



Resisting gendered change: Feminist institutionalism and critical actors

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Abstract

Feminist institutionalism is concerned with the ‘rules of the game’ in political institutions. It is interested to explore how institutions create gender-just conditions in terms of the policies and actions they undertake and the make-up of the elected representatives they contain. It also has a growing interest in how institutions can resist or obstruct positive gendered change. It is argued here that employing the concept of ‘critical actors’ alongside a feminist institutionalist framework can further our understanding of why some institutions resist change. Using the example of abortion legislation in Northern Ireland, this article illustrates how the literatures on feminist institutionalism and critical actors can, when combined, help to build a fuller narrative of why gendered policy change does not happen.

Keywords

Feminist institutionalism, gender, institutions, critical actors, Northern Ireland, abortion

Introduction

How can we explain resistance to gendered change in political institutions? This article argues that the developing field of feminist institutional theory can work in concert with the literature on critical actors to forward an understanding of why some gendered changes are obstructed. Feminist institutionalism is concerned with the ‘rules of the game’ (Krook and Mackay, 2011: 1) in political institutions, and how these rules, both formal and informal, are gendered. It has predominantly been interested in positive gendered change in institutions – how new institutions can more readily enact gender-friendly norms and legislation than older bodies (Chappell, 2002; Mackay 2006, 2010; Mackay and McAllister, 2012), and how institutions might encourage greater levels of women’s representation (Kenny, 2013). Yet feminist institutionalism also has a growing interest in resistance, reproduction and obstruction of positive change around gender issues in institutions

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(Chappell, 2014a, 2014b, 2015; Kenny, 2013; Mackay 2014; Mackay and Waylen, 2014; Waylen, 2014a). Recent explorations have been interested to question why institutions hinder greater women's representation (Kenny, 2013); how informal institutions can inhibit progressive gendered change (Waylen, 2014a), and why new institutions revert to older practices, which can often signal a regression on gendered norms (Mackay, 2014). This article adds to the developing literature on feminist institutionalism and resistance, arguing that the literature on critical actors (Childs and Krook, 2006, 2009) can be a useful asset when addressing why positive gendered change does not occur. It posits that the interplay of key critical actors, coupled with a complementary critical mass of supporters within a political institution (Chaney, 2012; Childs and Krook, 2009) help us to understand stasis on, and resistance to, gendered issues and legislation.

Feminist institutionalism

As Kenny notes, new institutionalist approaches have often 'underplayed ... insights into gender relations' (Kenny, 2007: 91; see also Kenny and Mackay, 2009). The majority of the work falling under the umbrella of new institutionalism has largely been gender-blind. This has meant that major changes to how political institutions function in recent years – such as gender quotas, gender mainstreaming with regards to policy or state feminist initiatives – have largely been overlooked by new institutionalism. The development of a feminist institutionalism is an attempt to address this oversight, but also to think more fundamentally about the role of gender in political institutions.

Feminist institutionalism draws heavily from discursive and sociological institutionalism, but most especially from historical institutionalism.¹ The focus that sociological and discursive institutionalism have on meaning, values and norms complements the structural understanding of gender that feminist institutionalism carries (Kulawik, 2009; Mackay et al., 2009). Historical institutionalism, like much feminist political science, seeks out 'real world puzzles' (Waylen, 2009: 246) and is often concerned with institutional development. Much feminist institutionalist work explicitly draws on historical institutionalist frameworks and concepts (Kenny, 2013; Waylen, 2007, 2011). This is not to suggest that feminist institutionalism merely borrows from conceptual frameworks that precede it. As outlined below, feminist institutionalism, developing from the rich tradition of feminist social science, brings its own specific considerations to bear and 'may have more to offer the new institutionalism than the other way around' (Kenny and Mackay, 2009: 278).

Feminist institutionalism makes four specific contributions to institutional theory.

An understanding of gender

Like 'new' institutionalism more broadly, feminist institutionalism is concerned with how 'formal structures and informal 'rules of the game' [are] structured' (Krook and Mackay, 2011: 1). Further to this, and working from a structural understanding of gender, feminist institutionalism works from the basis that all institutions are gendered and that this 'means that constructions of masculinity and femininity are intertwined in the daily culture or 'logic' of political institutions' (Krook and Mackay, 2011: 6; see also Acker, 1992). As such, feminist institutionalism can help to understand how the outputs of institutions, the relationships between institutions and actors, and the experiences of men and women within these institutions are gendered (Chappell, 2010: 183). Feminist institutionalism does not therefore merely 'add' gender to an understanding of new institutionalism, but acts to question the very foundations of both new institutional theory (Kenny, 2007: 97) and of institutions themselves.

