

ERC Project: Understanding Institutional Change: A Gender Perspective

What are the gender dynamics of institutional change? Feminist scholars have long been interested in understanding gender inequality. Whilst women's status has improved in much of the world, multiple intersecting unequal power relations and male domination remain in many arenas – including judicial and political systems. Changing institutions is therefore fundamental to lessening gender inequality and yet the gender dynamics of institutional change are still poorly understood. Exploring these dynamics is a key task for feminist, if not all, social science as well as a public policy priority. It will provide a crucial meso-level link between the (sometimes unhelpful) overarching analyses of macro structures such as patriarchy and actors' actions and strategies, allowing scholars to improve explanatory frameworks while at the same time maintaining contextual specificity. This research programme brings together the most recent developments in new institutionalism (NI) and feminist social science to explore the dynamics of institutional change. Building on novel work already conducted in both these areas (eg FIIN, the Feminism and Institutionalism International network of which the PI, Georgina Waylen, is a co-director), this research will develop two agendas – gendering NI and incorporating NI tools within gender scholarship - with respect to understanding institutional creation, continuity and change. In an interdisciplinary, international and comparative programme of research that is empirically grounded, methodologically innovative and theoretically informed, the findings will not only provide a major advance for institutional analysis and gender and politics scholarship but also a step change in our understanding of institutions and institutional change.

Aims and objectives of the research: It aims to improve: (i) our understanding of the gendered dynamics of institutional change; (ii) NI frameworks by incorporating gender; (iii) gender and politics scholarship with a more systematic understanding of institutional change; and (iv) bring together NI and gendered approaches to empirically examine different types and forms of institutional change using an innovative mix of methods.

The State of the Art: Neither NI or gender scholarship gives us adequate tools to understand the gender dynamics of institutional creation, continuity and change. Since the 1980s NI has provided important new approaches for understanding institutions, reviving an interest that dwindled after the behavioural revolution. Rational choice (RCI), sociological (SI), historical (HI) (and now discursive institutionalism (DI)) – are a lens for analysing and understanding a range of social phenomena (Hall and Taylor 1996, Schmidt 2008, Scott 2008). Recently interest in improving our understanding of institutional creation, continuity and change has grown – but how this occurs is still weakly understood and its mechanisms are disputed both within and between the different strands of NI (Clemens 1999, Campbell 2010). Another big gap remains. NI has not addressed how institutions and institutional change is gendered. Although it considers informal rules and norms, NI has neglected the gendered dimensions of institutional dynamics, lacking a constructivist analysis of gender as reflecting multiple constitutive social processes and intersecting power dynamics that include other dimensions such as race and class (Scott 1986, Crenshaw 1991, Hawkesworth, Mohanty 2003).

Gender scholarship: understanding institutions and institutional change: Running parallel but largely separate is extensive scholarship relevant to the gendered study of institutions. For example feminist political science (FPS) moved from looking mainly at women actors and movements, toward their interaction with the wider political opportunity structure. Gender scholars incorporated formal institutions, as well as informal practices and norms, in their explanations of interactions between social movements, political parties, and the state (Banaszak et al, 2003). Important work on formal institutions in four key state arenas – the constitutional/ legal; bureaucratic; executive and legislative arenas - has also been conducted, e.g. examining electoral institutions and welfare states (Acker 1992, Orloff 2009). Scholars looking at informal institutions have focused on how gendered norms, practices and discourses can undermine and shape formal institutions (e.g. candidate selection procedures) and embody masculinities (and femininities) in various ways (Connell 2002, Chappell 2002, Bjarnegard 2010). But gender scholars rarely locate their work in an NI framework.

This gendered work, too, has limitations. The question of change – how to achieve it and how to make institutions and policies more gender friendly – has been central (Mackay et al 2010). And like NI frameworks, it has found understanding institutional creation, continuity and change hard, particularly reconciling structure with agency. It has sometimes over-emphasised women's agency, downplaying the structural constraints that can have negative effects on outcomes. As a result often it has not understood why institutional change, such as the establishment of women's policy agencies, has not significantly increased

gender equality. Unlike welfare state and legal literature, much gender and politics work has focused on explicitly gendered policy and institutional change – like electoral quotas. This focus on gender-specific institutions and lack of a wider understanding of institutional change has limited its explanatory capacity.

However path-breaking work that engages with institutionalist frameworks and can help us to understand the wider gender dynamics of institutional change has begun. Some feminist institutionalist work explicitly considers RCI, HI, SI and DI and explores the possibilities for each to incorporate gender. Thus far it appears that SI and DI and in particular HI have more potential to incorporate gender and provide useful tools (*Politics and Gender* 2009). Gender and politics scholars need to systematically utilise those elements that can improve our understanding the gender dynamics of institutional, creation, continuity and change.

