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## **Institutions**

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## **Abstract and Keywords**

This chapter addresses “institutions” as a central component of feminist analysis. It provides an overview of the ways in which feminist scholars, informed by varied feminist traditions and approaches, and working across a range of disciplines, have used different conceptualizations of institutions to explore gender power dynamics. It differentiates between “institutions” and other key concepts, such as “structure” and “organizations” and explores “gender as an institution,” “gender in institutions,” “gendered institutions,” and “institutions as producers of gender.” Furthermore, it addresses the limitations of uni-dimensional understandings and methodologies, and argues the importance of incorporating more dynamic, inclusive, and intersectional lenses in contemporary institutional analysis.

Keywords: institutions, gender, feminism, norms, rules, social order, intersectionality

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INSTITUTIONS are a central component of feminist analysis, although they are not always discussed as such. In common vernacular, the term *institutions* has a relatively narrow focus and is often used to discuss formal organizations, such as government institutions, institutions of higher learning, medical institutions, and legal institutions. Within this narrow conceptualization, institutions might serve as the focus or target of feminist analysis and critique, as these formal structures are the site of gender inequality and injustices. And, indeed, there is much important work to this end. Some scholars, however, have pushed for a broader conceptualization of institutions, instead defining them as the rules (both formal and informal) that structure behavior. As such, institutions are not merely one target for analysis, but really are at the very heart of feminist analysis. The centrality of institutions became particularly pronounced as feminist scholars began to shift away from analysis of women and sex roles towards a broader conceptualization of gender as “the pervasive ordering of human activities, practices, and social structures” and as “part of the processes that also constitute class and race, as well as other lines of demarcation and domination” (Acker 1992, 567). In recent years, application of the term *institution* to a variety of phenomena has become so widespread that it is difficult to establish what exactly an institution is.

How feminist scholars have used “institutions” in their research, is in no small part determined by their varied understandings of gender. For example, early liberal feminists frequently focused on sex as a biological category and gender as a product of socialization. Liberal feminist scholars have investigated gender differences within institutions, but have treated institutions themselves as gender neutral. Conceiving institutions in the context of patriarchy, the overarching system of power that organizes society to advantage men, radical feminists have challenged claims of gender neutrality, suggesting instead that institutions entrench male power and are important sites for contestation. Socialist feminists situate institutions within larger structures of constraint such as race, class, gender, and nationality that limit individual choice and action in systemic ways. Emphasizing discursive and performative aspects of institutions, postmodern and poststructural feminist scholars probe fundamental categories of identity as (p. 368) cultural and social productions. Intersectional feminist scholars build on some of these schools of thought, while emphasizing the simultaneity of multiple oppressions. Taking a constructivist approach to gender, intersectional feminists suggest that gender is constituted in and through race, class, sexuality, and other social vectors of power. An intersectional approach to institutions investigates not only how institutions are gendered, but also how they are also raced, classed, and enmeshed in complex geopolitical formations. Emphasizing the importance of intersectional institutional analysis, Patricia Hill Collins (1993, 30) has noted that “removing any one piece from our analysis diminishes our understanding of the true nature of relations of domination and subordination.”

Theorizing gender as an analytical category, Joan Scott (1986, 1067) has conceptualized gender as “a constitutive element of social relationships based on perceived differences between the sexes, and, a primary way of signifying relationships of power.” Using gender as an analytical category, in this essay, I compare four leading feminist

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approaches: “gender within institutions,” “gendered institutions,” “gender as an institution,” and “institutions as producers of gender.” I focus on scholarship in the fields of law, sociology, political science, communication, and history that has explicitly used the language of institutions. I also explore the contributions and benefits that feminist theorizing has had on the study of institutions and the role that institutional analysis might have in feminist scholarship. By discussing historical trends as well as recent innovations, I hope to illuminate how feminist approaches to institutions create possibilities to enhance understanding and to challenge systems of inequality. I draw attention to current limitations in the field, particularly the shallow explorations of intersectionality, and argue for the benefits of an intersectional approach to institutional analysis while also suggesting the benefits of institutional analysis to the intersectional study of gender.

## Structure, Institutions, and Organizations

As mechanisms of social order that regulate human behavior within particular communities, structures, institutions, and organizations are often conflated. Yet there are subtle distinctions among these concepts, and the explanatory force attributed to each varies across disciplinary fields and ideological formations.

Working within a Marxian framework, Iris Marion Young and R.W. Connell analyze gender and institutions as a part of structure. According to Young (2002, 20), structure “denotes the confluence of institutional rules and interactive routines, mobilization of resources, and physical structure, which constitute the historical givens in relation to which individuals act.” Indeed, structures “connote the wider social outcomes that result from the confluence of many individual actions within given institutional relations.”

