New Institutionalism: Identifying Informal Institutions in the Political Process of Pakistan

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Abstract

This paper focuses on a recent theoretical perspective and approach in the study of political institutions--'new institutionalism'. The primary aim of the paper is to illustrate the theoretical assumptions of 'new institutionalism' with empirical evidence from Pakistan. The paper illustrates the theoretical assumptions of new institutionalism especially its distinction between formal and informal institutions. New institutionalism is quite distinctive in its emphasis on informal institutions rather than on formal ones. This study delineates such distinction by placing it in the context of political processes and structures in Pakistan. The paper argues that political processes and structures in Pakistan exhibit considerable presence of informal institutions though they often go unnoticed and along with them their influence on democratic governance. We expect that this paper will contribute to the existing literature by focusing on informal institutions, which does not get much attention in academic writings on the political process in Pakistan.

Key words: Informal Institutions, Pakistan, Political Parties, democracy, political process

Introduction

Institutions have been central to any political discussion and analysis since the very beginning of the discipline. The very roots of the discipline of Political Science are claimed to be in the study of institutions (Peters, 1999: 1). Although such understanding was challenged in the 1950s by two theoretical schools in Political Science, the rational/public choice and the behaviorists, as they attempted to shift the attention from institutions to individuals and their behavior. However, the resilience of institutionalism is evident from the fact that theorists never stopped studying institutionalism rather with over time invigorated their interest in it and have lately came up with what they term *new* institutionalism. This was described as 'bringing institutions back in'.

The two broader theoretical schools in Political Science such as traditional/old institutionalisms and new institutionalism although diverge on a number of themes but converge on the centrality of institutions in any political analysis. Institutions as structures may be formal or informal. In recent times a number of studies have been carried out to study informal institutions as traditional institutionalists for the most part had ignored them. These studies point out

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that there is significant presence of informal institutions in almost all different polities in the world. These studies distinguished informal institutions from formal institutions on the bases of their distinct characteristics. With these studies it has become clear that there exists a complex relationship between these institutions, a relationship that influenced political outcomes. Pakistan offers a good case to be explored in this context. It is a developing country with weak formal political structure that is remarkably influenced by informal institutions. Formal and informal institutions interact in Pakistan in a complex manner.

This study primarily attempts to identify informal institutions in Pakistan that have hardly been researched earlier. By doing so the paper attempts to open up future potential and allow researchers to analyze the theoretical contestation of new institutionalism through empirical evidence from in Pakistan. The paper first explores the meaning of institutions in order to elaborate on the contestation regarding its definition. It then explains the emergence of new institutionalism and its focus on informal institutions. The following sections juxtapose the formal and informal institutions by focusing on their distinctions and interrelation. The last section focuses on Pakistan. It identifies various informal institutions and succinctly discusses their relations with formal institutions. The conclusion section sums up the broader themes covered by the paper and highlights the importance of informal institutions in the governance in Pakistan.

Institutions

Institutions are defined by T.R.Voss as 'constraints or rules that induce stability in human interaction' (2001: 7562). According to Hall they are 'formal rules, compliance procedures and standard operating practices that structure the relationship between individuals in various units of polity and economy' (Hall, 1986 cited in Thelen and Steinmo, 1992: 1). Institutions being rules of the game (North, 1990:4) ensure regularities or predictability in human interaction (Peters, 1999:18).

The literature on institutions identifies certain characteristics of institutions such as, structures, stability, forms affecting human behaviour and reflecting shared values (Peters, 1999:18-19, Hungtington, 1968). Therefore, we may conclude that institutions are rules that govern human behaviour, possessing the characteristics of being stable, recurring and valued. On the same line political institutions can be defined as political rules that regulate political interaction. From a political party in America to a defence force in Peru (Rondas Campesinas), from a church in India to a gypsy family in Africa, and from a property right to a micro crediting bank in Bangladesh all come under

New Institutionalism

the definition of institutions. Institutions understood as rules regulating various aspects of individual's life would constitute political, social, economic and religious institutions. Similarly, American Presidency, honour killing in Pakistan, trade unions in India, and mourning a will all come under this vast spectrum of institutions. However, this essay is primarily concerned with political institutions.

The understanding of institutions becomes complex in the presence of diverse forms of theoretical perspectives. The discussion below elaborates on just one such complexity offered by the conceptual contestation between traditional and new institutionalism in the discipline of Political Science.