A greater understanding of informal institutions, rules and norms

Feminist institutionalism also allows for a gendered understanding of the ways in which formal and informal politics interact. New institutionalism considers the relationship between formal and informal institutions in some depth, yet gender rarely figures in this discussion. Feminist institutionalists argue that a ‘gendered logic of appropriateness’ (Chappell, 2006) exists within institutions. This ‘logic’ dictates the behaviour that can be displayed within the institution, such that ‘the masculine ideal usually dominates political and legal settings’ (Chappell, 2014b: 184). Feminist institutional theorists argue that the informal is thus a key aspect to appreciating the gendered nature of institutions and that ‘monitoring *inaction*, *silences*, and *lacunae*’ (Chappell, 2014b: 193, emphasis added) must form a key part of the analysis (Thomson, 2015).

A greater understanding of change/‘newness’

In line with the transformative aims of most feminist political science, feminist institutionalism is also concerned with innovation and how change can be enacted within new institutions (Kenny and Mackay, 2009). Institutional theory has been slow to provide frameworks or explanations for why institutional change occurs, and often creates a ‘static’ picture, ‘concerned more with institutional continuity than with institutional change’ (Kenny, 2007: 92). A growing body of work is interested to gender this theorising of institutional change (Waylen, 2014b). As Waylen notes, new political institutions create potentials to adopt more equitable gender ‘regimes’: ‘the creation of new institutions can offer opportunities for gender concerns to be incorporated more easily and fundamentally at the outset of an institution’s life than it is to ‘add them in’ at a later stage’ (Waylen cited in Chappell, 2010: 187). As a result of this, much feminist institutionalist work has been interested in new bodies, including the devolved British institutions (Kenny, 2013; Mackay, 2006, 2010, 2014; Mackay and McAllister, 2012; Mackay and Waylen, 2014).

A greater understanding of power

Furthermore, feminist institutionalism has a keener understanding of power than is present in the various guises of new institutionalism. New institutionalism more broadly does not place overt emphasis on the role of power (Kenny, 2007). An appreciation of gender as described above, however, places an understanding of power at its centre. Given the gendered premise from which it begins, feminist institutionalism thus ‘foregrounds power’ (Kenny and Mackay, 2009: 275; Mackay et al., 2010: 573). Gendered power dynamics frame decision-making and access to hierarchies within institutions: ‘the power relations that sustain political processes are produced and reproduced through gender’ (Mackay et al., 2010: 583). Power is of fundamental importance to a feminist institutionalist framework.

As the above outline shows, feminist institutionalism has, in general, been interested more in structures and institutional processes, than has been the case for broader literature in feminist political science, which has been interested in agency (for example, the extensive literature on the women’s movement – Banaszak et al., 2003 – or the literature considering ‘critical mass’ and ‘critical actors’ within political institutions – Childs and Krook, 2006, 2009; Dahlerup, 1988, 2006). Historical institutionalism has had much interest in the structure/agency debate. Thelen and Mahoney (2010) are interested in how agents work within institutions to create gradual change, conceptualising four types of ‘change agents’. Although less of an immediate concern, feminist institutionalism has still been interested in the notion of agency, and has made clear contributions to the gendered implications of the structure/agency debate within institutional theory. In Chappell’s

consideration of the influence of feminist activism on the federal structure in Australia and Canada, she argues that ‘the relationship between feminists and political institutions is co-constitutive, with agency and structures continuously informing each other’ (Chappell, 2002: 4). In later work (Chappell, 2015, Chapter 5) she has considered the importance of individual feminists and feminist actors within the International Criminal Court. Elsewhere, feminist institutionalism has considered how women in particular positions of power are central to policy change – Waylen (2011) cites the Health Minister in the first post-apartheid South African government as a well-placed feminist who helped ensure that liberal abortion laws were passed. These examples reflect the broader research interests of feminist institutionalist thinking: it remains centrally focused on how things change, and how new institutions develop. As a result of the transformative potential inherent in this work, and the normative concerns of feminists working in this field, it has largely focused on ‘positive change’ (Waylen, 2011: 149): examples that illustrate how oppressive structures, norms or policies can be challenged and adapted.