Conceptualizing structures as practices that have been institutionalized over time, which create patterns of constraint on individual choice, R. W. Connell (1987, 93) notes (p. 369) that structure may not be immediately visible in social life but these foundational relations underlie the surface complexity of interactions and institutions. Structural analysis is a mode of inquiry that investigates these constraining practices and probes their complex dynamics. As conventions created by humans, structures are amenable to change; but, once entrenched, they gain a potent hold over the popular imagination. And, once “naturalized,” structures gain impressive stability that makes them enormously difficult to transform.

For structural analysts, institutions are embedded in structures, which shape larger, broader, and deeper patterns of social interaction. Yet, there are also suggestions of a two-way or cyclical relationship between structures and institutions: structures underlie and inform the creation and possibilities of institutions; but as products of human action, structures also result from and are the consequence of institutions. Within the context of

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structural analysis, institutions are never “neutral”; they reflect and reproduce structural inequalities.

Barbara Risman (2004) explicitly differentiates between structures and institutions, noting that institutions usually refer to particular aspects of society, ranging from social institutions like the family to organizations such as corporations or government agencies. Suggesting that the concept of structure is trivialized if it is located, Risman argues that structure, and more specifically gender as structure, is more deeply embedded within social relations, operating as a basis for stratification “not just in our personalities, our cultural rules, or institutions but in all these, and in complicated ways” (Risman 2004, 12). Noting that agency has a role in relation to institutions and structures, Risman points out that gendered institutions depend on individuals’ willingness to “do gender.” When individuals refuse to perform in accordance with gender conventions, they can change institutions. Structure is not so easily changed without more dramatic and widespread societal shifts.

This comparative difficulty in changing structure versus institutions has been discussed in relation to stability or “stickiness.” Created to serve particular purposes, institutions and the behaviors and relations they regulate can change as the intentions and purposes of those who created them change. Indeed, institutions can be targeted for transformation by those who are dissatisfied with their objectives or operations. Because structures operate independently of individual intention, evolving through customary practices over long expanses of time, their points of origin and their purposes are often far murkier. Whether operating through systemic divisions of labor, ability, responsibility and power or articulated in absolute prohibitions, taboos, legislation, hiring decisions of private corporations, or informal mechanisms of social control, structures such as race, class, and gender are often called “natural” or “given.” Once naturalized, structures become very difficult to change. They must be denaturalized and politicized before change is possible. Thus it is sometimes said that institutions can be reformed, but transforming structure requires something much bigger, such as a revolution.

Where structural analysis emerged in the context of socialist theory, and institutional analysis is a hallmark of empirical inquiry that often characterizes itself as “value free,” organizational analysis grew out of Max Weber’s conception of the progressive (p. 370) disenchantment of the world, which gave rise to bureaucracy as a mode of rational, law-guided, and impersonal governance. Although in popular usage “institutions” are often conflated with “organizations,” “foundations,” and “associations,” organizational studies, particularly in the fields of sociology, economics, political science, and public administration distinguish between institutions and organizations. Douglass North (1990) advanced one of the most useful and compelling distinctions between these concepts, suggesting that institutions establish the rules of the game, while organizations are best understood as the players that operate in accordance with and implement those rules.

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Within social science research, differences between structures, institutions, and organizations can also be understood in relation to different levels of analysis. Structural analysis involves macro-level investigation; institutional and organizational studies entail meso-level research. Within feminist scholarship, researchers have examined how organizational processes structure inequality with profound effects on the experiences, behavior and treatment of people within and beyond those organizations. To understand these differential outcomes, some scholars investigate the institutions, both formal and informal, that shape and regulate behavior. Other scholars seek to illuminate how institutional rules and organizational processes are embedded in the larger and historically relevant structures such as gender, race, and class. To clarify these varying levels of analysis, consider various possibilities for investigating inequality in education. One method for examining inequality in education might involve an organizational study of a school or multiple schools, focusing on demographics, behavior, treatment, performance, and experiences of administrators, faculty, staff, and students. An institutional study might examine the rules (formal and informal) that shape the demographics, behavior, treatment, performance and experiences of the various actors. A structural analysis might investigate how educational institutions and organizations reflect and reinforce the power hierarchies that exist within the larger society.

# Gender and Institutions

Feminist scholars have theorized gender as both structure, conceiving it as a fundamental ordering of society, and as an institution, a reiterative and performative process. Gender as an “institutionalized” social process connotes a more dynamic, less “sticky,” though still constrained, understanding than does gender as structure. In the words of Sally Kenney (2012, 16), “Gender is not a thing sitting passively ... but an institutionalized process of meaning creation that is contested in different ways.... [Although it] is a tenacious social category, it is continually reinscribed and its content changed.”