The Emergence of New Institutionalism

Institutionalism as a theoretical approach to political analysis is quite old. It primarily stresses on the role played by institutions in political actions and processes. Institutionalists argue that institutions are determining factors in shaping the goals of political actors and structuring of power relations among them (Peter, 1986). Institutionalism is an effort to spell out how political struggles "are mediated by the institutional setting in which they take place" (Ikenbery, 1998). Moreover, institutionalists stressed that formal institutions of government are generally important players as they are conceived as the locus of legitimate authority in most political systems (Peter, 2004).

Before 1950's the dominance of this approach was such that 'institutionalism was Political Science' (Lowndes, 2002). Especially the field of Comparative Politics was dominated by the study of institutions. However, due to strong criticism during 1950s and 1960s from behaviourist and rational choice theorists, institutionalism lost some of its luster. Behaviourists emphasized the centrality of individual to political processes and rational choice focused on the interplay of individual interests in any political action. Therefore, both discredited the significance of institutions, particularly state institutionalism has reemerged in the garb of 'New Institutionalism'. Besides its attempt to bring the state back into mainstream Political Science (Schmidt, 2006), new institutionalism deviate from traditional institutionalism for its emphasis on informal institutions.

Definitional Juxtaposition of Formal and Informal Institutions

Formal and informal institutions are often juxtaposed for definitional purposes. Since the emergence of new-institutionalism a number of scholars have attempted to produce some representational definitions of the formal and

informal institutions. Marcel Wissenburg (2001) argues that formal institution is based on written rules prescribing specialized roles and incumbents of these roles have been trained, appointed or elected to perform. In contrast, informal institutions for him are only rules inherent in culture which although often not being written still 'standardize what is considered appropriate or normal behaviour'. (2001:363-364). Wissenburg's definition gives informal institution base in culture which is an incomplete view of the nature of informal institutions.

For Douglass North, informal institutions are informal constrains of conventions or codes of behaviour while formal institutions are formal constrains of rules that are devised by people (2001: 4). Employing rational choice theoretical take, North understands institutions as constrains on human choices. Going along this line he defines formal political institutions as formal rules that constrain political behaviour and informal political institutions as informal rules that constrain political behaviour. Peters (2005) gives a very interesting example of coffee meeting in afternoon, which may become an institution if it is held regularly at the same time and place. And should this group is constituted by senators it would become a matter of interest for political scientists (Peters, 2005).

From another perspective formal institutions are rules that 'are openly codified in the sense that they are established and communicated through channels that are widely accepted as official' (Helmke and Levitsky: 2003:7). While informal institutions 'are socially shared rules usually unwritten that are created communicated and enforced outside of official sanctioned channels' (Brinks, 2002 cited in Helmke and Levitsky: 2003:8). These definitions make a distinction between formal and informal institutions as official and non-official rules. However, informal institutions some times get official (state) enforcement such as organized corruption (Darden, 2002 cited in Helmke and Levitsky: 2003:7) Now that we have defined formal and informal political institutions, it is easy to produce examples from various states of the world. Formal political institutions could be state institutions such as legislative bodies, local government bodies, courts, bureaucracies' presidential or parliamentary executives, political parties, interest groups, and so forth (Helmke and Levitsky: 2003). Informal institutions could be within state institutions or outside them such as clientelism, political patronage, patrimonialism, judicial and bureaucratic norms, nepotism, and so forth. These institutions are pervasive and can be identified in a number of states from North America to South East Asia and from Tropical Africa to Western Europe.

New Institutionalism

Distinguishing between Formal Institutions and Informal Institutions:

Formal and Informal institutions share common characteristics such as, they both restrict human behaviour, posses legitimacy and are structures of interaction. However, there are discernible differences between the two that are often highlighted by several studies done since 1980s. Before 1980s the traditional institutionalism almost exclusively focused on formal institutions. The theoretical perspective of new institutionalism filled in the gap, left by traditional institutionalism, through initiation of interest in informal institutions. A number of studies have been done to identify informal institutions in variety of political dispensations (Taylor, 1992, Brinks, 2002, Collins, 2002, Medard, 1982). A very important contribution was made by Helmke and Levitsky (2003) through their attempt to conceptualize informal institutions in comparative politics and bring them to mainstream of comparative political research (Helmke and Levitsky, 2003: 3). Similarly, Lauth (2000) tried to discover the effects of informal institutions on democracy. All these intellectual efforts generate a more nuanced understanding of institutions that now distinctly distinguish between formal and informal institutions.

