitutional participation created opportunities to challenge those structures and replace them with principles of equality, autonomy and non-discrimination.⁴⁷

This transformative dimension is particularly visible in constitutional transitions following periods of political or social upheaval. South Africa's post-apartheid Constitution, Rwanda's post-genocide constitutional reconstruction and Nepal's transition to a republican constitutional order each created opportunities to reconsider existing structures of exclusion.

Women's participation did not alone produce these transformations, but it provided an important constitutional voice within processes that sought to redefine the political and legal order.

4.7 Critical Assessment of Women's Constitutional Suggestions and Interventions

The contributions of women constitution-makers should not be romanticised. Their participation occurred within political institutions characterised by competing interests, limited representation and unequal access to power. Women did not always agree with one another, and their constitutional proposals were not necessarily accepted in their original form.

A critical assessment therefore requires examination of both **successful and unsuccessful** interventions. The importance of a constitutional actor cannot be measured only by provisions that ultimately appear in the final constitutional text. Proposals that were rejected

⁴⁶*Constitution of Ireland*, supra note 34, arts. 40–41; Citizens' Assembly, supra note 35.

⁴⁷Baines, Barak-Erez & Kahana, supra note 7, at 1–12.

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may nevertheless have influenced subsequent debates or established arguments that later became constitutionally significant.

The experiences of the selected jurisdictions also demonstrate that women's participation operated within different political conditions. In some cases, women gained influence through formal representation; in others, collective mobilisation or public advocacy was more significant.⁴⁸

The concept of women as constitutional architects should therefore not imply that women independently designed constitutional systems. Rather, it recognises their contribution within a collective and negotiated process of constitution-making.

4.8 From Suggestions to Constitutional Provisions: Measuring Actual Influence

The final question is whether women's interventions can be connected to actual constitutional outcomes. Establishing direct causation is difficult because constitutions are generally produced through negotiations involving numerous actors.

Nevertheless, influence can be assessed by comparing women's proposals and interventions with constitutional provisions concerning equality, citizenship, representation, dignity, social rights and gender relations. Where a woman's intervention corresponds closely with a provision ultimately incorporated into the constitutional text, it provides evidence of substantive influence. Where collective women's organisations successfully advocated particular principles that appeared in the final Constitution, the evidence of influence may be even stronger.

The South African experience illustrates this collective form of influence, as women's mobilisation contributed to the incorporation of gender equality within the broader constitutional transformation.⁴⁹ Rwanda demonstrates another model, in which constitutional mechanisms were established to facilitate women's representation within political institutions.⁵⁰ The Philippine Constitution expressly recognised the role of women in nation-building and the fundamental equality of women and men, providing a clear example of constitutional recognition of gender equality.⁵¹

However, constitutional influence should not be reduced to direct textual authorship. Women's contributions may also have influenced the language, priorities or direction of

⁴⁸ Rubio-Marín & Irving, *supra* note 1, at 1–30.

⁴⁹ Women's National Coalition, *supra* note 26; Mohanan, *supra* note 3, at 559–73.

⁵⁰ *Constitution of the Republic of Rwanda*, *supra* note 30, art. 82.

⁵¹ *Constitution of the Republic of the Philippines*, *supra* note 33, art. II, § 14.

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constitutional deliberations without producing an identifiable one-to-one relationship with a particular provision.

Accordingly, this study measures actual influence through four indicators: **the substance of women's interventions, their participation in constitutional negotiations, the incorporation of their claims into constitutional provisions, and the longer-term significance of those provisions for equality and democratic citizenship.**

The evidence examined in this chapter supports the understanding of women as constitutional architects in a qualified but meaningful sense. Their contribution was not necessarily that they independently designed constitutional systems, but that they helped shape the principles, debates and institutional choices through which those systems were constructed. This distinction is essential to a historically accurate and critically grounded understanding of women's constitutional agency.