The evolution of feminist understandings of gender coincided with the development of “new institutionalism” in the social sciences. Joan Acker’s (1992, 567) conceptualization of gender as the pervasive ordering of human practices bears stark resemblance to Douglass North’s (1990, 3) description of institutions as the rules that structure human (p. 371) interaction, whether political, social, or economic. The powerful symmetry in these definitions, along with the growth of feminist research in the social sciences help explain the emergence of scholarly inquiry that posits gender as an institution, as well as the analysis of gendered institutions.

In contrast to structural accounts that foreground the stability of gender, institutional analyses conceive gender as a dynamic process that is produced and reproduced within particular contexts. In the 1970s, liberal feminist empiricists initiated studies of “gender in institutions” and “sex in institutions,” which treated institutions as neutral entities and examined how women and men fared within them. By the late 1990s, much of the feminist institutions literature focused on “gendered institutions,” a more radical conceptualization that sees institutions themselves as constituted in and through gender. Overlapping with the study of gendered institutions are discussions of “gendering institutions,” which emphasize that institutions play a crucial role in producing and reproducing gender.

In the following sections, I focus on these different ways of using institutions in feminist analysis. Although there are substantial areas of overlap in these approaches, it is useful to isolate discrete trajectories and emphases for analytical purposes. It is important to note that there have been temporal evolutions in the study of institutions, of gender, and of gender and institutions, yet not all differentiations in approaches are temporal in nature. Ideology also plays an important role. Liberal feminist empiricist and socialist feminist standpoint approaches coexist in feminist scholarship, fueling ongoing debates within the study of social, economic, and political institutions. Contention and disagreement have been and remain a vital part of academic and social movement work.

# Gender (Sex) in Institutions

An early focus of feminist institutional studies, particularly those conducted by liberal feminist empiricist scholars, was not as much about gender as it was about biological sex. In particular, this type of work notes the participation or, more frequently, the lack of participation of women in certain institutions or organizations, particularly social, economic, political, religious, financial, and academic institutions. Ester Boserup's (1970) groundbreaking study of the many ways that women were left out of development, development organizations, as well as development as a process, provides one powerful example of an early study that adopted a gender (sex) "in" institutions approach. Her work inspired a wave of activism within development organizations to ensure that women were brought into all aspects of development. Documenting the presence and absence of women across an array of institutions, these studies rely on quantitative indicators to measure women's participation or underrepresentation.

Beyond measuring women's presence and absence, some liberal feminist scholars have investigated gender socialization and "appropriate" gender roles within various institutional sites (e.g., legislatures, judiciaries, the military, education, workplace, (p. 372) family, religious organizations). Using qualitative and ethnographic methods, these studies document women's stories and analyze inequalities and hidden injuries that women experience within and across these sites. Whether quantitative or qualitative, studies of sex or gender "in" institutions, clearly distinguish between attributes of individuals and aspects of institutions. Actors within institutions have genders and may have gendered expectations, but institutions do not. Treating institutions as neutral sites in which inequalities play out, liberal feminist scholars link inequities to external biases that infiltrate institutions. When institutions are viewed as neutral, the solution to inequality appears simple: increase the number of women within the institution and create mechanisms to ensure that women are treated the same as their male counterparts. Equality does not require radical transformation of institutions; equal opportunity and equal treatment are sufficient to create gender equity. Within this liberal, individualist frame, institutions are not the problem. On the contrary, institutions that mandate laws and regulations guaranteeing equal opportunity and equal treatment are the prescribed solution.

Liberal feminist strategies for addressing gender (sex) inequality in institutions typically emphasize anti-discrimination policies or (narrowly defined) positive action policies aimed at integrating women into previously male-dominated institutions. Such strategies have included and continue to include campaigns for equal suffrage; equal pay; nondiscrimination in hiring, promotion, and educational opportunities; and gender quotas and gender mainstreaming that focus on incorporating women into institutions and institutional decision-making bodies without seeking to change the institutions themselves.

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There have been many critiques of the “add women and stir” approach, as liberal feminist strategies are often referred to by detractors. First and foremost, critics point out the limitations of treating institutions as entirely exogenous to societal structures and immune to power hierarchies. By masking institutional gender power, the women-in-institutions approach fails to analyze women’s treatment within institutions, women’s effectiveness, their attrition, or the institutional dynamics that contribute to persistent inequities.

