

## How Are Things Done Around Here? Uncovering Institutional Rules and Their Gendered Effects

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doi:10.1017/S1743923X1400049X

Despite its popularity as a conceptual framework, institutionalism is characterized by a deep methodological uncertainty. Doctoral students struggle to pin down the actual institutions that they wish to study, and, in the work of many established scholars, the operationalization of institutionalist concepts is frustratingly vague or surprisingly flexible. It has been 30 years since “new institutionalists” March and Olsen (1984) argued that “the organisation of political life makes a difference.” They were reacting to “undersocialised” perspectives like behavioralism and early rational choice theory and asserting that informal conventions were as significant as formal structures and procedures. This broad conception of institutions has been both the strength and the weakness of the wave of research that followed. It has enabled new institutionalists to build a more fine-grained and realistic picture of what *really* constrains political behavior and decision making. But an expanded definition of “institution” runs the risk of “conceptual stretching” (Peters 1999, 216). March and Olsen (1989, 17) themselves make no clear distinction between institutions and social norms in general, while Douglas North (1990, 83) goes as far as to include tradition, custom, culture, and habit in his definition. Researchers also operate at radically different temporal and spatial scales — from microlevel studies of decision making to analyses of whole government systems (like legislatures, for instance) or historical accounts of policy change. Bo Rothstein (1996, 145) cautions that if the concept of institution “means everything, then it means nothing.” Guy Peters (1999, 145) argues that institutionalists need “more rigour in conceptualisation and then measurement of the phenomena that are assumed to make up institutions.”

Rather than simply importing this methodological uncertainty, the emerging feminist institutionalism has an opportunity to pick up Peters’ challenge and to engage critically and creatively with the methodological challenges of the new institutionalism. Feminist institutionalism examines how the *gendered* organization of political life makes a difference. In shaping political behavior, institutions distribute power, differentially constraining and enabling actors in ways that “stick” over time. Our concern is with the gendered nature of these power

settlements. Political institutions can be seen as “gender regimes” that reflect, but also help constitute the roles, relations, and identities of women and men in the political arena — whether as voters, campaigners, service users, public servants, or politicians (Connell 2002). Methodologically, we need to address three key questions:

- How can we identify gendered institutions on the ground?
- How can we uncover the ways in which gendered institutions do their work?
- How can we link our methods to strategies for change?

### How can we identify Gendered Institutions on the ground?

Institutions produce “stable, valued and recurring patterns of behaviour” (Huntington 1968). Researching institutions requires that we map back from these patterns of behavior to unearth the (formal and informal) “rules of the game.” It is no good starting with organizations or policy programs or even constitutions. As Anthony Giddens (1999, 127) reminds us, institutions are “instantiated” in the action of individuals — they do not have an objective existence beyond their effects upon actors’ behavior. The researcher’s aim should be to identify the specific rules of behavior that are agreed upon, whether explicitly or tacitly, and (in general) followed by agents. Informal institutional rules are thus distinct from personal habits or “rules of thumb.” They are

- specific to a particular political or governmental setting,
- recognized by actors (if not always adhered to),
- collective (rather than personal) in their effect,
- subject to some sort of third-party enforcement (formal or informal), and
- able to be described and explained to the researcher.

The masculine and adversarial style and form of questioning in a UK Parliamentary Select Committee, for example, is not set down in writing, but follows a set of rules that, in turn, express particular values and power relationships. Such rules can be described, evaluated, and compared with alternative scrutiny arrangements. In contrast, the way that a Select Committee member organizes her papers (however regularly and systematically) is simply a matter of personal habit.

Institutional rules can be characterized as “prescriptions that define what actions (or outcomes) are required, prohibited or permitted, and the sanctions authorized if the rules are not followed” (Ostrom 1999, 38).

Rules distribute power by assigning actors to particular roles, specifying their access to organizational resources, establishing their personal payoffs, and so on. Gender may be directly implicated in rules. From a feminist viewpoint, this may be positive as in the case of gender quotas, affirmative action, or maternity arrangements, or negative as in the historical exclusion of women from voting or property rights. At the same time, seemingly neutral rules about the conduct of political business or policy making may have gendered effects because of the way in which they interact with informal rules derived from wider gender norms. Political institutions are not insulated from the rules that shape gender relations in the home, workplace, or civil society. As Krook and Mackay (2011, 7) note, “political institutions are themselves constituted by these embodied social practices of ‘doing gender’ on a daily basis.” But, analytically, it is important to distinguish political institutions from nonpolitical institutions and to problematize their relationship. Feminist researchers should beware of expansive understandings of “institutions” that import into their definition broad notions of culture and custom.

A feminist research strategy needs to focus upon the rules of political institutions and also their articulation with nonpolitical institutions. Such institutional interconnections may serve to exclude and disempower women in political arenas (but may also be the object of feminist strategies for change). When and where meetings are held may disadvantage women with caring responsibilities; preferred styles of leadership may clash with rules about appropriate behavior for women; informal rules about the appropriate age for a specific role may exclude women who have had career breaks; welfare state or social security policies may be underpinned by conventions about the sexual division of labor in the home and workplace. In a general sense, institutional rules are gendered as far as they prescribe (and proscribe) “acceptable” masculine and feminine forms of behavior for men and women (Chappell 2006, Kenny and Lowndes 2011). Informal gendered norms and expectations shape formal rules, but may also contradict or undermine them, for instance, working to frustrate or dilute the impact of gender equality reforms (see Chappell 2011; Kenny 2011).