CHAPTER V : COMPARATIVE CRITICAL ANALYSIS: FROM REPRESENTATION TO CONSTITUTIONAL INFLUENCE

5.1 Comparative Assessment of the Six Jurisdictions

The six jurisdictions examined in this study demonstrate different models of women's participation in constitution-making. India represents a model based primarily on participation within a constituent assembly; South Africa demonstrates the importance of organised women's mobilisation; Nepal illustrates the role of substantial representation within a constituent assembly; Rwanda combines constitutional guarantees with institutional mechanisms for women's representation; the Philippines reflects participation during a democratic constitutional transition; and Ireland demonstrates the continuing importance of women's participation in constitutional reform and deliberative processes.⁵²

These differences indicate that women's constitutional agency is shaped by the political context and institutional design of the constitution-making process. No single model can therefore be treated as universally applicable.

5.2 Nature and Substance of Women's Constitutional Interventions

⁵² International IDEA, *supra* note 22, at 12–34.

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The nature of women's interventions differed across the selected jurisdictions, but several recurring concerns can be identified. These include equality, non-discrimination, citizenship, political participation, dignity, education, social welfare and the transformation of traditional gender relations.

In India, women's interventions occurred largely through formal constitutional debates.⁵³ In South Africa, women's organisations supplemented institutional participation through collective advocacy.⁵⁴ Nepal and Rwanda demonstrate the importance of women's numerical presence within constitution-making and political institutions, while the Philippines and Ireland demonstrate the relevance of participation during broader constitutional transitions and reform processes.

The substance of women's interventions therefore extended beyond narrowly defined women's rights. Their participation contributed to wider debates concerning the meaning of citizenship, equality and democratic participation.

5.3 The Constitutional Weight and Significance of Women's Suggestions

The constitutional significance of women's suggestions cannot be measured solely by whether a particular proposal was incorporated verbatim into the final constitutional text. Constitution-making involves negotiation and compromise, and constitutional provisions frequently reflect contributions from multiple actors.

The weight of women's interventions can instead be assessed through their relevance to major constitutional principles, their influence on deliberations and the extent to which their concerns were reflected in the final constitutional settlement.⁵⁵

For example, advocacy concerning equality may have constitutional significance even where the final provision differs from the original proposal. Similarly, women's movements may influence constitutional priorities without being formal authors of particular provisions.

This broader understanding of constitutional significance supports the concept of women as constitutional architects while avoiding the assumption that individual women were sole authors of constitutional outcomes.

5.4 Formal Representation versus Substantive Constitutional Influence

⁵³ Kumar, *supra* note 4, at 350–68.

⁵⁴ Mohanan, *supra* note 3, at 559–73.

⁵⁵ Rubio-Marín & Irving, *supra* note 1, at 1–30.

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The comparative evidence demonstrates that formal representation and substantive influence are not synonymous. A higher proportion of women within a constitution-making institution may create greater opportunities for participation, but it does not automatically ensure that women control or significantly influence constitutional decisions.

Rwanda provides an important example of high women's political representation supported by constitutional mechanisms, while South Africa demonstrates how collective mobilisation can strengthen influence beyond formal representation.⁵⁶ India's experience, by contrast, illustrates how women can make constitutionally significant interventions despite being a relatively small minority within a constituent assembly.

The distinction therefore requires assessment of what women actually did within the constitutional process rather than relying exclusively on numerical data.

5.5 Quotas, Reserved Seats and Institutional Representation

Quotas and reserved seats have been used in several constitutional and political systems to address women's historical underrepresentation. Such mechanisms can create institutional access for women who might otherwise remain excluded from constitution-making and political decision-making.

Rwanda is a prominent example, with constitutional arrangements providing for women's representation within political institutions.⁵⁷ Nepal also adopted mechanisms intended to increase the representation of women and other historically marginalised groups within the Constituent Assembly.⁵⁸

Institutional representation can provide women with greater opportunities to participate in constitutional deliberations. However, quotas should not be treated as an automatic guarantee of substantive influence. Their effectiveness depends upon the powers available to representatives, the functioning of political institutions and the broader political environment. Quotas are therefore best understood as an **access mechanism** rather than a complete measure of constitutional agency.