Another important limitation of the women-in-institutions approach is the failure to undertake intersectional analysis. When “women” within institutions are viewed exclusively in opposition to men, there is little room to explore the differences among women (or among men for that matter) grounded in race, class, sexuality, or citizenship. When sex/gender is deemed the only relevant dimension of institutional analysis, critical issues are left unexamined. When women enter male-dominated institutions, which women are allowed in? Which women succeed? What happens to women and men who refuse to conform to hegemonic conceptions of gender? Pay inequity provides one example of how much information is lost when gender is considered the only important vector of analysis. In the United States, much attention has been given to the fact that “women” earn approximately 77 cents for every dollar earned by a “man.” Feminist organizations have launched recurrent pay equity campaigns, lobbying governments to pass legislation to redress gendered pay inequity. But discussions of average women’s (p. 373) pay mask more inequities than they reveal. When pay data are disaggregated by race (a fairly simplistic, positivist approach to intersectionality that is compatible with the “gender/sex in institutions” approach), a far more complex account of inequality comes into view. When average white male earnings are held as the baseline, for every dollar earned by a white man, white women earn 78 cents; black men earn 73 cents; black women earn 64 cents; Latinos earn 61 cents and Latinas earn 54 cents (Current Population Survey, 2013 Annual Social and Economic Supplement). Although official data on LGBTQ earnings are sparse, scholars and advocates emphasize that employment discrimination creates a pay gap for LGBTQ individuals that exacerbates inequities grounded in gender, race, and ethnicity (Arabsheibani et al., 2007).

Another limitation of the liberal feminist approach is the emphasis (or perhaps overemphasis) on women’s “choices” regarding participation within certain institutions. As manifested in current popular US discourses about women “opting out” or “leaning in,” and in the US women and politics literature about women’s electoral success “when they run,” these claims situate the problem of women’s absence in relation to the choices of individual women. Emphasizing that women candidates are just as likely as men to win elections, Richard Fox and Jennifer Lawless (2004), draw attention to an “ambition gap,” which deflects attention away from sexist practices within political parties that prevent women from securing nominations. Similarly, Cheryl Sandberg’s best-seller *Lean In* attributes the dearth of women in corporate board rooms to women’s self-defeating behavior rather than to sex discrimination by corporations. Her voluntarist solution, then, is that women simply need to “lean in” more at work. Although these explanations raise important questions about internalized oppression—that is, how the acceptance of

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misogynous claims about women's lesser abilities might curb women's career ambitions and performance at work—they mask all the ways that institutions (political, economic, and social) actively discriminate against women and create inhospitable environments based on hegemonic (frequently white, heterosexual, cisgendered, able-bodied) masculine norms.

Because of these important limitations, much of the work on gender and organizations has evolved beyond the “women/gender in” approach. Although it has not been entirely abandoned and, indeed, seems to be the most palatable approach within conservative paradigms, much of the work has evolved to more complex understandings. While there is much to be found in looking at women/gender in institutions, it is best used as a starting point, as one layer of a multilayered and nuanced assessment.

## Gendered Institutions

The study of gender *in* institutions, suggests that gender is distinct from institutions. This treatment of institutions as exogenous to societal structures is fairly common in neo-institutional studies. Many feminist scholars (along with other scholars engaged in critical studies), however, have argued that institutions are not neutral stand-alone (p. 374) entities and that they are very much embedded in societal hierarchies. “To say that an institution is gendered, then is to recognize that construction of masculinity and femininity are intertwined in the daily culture of the institution rather than existing out in society or fixed within individuals which they then bring whole to the institution” (Kenney 1996, 456). Within the study of “gendered institutions,” gender is not an individual variable, but an organizing principle of institutions (Acker 1992; Lorber 1995). “Seeing social institutions as gendered provides a critical perspective, in which the relevant question becomes not why are women excluded but to what extent have the overall institutional structure, and the character of particular institutional areas been formed through gender (Acker 1992, 568).

Although the analysis of “gendered institutions” is markedly distinct from the study of “sex/gender in institutions,” feminist scholars have advanced multiple accounts of the nature of “gendered institutions” and prospects for degendering them. Reflecting different feminist ideological and epistemological traditions, the contemporary literature on gendered institutions offers a range of insights into feminist institutionalisms.

## Power and Patriarchy

One of the key contributions of radical, socialist, and postmodern feminist theory is the emphasis on power. While institutional studies do not always discuss power, feminist studies of institutions bring power to the center of institutional analysis (Kenny and Mackay 2009). Most feminist institutionalists argue that institutions reflect and

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contribute to power dynamics that reinforce and magnify the position of their creators. Institutional rules and norms privilege certain forms of behavior and certain actors over others (Thelen 2003; Chappell 2010). Feminist scholars bring to the study of institutions a critical lens that seeks to make visible gendered power relations and the processes that support and undermine them (Lovenduski, 2011).