Recent Developments in Institutional Analysis: Huge strides have been made in NI analysis since scholars like March and Olsen (1984) pioneered the current debates. This recent work can provide us with important tools to investigate the gender dynamics of institutional change. There now appears to be consensus about what institutions are, how to define them and the centrality of rules and norms. Indeed Mahoney and Thelen (2010: 4) claim that 'despite many other differences, nearly all definitions of institutions treat them as *relatively enduring* features of political and social life (rules, norms and procedures) that structure behaviour and cannot be changed easily or instantaneously'. As such, we have to distinguish between different rules, norms and practices, and particularly between formally codified rules and more informally understood conventions and norms (Peters 1999). Exploring this distinction between formal and informal institutions has become an increasingly important focus in recent years. Helmke and Levitsky (2004: 727) define informal institutions as 'socially shared rules, usually unwritten, that are created communicated and enforced outside of officially sanctioned channels' in contradistinction to formal institutions which are 'rules and procedures, that are created communicated and enforced through channels widely accepted as official'.

If we use this understanding of formal and informal rules, norms and practices, their role in change, conflict and the distribution of power, as well as in maintaining stability and integration becomes important. Institutional change means changes to norms, rules and practices in all their forms. But the three main forms of NI understand change differently. For both SI and RCI change occurs largely exogenously and institutions tend towards stability and equilibrium. In contrast HI has a view of institutions, not as either cultural scripts or co-ordinating mechanisms, but as legacies of historical struggles (Mahoney and Thelen 2010). HI uses concepts like path dependence and critical junctures to understand interests and their interaction with structures in the emergence and development of institutions. Institutions and their rules, norms and practices therefore shape power relations with distributional consequences, disproportionately distributing resources to actors already with power – power-distributional implications of institutions motivate change. But HI until recently has been better at understanding continuity and stability, and exogenous rather endogenous change.

Nonetheless recent HI scholarship that focuses on institutional change is particularly useful for this research programme (Streck and Thelen 2005). It looks at compliance and enforcement – how and why actors obey or do not obey rules - as a fundamental source of change. If institutions are self reinforcing with distributional issues at the centre then compliance becomes a key variable (Mahoney and Thelen 2010). Challenges and changes to rules, norms and practices become a central focus of any analysis of change. These can take a variety of forms as rules are ambiguous and subject to political skirmishing. HI scholars have outlined how incremental endogenous institutional change can occur in 'gaps' and 'soft' spots between a rule and its interpretation and enforcement, as well as more clear-cut and exogenous change (Thelen 2009).

Mahoney and Thelen (2010) outline four types of institutional change. First is displacement, involving the removal of old rules and the introduction of new ones. Although not inherently a gradual form of change, displacement can be slow moving. Normally new institutions are introduced by actors who were losers under the old system and so displacement can involve a significant upheaval. The second type of change is layering: new rules are introduced alongside or on top of existing ones. It often takes place when institutional challengers cannot change existing rules. The third form is drift – the impact of existing rules changes due to shifts in the environment. The final form is conversion: the enactment of existing rules is changed as actors actively exploit the inherent ambiguities of institutions. This typology highlights the roles and power of actors in different forms of change and continuity, offering an important framework to inform analyses of institutional creation, continuity and change both theoretically empirically. But we need to combine institutional analysis with gender scholarship to more fully explain institutional change.

Towards a Synthesis?: Both NI and gender research can benefit from each other. Introducing gender as an analytic category would help NI to better theorize the gendered nature of formal institutions, the operation and importance of informal institutions and intersecting power relations within and across institutions. Recent gender scholarship that has used NI and particularly HI work has demonstrated the potential of HI approaches in helping solve some problems that currently hamper it in answering some big questions: such as how certain institutions and regimes are gendered, how they came into being, and how change can come about as well as understanding the relationship between actors and the institutional context (Charrad 2001, Waylen 2009). With concepts like critical junctures, feedback mechanisms, and institutional conversion and layering, HI offers new tools for capturing dynamics of continuity and change in gender and politics. This can help us understand how positive gender change, such as improvements in women's representation, can come about. Indeed HI and current constructionist work on gender share an emphasis on methodological pluralism and problem driven and historically focused research. We can use both the latest gender and NI (particularly HI) scholarship outlined above for meso-level and contextually specific analyses that can better explain the gender dimensions of institutional change and the ways in which these formal and informal rules, norms and practices shape power relations with distributional consequences.

The Research Programme: This international and comparative programme will investigate multiple forms of gendered institutional creation, continuity and change – endogenous, exogenous, rapid and gradual – using an approach informed by NI and gender scholarship (drawing, for example, on gender research in sociology, social policy, law and organization studies as well as politics), through six interlinked projects combining innovative empirical, methodological and theoretical approaches. It will explore the gendering of diverse instances of institutional change, focusing on how formal and informal rules, norms and practices are created and challenged. As a result it will be possible to assess the opportunities for gender-friendly change.