5.6 Women's Movements, Civil Society and Constitutional Mobilisation

⁵⁶ Mohanan, *supra* note 3, at 559–73.

⁵⁷ *Constitution of the Republic of Rwanda*, *supra* note 30, art. 82.

⁵⁸ *Constitution of Nepal*, *supra* note 29, arts. 84, 86.

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Women's movements and civil society organisations can play an important role in constitution-making, particularly where women remain underrepresented within formal institutions.

South Africa provides the clearest example through the Women's National Coalition, which brought together diverse women's organisations and formulated collective constitutional demands.⁵⁹ Such mobilisation enabled women to engage with constitutional negotiations and placed gender equality within the wider democratic transition.

Civil society participation can also broaden the constitutional process by connecting institutional debates with experiences outside formal political structures. Women's movements can identify issues that may otherwise receive limited attention and can create political pressure for their inclusion.

The comparative experience therefore indicates that constitutional agency may be strengthened when formal representation is supported by organised social mobilisation.

5.7 Political and Institutional Barriers to Women's Constitutional Agency

Women's participation in constitution-making has frequently been affected by structural and institutional barriers. These include limited political representation, patriarchal political structures, unequal access to leadership positions, restricted economic resources and social expectations concerning women's roles.

Institutional barriers may also arise within constitution-making bodies themselves. Women may have formal membership but limited access to influential committees, negotiations or decision-making spaces.⁶⁰

Social and political divisions among women can create additional difficulties. Women do not constitute a politically homogeneous group, and differences of class, caste, race, ethnicity, religion and ideology may affect their constitutional priorities.

The comparative analysis therefore suggests that increasing the number of women is only one aspect of addressing exclusion. Effective constitutional agency requires institutional opportunities, political autonomy and meaningful access to deliberative and negotiating processes.

5.8 Common Patterns and Jurisdiction-Specific Differences

⁵⁹ Women's National Coalition, *supra* note 26.

⁶⁰ International IDEA, *supra* note 22, at 12–34.

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Several common patterns emerge across the six jurisdictions. First, women's participation was generally connected with broader struggles for political inclusion and citizenship. Second, equality and non-discrimination were recurring constitutional concerns. Third, both formal representation and collective mobilisation played important roles in different contexts. However, significant differences remain. India's experience was closely connected with anti-colonial nationalism and the Constituent Assembly. South Africa's process was strongly influenced by women's collective mobilisation during democratic transition. Nepal combined constituent assembly representation with broader demands for inclusion following political conflict. Rwanda linked women's representation with post-genocide institutional reconstruction. The Philippines incorporated women's participation within a democratic transition following authoritarian rule, while Ireland demonstrates the continuing role of women in constitutional reform rather than only in the creation of a new constitutional order.⁶¹

These differences show that women's constitutional agency cannot be separated from the historical circumstances in which constitutional change occurs.

5.9 Lessons from Comparative Constitutional Experiences

The comparative experiences provide several lessons concerning women's participation in constitution-making.

1. **Representation matters**, because women cannot exercise institutional influence where they are entirely excluded from constitutional bodies.
2. **Representation must be accompanied by substantive participation.** Seats alone cannot guarantee that women's perspectives will affect constitutional decisions.
3. **Collective Mobilisation can strengthen constitutional influence.** The South African experience demonstrates how women's organisations can amplify demands and negotiate with formal institutions.⁶²
4. **Institutional Mechanisms such as quotas and reserved seats can improve access**, particularly where historical exclusion has produced severe underrepresentation. Their effectiveness, however, depends upon the wider political environment.
5. Constitutional Processes benefit from **multiple channels of participation.** Formal representation, public deliberation, civil society mobilisation and political negotiation

⁶¹ Rubio-Marín & Irving, *supra* note 1.