Although feminists foreground power in their analysis of institutions, they differ in their conceptualizations of power. For radical feminists, gender is a system of male domination, a fundamental organizing principle of patriarchal society, at the root of all other systems of oppression. Focused on patriarchal power, radical feminists reject liberal feminist prescriptions for increasing the presence of women in institutions as inadequate. According to radical feminists, it is not enough to increase the numbers of women in male-dominated institutions because those institutions were created by and for men, and serve as a means of maintaining males' power advantage. Within a radical feminist framework, emphasis is placed on the masculine character of various institutions. Spurred by this insight, feminist political scientists have explored how masculinity structures the presidency, the military, the law, Congress, global finance, and international institutions. Even "feminine" institutions have been deemed patriarchal when they reinforce rigorous and oppressive gender roles. Feminist sociologists have emphasized that social institutions such as the family, the (p. 375) church, and the transnational care economy, which involve the energy of millions of women, are nonetheless patriarchal, privileging male interests while placing women in subordinate roles.

Working with a more dynamic and intersectional conceptualization of gender, as a process constructed and reproduced through the intersection of sex, race, sexuality, ideology, and experiences of oppression under patriarchal capitalism (Calas and Smircich 2006, 302), socialist feminists conceive gender itself as an institution as well as a key component of other institutions (social and political). Socialist feminists conceptualize power as less fixed and static than radical feminist accounts of patriarchy suggest. As Louise Chappell (2010) notes, "The notion of gender as a process is particularly useful as it draws attention to the constantly shifting nature of gender power relations within institutions." By shifting the focus beyond an analysis of patriarchy, socialist feminists avoid the problematic notion that male power underpins all modes of oppression. Although the socialist feminist intersectional understanding of power has only intermittently been translated into the empirical institutional analyses, socialist feminist presuppositions have been very influential in feminist sociological and political studies.

Challenging totalizing explanations, postmodern and poststructuralist feminist scholars have theorized institutions in relation to the production, normalization, and performance of identities within particular power/knowledge systems. Understanding gender as an institution and gendered institutions as products of discourse and performative practices, Judith Butler (1993, 2) has noted that "performativity must be understood not as a

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singular or deliberate ‘act,’ but, rather, as the reiterative and citational practice by which discourse produces the effect that it names.”

Influenced by Michel Foucault’s conceptions of *governmentality* and *biopower*, feminist poststructuralist scholars have investigated the means by which institutions, particularly medico-juridical institutions, produce raced, gendered, and sexualized subjects who experience individual identity in particular ways. Tracing the intended and unintended consequences of state efforts not only to regulate the conduct of individuals but also to manage whole populations, poststructuralist feminists map the means by which disciplinary mechanisms specific to particular institutions produce self-regulating subjects—subjects whose desires and interests have themselves been shaped by practices of individualization and normalization. Operating through schools, hospitals, mental health clinics, therapeutic practices, court proceedings, military training, public-health measures, prisons, and everyday surveillance, biopower involves “an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations” (Foucault 1977, 140). Emphasizing the “protection of life” rather than the threat of death, biopower obliterates classical boundaries between public and private, as state institutions undertake the regulation of health, welfare, sexuality, bodies, dispositions, and desires as part of their legitimate terrain. While legitimating a vast expansion of the reach of the state, biopower masks this extension of power by using the mechanism of rights to produce disciplined subjects who believe themselves to be self-regulating and therefore “free.” According to poststructuralist feminists, the (p. 376) regulation of sexuality and reproduction plays a central role in normalizing and naturalizing the identities of political subjects (Miller 2007; Smith 2002, 2007).

## Institutional Dynamism

Just as conceptions of power vary with differing feminist ideological and epistemological approaches, so too do assumptions about the degree to which gendered institutions are changeable. While some feminist scholars emphasize the intransigency of stable patriarchal institutions, others see gendered institutions as more open to change, either because institutions are seen as neutral or because they are seen as malleable. Yet other scholars address both institutional constraints and changeability within a dialectical context. R. W. Connell (1987), for example, notes that particular institutions establish gender regimes that are dynamic, complex, constantly negotiated, and powerfully constrained.

One of the continuing debates within feminist movements is about whether or how much to engage the state. Some radical feminists insist that the state is deeply embedded in unyielding structures of oppression, promulgating rules and distributing resources to entrench male power and privilege. Thus, they advocate autonomous feminist organizing to avoid cooptation by patriarchal institutions. A precursor to the conceptualization of gendered institutions, Catharine MacKinnon (1982, 1989) was one of the first to characterize the state and its most powerful product, the law, as inherently male. In

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MacKinnon's analysis, the state "coercively and authoritatively constitutes the social order in the interests of men through legitimating norms, forms, relation to society, and substantive policies" (1989, 162). According to MacKinnon, as a site that institutionalizes male norms, perceptions, and desires as the "natural" order of things, the state has not been, and never will be, a site for liberation. This sentiment is echoed in the works of many feminist activists who caution against engagement with the state or articulate a high degree of skepticism about the prospects for progressive state-led change. The skepticism of radical feminists, and particularly radical feminists of color, helps to illuminate entrenched racial and gender power within institutions, the role of institutions in perpetuating privilege and disadvantage, and the enormity of the challenges facing those who seek to eradicate systemic inequalities.