There are a variety of ways in which formal and informal institutions can be differentiated. An attempt is made below to identify those ways and draw a subtle boundary between formal and informal institutions with the help of existing literature.

Formal and informal institutions can be differentiated from each other by focusing on their genesis. Vosss (2001) for instance argues that formal institutions are created and arranged by agents and they can be changed by a competent authority. Lauth on other side argues that informal institutions develop 'indigenously' without any central direction and coordination (2000: 25). However, yet on other hand, we also know that organized corruption being an informal institution is controlled by state (Darden cited in Helmke and Levitsky: 2003).

Another way to differentiate formal institutions from informal institutions is to focus on the enforcement of these institutions. T.R. Voss proposes that while formal institutions are 'able to rely on third parties for monitoring and enforcement', informal institutions 'do not rely on an external authority's monitoring and policing of the participants' behavior' (2001). Formal institutions do have the sanction of state behind it, which keeps them observable while informal institutions are based only 'on the fact of their existence and of their effectiveness' (Lauth, 2000: 24). American presidency as formal institution is established by the constitutional law and this protects it from non-observance. Conversely, the political patronage offered by a wining

party in American presidential elections is not sanctioned by any law and its existence depends on its effectiveness as an informal institution.

Formal and informal institutions can also be differentiated by focusing on the ways by which they change. Institutional political scientists (North, 1990, Lauth, 2000, Peters, 1999, Thelen and Steinmo, 1992) have argued that, in formal institutions changes may be brought about by state actions but in informal institutions the process is hardly influenced by the state. Moreover, the change process in informal institutions may get prolonged as these institutions are not created by an authority and they are internalized by participating actors (Luhmann:1972 cited in Lauth, 2000). Sometimes an informal institution is replaced by a formal one. The case of National Security Council (NSC) in Pakistan is a good example. The political practice of military intervention in politics was transformed into a formal institution through the establishment of NSC under Musharaf regime in Pakistan.

One way to differentiate between formal and informal institutions is to see it through its relationship with each other. Lauth has distinguished formal from informal institutions on the bases of an assumption of 'a wide concurrence between actual individual behaviour and the behaviour (role) expectation inherent within institutions'. The actual behaviour, if different from or in clash with expected behaviour, becomes orderly and is repeated could be identified as informal institution (2000: 22). This account of Lauth seems inefficient when one tries to distinguish informal behaviour that supports formal institution. Where, necessarily, the informal behaviour is not in clash with formal institution (see below).

Through this discussion we can conclude that formal and informal political institutions differ in a number of ways and it is important to consider these differences when we make political analysis about institutions. Only then will we be able to develop a consummate understanding of the political issues at hand.

Complexity in Interaction between Formal and Informal Institutions

The existing studies demonstrate that formal and informal political institutions interact in complex ways. This complexity is manifested in a variety of ways in which such interaction takes place. Moreover, the interaction also significantly influences the political outcomes of these institutions.

The interaction between formal and informal institutions is categorized by Helmke and Levitsky (2003) as 'problem solving' interaction and 'problem creating' interaction. In the former one informal institutions help bring

efficiency to complex institutions (Matthews, 1959, Weingast, 1979, March and Olsen, 1989 cited in Helmke and Levitsky, 2003:10) and in the latter one they negatively affect the performance of democratic regimes or formal institutions (Helmke and Levitsky, 2003, Collins, 2004, Lauth, 2000). These informal institutions are basically seen in the form of 'clientelism, corruption, patrimonialism and clan politics' (Helmeke and Levitsky, 2003:10).

The interaction typology proposed by Lauth (2000) and Helmke and Levitsky (2003) show some interesting propositions. It suggests two additional forms of formal and informal institutions. Formal institutions could be effective and ineffective; while informal could be institutions of compatible goals and institutions of incompatible goals. Effective formal institutions are those in which rules are enforced and obeyed while ineffective are those in which defiance goes unchecked. Similarly, informal institutions of compatible goals are those in which actors' goals 'are compatible with expected formal outcomes' (Helmke and Levitsky, 2003:11) and in informal institutions of incompatible goals are 'at odds with those outcomes' (Helmke and Levitsky, 2003).

