

## **Project Outline: 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. This research provides 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 has brought 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 (some by FIIN, the Feminism and Institutionalism International network – [www.femfiin.org](http://www.femfiin.org) - of which the PI, Georgina Waylen, is a co-director), this research has developed 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 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 has aimed 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 had 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 now exists. Some feminist institutionalist work has explicitly considered RCI, HI, SI and DI and explored the possibilities for each to incorporate gender. It appeared 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.

**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 the last two decades. 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 had 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 HI scholarship that focused on institutional change is particularly useful for this research programme (Streeck 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) outlined 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 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 constructionist work on gender have shared 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 has investigated 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 explored 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 is now more possible to assess the opportunities for gender-friendly change.

The programme has investigated empirically a number of 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 work packages (WPs) contributes to the development of an over-arching analytical framework. Using Mahoney and Thelen's typology as an initial starting point, the empirically based work packages examined 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 have investigated cases often seen as 'gender neutral'. Because together the projects encompass different forms of change to formal and informal institutions at different levels, it is possible to reach overarching conclusions and develop research agendas. This meso-level empirically grounded analysis retains contextual specificity avoiding excessive abstraction.

The six work packages built on previous research and expertise. The PI had already undertaken theoretical work on developing a feminist institutionalism (Waylen 2009a,b) that has fed 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, a Leverhulme Programme research investigating the gendering of rules, norms and rituals in parliament cross-nationally has been developed, for example, in the research on informal institutions (Waylen 2010b).

The programme used 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 into 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 is vertical – from the subnational to the international – and horizontal – across national cases and in the four key institutional arenas (Chappell 2010).

### **WP1: The Creation of New Institutions: Post Conflict Settlements as National-Level Institutional Displacement**

This project examined the creation of new institutions (institutional displacement) at a time of rupture. A horizontal comparison looked 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 assessed 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.

Together with a quantitative overview of post conflict settlements, the research has analysed three cases, South Africa, Bosnia, and Northern Ireland, with varied levels of involvement by women actors and different gender outcomes. A comparative analysis has explored the circumstances that facilitate women's involvement and determine different outcomes. The cases share characteristics e.g. they were 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 has compared the context, the conflict and peace processes and the constitutional outcomes in all cases, and analysed the negotiations and the institutional processes where women actors, organized as women, had an impact on outcomes. The quantitative part built on innovative work undertaken by the Institute of Transitional Justice, University of Ulster. Primarily qualitative methods were used to gather primary and secondary data for the three in-depth case studies (secondary literature, documentary sources and interviews in the UK and other case study countries).

Duration 24 months. September 2012-August 2014

### **WP2: The Creation of New Institutions: Institutional Displacement at Multiple levels:**

This project examined three cases of institutional displacement in the constitutional/legal arena at the subnational, national and international levels. Two external experts were team members in this collaborative project. The Scottish parliament, a new institution created as part of a larger process of devolution provided the subnational case (Prof Fiona Mackay, Edinburgh University). The new constitutional court in South Africa, a key part of the transition to a constitutional democracy, provided the national level institution (undertaken by Rachel Johnson); the International Criminal Court in The Hague was the new institutional form at the international level (Prof Louise Chappell, University of New South Wales).

This project examined 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 explored the proposition that new institutions offer more opportunities for the creation of more 'gender friendly' institutions if certain other conditions are fulfilled. The project looked for differences and similarities between the cases as determining the key factors. Again the roles of key actors and their interaction with institutional structures formed an important part of the research. The data collected for this project is predominantly qualitative, using archival, documentary and interview sources for each of the research sites.

Duration 24 months November 2012- October 2014

### **WP3: The Creation of New Institutions: Institutional Layering**

This work package has examined the creation of new institutions that have been layered on top of existing institutions in two separate research projects.