In contrast to radical feminist suspicion of power-laden state institutions as a source of liberation, the liberal feminist assessment of state institutions as gender-neutral suggests the possibility of progressive change once feminists infiltrate the state. Feminist scholars who understand the state as a series of dynamic organizations in which both internal and external players can act to challenge oppressive rules also advocate engagement with the state as a strategy to foster societal change that might eventually affect unequal structures.

To be fair, very few feminist scholars fit easily at either extreme end of this rather simplified and one-dimensional continuum. Even MacKinnon (1979), who developed such a powerful critique of the intransigent character of the male state, does not wholly reject the law, as her work to conceptualize sexual harassment as a form of sex (p. 377) discrimination makes clear. And although some feminist scholars continue to emphasize women's participation within institutions somewhat uncritically, many recognize gendered impediments that women face in these institutions. Criticizing simplistic dismissals of institutions and institutionalists, Sally Kenney (2012) has argued persuasively that "liberal feminists" have been unfairly denigrated. To demonstrate the importance of a nuanced "gendered institutional" approach, Kenney has developed a sophisticated comparative study of the judiciary that emphasizes the difference women make when they serve as judges and justices in national and international courts.

Many feminist institutionalists acknowledge that shifting power dynamics within institutions is not only extremely difficult, but also somewhat rare. Their increasing attention to informal institutions reflects growing understanding of the stickiness of institutional power dynamics. Awareness of competing agendas within institutions has also helped explain how hard-won mandates for progressive change in institutions can be undermined by street-level bureaucrats who find ingenious mechanisms to comply with the letter of the law while perpetuating informal practices that sustain inequality. Nonetheless, there is some optimism within the new institutionalism literature, particularly in the feminist new institutionalism literature, about "institutional dynamism." Although new institutionalist scholars readily acknowledge that institutions are created through and reinforce power relations that privilege some at the expense of others, they have demonstrated that institutions can provide opportunities—intended or

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unintended—for marginalized groups to enact change (Thelen 2003; Chappell 2006). Some scholars argue that the mere act of uncovering this dynamism opens up the possibility of alternatives (Driscoll and Krook 2009). Other scholars focus on policy entrepreneurs and activists who work to “regender” institutions as crucial sources of change (Beckwith 2005; Chappell 2006). Yet others identify exogenous shocks as a potent mechanism for altering gendered institutions. Such shocks may be rare and may operate independently of individual agency, but they can initiate irreversible change.

A good deal of feminist literature probes the complex relation between structure and agency in relation to institutional change. Meryl Kenny (2007, 94), for example, argues that “while institutions constrain practice, defining possibilities for actions, institutions are themselves constituted from moment to moment by these practices.” By contextualizing and historicizing the study of institutions, it is possible to discern patterns of stability and instability. Where structures afford unquestioned stability in “settled times,” instabilities associated with war, natural disasters, and economic crisis can create new possibilities for social change agents to foster institutional change (Kenny 2007, 92). Lee Ann Banaszak and Laurel Weldon (2011) suggest that conflicts between formal and informal institutions may also contribute to possibilities for institutional change.

### Formal versus Informal Institutions

Within political science, the focus on informal institutions is comparatively new. Traditionally focused on formal institutions, political scientists have been slow to appreciate the importance of informal institutions. Feminist political scientists have played an important role in pressing the discipline to recognize that informal mechanisms can play a key role in maintaining and reproducing power even in the midst of institutional reform (Mackay et al. 2010; Hellsten et al. 2006). Where formal institutions are consciously designed and operate according to codified, clearly specified rules (Chappell and Waylen 2013), informal institutions are “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels” (Helmke and Levitsky 2004, 727). Although they are sometimes referred to as “social institutions” or “culture,” Banaszak and Weldon (2011, 268) suggest that “informal institutions are communicated, enforced, and sanctioned through nonofficial channels.”

Informal gendered institutions help explain gaps between the goals of new laws and policies designed to promote equality and their implementation within existing institutions. While formal and informal rules can operate in tandem, supporting and reinforcing each other, they can also conflict. Formal rules designed to establish gender equality can be sabotaged or undermined by informal institutions committed to traditional gender hierarchies. Echoing radical feminist cautions about the persistence of patriarchy, multiple feminist institutional analyses have demonstrated that changing formal rules may be insufficient to produce meaningful equality because powerful informal institutions mediate their effects (Banaszak and Weldon 2011). In countries where equal employment laws have been adopted, for example, women have formal

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protections against workplace discrimination; yet, economic parity is far from a reality. Understanding the multiple informal practices within the workplace that undermine women's full participation is pivotal if equal outcomes are to be realized. Similarly, huge gaps exist between legislation designed to eliminate violence against women and the persistence of the everyday practices that subject women to physical, psychological, and sexual violence (Montoya 2013). The global movement to eliminate violence has helped to achieve the passage of numerous antiviolence laws; yet persistent norms concerning "acceptable" violence and the characteristics of a "sympathetic" victim combine to ensure that successful prosecution of sexual assault and intimate partner violence is rare. To realize the objectives of equality and antiviolence policies, then, informal institutions must also be transformed. Thus, nuanced institutional analyses are important not only to feminist scholarship, but also for feminist social justice mobilizations to produce systemic change.