Yet, as outlined below, this article considers, not progressive change or key movements towards gender equality, but rather an issue around which there has been continual legislative stasis and policy obstruction. The concern of this article is echoed in more contemporary trends in feminist institutionalist thinking which address the ways in which institutions can be sites of resistance and obstruction to gender-positive movement (Kenny’s consideration of the struggle against women’s political recruitment in post-devolution Scotland (Kenny, 2013); Mackay’s conceptual framework of ‘nested newness’ as a means to understand why institutions revert to older practices or ignore gendered considerations (Mackay, 2014); Waylen’s work on informal institutions and the ways in which they can ‘subvert gender equitable change’ (Waylen, 2014a, 213; and Chappell’s work on the gendered ‘silences’ and ‘inactions’ in the International Criminal Court (Chappell, 2014a, 2014b, 2015)). This article thus offers a chance to expand feminist institutionalism’s developing understanding of resistance and reproduction by considering how change on abortion in Northern Ireland has *not* happened within political institutions. As such, it provides a key case study to this developing interest in what feminist institutionalism can gain from looking at actions *not* undertaken (Chappell, 2014b), as much as those that have been. It does so by arguing for a greater integration between feminist institutionalist thinking and the literature on critical actors, developed below.

Critical actors

Alongside the work on feminist institutionalism outlined above, the notion of ‘critical actors’ (Childs and Krook, 2006) has been key to contemporary gender and politics scholarship. Drude Dalherup’s concept of ‘critical mass’ argued that a large minority of women were necessary in a formal political institution to enact positive gendered change (Dalherup, 1988, 2006). Building on this, the concept of ‘critical actors’ (Childs and Krook, 2006) suggested that ensuring a large body of women are present in political institutions is perhaps less important than having a smaller group of key influential individuals within them who consciously act to encourage gendered change (Childs and Krook, 2006, 2009). This notion of ‘critical actors’ has largely been used by scholars of gender and politics to signify individuals who are making progressive movement around women’s issues.

This concept has been expanded in successive literature. Whilst the idea of critical mass has not disappeared from the literature (Beckwith and Cowell-Meyers, 2007; Studlar and McAllister, 2002), critical actors have in general been given greater consideration. Building on their initial work, Childs and Krook developed their understanding of the term. They acknowledge that a ‘relatively low threshold’ (Childs and Krook, 2009: 136) of critical actors is needed to enact change,

and that an appreciation of how this group interacts with a broader critical mass within their institution, and how this mass supports them, is key:

... critical actors, as we define them, are those who either initiate reforms themselves or play a central role in mobilizing others for policy change. In the latter scenario, the legislators who were not previously active, but who respond to the initiatives of critical actors, may lend important momentum to policy reform. As such, they may indeed form a critical mass in the sense conceptualized by the social science literature on tokenism, thresholds and collective action. (Childs and Krook, 2009: 145)

This is echoed in Chaney (2012: 454), who argues similarly that ‘it is how the critical actors interact with a critical mass’ that explains positive gendered policy uptake in institutions. The developing literature on critical actors has thus argued that the ways in which these individuals use a broader coalition of sympathetic politicians or a welcoming political discourse/backdrop to further their aims is important.

Furthermore, the research methods that are promoted in this understanding of critical actors strongly echo much feminist institutional research. Childs and Krook propose that an understanding of key critical actors requires a contextually dependent historical narrative: one which begins with broadly mapping the ‘composition of the legislature’, following this with an in-depth understanding of legislators’ policy positions and consideration of the specific policy-making process in the institution (Childs and Krook, 2009: 144). Such an in-depth, contextually driven method strongly echoes process tracing, and, indeed, employs many of its central features (Falleti, 2006; Tansey, 2007). This method has often been adopted by feminist institutionalist scholars (Kenny, 2013; Waylen, 2014). George and Bennett (2005: 206) define process tracing as the ‘method [that] attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable’. Equally, in Childs and Krook’s understanding of research focused on critical actors, ‘A turn to critical actors ... pushes scholars to specify the mechanisms that in each case link – or uncouple’ descriptive and substantive representation (Childs and Krook, 2009: 145). In many ways these two methods point towards similar strategies: both methods aim for in-depth historical analysis that looks at the mechanisms which cause change (or impede it in this case study). A melding of the two approaches is thus appropriate.

The understanding of critical actors (and critical mass) has generally been employed to consider positive policy change. Indeed, feminist scholarship generally focuses on positive movements aimed at helping women, rather than conservative movements which attempt to stall change or maintain the status quo. It is demonstrated in what follows here that the concept of critical actors can be equally extended to include actors who work for change within political institutions which will negatively affect women. Indeed, this still aligns with the central interests of feminist political science in that if a certain change is deemed desirable according to normative feminist positions, it is also helpful to understand why and how this change *is not* happening.

