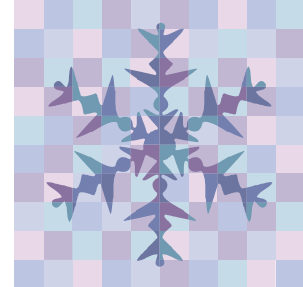




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## Understanding Institutional Change – A Gender Perspective E-Newsletter, Issue 4, December 2014



Welcome to our December newsletter. This issue is somewhat shorter than previous ones as we have a bit less news to report. This is in part because the research and data collection on work packages one and two has now finished (with only the writing up to complete!) and Laura McLeod and Rachel Johnson have taken up full-time lecturing posts (Rachel's final reflections on her two years of research on the project are below). In addition Faith Armitage who is working on informal institutions is on maternity leave until the middle of 2015, and Carmen Sepulveda has not yet taken up her post on work package five. But the rest of us have been busy over the last six months.

As you will see, we are also particularly pleased to announce the launch of our working papers series and the publication of the project's first journal special issue which contains papers from the project workshop on gendering new institutions held in November 2013. Please see the rest of this newsletter for full details of these and some of our other activities.

We wish you all the best for the festive season.

### Final Reflections

#### Rachel Johnson

Work Package Two has focussed upon institutional 'newness' through three case studies of newly established institutions which also laid claim to 'being new' in a broader sense – of marking a break with the past and/or offering a new way of doing things within an existing institutional system. The three new institutions under scrutiny were the Scottish Parliament, the South African Constitutional Court and the International Criminal Court, all of which operate at different levels of governance: the Scottish Parliament, whilst a national institution operates 'below' the level of the United Kingdom state structure and so is characterised as a 'sub-state' institution; the South African Constitutional is a national state institution; and finally the International Criminal Court is a supra-state institution. Early in the life of the work package the difficulties of comparing courts and parliaments became apparent, and an alternative three-pronged approach was developed. The main focus of my research on the project has been producing a detailed analysis of the South African Constitutional Court as a 'new' institution. Then, through collaborative work with Professor Fiona MacKay and Professor Louise Chappell comparisons of the Scottish Parliament with the South African Parliament (working paper, 'The Scottish and South African parliaments: A Comparison', forthcoming), and the South African Constitutional Court and the International Criminal Court (conference paper for APSA 2015 planned) have been produced.



In my work on the South African Constitutional Court I have tried to develop an approach to a newly established institution which focuses upon the politics of institutional newness. The Constitutional Court was at the centre of the 'transition to democracy' in South Africa and it continues to be an important symbol of South Africa's 'break' with the apartheid past, and to be perceived as a site for the moral renewal of state and law. The Constitutional Court was newly established in 1994 but it also laid claim to 'being new' in this broader sense. In my research on the Court I

have conceptualised 'being new' as an institutional attribute which is claimed or apportioned and which must be constructed and can be contested. In laying claim to newness an institution opens up contestation over just what is 'old' and what is 'new'. Judgements might fall, or claims rest, upon a particular set of rules, a norm of behaviour, on the bodies of institutional actors, or upon buildings and institutional artefacts. I have argued that this approach opens up consideration of the ways in which processes of institutional change are gendered since we can trace the ways in which institutional power, novelty and legitimation are articulated through gender.

I have researched the politics of newness at the South African Constitutional Court in two ways: firstly, through an analysis of judicial appointments to the Constitutional Court since 1994; and secondly, through an exploration of 'everyday life' within the institution. In an article 'Women as Sign of the New' (*Politics & Gender*, forthcoming) I have produced a historical narrative of the appointments to the Constitutional Court since 1994, reconstructed through media reports of the process. Through this narrative I explore the ways in which the contested process of transformation and the Constitutional Court's newness has been read and articulated through the gendered and raced bodies of judicial candidates at particular moments. Gendered and raced bodies have figured differently in institutional claims to newness. I argue that in the Court's first twenty years, whilst individual black male judges have been read as embodying the new judiciary, women's importance (black and white) has most often lain in their continued absence. A very recent revival of demands for the appointment of more women as judges to the Constitutional Court is shown to be entangled with the ongoing politics of institutional newness. The forthcoming working paper, 'The South African Constitutional Court and the Transformation of the Judiciary 1994-2014', details the initial findings of the research into everyday life based upon a body of over 100 oral history interviews conducted by the Constitutional Court Trust with a wide range of court staff, judges and members of South Africa's legal professions. The interviews reveal the everyday reproduction of the Court as a 'new' institution has revolved around the new building and practices of informality and friendship that are seen in contrast to hierarchical and stratified practices of the past, or other Courts and legal spaces.

Finally, working in parallel with Work package 1 a common interest in the affective experience of women who have been involved in the design of 'women friendly' constitutions and institutions emerged. A joint paper by myself and Laura McLeod were presented at ECPG 2013 and APSA 2013, which argued for the analytic importance of the future within processes of institutional change and developed the concept of the 'historic future' to describe a way of imagining or thinking which marks activist accounts of being involved in moments of institutional change. As part of this interest Laura and I also edited a conversation piece between three women academic activists involved in designing the Scottish Parliament, South African Constitution and the International Criminal Court (See: [International Journal of Feminist Politics, 16 \(2\), 2014: 354-369](#)).