According to the above typology when these formal and informal institutions interact they constitute a complex relationship. In formal effective institutions the informal institutions of compatible goals fill in the gap left by formal rules and thus they bring efficiency. This relationship can thus be called a 'complementary' relationship. A number of examples are cited by Helmsky and Levitsky (2003) that elaborate this very relationship. It is argued through these examples that informal institutions brings efficiency to US Congress and courts. However, no reference is given in the study to developing or underdeveloped countries where such institutions could hardly enhance the efficiency. Helmsky and Levitsky (2003) argue that this pattern of interaction usually happens in stable democracies of developed world, therefore, the examples were drawn exclusively from developed countries.

The typology (Helmsky and Levitsky, 2003) proposes that informal institutions of incompatible goals if cannot oppose formal rules, they try to moderate or modifying the effects of these rules. Thus they accommodate despite disagreement with formal rules. Such are relationship can be termed as 'accommodating'. In inefficient formal institutions, the informal institutions with incompatible goals violate the formal rules and thus forge a 'competing' relationship. The typical examples are clientalism, patrimonialism, corruption, clan politics etc. In many developing countries of the world this pattern of interaction is common. In this way informal institutions affect political outcomes and influence political development. Finally, when actors of informal institutions of compatible goals realize the failure of formal

institutions they substitute formal with informal institutions. Such a relationship is termed as 'substitutive' (Helmsky and Levitsky, 2003). Dominant informal conventions may override formal rules according to Lowndes (1995:99). Building their analytical framework of classification in 'simple dichotomous (functional versus dysfunctional) terms', the above studies investigating relationship between formal and informal institutions recognise the fact that it is hard to classify institutional relationships. By arguing this, their focus exclusively remains on developing countries. They draw examples from developing countries where there could be informal institutions that substitute formal rules. They also postulate that although the complementary and accommodating informal institutions exist in stable institutional settings (which are generally found in advanced countries), the competing and substitutive arrangements do exist in developing countries even where institutional settings are weak. This however, is not a hard and fast rule. Formal institutions in their interaction with informal institutions may act two ways at the same time. For example, a clientelist network may be competing and substituting at the same time.

Interestingly, New Institutionalism studies, just as they give an account of how formal and informal institutions interact, mostly focus on informal institutions. Their focus remains informal institutions and how they interact with formal institutions. They do not spell out clearly how formal institutions react to the functioning of informal institutions.

An interesting aspect of interaction between formal and informal institutions is the way informal institutions depend on formal institutions (Lauth, 2003:26). Informal institutions depend upon formal institutions for their existence. They penetrate formal institutions or occupy them to exploit them for their own purpose (Lauth, 2003:26). Informal institutions even in this situation can considerably influence formal institutions. For instance, Congress committees can influence substantially the working of legislature due to some informal institutional arrangements (Shepsle and Weingast, 1987 cited in North, 1990).

The above discussion demonstrates that interaction between formal and informal institutions is complex. There is no single pattern in which they interact. Instead there are multiple ways in which they interact, influence and reshape each other. Such a complex relationship also has consequences for the political outcomes. Moreover, there is a need to investigate this relationship through empirical evidence from around the world. In such a way we will develop a more nuanced understanding of these institutions in diverse contexts. An effort is made below through various examples from Pakistan.

Informal Institutions in Pakistan:

Governance in not only carried out by formal state institutions but also by informal political institutions (Leftwich, 2004). Therefore, it is imperative to investigate the role played by these informal political institutions in the process of governance. Most of the studies on governance in Pakistan focus on formal institutions, such as parliament, bureaucracy, military, political parties, etc. There is little effort made to identify and evaluate the role of informal institutions of governance in Pakistan.

Pakistan has never seen a true democratic rule and as such presents a poor case of democratic institutional development. Its formal political institutions are weak and its non-political institutions (bureaucracy and military) have been enjoying a dominant position within the political dispensation. The country has been subjected to repeated military rules that have been legitimised by the state judiciary. The fragmented society, religious conservatism, and rampant poverty have influenced political institutions. Such a situation has facilitated informal institutions by allowing them to become an integral part of the governance system.