The programme investigates empirically five cases of institutional creation, continuity and change in both formal and informal institutions chosen to provide contrasting cases in the four key institutional arenas. They combine examples of endogenous and exogenous change. Three are multi-case comparisons – looking at multiple locations and levels – subnational, national, and international – and two single cases. Each project stands alone, but when put together, analysing data from five different empirically based projects contributes to the development of an over-arching analytical framework. Using Mahoney and Thelen's typology they examine primarily three major types of change – displacement (often rapid change), layering (often gradual) and conversion (gradual) - either individually or in combination. The cases differ from the more usual gender specific institutions and mechanisms. Instead the projects investigate cases often seen as 'gender neutral'. Because together the projects encompass different forms of change to formal and informal institutions at different levels, it will be possible to reach overarching conclusions and develop research agendas. This meso-level empirically grounded analysis will retain contextual specificity avoiding excessive abstraction.

The six projects build on previous research and expertise. The PI has already undertaken theoretical work on developing a feminist institutionalism (Waylen 2009a,b) which feeds into the whole programme and the development of an analytical framework. Her work on democratization examined gender outcomes and the creation of new institutions using an approach informed by HI (Waylen 2010a). Finally, the Leverhulme Programme research investigating the gendering of rules, norms and rituals in parliament cross-nationally will be developed, for example, in the research on informal institutions (Waylen 2010b).

The programme uses an innovative combination of methods. Although common in much social science, it is still very unusual to conduct ethnography and participant observation in political science. The research also fits the increasing use of mixed/multi methods in comparative politics – e.g combining in-depth case analysis with quantitative statistical analysis. The cases provide single and cross national comparative analyses and link to the developing research agenda for an institutionally and empirically grounded gendered comparative politics. The comparative analysis will be vertical – from the subnational to the international – and horizontal – across national cases and in the four key institutional arenas (Chappell 2010).

WP1: Institutional Displacement at the national level: Post Conflict Settlements: This project examines institutional displacement at a time of rupture. A horizontal three case comparison looks at how national level post conflict institution building in the constitutional/legal arena is gendered and how gender concerns can be incorporated into settlements, helping to ensure their equity and sustainability. The research will assess how far critical actors can get gender concerns included by: exploring how far existing norms, rules and practices,

both formal and informal, constrain actors, and by examining the broader institutional context and processes in which post conflict settlements are negotiated and designed. After a quantitative overview of post conflict settlements, the research will analyse 3 cases, South Africa, Bosnia, and Northern Ireland, with varied levels of involvement by women actors and different gender outcomes. A comparative analysis will explore the circumstances that facilitate women's involvement and determine different outcomes. The cases share characteristics e.g. high profile settlements reached at a similar time. But in Northern Ireland and South Africa, women actors were involved in the negotiations with some positive outcomes in gender terms. Bosnia had no women's involvement in the negotiations and gender issues did not figure in the institutional settlements. The project will compare the context, the conflict and peace processes and the constitutional outcomes in all cases, and analyse the negotiations and the institutional processes where women actors, organized as women, had an impact on outcomes. The quantitative part will build on innovative work undertaken by the Institute of Transitional Justice, University of Ulster. Primarily qualitative methods will be used to gather primary and secondary data for the 3 case comparison (secondary literature, documentary sources and interviews in the UK and other case study countries). Duration 24 months

WP2: Institutional Displacement at Different levels: A Vertical Comparison: This project compares three cases of institutional displacement in the constitutional/legal arena at the subnational, national and international levels. External experts are co-supervisors in this collaborative project. The Scottish parliament, a new institution created as part of a larger process of devolution is the subnational case (supervisor Prof Fiona Mackay, Edinburgh University). The new constitutional court in South Africa, a key part of the transition to a constitutional democracy, is the national level institution (supervised by the applicant); the International Criminal Court in The Hague is the new institutional form at the international level (supervisor Prof Louise Chappell, University of New South Wales). This project will examine the extent to which 'new' institutions like these are really new in terms of their rules, norms and practices, and how far they remain embedded in pre-existing institutional forms and practices ('nested newness'). It will test the proposition that new institutions offer more opportunities for the creation of more 'gender friendly' institutions if certain other conditions are fulfilled. The project will look for differences and similarities between the cases determining the key factors. Again the roles of key actors and their interaction with institutional structures will form an important part of the research. The data collected for this project will be predominantly qualitative from archival, documentary and interview sources for each of the research sites. Duration 24 months