⁶² Mohanan, *supra* note 3, at 559–73.

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can complement one another and create greater opportunities for women to exercise constitutional agency.

CHAPTER VI : FINDINGS, RECOMMENDATIONS AND CONCLUSION

6.1 Major Findings of the Study

The comparative analysis establishes that women have been active participants in constitution-making, although the form and extent of their participation have differed across jurisdictions. Their role has extended beyond formal membership of constitution-making bodies to include political advocacy, collective mobilisation, deliberation and constitutional reform.⁶³

1. Women's participation has contributed to the development of constitutional commitments to **equality, non-discrimination, citizenship and political participation**. Their interventions have helped challenge the historical understanding of women as dependent or secondary political actors.
2. The study finds that **numerical representation and substantive influence** are distinct. India demonstrates that women can make significant constitutional interventions despite limited numerical representation, while Rwanda and Nepal demonstrate the importance of institutional mechanisms for increasing women's representation.⁶⁴
3. Collective mobilisation can substantially strengthen women's constitutional agency. The South African experience particularly demonstrates how women's organisations can influence constitutional negotiations beyond the limits of formal institutional representation.⁶⁵
4. Women's constitutional contributions have not been limited to provisions expressly concerning women. Their participation has also affected broader constitutional debates concerning democracy, citizenship, dignity, social justice and institutional equality.
5. The study finds that women's constitutional influence is shaped by the wider political environment. Institutional access, political support, collective organisation and

⁶³ Rubio-Marín & Irving, *supra* note 1, at 1–30.

⁶⁴ International IDEA, *supra* note 22, at 12–34.

⁶⁵ Mohanan, *supra* note 3, at 559–73.

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opportunities for deliberation determine whether formal participation can develop into substantive constitutional influence.

6.2 Assessment of the Research Questions and Hypothesis

The **first research question** concerning the forms of women's participation is answered by the comparative evidence showing three principal forms: formal institutional participation, **collective mobilisation and deliberative engagement**.

The **second question**, concerning constitutional influence, is answered by the finding that women influenced constitutional debates and outcomes in varying degrees, particularly in relation to equality, citizenship, political representation and social justice.

The **third and fourth questions** concerning barriers and differing strategies demonstrate that women's constitutional agency was affected by political institutions, social structures and the availability of collective support.

The **fifth question** concerning the concept of women as "constitutional architects" is answered affirmatively, subject to a qualified understanding of the term. Women should be regarded as constitutional architects where their participation involved meaningful agency and contributed to constitutional principles, debates or institutional arrangements.

The **three hypotheses** proposed in Chapter I are substantially supported. The first hypothesis is supported because women's meaningful participation contributed to more inclusive constitutional frameworks. The second is supported because numerical representation alone did not guarantee substantive influence. The third is also supported by the importance of women's movements and collective mobilisation, particularly in South Africa.⁶⁶

6.3 Women's Contribution to Transformative Constitutionalism

Transformative constitutionalism seeks to use constitutional law to address entrenched inequality and reshape institutions and social relations.⁶⁷ Women's participation is relevant to

⁶⁶ Id.

⁶⁷ Karl E. Klare, Legal Culture and Transformative Constitutionalism, 14 S. Afr. J. on Hum. Rts. 146, 146–72 (1998).

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this objective because gender inequality frequently operates through both formal legal rules and social structures.

The contribution of women constitution-makers to transformative constitutionalism can be understood at two levels. First, they contributed to the recognition of constitutional principles such as equality, dignity and non-discrimination. Second, their participation challenged the exclusion of women from the process of constitutional authorship itself.