Case selection and methodology

To illustrate the way in which these approaches might usefully be combined, this article considers the example of post-devolution Northern Ireland and abortion policy. The 1967 Abortion Act, which legislates for legal termination in England, Scotland and Wales, was never extended to Northern Ireland. There has been little attempt to extend the Act to Northern Ireland from central government at Westminster, either at the time of the initial Act, or in later years, following the devolution of substantial political power to the province since 1998 (Thomson, 2015). As such,

terminations in Northern Ireland are far more restricted than in the rest of the United Kingdom, legal only where there is a risk to the life of the woman, or if continuing the pregnancy would result in a permanent or long-term effect on her physical or mental health. Terminations are thus not immediately available in cases of rape, incest, or fatal foetal abnormality. The majority of women seeking terminations travel to England and pay for private procedures (Bloomer and Fegan, 2014; Horgan and O'Connor, 2014; Thomson, 2015, 2016).

As the section below details, Northern Ireland has been a 'twilight zone' (Lee, 1995) of political and legal leadership on this issue. In 2004, the High Court in Belfast ordered the Minister for Health to produce guidelines for medical professionals on the specific circumstance in which women can have abortions in the province, yet these did not come into practice until 2016. Legal challenges have been few, and have failed to exact change. A 2015 Belfast High Court judgement ruled that Northern Irish law contravened the European Convention on Human Rights. It decreed that the Assembly must address this, but this has not encouraged any action and the law remains unchanged. Furthermore, there has been a distinct lack of interest from central government at Westminster on this issue (Thomson, 2015).

Northern Ireland is an interesting case study because it provides a new institution which can be studied over its entire life course. The Northern Irish Assembly has only functioned in its current form since 1998, following the Good Friday peace agreement and the devolution of powers to Scotland, Wales and Northern Ireland from central government at Westminster. Furthermore, the Assembly was suspended for much of the 2000s, and is currently only in its second continuous term. It is thus relatively young, and still developing in its institutional practices. Furthermore, the Northern Irish Assembly also provides an interesting example from a gendered perspective because of the relative dearth of women within its ranks. Although women's representation increased dramatically in the most recent Assembly elections (see Table 1) and the province can boast a female First Minister (Arlene Foster, Democratic Unionist Party (DUP)) since December 2015, women are still largely underrepresented, especially in senior leadership positions within the main parties (Cowell-Meyers, 2003; Galligan, 2006).

As referenced above, feminist institutionalism has given much consideration to the possibilities (and pitfalls) inherent in new institutions (Chappell, 2014a; Kenny, 2013; Mackay, 2006, 2014; Mackay and McAllister, 2012), making the Northern Irish Assembly an appropriate example for this conceptual framework. Abortion has also rarely been considered as a topic for institutional level analysis: resulting from this, the frameworks in which abortion is analysed 'seldom highlight political institutions; instead they take them for granted and treat them as natural occurrences' (Halfmann, 2011: 5). This article creates a historical narrative of abortion within the framework of the Northern Irish Assembly since the devolution of powers in 1998. Historical institutionalism is 'more open to incorporating gender into its frameworks than other forms of institutionalism' (Waylen, 2009: 246). Furthermore, it has the 'ability to integrate the analysis of structure and

Table 1. Women's representation in the Northern Irish Assembly (1998–2016), %.

Year of election	Northern Ireland Legislative Assembly
1998	17
2003	19
2007	16.7
2011	19
2016	28

agency' (Waylen, 2011: 149) given that a detailed, in-depth historical narrative allows for greater consideration of the actions of individuals (Waylen, 2009, 252; see also Waylen, 2011: 150–151). This article uses within-case process tracing (Falleti, 2006; Waylen, 2014) to consider the actions that have been taken around abortion legislation since the inception of the new Northern Irish Assembly. Key debates and formal political actions taken are examined. Depth to this narrative is added by including consideration of over 40 elite interviews with key politicians and members of non-governmental organisations (NGOs) and civil society. In-depth elite interviews are an important method for process-tracing narratives in that they 'identify the key political actors that have had most involvement with the processes of interest' (Tansey, 2007: 2) which helps to 'reduce randomness as much as possible' (Ibid, 15).

Northern Ireland and political debate on abortion

Although there has been little movement around abortion in Northern Ireland since devolution, and the majority of parties in the province leave the issue as a matter for individual politicians, the issue has still been subject to extensive political debate.