WP3: Institutional Layering at the Micro Level: This project examines institutional layering at the micro level through two strands of research which use UK local level case study material. The first strand compares the implementation of equalities policies in two universities. It will examine equalities policies (pertaining for example to race, disability, gender and sexuality) as a new institution layered on top of existing practices, analysing differences and similarities in the ways that the same new (formal) rules are implemented in two otherwise quite comparable institutions and how far pre-existing differences in institutional rules, norms and practices (both formal and informal) affect implementation in each institution. It will primarily consider changes to gender and disability policies over approximately a 20 year period. The second strand will examine a brand new layered institution created at the local level – the Police and Crime Commissioners who were elected for the first time in 2012 - and examine how this new governance institution is gendered, looking also to see what new norms and practices (formal and informal) emerge and how far existing norms and practices remain in place. This WP will utilize ethnographic research methods, in-depth interviewing and archival research and will explicitly address questions of intersectionality. The research will be conducted by a PhD student, Professor Francesca Gains (University of Manchester) and Georgina Waylen. The research will also benefit from the expertise of Professor Vivien Lowndes, a core member of the advisory board, who will be undertaking linked research. Duration 36 months.

WP4: Institutional Conversion in the Executive: Chile under Bachelet 2005-2010: This project investigates institutional conversion in the executive arena by examining the still relatively unusual case of a female-headed core executive. Furthermore Chile's first woman president was elected with an explicit gender agenda. Preliminary research has indicated that she could not create new institutions to help her achieve her aims but used a strategy of conversion to attempt change. This project will investigate strategies such as the use of pre-existing mechanisms like presidential decrees, constitutional tribunals and urgencies

by which institutional change was both attempted and was blocked by opponents. It will also examine efforts to introduce change in several policy areas including welfare and reproductive rights as well as changes to existing institutions such as strengthening the women's agency SERNAM and the Council of ministers for Equality of Opportunity. The project will also consider the significance of the broader institutional context such as the strength of the Chilean core executive and emphasis on consensus within the political system since the transition to democracy. The project will also assess how far any changes have outlasted the recent change of government. The methods employed to gather data will be mainly qualitative, such as in-depth interviewing. Duration 24 months

WP5: Change to Informal institutions: UK and South African parliaments: This project investigates informal institutions in the legislative arena. It compares the operation of two key informal institutions – disruption and expenses – in the South African and UK parliaments. Both informal institutions are surrounded by unwritten norms and conventions and are the subject of contestation. Disruption occurs in both parliaments but it takes very different forms according to the norms of each parliament. The project will investigate how the different norms of disruption are gendered and how far they have changed recently (since the transition in South Africa and the influx of new women MPs in 1997). Both parliaments have also been subject to two recent parliamentary expenses scandals. The project will how assess how far either expenses scandal can be seen as an informal institution and whether MPs participated in gendered ways. Did male and female MPs have different expenses claims? Did they use and interpret any informal institutions in different ways? Did MPs respond differently in UK and South Africa and were, for example were the protestations of innocence from some UK MPs because they felt that they had obeyed the (informal) rules? The research will examine the outcomes of the expenses scandals and the attempts to reform/change and formalise any informal institutions. Is there are relationship between endogenous and exogenous change? Again did male and female MPs respond to the scandals differently and were they treated differently? Or are there no discernible patterns according to gender (race or class)? It will be primarily qualitative using participant observation within the chambers, documents (expenses claims, Committee Minutes, South African enquiry reports), and in-depth interviews (with parliamentary staff and MPs). Duration 24 months

WP6: Overarching theory building: A key component of this programme is the theory building element which will run through the programme. Its work will inform the establishment and development of the empirical projects in years 1-4 and in the last year it will use the data gathered from the empirically based projects to develop the overarching analytical framework. This project will bring together the findings of the empirically based projects to consider the significance of changes and challenges to formal and informal rules, norms and practices resulted in different forms of gender institutional change. It will assess the range of distributional consequences and the implications for strategies that aim to achieve positive gender change in a range of institutional contexts not just gender specific institutions. This project will not involve any primary research and the PI will take the lead and other team members will contribute. Duration 60 months

Research Direction: The programme team comprises nine researchers (including two external supervisors) organized into six projects, phased over a five year period. It builds on the PI's previous work and involves collaboration with trusted colleagues. The PI will work full-time on the programme - directing the research team and conducting much of the research particularly for the theory building part. She will take financial and managerial responsibility for it, including project dissemination, assisted by a part-time administrator.

Groundbreaking Nature of the Research: This theoretically and methodologically ambitious research combines the latest developments in NI and gender scholarship to improve our analyses of institutional change. A coherent programme of linked empirically grounded and theoretically informed research projects, will produce sophisticated meso-level analyses using an innovative mix of methods - from ethnographic participant observation to larger scale quantitative analysis. It will open new agendas in gender and politics scholarship to systematically investigate how institutional change is gendered, why some forms of change appear more successful in achieving their aims, and how and why informal institutions operate in gendered ways. It will develop new frameworks to better analyse and understand institutional change, and ensure that gender equity can be incorporated more effectively by practitioners into institutions, their design and reform.