Methodologically, it is a challenge for feminist institutionalists to identify the complex matrix of rules that produce gendered effects in politics. Elinor Ostrom’s concept of rules-in-use is helpful because it avoids making any strict separation between informal and formal rules or prejudging their relative significance. The mix of formal and informal rules is always an empirical question, and we should expect this mix to vary between cases

and to change over time. Rules-in-use are best described as the distinctive ensemble of “dos and don’ts that one learns on the ground” (Ostrom 1999, 38), which may or may not have a formal manifestation, and which expresses institutional linkages across political and nonpolitical domains. Research needs to start with a clear understanding of what qualifies as a rule and then seek to establish “how things are done around here” or “why is X done, but not Y.” The best way is to ask actors about rules (via interviews, focus groups, or diary keeping) and study behavior on the ground (via observation, ethnographies, or action research). Dialogic methods are well suited to this challenge, as they facilitate reflection and the uncovering and naming of informal rules by actors. Using a preliminary mapping of rules-in-use, surveys can be designed to test their relevance and applicability among larger and more varied groups of actors. For historical research, the challenge is to reconstruct the rules-in-use in place at a specific moment through triangulation between varied sources.

### **How can we uncover the ways in which Gendered Institutions do their work?**

Having uncovered — or come nearer to specifying rules in use — the next task is to establish *how* rules shape actors’ behavior. Through which processes do actors understand what is expected of them, and why do they bother to respond to these signals? Sociological institutionalists argue that political institutions influence behavior by shaping individuals’ “values, norms, interests, identities and beliefs” (March and Olsen 1989, 17). Rational choice scholars argue that institutional factors do not produce behavior, but affect the structure of a situation in which actions are selected, primarily through influencing incentives and information flows (Ostrom 1986, 5–7). Discursive or constructivist institutionalism points to the way in which institutions shape behavior through frames of meaning — the ideas and narratives that are used to explain, deliberate, or legitimize political action (Hay 2008; Schmidt 2010). While some commentators have insisted that these positions express fundamentally different ontological positions (Hay and Wincott 1998, 953), it is possible that they reflect the mixed motivations to which political actors (including institutional designers) are subject (Lowndes and Roberts 2013, 50). The special character of institutions lies precisely in the fact that they are “over-determined” (Scott 2001, 51). In robust

institutional arrangements, regulative, normative, and discursive mechanisms work together to shape behavior. This is what makes institutions more than organizations and explains why institutions endure over time and are valued in themselves (and struggled against by those who hold different values). Methodologically, the real challenge is to establish how these distinctive modes of constraint interrelate in practice (Lowndes and Roberts 2013, 50–51).

This provides a useful framework for feminist institutionalists seeking to establish how institutions produce gendered effects. Research is needed in three main areas. First, how do institutions *regulate* actors' behavior to produce gendered effects? We need to consider how laws, standards, and protocols produce such effects and identify the rewards and punishments associated with compliance or noncompliance. Second, how do institutions *obligate* actors to behave in gendered ways? Here we need to uncover "gendered logics of appropriateness" (Chappell 2006), looking at how they operate through routines and practices and may be enforced through informal means (for instance, displays of disapproval, social isolation, threats, or even acts of violence). Third, how do institutions *narrate* forms of gendered behavior or legitimize gendered political outcomes? A research agenda opens up regarding forms of cognitive framing within political life, which "organize in" or "organize out" certain arguments on a gendered basis. Each of these elements suggests different research methods, from documentary analysis to ethnography and discourse analysis.

### How can we link our Methods to Strategies for change?

For feminists, understanding the role of institutions in gendering political processes and outcomes has more than academic significance. It is central to strategies for surfacing, and resisting, the discriminatory and exclusionary effects of dominant gender regimes and for creating more gender-just political institutions. Institutions are of interest to feminists because of the ways in which they may frustrate the intentions of reforming actors. But they are also of interest because they provide the potential means to embed gender-just commitments, beyond moments of activism and the influence of individual actors. Methodologically, strategies are required that uncover the rules-in-use that distribute political resources, opportunities, and benefits in a gendered fashion. Establishing how such rules are articulated with institutions in family life, civil society, and the

economy is the next step. Finally, we need to determine how rules-in-use operate to constrain some actors and empower others through gendered processes of regulation, obligation, and narration. Any gaps that open up between these modes of constraint may provide actors with space for resistance or the development of new rules. Feminist researchers can use their data to model alternative rules (using mathematical methods, lab experiments, or game theory) or to inform the design, trialing, and evaluation of more gender-just institutions on the ground.

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## Feminist Legal Method and the Study of Institutions

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doi:10.1017/S1743923X14000506

Consistent with feminist scholarship more broadly, feminist legal methodology is more clearly unified by a common objective — revealing and challenging the role of law in exacerbating women's inequality — than specific methods per se. Nevertheless, common methods and approaches to the feminist legal study of institutions can be discerned. This brief intervention will focus on describing these common methods and approaches, explaining how they differ from feminist political science, and conclude with some reflections on how feminist legal studies might enrich feminist political science study of institutions in order to inform strategies for change.

### HOW DO FEMINIST LEGAL SCHOLARS UNDERSTAND INSTITUTIONS AND RULES?

Broadly speaking, feminist legal theory has been less concerned than feminist political science with the analysis of institutions per se and is much clearer in its understanding of rules than in its understanding of institutions. "Rules" refer, in their most basic sense, to the laws that have been codified and amended through constitutions, statutes, and regulations and developed through judicial interpretation in courts.

I would like to thank Professors Fiona Mackay and Georgina Waylen for very constructive input on this essay.