In June of 2000, less than two years into its existence, the Northern Irish Assembly debated the motion 'That this Assembly is opposed to the extension of the Abortion Act 1967 to Northern Ireland'.² There was at this point no attempt to extend the Abortion Act within either Westminster or Stormont, but the ability to hold a debate on this issue shows both the latent support it had in the Assembly and the will of the individual politician (Jim Wells) who ensured that it made it to the political agenda. It carried by 43 votes to 15, a sizeable majority. The fact that over 50% of Members of the Legislative Assembly (MLAs) turned out to vote on the issue also illustrates the level of interest. Although instigated by one individual, the motion still saw substantial support. It suggested that from the early years of the institution there was a latent conservative critical mass in the Assembly which responded to 'the initiatives of critical actors [lending] important momentum to policy reform' (Childs and Krook, 2009: 145).

The motion also saw support across the strong ethno-national divide which continues to exist in Northern Irish politics. Long understood as a deeply divided place, this division is embedded in the post-conflict devolved institution, with MLAs having to identify as either Nationalist or Unionist in order to facilitate certain voting procedures within the Assembly.³ Voting in the province still falls largely along strongly ethno-national lines, with Catholics voting overwhelmingly for Sinn Féin or the Social Democratic and Labour Party (SDLP), and Protestants for the Ulster Unionist Party (UUP) or the DUP. In spite of the use of transferable votes in the current Assembly system, votes are rarely transferred between communities (Tonge, 2005; Tonge and Evans, 2015). Yet, from this vote in 2000 onwards, abortion is one of the few issues that brings parties and politicians together across this divide (Thomson, 2016).

Given that there was no clear guidance for health professionals around terminations in post-devolution Northern Ireland, in 2001 the Family Planning Association of Northern Ireland (FPA) initiated legal action against the Department of Health, Social Services and Public Safety. The FPA won the right to initiate a judicial review of medical practices related to the provision of abortion services in Northern Ireland, which was held in March 2002. This failed but was appealed successfully in 2004 and the then Health Minister, Bairbre de Brún (Sinn Féin), was instructed to conduct an inquiry into termination of pregnancy services offered in Northern Ireland. Following this consultation, guidelines were released in 2007. In October 2007, the Assembly debated the guidelines. Proposed by Iris Robinson, DUP MLA and then Chairperson of the Health, Social Services and Public Safety Committee, the motion 'That this Assembly opposes the introduction of the proposed guidelines on the termination of pregnancy in Northern Ireland; believes that the guidelines are

flawed; and calls on the Minister of Health, Social Services and Public Safety to abandon any attempt to make abortion more widely available in Northern Ireland' was debated. The motion passed and the guidelines were revised as a result. They were eventually re-released in 2009, but challenged immediately in court by the anti-abortion group, the Society for the Protection of the Unborn Child, and removed on the grounds that the sections explaining conscientious objection were not clear enough.

It was some years before a new version of the guidelines would appear. In May 2011 Edwin Poots MLA (DUP) took over as Health Minister. Poots had previously been very vocal about his socially conservative views.⁴ In April 2013 revised guidance was issued for consultation. In the words of one healthcare professional, the document produced in 2013 'bore no resemblance to the previous guidance at all.'⁵ The tone of the 2013 guidelines is dramatically different from those produced in 2009. The title alone is indicative of the change – 'The *Limited* Circumstances for a Lawful Termination of Pregnancy in Northern Ireland' – as is the opening statement: 'The aim of the health and social care system must be *protection of both the life of the mother and her unborn child*' (emphasis added). 'Mother' and 'child' are used throughout the document despite the highly emotive nature and the fact that such language lacks reference to any legal or medical context. The guidelines were fiercely opposed by medical unions and pro-choice lobbyists: due to this opposition they were never enacted.

This narrative around the guidelines shows that attempts to introduce clearer directives around termination of pregnancy were stalled from the early 2000s by a group of critical actors. Individual Health Ministers have clearly had a great degree of power over the various iterations of the guidance. Key figures who were interviewed from within the medical community expressed their belief that the lack of movement on this issue was due to individual figures standing in the way of change. A medical union representative stated their belief that individuals played an influential role in halting any movement around the guidance: 'my suspicion is that we're into the realms of high politics here ... somewhere along the lines somebody's making a policy decision ... that this is not happening on my watch.'⁶ Figures within the medical and sexual health community broadly reported that policy movement on abortion has been repeatedly waylaid by a group of key conservative actors from across Northern Ireland's divided politics.⁷