# Institutions as Producers of Gender

In addition to discussions of gender as an institution, gender *in* institutions, and gendered institutions, some feminist scholars have characterized institutions as integrally involved in the production of gender. Far from being neutral entities, institutions create and maintain gender privilege and disadvantage, not only through law, but also through (p. 379) institutional processes and practices that create separate spheres for men and women of various races and ethnicities and distribute political opportunities on the basis of race and gender.

Many institutional scholars have pointed out that institutions influence gender roles. Iris Marion Young (2002), for example, has discussed the role that legal rules and cultural norms play in constraining gender performance and in punishing nonconformity, asserting that “feminist and queer theories need conceptual tools to describe the rules and practices of institutions that pressure differing roles for men and women” (21). Mike Savage and Anne Witz (1993) made a stronger claim, suggesting that all institutions are implicated in the shaping gender relations, not only in the private sphere where well-defined gender roles have been a hallmark of family life, but also in public workplaces and governing institutions, where job segregation by sex has been the norm.

Some scholars have gone still further. Joan Scott (1988) noted that the attributes associated with men and women and deemed as masculine and feminine vary across time, culture, race, *and* institutions. Other scholars have demonstrated that institutions, whether public and private, social and political, or formal and informal, play critical roles in the construction of gender (Connell 1987; Savage and Witz 1993; Kenney 1996). Carole Pateman (1998, 248), for example, has traced the means by which nascent welfare states constructed (white) “male independence” as the criterion for public citizenship, while simultaneously making it impossible for women to meet that criterion. States created “three elements of ‘independence’ ... related to the masculine capacity for self-protection: the capacity to bear arms, the capacity to own property and the capacity for self-government.” States used mandatory male military service, conscription, and militia duty as means to construct men as “bearers of arms.” Women, on the other hand, were “unilaterally disarmed,” barred from military service and from combat duty, as men were assigned responsibility for the “protection of women and children.” Through laws governing freedom of contract, states created the most fundamental property owned by “free men,” the property in their own person and in their labor power. By constructing women as the property of their fathers or husbands, states denied women the right to freely contract their labor. By structuring marriage laws to guarantee men perpetual sexual access to their wives, states denied married women autonomous ownership of their bodies. Moreover, by creating the category “head-of-household” and restricting it to men, states created men’s capacity for governance, not only of themselves but of their “dependents.” The state created and reinforced women’s identity as “dependent” directly and indirectly, even as it used dependency to legitimate women’s exclusion from political

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life. Defined by the state as dependent, regardless of their actual earnings or wealth, women were declared “trespassers into the public edifice of civil society and the state (248).

Beyond laws that produced women as “apolitical” by barring them from political engagement and “dependent” by rendering their arduous contributions to subsistence invisible, political and economic institutions have fostered employment rules and norms that shore up gendered divisions of labor that construct women as primary caregivers and men as primary bread winners, whether or not they actually contribute to (p. 380) household income. More recent policies, such as those pertaining to maternity leave, reinforce these gendered relations. Institutions, however, also have the capacity to reshape and transform gender relations in more progressive and liberating fashions. For example, by creating incentives that require men to take parental leave in order to maximize the benefit allowed for heterosexual families, Sweden has attempted to change gendered responsibilities for child care. And in so doing, Swedish political institutions have intervened profoundly into defining characteristics of gender in the contemporary era.

By demonstrating key roles played by institutions in producing gender, feminist scholars have sought to “denaturalize” gender. By showing in concrete cases how institutions create divisions of labor, power, and desire, feminist analyses illuminate prospects for gender transformation.

## Intersectional Institutional Analysis

Intersectional analyses emphasize the mutual constitution of gender, race, class, sexuality, and other categories of oppression within institutions. Although socialist and postmodern feminists have noted the importance of investigating multiple vectors of power, most studies of gendered institutions have focused on institutional practices that disadvantage women without fully engaging the implications of the insight that gender is inseparable from race, class, ethnicity, sexual orientation, and other socially constructed hierarchies of difference (Hawkesworth 2003). Even when multiple dimensions of difference are acknowledged, they are seldom incorporated into a systematic intersectional institutional analysis.