The military-executive leadership meetings during political crisis in Pakistan can be envisaged as an informal institution having enormous impact on democratic governance in Pakistan. Usually these meetings involve the Chief of Army Staff (COAS) the Prime Minister or the President of the country. The Chief of Army Staff, Prime Minister and the President of Pakistan separately met on a number of occasions during July 1993 to discuss the political crisis in the country involving power sharing contestation between the PM and the president. In these meetings the army chief influenced both these executive heads to resign in an apparent failed power-sharing attempt (Nawaz, 2008: 471). A series of meetings were held between army leadership with PM, President during (2011-2012) the recent memogate scandal¹ (Ghauri, 2011; The Nation, 24 January 2012; The Times of India, 14 January, 2012). These meetings were considered important in the context of media reported confrontation between military and political leadership on the memogate scandal. Similarly, the military leadership met the political leadership in

¹ Memogate scandal refers to the alleged secret memorandum of Pakistan's ambassador to United States (Hussain Haqqani) to Admiral Michael Mullen (former US chairman of the joint chiefs of staff) to be further passed on to US administration. In this memorandum the democratic government of Pakistan sought support from US in case of military takeover in reaction to Usama bin Ladin's killing. The Pakistani ambassador denied all these allegations. However, the scandal created rift between the political and military leadership in Pakistan during 2011-2012.

November 2011 to discuss the NATO strikes on Pakistani check post on Pak-Afghan border (Farooq and Jafri, 2011). Soon after these meetings Pakistan took steps to block NATAO supply to Afghanistan. In another series of meetings among Chief of Army Staff General Kiyani the President Zardari and Prime Minister Gilani of Pakistan during the judicial crisis of 2009. The Army chief used his influence in these meetings to persuade Zardari's government to restore the suspended Chief Justice of Pakistan (Shah and Landay, 2009).

These meetings are held when elected governments run the state, therefore, they gain more significance in the context of military intervention during democratic eras. These meetings although are made public but its details are kept discrete. Informal institutions are often hidden from public eye (Helmke and Levitsky, 2003) and thus difficult to be identified. The headlines that newspapers publish on the next day inform the public that the meeting was about security matters of the country and that the government and army leadership were on the same page.

This informal political institution denotes a different kind of governance in which the military indirectly influences government. The military in Pakistan has always been influencing policy making and governance process in Pakistan. However, when it is not directly ruling the country it projects a perception of being politically inactive and unrelated to the political processes in the country. This shapes a political conundrum for military in Pakistan. The military intends to influence the governance process but at the same time it fancies to be seen publicly as politically passive institution. The informal institution of crisis meeting gives army an opportunity to influence government.

The informal institution of military-executive meetings demonstrates how military exercises indirect influence during democratic rule. Military executive meetings are not unusual. These meeting are in fact considered helpful in showing confidence in democratic rule around the world. However the informal institution of crisis meeting in Pakistan are quite consequential as in these meetings grave political crisises are discussed. Often the media speculate in advance that the meetings would allow army to influence the government to settle the issue. These meetings can be distinguished from other routine meetings for their timings and their decisiveness. They are often held in times of political crisis and end up with a settlement.

Another informal institution in the area of security is Lashkar or 'war party' in the North West of Pakistan. Lashkar is a group of individuals who get together to fight a common enemy (Spain, 1963: 76). These lashkars are considered a

customary institution among the Pashtuns² of the FATA and Khyber Pakhtunkhwa. Being an informal voluntary organisation established to achieve a common objective, Lashkar serves useful strategic purposes. Previously these lashkars were constituted by the local councils called *jirga*. However, recently, the government of Pakistan requested local elders to constitute such lashkars in the FATA and some parts of Khyber Pakhtunkhwa to stop (Islamist) militants' infiltration in the area.³ Many raised concerns about the strategic use of such institutions in the presence of formal law enforcing agencies of the state. However, the constitution of such organisations as an informal institution was part of the counter-insurgency strategy of Pakistan. It is difficult to evaluate the performance of these institutions, however, these lashkars provide some protection to the inhabitants of the area while using meagre resources.