The role of conservative actors was further reinforced through a series of events separate to the guidance. In September 2012 Marie Stopes International opened a reproductive and sexual health services clinic in central Belfast. As part of its facilities (which operate on a part-time basis of only two days per week), the clinic provides terminations up to a period of nine weeks' pregnancy, within the very specific legal remit that Northern Ireland law allows. Key political figures were quick to voice their concerns regarding the legality of the clinic, as was the Attorney General, John Larkin.⁸ Two attempts, in March 2013 and June 2015, have been made via the Assembly to amend the Criminal Justice Bill to limit terminations to public facilities. If passed, these would have made all provision of abortion procedures illegal outside National Health Service facilities, thus essentially evicting Marie Stopes International from the province.⁹ In March 2013 a cross-community group of MLAs (Paul Givan, DUP, Tom Elliot, Ulster Unionist Party, and Alban Maginness, SDLP) tabled the motion. Again, a very unusual assemblage of MLAs from across the political divide came forward to support this conservative movement. A second attempt to make Marie Stopes International's abortion provision in the province illegal, along essentially identical lines, was amongst a raft of amendments to the Criminal Justice bill debated on 2 June 2015, instigated by Jim Wells, DUP MLA. Both motions failed to pass and Marie Stopes International remains open in Belfast. Again, a group of conservative critical actors has led the way in attempting to stop Marie Stopes International's activities in the province. The above individuals – Wells, Maginness, and Givan – have been outspoken both inside and outside the Assembly in their opposition to the Marie Stopes Clinic. Most

importantly, these actions have come, not from parties, nor from the political institution as a whole, nor even from legal challenges, but rather from a small group of politicians.

Furthermore, these conservative actors across all of these political movements have come from across the Northern Irish political divide, but have largely all been men. Indeed, the Pro-Life All Party Group within the Assembly was, until it disbanded in 2015, all male.¹⁰ Not only do Northern Irish politics have a long legacy of inaction around women's and gender issues (Galligan and Wilford, 1999: 173) but from the beginning of the new Assembly, it appears that it has been difficult to facilitate any kind of community amongst female MLAs. Attempts were made to form a cross-party caucus in the first administration but Unionist women were reticent to join when Sinn Féin were present (Galligan, 2006: 215). Cowell-Meyers suggested that as the Assembly evolves, women would reach out across the political divide and that a women's caucus might be more probable in the future (Cowell-Meyers, 2003: 10).

Interview data from contemporary MLAs strongly refute this. When asked if there was any community of women MLAs from across parties, one MLA responded that she would always go to her party first with any concerns or new policy ideas.¹¹ Although there is now a women's caucus in the Assembly, this was formed largely due to the external influence of an NGO.¹²

The limited number of women in the Assembly and the minimal movement on abortion legislation which has happened means that it is difficult to extrapolate how influential women have been on debates around the issue. With party loyalty appearing to trump any gendered identity, in the words of one pro-choice activist, women MLAs 'do look like token women and when they are privately telling you that they're pro-choice but they have to toe the party line because they're told what to do, how to do it and what to say then what's the point – you might as well be a man.'¹³ Indeed, the little *positive* movement on abortion over the lifetime of the Assembly, added to the relative dearth of female representatives, means that it is difficult to judge. Whilst the majority of the most vocal pro-life MLAs are male, Iris Robinson DUP MLA was loudly pro-life and the key figure in overturning the 2007 guidelines. Similarly, of the two MLAs in the 2011–2016 administration who called for liberalisation, one was male (Stephen Agnew, Green MLA) and one female (Anna Lo, Alliance MLA). Liberal voices around abortion have been in the distinct minority, and have not been solely associated with female politicians.

Discussion

Focusing on the specific actions (and non-actions) of the Assembly highlights the importance of key individuals to the political understanding of abortion in Northern Ireland. Certain critical actors have worked to ensure conservative movement on the issue of abortion. Assembly debates have been instigated by a key group of figures. Jim Wells had the ability to initiate a debate along conservative lines in 2000, at a period when there was no political movement around abortion. He was then behind the second attempt to close Marie Stopes International in Belfast via the Assembly in 2015. Paul Givan and Alban Magginness, key figures behind the initial attempt at this closure, also have long track records of opposition to abortion liberalisation. The long story of the guidance illustrates the power that individual politicians and public figures have had. Iris Robinson's role as Chairperson of the Health, Social Services and Public Safety Committee allowed her to be of central importance to the issue of the guidelines, instigating the 2007 Assembly debate. The Health Minister has had clear power and influence over the shape of the guidance: under Edwin Poots, the guidance was rewritten entirely from the version overseen by the former Health Minister, Michael McGimpsey, in the late 2000s. John Larkin, the Attorney General, is widely perceived as having a key influence on the tone of the 2013 version of the guidance. Across medical unions and other sexual health organisations the

blame for the lack of action was laid at the feet of specific individuals, rather than political institutions (be it political parties, or the Assembly itself) as a whole. Individual critical actors have had a huge impact on the shape and tone of the guidance.