### **Politics & Gender Themed Issue**

A themed issue of *Politics & Gender* (vol. 10, no 4) on 'Gendering' New Institutions and arising from the project workshop held in Manchester in November 2013 was published in December. It was edited by Fiona Mackay and Georgina Waylen and includes articles by Louise Chappell, Francesca Gains and Vivien Lowndes, Rachel Johnson Fiona Mackay and Georgina Waylen. It also contains a Critical Perspectives section on Researching Gender in Institutions, with contributions by Laurel Weldon, Emma Crewe, Vivien Lowndes, Meryl Kenny and Catherine O'Rourke.

We would like to thank all our contributors and all the workshop attendees for their hard work in making the special issue possible.

[Politics & Gender Special Issue on 'Gendering' New Institutions](#), December 2014.

### **Conference and Workshop Presentations July to December 2014**

- Francesca Gains, Vivien Lowndes and Georgina Waylen all gave papers on project research at APSA 2014 in Washington in August. Their panel was entitled '*Institutions and the Processing of Feminist demands*'.
- Georgina Waylen gave a paper entitled '*Engendering Democracy: Institutions, Representation and Participation*' at the Government and Opposition 50<sup>th</sup> Anniversary workshop which took place in Cambridge in September.
- Georgina Waylen gave took part in a panel discussion on the topic '*A seat at the table is not enough*' for the Policy@Manchester Policy week on 7th November 2014
- Georgina Waylen gave a paper at the Institute of the Americas, UCL, on 10<sup>th</sup> December 2014, entitled '*Bachelet's two presidencies: Gender, Politics and Institutional Change in Chile*'.

### **Working Papers in Gender and Institutional Change**

We are pleased to announce the launch of our series, Working Papers in Gender and Institutional Change. The first two working papers are: no1, Georgina Waylen, [Understanding Institutional Change from a Gender Perspective](#) and no2, Laura McLeod, [Gender and Peace Settlements from a Quantitative Perspective: A Global Survey](#).



Other titles are in preparation including one on Bosnia by Laura McLeod and another on the South African Constitutional Court by Rachel Johnson.

## Police and Crime Commissioner Events in Manchester and Nottingham 12<sup>th</sup> November 2014

The project hosted two Police and Crime Commissioner Events, linked to work package 3, on the same day at both Nottingham and Manchester universities.

Francesca Gains invited Tony Lloyd (pictured here), the Police and Crime Commissioner for Greater Manchester to give his 'mid-term review' of the success of PCC's and answered questions from a mixed audience of academics and members of the public.



Later that same day Vivien Lowndes hosted the Police and Crime Commissioner for the East Midlands, Paddy Tipping, who gave an assessment of the impact he believed PPC's had had over the last two years and gave his opinion on the future of Police and Crime Commissioners. This was followed by responses from University of Nottingham researchers and a lively question and answer session.

### ***News from the Work Packages***

#### ***Work Package 3: Institutional Layering at the micro-level***

Since the last project update Leah Culhane has moved into the exciting fieldwork stage of her doctoral research, making two trips to Ireland to carry out preliminary interviews. Soon into the new academic year, she visited Cork for a conference on gender quotas where she met a number of feminist academics and activists who were involved in the push to introduce quotas in Ireland. Returning in November, Leah visited Dublin to interview members of parliament and social movement actors about the political climate in Ireland, the new equality measures and the potential for gendered change.

Since returning, she has been transcribing the interviews and writing up her thoughts on the Irish context, reflecting on where she will go from here. She has also continued contacting policy makers, political party gatekeepers and potential candidates for the next general election so that she may fully immerse herself in interviews in the New Year!

#### ***Work Package 4: Institutional Conversion in the Executive: Chile under Bachelet: 2006-2010***

Although Carmen Sepulveda, the research associate working on Chile does not officially start until January 2015, there has already been a lot of activity on this work package. Following Georgina Waylen's research trip to Chile in August 2013 just as the election campaign was beginning to hot up, she returned to Chile in September this year, when Bachelet had been in office for six months. The pace of reform being attempted by the new government is impressive. Of the three flagship reforms, the tax reform has already gone through and the reforms of the education and the electoral system are being developed. But in the face of some serious obstacles – such as opposition from various quarters and a slowing economy – it remains to be seen how much of this



ambitious programme (now expanded to include labour reform as well as other changes to the health and pensions systems) it will be possible for the Bachelet government to achieve.

In gender terms, although the new cabinet is not a parity one (39% women) unlike Bachelet's first cabinet of 2006, there are proposals to turn SERNAM, the women's policy agency into a full ministry and it looks as if the decriminalization of therapeutic abortion might happen at long last (one of the last acts of Pinochet's dictatorship was to make all abortion illegal).

We are also beginning to see outputs from this research. The papers from the one day project workshop on President Bachelet held in Manchester at the end of April 2014 are currently in the process of revision for an edited collection. And Georgina gave a talk at the Institute of the Americas at UCL in December based on the concluding chapter of the volume.

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