Although discussion of the simultaneity of oppressions has a long history in black feminism, the term *intersectionality* was introduced in the 1980s as a heuristic term “to focus attention on the vexed dynamics of difference and the solidarities of sameness in the context of antidiscrimination and social movement politics” (Cho, Crenshaw, and McCall 2013, 787). Kimberlé Crenshaw (1989, 1991) conceptualized intersectionality in order to demonstrate how “single-axis thinking,” that is, exclusive focus on race or class or gender, undermines legal thinking, disciplinary knowledge production, and struggles for social justice. In her studies of the failure of the US courts to address discrimination

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experienced by black women, Crenshaw demonstrated both how to conduct more sophisticated analyses of inequality and oppression and identified the intellectual and social justice benefits that would accrue from intersectional analysis. From the outset, the theorizations of intersectionality and intersectional studies focused on the critical role of institutions in creating and preserving inequalities. In the words of Patricia Hill Collins (1993, 29–30), “racism, sexism, and elitism all have concrete institutional locations.”

Intersectional analysis is important not only to “understand” the operations of power within institutions, but also to assess strategies appropriate to change them. Just as feminist investigations of gendered institutions illuminate the impact that institutions have (p. 381) on lived experiences of men and women, intersectional analyses reveal that gendering processes are also raced, classed, and enmeshed in other salient categories of oppression. Far from sustaining a false sense of institutional neutrality, intersectional analysis identifies the many groups of people rendered invisible or substantively harmed by institutional practices that claim to be colorblind, gender-blind, and indifferent to sexual orientation and disability. As Crenshaw noted, intersectional analysis can demonstrate that institutions deemed “women-friendly” may in fact be harmful to some women, as well as to some men and to those who reject gender binaries altogether.

Institutions that seek to combat violence against women provide a pivotal example of the need for more inclusive and intersectional institutional analysis. In “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” Crenshaw (1991) pointed out that while many women face similar obstacles in leaving violent relationships, women of color may face unique hurdles because of the multiple dimensions of oppression that circumscribe their lives. Institutionalized racism may exclude women of color from effectively utilizing the state services or protections. Xenophobia institutionalized in policies that bar immigrant women from welfare provisions may make it impossible for immigrant women to seek an escape from a violent household. Heteronormative understandings of violence (whether formalized in law or upheld informally by legal, medical, or shelter personnel) may prevent those identifying or perceived as queer or transgender from accessing help. Furthermore, laws designed to help victims of violence might actually hurt certain groups of vulnerable populations. Mandatory arrest policies, for example, are oblivious to long histories of racism within the criminal justice system, which results in the arrest of battered women along with their assailants and leaving women of color at risk of losing their children if they seek police assistance. Mandatory arrest policies may also subject some women to ostracism within communities of color, severing their access to resources vital to their survival. Indeed, mandatory arrest may also culminate in deportation of women with tenuous immigration status.

Policies designed to address the oppression of marginalized groups may worsen the situation of the worst off, when intersectional complexities are not explicitly considered. For example, in recent years European antiviolence policies have increasingly highlighted gender-based violence within migrant and ethnic/racial minority communities. As policy discourse “culturalizes” violence, “dowry deaths,” “honor killings,” and “female genital

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mutilation” become the focus of public attention as domestic violence in majority communities becomes invisible. While intended to help marginalized groups, framings that suggest that violence is “imported” from elsewhere reinforce and exacerbate racist and xenophobic tendencies within European Union member nations, while they fail to provide any tangible measures, such as better immigration policies or culturally sensitive public services that actually help migrant women and racial/ethnic minority women (Montoya 2013; Montoya and Agustin 2013). Constructing violence as a problem of the foreign “other,” from whom “brown women” must be saved (Spivak 1988), discourses that culturalize violence damage not only “brown men” who are targeted for police intervention, but also “brown women” whose agency is eradicated by (p. 382) unrelenting rhetoric of victimization. As state institutions position themselves to save brown women from “death by culture” (Narayan 1997), the racism and xenophobia that constitute so much of the violent oppression experienced by immigrant women are rendered invisible.

Dean Spade (2013, 1031) has pointed out that resistance conceived through single-axis frameworks can never transform legal institutions, which have been complicit in the foundational violence of slavery, genocide, and heteropatriarchy. This insight has lessons for scholars as well as activists. Intersectional institutional analysis is necessary to generate scholarship that illuminates the complexity of power dynamics within and beyond institutions, just as it is necessary to envision and enact systemic institutional transformation. Feminist studies of institutions have charted important directions for future research, but much more scholarly attention is needed to theorize intersectional institutional analysis, develop methodologies capable of grappling with the messiness of complexity, and investigate the intersecting power dynamics of the manifold institutions that circumscribe contemporary life.

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