In the first project, team members, Professor Francesca Gains (University of Manchester) and Professor Vivien Gains (University of Birmingham) investigated Police and Crime Commissioners (PCCs), a new institution that was layered on to existing local police structures in England. Their

creation was part of the Conservative party's election manifesto in 2010 and the first ones were elected in 2012. PCCs were new governance structures intended to increase participation, accountability and democracy. This research has investigated the role that gender plays in PCCs. It has examined how entrenched norms, rules and procedures have played out in this new institution and its policy outputs. The research has asked whether informal norms have changed to match changes in formal structures.

In the second project, UIC PhD student, Leah Culhane, has examined the introduction of electoral gender quotas as a new layered institution that was used for the first time in the Republic of Ireland in 2016. Leah Culhane has explored how far the quotas have disrupted existing patterns of male dominance that have long been reinforced by informal norms and practices at the local level, particularly surrounding notions of 'localism'. These projects used a range of qualitative techniques such as participant observation and in-depth ethnographic work together with quantitative analysis. Duration 36 months October 2013 to September 2016

#### **WP4: Using Existing Institutions: Institutional Conversion in the Chilean Executive.**

This project has investigated 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 in 2010 with an explicit gender agenda. Preliminary research indicated that she could not create new institutions to help her achieve her aims but used a strategy of conversion to attempt change in her first presidency. This project investigated the 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 in her first presidency. It examined 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 also considered 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. Finally the project assessed how far any changes outlasted the subsequent election of a right-wing president in 2010, and compared Bachelet's first with her second administration elected in 2014. The methods employed to gather data were primarily qualitative, such as in-depth interviewing.

Duration 24 months. January 2015-December 2016.

#### **WP5: Informal institutions.**

The research in this Work Package had two elements. First, the Work Package itself investigated informal institutions in the legislative arena. It examined the operation of two key informal institutions – disruption and expenses – in the South African and UK parliaments. Both institutions are impregnated with unwritten norms and conventions that are the subject of contestation. Both parliaments have also been subject to recent expenses scandals. The project assessed how far these expenses regimes can be understood as informal institutions and whether MPs participated in gendered ways, for example whether male and female MPs had different expenses claims. The research has examined the outcomes of the expenses scandal in the UK and the attempts to reform/change and formalise any informal institutions. Disruption also occurs in both parliaments but takes very different forms according to the norms of each parliament. The project investigated how these different norms of disruption are gendered and how far they have changed since the transition in South Africa and the influx of new women MPs in the UK in 1997.

Second, the research undertaken in all the other Work Packages has also played a central role by feeding into and informing the UIC work on informal institutions, as the informal became a central theme in all the UIC research. Research conducted in WP5 was both qualitative, using participant observation within the chambers, documents and in-depth interviews as well as quantitative, analysing expenses claims.

Duration 24 months.

### **WP6: Theory building:**

A key component of the UIC research has been the theory-building element which ran throughout the programme and came together in this WP. Its work informed the establishment and development of the empirical projects in years 1-4 and the data gathered from these empirically based projects have contributed to the development of an overarching analytical framework. Informed by a feminist institutionalist approach, this work package therefore has brought 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 has assessed 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.

As such, this project did not involve any primary research and the PI, Georgina Waylen, took the lead, with contributions from other team members. This WP has also contributed to the further development of feminist institutionalism.

Duration 60 months. June 2012 to May 2017.

**Research Direction:** The programme team comprised nine researchers (including three external team members) organized into six projects, phased over a five year period. It built on the PI's previous work and involves collaboration with trusted colleagues. The PI worked full-time on the programme - directing the research team and conducting much of the research, particularly for the theory building part. She took overall financial and managerial responsibility for UIC, including project dissemination, assisted by a part-time administrator.

### **Groundbreaking Nature of the Research:**

This theoretically and methodologically ambitious research combined the latest developments in NI and gender scholarship, particularly feminist institutionalism, to improve our analyses of institutional change. A coherent programme of linked empirically grounded and theoretically informed research projects, has produced sophisticated meso-level analyses using an innovative mix of methods - from ethnographic participant observation to larger scale quantitative analysis. It has opened 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 is developing 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.