Furthermore, these individuals have come from a range of parties, and from across the still strongly present ethno-national divide in Northern Irish politics. The presence of key politicians in this debate from all corners of Northern Irish politics stresses that discussion on this is fuelled far more by individuals than by party policy or the beliefs of one specific community. Indeed, opinions on abortion are largely similar across Protestant and Catholic communities (Thomson, 2016). Women are present in such small numbers in the Assembly that it is difficult to ascertain how influential they have been on this issue, but they show little sign of working as a group across the political divide to address this issue. Individual critical actors from across ethno-national lines have been far more important to shaping this debate than parties or institutional bodies.

As reflected in the literature on critical actors (Chaney, 2012; Childs and Krook, 2009), the actions of these individuals have only been successful because they have been able to rely on the support of the broader legislature. The results of successive votes on conservative moves on abortion have shown high support, even if the proposed changes have not always passed. In 2000 and 2007, motions strongly against abortion liberalisation, initiated by the key critical actors described above, were able to pass thanks to the support of the broader Assembly which was evident across party lines. The attempts to close Marie Stopes International in Belfast via the two amendments described in the previous section might not have been successful, but they did receive strong support in the Assembly. The first amendment passed by 53 to 40 votes but did not carry due to use of the veto mechanism by a coalition of Sinn Féin and Green MLAs. The second failed narrowly, by 41 to 39 votes, but again the veto mechanism was also employed. Furthermore, conservative sentiment on abortion in the Assembly was cemented through the establishment of a Pro-Life All-party Group (APG). These actions may be encouraged by a small key group, but they can rely on support from a broader political institution which is largely socially conservative. As such, key conservative critical actors, supported by a broader conservative critical mass in the institution, work in tandem to restrict gendered change.

As the previous section illustrated, the non-actions of the Assembly are also important. Liberal movement on abortion has largely been non-existent within the Assembly. With the exception of the guidelines, which were finally introduced in 2016 (and which in no way change the restrictive legal framework), the laws around abortion have not changed at all in the lifetime of the Northern Irish Assembly. This has been reinforced through the relative absence of liberal critical actors working on abortion and willing to speak out on the issue. As discussed above, in the legislative session of 2010 to 2015, there were only two openly pro-choice MLAs. Pro-life MLAs speaking out on this issue have a broader critical mass within the Assembly to reinforce their position (including the APG on pro-life), but pro-choice MLAs have no such support. Pro-choice (or, indeed, pro-any kind of liberalisation) discourse is rare in these debates, and struggles to find any institutional foothold. The Family Planning Association, a sexual health charity which was instrumental in bringing about the legal battle that forced the Department of Health to bring about guidelines for medical professionals on abortion in the province, set up an All-party Group on Sexual Health in 2010. However, abortion does not form any part of this group's discussions, and never has.¹⁴ Continued conservative presentation of this issue may rely on key individuals, but these individuals can rely on a critical mass of conservative politicians and institutionalised bodies, such as the APG, that also support the status quo. Liberalising voices do not have this level of support and institutionalisation, and thus struggle to move the issue forward.

Conclusion

Feminist institutionalism is a growing subfield of feminist political science which argues that institutions matter. The ways in which institutions are structured has an impact on the ability they have to represent gendered concerns and to facilitate women's representation. Although primarily interested in positive gendered change, feminist institutionalism has a growing interest in how institutions resist and obstruct such movements (Chappell, 2014a, 2014b, 2015; Kenny, 2013; Mackay 2014; Mackay and Waylen, 2014; Sawer, 2012; Waylen, 2014a).

This article has made two contributions to this developing literature. Firstly, it has argued that the concept of critical actors can be employed, not only in instances of progressive gender legislation, but also in cases where key gendered changes are being stymied or resisted. Across ethno-national and party boundaries, key individuals have worked to preserve the status quo of restrictive abortion laws and to push back against any attempted liberalisation. By considering an issue around which there has been such legislative and political stasis, this article has reinforced both a case for the importance of feminist political science to continue to consider 'inactions' and 'silences' (Chappell, 2014b: 193), and has shown that there are existing concepts within the feminist political science toolkit which can allow us to do so.

