**OVERSIMPLIFYING LEGAL REALITIES: WOMEN, BUSINESS AND THE LAW INDICATORS AND**

**ASPIRING FOR LAW REFORMS BASED ON SKEWED OUTCOMES**

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**ABSTRACT**

In the mission of preparing gender indicators for ten years, Women, Business and the Law (WBL) of the World Bank informs domestic law and policy reforms, research and scholarship across the world and influence investment decisions that involve millions of USD. WBL assesses legal systems of 189 countries in the world, benchmarking economic development as the success or failure of those legal systems. While the project has undertaken a significantly huge and important task of data gathering and analysis, from a comparative law perspective, its methodology and approach to collecting data sets is not without defect. Conscious of the importance of the undertaking, this paper advances that the gender indicators created by WBL are propounded on an oversimplified version of the legal systems of the countries that are assessed. As such, any assessment or ranking based on such oversimplified legal systems could lead to skewed outcomes that produce skewed outcomes, and essentially breaks the presumed causal nexus of gender equality and women’s economic empowerment in the individual countries examined. The results lead to misdirected law and policy reforms.

Adopting the view that, if law reform is the end goal of evaluating and ranking it should project the *status quo* of the legal systems in comparison as closely as possible, the analysis is based on exploring three substantive arguments: methodological shortcomings, use of legal experts in the country survey and the ‘one size fits all’ approach. Drawing upon the latest findings of WBL’s 2018 Report, the paper engages in an assessment of the said trilogy against comparative law theory and insights. The analysis is conscious of the prediction that the twenty first century will be an era of comparative law.

Under the first substantive of methodological shortcomings the paper explores reductionism, functionalism and law in books v. law in practice. Case studies from comparative jurisdictions exemplify the short comings, and how the assessment of the oversimplified version of a legal system cannot remedy prevailing economic discrimination between men and women. The second substantive analyses engaging local legal experts by the development agency. The analysis focuses on selection of experts, under-utilization of expertise and prevailing mistrust pervading the data collection and the processing stage. Under the final substantive, ‘one size fits all’ approach, the paper presents a critical perspective on gender indicators developed by international development agencies with an emphasis on comparative law insights on homeward bias, legal families, and legal pluralism leading to a commentary of overcoming the restraints of a comparative legal mind to be receptive of meaningful law reform. The underlying logic of the analysis of this paper can be summed as, thinking of the relationship between law and markets as a highly iterative process of action and strategic reaction rather than a fixed endowment for the economy.

The paper engages with ‘feminist governance’ to highlight the importance of WBL indicators and their potential impact on ‘governance at a distance’. It proposes that successful governance reforms would require a wholesome analysis of a legal system, as opposed to a simplified legal model that compromises a State’s ability to transition into meaningful law reform. Premising on the analysis, the paper suggests recommendations for improving the indicator generating process of WBL. The recommendations are purely based on a legal critique as opposed to a statistical critique on technicalities of the indicators.

Additionally, this paper purports to fill a substantial gap in the comparative law and WBL indicators. There has not been a comparative law-based analysis of the gender indicators developed by WBL. The paper aims to unpack the underlying realities such as culture, diversity and gender stereotypes intertwined with the law, and endorses the view that law reform must go much farther than the mere imposing and adoption of the rules.

**Keywords:** Legal Systems, Gender Indicators, Women’s Economic Rights, Development, World Bank

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