The significance of women's participation therefore lies not only in the rights ultimately incorporated into constitutional texts but also in the transformation of **who participates in defining constitutional values**. Constitutional democracy becomes more inclusive when women participate as authors, negotiators and interpreters of the constitutional order rather than merely as beneficiaries of constitutional protection.⁶⁸

6.4 Recommendations for Meaningful Women's Participation in Constitution-Making

The comparative findings support the following recommendations:

1. **Ensure meaningful representation:** Women should have adequate representation in constituent assemblies, constitutional commissions and drafting committees.
2. **Provide institutional access:** Women representatives should have genuine access to influential committees, negotiations and decision-making forums rather than merely symbolic membership.
3. **Use temporary special measures where necessary:** Quotas and reserved seats may be adopted where structural exclusion has resulted in significant underrepresentation.⁶⁹
4. **Strengthen women's organisations:** Women's movements and civil society organisations should be given meaningful opportunities to participate in consultations and constitutional negotiations.
5. **Ensure inclusive public consultation:** Constitution-making should include accessible consultation mechanisms that allow women from diverse social and economic backgrounds to contribute.
6. **Recognise diversity among women:** Constitutional processes should account for differences of class, caste, race, ethnicity, disability and other social circumstances rather than treating women as a homogeneous group.

⁶⁸ Baines, Barak-Erez & Kahana, supra note 7, at 1–12.

⁶⁹ International IDEA, supra note 22, at 12–34.

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7. **Promote transparency:** Draft constitutional proposals and deliberative materials should be publicly accessible so that women's organisations and citizens can meaningfully engage with the process.

6.5 Strengthening Gender-Inclusive Constitutional Processes

Gender-inclusive constitution-making requires more than increasing the number of women in constitutional institutions. The institutional environment must enable women to participate effectively in deliberation, negotiation and decision-making.

Constitution-making bodies should therefore adopt procedures that facilitate equal participation, including transparent committee structures, accessible consultation processes and opportunities for civil society engagement.⁷⁰

Special attention should also be given to women who face multiple forms of exclusion. A gender-inclusive constitutional process should ensure that women's participation is not limited to politically or economically privileged groups.

Finally, constitutional processes should recognise women's participation as a matter of democratic legitimacy rather than merely as a mechanism for incorporating women's rights. When women participate in determining constitutional principles, the constitutional order gains a broader participatory foundation.

6.6 Scope for Future Research

The present study is primarily doctrinal, qualitative and comparative. Future research may therefore examine women's constitutional participation through empirical methods, including interviews with women legislators, constitutional negotiators, activists and members of civil society organisations.

Further research could also examine the post-constitutional impact of women's interventions by tracing how constitutional provisions concerning equality, citizenship and political representation have subsequently been interpreted by courts and implemented by political institutions.

Comparative research could additionally expand the geographical scope to include Latin American, Middle Eastern and other African constitutional experiences. Intersectional research focusing on caste, race, ethnicity, disability and socioeconomic status could further develop the concept of women as constitutional architects.

⁷⁰ Rubio-Marín & Irving, *supra* note 1, at 1–30.

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6.7 Conclusion

The study demonstrates that women have been more than beneficiaries of constitutional change. Across the six jurisdictions examined, women participated in constitution-making through formal representation, political deliberation, collective mobilisation and constitutional reform. Their contributions influenced debates concerning equality, citizenship, dignity, social justice and political participation.

At the same time, the comparative analysis shows that **presence does not automatically produce influence**. Numerical representation becomes constitutionally meaningful only when women possess genuine opportunities to deliberate, negotiate and shape constitutional decisions. Institutional mechanisms such as quotas can provide access, while women's movements and civil society organisations can strengthen collective constitutional agency.

The concept of women as "**constitutional architects**" therefore provides a useful framework for re-examining constitutional history. It recognises women not simply as subjects protected by constitutional law but as participants who helped construct the principles and institutions through which constitutional democracy operates. A more complete understanding of constitution-making consequently requires attention not only to the constitutional text that emerged, but also to the women whose participation helped shape it.