Secondly, it has added to this developing literature on resistance to gendered change in institutions, arguing that the concept of critical actors can be usefully employed to understand why institutions are not more receptive to gendered change. As is illustrated here, interplay of conservative critical actors with a broader mass of supportive legislators and bodies within the institution has helped to restrict liberalising movement on abortion in Northern Ireland. Spearheaded by a group of key individuals within the Assembly, these actions have found broader support within formal Northern Irish politics. This support is lacking in the case of liberal politicians who are supportive of change. Furthermore, women are not a critical mass within the institution, and struggle to work together across party or ethno-national lines. Without the institutional support, either of internal bodies such as APGs or a latent mass of politicians, liberal critical actors cannot get a foothold in the debate and thus work to create change from within the institution.

In bringing together a gendered understanding of institutionalism with the literature on critical actors, feminist institutionalism can add to an understanding of why gendered change is resisted, avoided or fails to happen within political institutions. Future research might continue to explore the links between critical actors and their legislations to resist gendered change. Can considering the interplay of conservative individuals and their institutions help us to understand other instances of gendered legislative stasis (for example, greater restrictions on abortion access in various states of the USA)? Does the relative absence of women in Northern Irish politics suggest that a return to critical mass theory might help to explain the lack of movement on this policy issue - would more women MLAs help to change things? In the Northern Irish context, ethno-national identity appears to trump gendered identity – do other divided societies also face similar difficulties in getting female politicians to unite across ethno-national barriers and thereby provide a female critical mass to enact change? Considering other instances of resistance to or absence of change still has much to tell us about the gendered nature of institutions.

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Notes

1. Rational choice institutionalism has had far less of an impact on the development of feminist institutionalism, largely due to the ‘epistemological incompatibilities’ between the understanding of individual agency in rational choice theory and the gendered, socially embedded agent in feminist political science (Kenny and Mackay, 2009: 273).
2. Abortion, Assembly debate, 20 June 2000. <http://archive.niassembly.gov.uk/record/reports/000620.htm>. Online versions of the Northern Ireland Assembly debates do not cite volume or page numbers, so all future references are to this source.
3. Nationalists wish for Northern Ireland and the Republic of Ireland to be unified into one country; Unionists wish for Northern Ireland to remain part of the UK. Nationalists are largely Catholic; Unionists are largely Protestant. Members of the Legislative Assembly must self-designate as Nationalist, Unionist or Other upon entering the Assembly and only change designation once in any legislative session. The labelling is designed to ensure parity of esteem for any community issues. The signatures of 30 members of either self-designated Nationalists or Unionists triggers a petition of concern, after which any vote on the legislation raised in the petition needs 60% of both sides approval to pass. Others cannot file a petition of concern on their own, but can support one brought by Unionist or Nationalists.
4. See <http://www.theguardian.com/commentisfree/2013/nov/11/northern-ireland-edwin-poots-creationist-anti-gay>
5. Medical union representative; private interview with the author, Belfast, March 2014.
6. Medical union representative; private interview with the author, Belfast, July 2014.
7. Representative of sexual health organisation; private interview with the author, Belfast, March 2014. Guidance on termination of pregnancy was finally brought into practice in early 2016, shortly after a new Health Minister, Simon Hamilton, came into the position.
8. See <http://www.bbc.co.uk/news/uk-northern-ireland-19902778>, and <http://www.telegraph.co.uk/women/womens-politics/9618106/Call-for-abortion-clinic-inquiry.html>
9. Although paid for via public funds, provision for termination of pregnancy in private facilities (mostly run by the British Pregnancy Advisory Service and Marie Stopes International) is the norm in England and Wales. In Scotland, all terminations are provided solely on National Health Service facilities.
10. All-party Groups (APGs) have no legislative powers and are largely consultative in nature. The group appears to have ceased to function after the one Alliance MLA who was a member, Kieran McCarthy, withdrew. However, in late 2015, a new APG on Human Life was established. The new APG has largely the same membership as the Pro-life APG but there are now two female members. The Assembly website describes the group’s purpose as being ‘To provide a forum for discussion of issues relating to the beginning and the end of life for a human being’ (see <http://www.niassembly.gov.uk/your-mlas/all-party-groups/all-party-group-on-human-life/>).
11. Unionist Member of the Legislative Assembly; private interview with the author, Belfast. February 2014.
12. See <http://politicsplus.com/programmes/women/assembly-womens-caucus/>
13. Pro-choice activist; private interview with the author, Belfast. March 2014.
14. Representative of sexual health organisation; private interview with the author, Belfast. March 2014.

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