Besides some security related informal institutions we would now like to identify some informal institutions that directly affect democratic governance in Pakistan. The first among them is the informal institution of barring women from vote in general elections. Women in certain parts of Khyber Pakhtunkhwa province of Pakistan are barred from voting in violation of their political rights. It has become such a recurring practice that it has acquired the status of an informal institution in some parts of Khyber Pakhtunkhwa. On a number of occasion media reported stories and printed documents of the agreements (Sherazi, 2013) reached between local elders (men) and political party representatives barring women from voting in general elections (2008, 2013). It was ensured by the local leaders that the agreement was implemented. These gatherings are surprisingly attended by political representatives of political parties as diverse as ANP, PPP and JI (Sherazi, 2013). It is interesting that political parties that claim to be secular have also endorsed the agreement through their local representatives. Moreover, this informal institution has challenged the formal institution of the Election Commission of Pakistan. In this case the informal institution takes a confrontational position by defying the Election Commission of Pakistan and state laws that term such acts punishable.

Pakistan has always been a fertile land for clientelism and political patronage. These political practices have long become informal institutions of political consequence. The informal institution of clientalism flourish in socio-economic environment of inequality in wealth, power and status, and the expansion of government activities (cf. Ozbudun, 1981, 252-253). Political parties in

² An ethnic group living in the North West of Pakistan.

³ In the province of Khyber Pakhtunkhwa they are called 'Aman committees' instead of lashkars.

Pakistan have been employing this patron-client model in a variety of ways. The recent examples include Musharaf's Khushahal Pakistan and Tawana Pakistan (Economic Survey of Pakistan, 2006-7), Zardari's Benazir Income Support Programme (2008-2013), Nawaz Sharif's Prime Minister's Youth Support Program (2013). Through these programs political patronage is distributed among political clients.

The informal institution of group solidarity within Pakistani bureaucracy is also significant. The cadre system or occupational groups within civil services of Pakistan not only allow civil servants to organise into statuses (Kennedy, 1987), but also to demonstrate solidarity with group members in times of crisis. Such solidarity resists any efforts of reforms on the part of the political government and facilitates nepotism through group favor. Therefore, the performance of bureaucracy being an important part of government machinery is affected through this informal institution.

Political parties in Pakistan are formal institutions that ensure democratic rule in the country. However, there is a growing trend of hereditary leadership in these parties that affects democratic governance in the country. So pervasive and consistent is the this practice of hereditary party leadership that in some parties the top leadership is third generation of the same family. Pakistan Peoples Party which claims to be a democratic party manifests such an informal institution. The party founder Z.A. Bhutto transferred party leadership to his daughter Benazir Bhutto and currently it is held by her son Bilawal Bhutto Zardari. However, PPP is not an exception, the Pakhtun ethnonationalist political party, Awami National Party, ANP, has its third generation of leadership from the family of prominent political leader Ghaffar Khan. The ruling party of PML-N is headed by Sharif family but the younger family members are emerging as leaders such as Mariam Nawaz and Hamza Sharif. Similar phenomenon can be seen in other political parties such as JUI-S. QWP, and PML-Q. This hereditary leadership has become such a wellestablished political practice that elections within parties are unable to stop the practice. This has certainly become an informal political institution that have long term impacts on party politics in Pakistan in particular and democratic governance in general.

Conclusion:

The emergence of new institutionalism as theoretical school has opened up new avenues of political analysis. Through its emphasis on the study of informal institutions new institutionalism has allowed us to reflect on the hitherto ignored institutions. Through this reflection we are able to understand the profound role these institutions play in the overall political process.

New Institutionalism

Although this study is limited in its scope as it does not go in depth to analyze the role of these informal institutions and their relationship with the formal institutions, especially in Pakistan, however, it is expected to open up the debate for further research.

Our discussion has identified some significant informal institutions in Pakistan that have influenced the process of governance. From civil bureaucracy to security apparatus, informal institutions have caste their impact on the functioning of their counterparts formal institutions. These institutions, we noticed, affect the democratic governance in a variety of ways. They shape relationship between the powerful military and the executive, influence electoral politics, define bureaucratic behaviour and direct resource distribution. Moreover, we noticed that the interaction between formal and informal institutions take on a complex form. The lashkar for instance substitutes the formal institution of the law enforcing agency. The informal institution local powerful men in league barring women from voting has resulted into a form of rivalry (competing relationship) with the formal institution of election commission guaranteeing women their rights. The informal institution of emergency meetings between the military and the executive has shaped an accommodating interaction with the latter, which is a formal institution.

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