3RD EDITION

INSTITUTIONAL Theory in POLITICAL SCIENCE

THE NEW INSTITUTIONALISM

B. GUY PETERS

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Third Edition

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continuum

The Continuum International Publishing Group
80 Maiden Lane, New York, NY 10038
The Tower Building, 11 York Road, London SE1 7NX

www.continuumbooks.com

Library of Congress Cataloging-in-Publication Data
Peters, B. Guy.
Institutional theory in political science: the new institutionalism / B. Guy Peters. – 3rd ed.
p. cm.
Includes bibliographical references and index.
ISBN-13: 978-1-4411-9286-8 (hardcover: alk. paper)
ISBN-10: 1-4411-9286-7 (hardcover: alk. paper)
ISBN-13: 978-1-4411-3042-6 (pbk.: alk. paper)
ISBN-10: 1-4411-3042-X (pbk.: alk. paper) 1. Political science–Methodology.
2. Public institutions. I. Title.

JA71.P477 2011
320.01–dc23

2011032813

ISBN: HB:9 78-1-4411-9286-8
PB: 978-1-4411-3042-6

Typeset by Newgen Imaging Systems Pvt Ltd, Chennai, India
Printed and bound in the United States of America

Institutional Theory in Political Science

Preface to the Third Edition

The continuing interest in institutional theory in political science has led to this third edition of *Institutional Theory in Political Science.* Not only have the various approaches to institutions contained in the earlier editions continued to develop and react to the criticisms that have been leveled against them, but there have also been new approaches. In particular, this edition has added a new chapter on discursive institutionalism. Like several of the other approaches in the book, this new approach depends upon ideas to define institutions, but unlike others depends more upon debate and discussion rather than on perpetuating one set of ideas.

The remarkable expansion of the literature on institutions makes doing justice to this literature difficult. The basic structure of the previous editions is still viable but I have attempted to include as much of the more recent literature as possible. At the same time, it was important to retain some of the earlier literature that functioned as the foundation of this field. This edition therefore attempts to integrate the developments in the field with the basics of the approach.

In preparing this third edition I have benefited from my continuing working relationship with Jon Pierre, and our continuing discussions on all matters institutional. Yesamin Irepoglu provided very useful feedback on the manuscript and carefully edited the chapters. I also appreciate the support from Marie-Claire Antoine and her colleagues at Continuum. The arguments here have also been tested before students and colleagues in Pittsburgh and in a number of other countries and have been improved by their questions and comments.

B. Guy Peters
Pittsburgh,P A
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CHAPTER1

Institutionalism Old and New

The roots of political science are in the study of institutions. During much of the post-World War II period the discipline of political science, especially in the United States, has rejected those roots in favor of two theoretical approaches based more on individualistic assumptions: behavioralism and rational choice.[1] Both of these approaches assume that individuals act autonomously as individuals, based either on sociopsychological characteristics or rational calculation of their personal *utility.* In either theory, individuals were not seriously constrained by either formal or informal institutions, but would make their own choices; in both views preferences are exogenous to the political process. As well as altering the theoretical perspective of the discipline, this change in orientation also was associated with a growing concern for the appropriate use of rigorous research methods and an equally strong concern for more explicit construction of empirical political theory. Those methodological and theoretical concerns appeared incompatible with an institutional focus.

A successful counter-reformation, beginning in the 1980s, produced some return to the previous concern with formal (and informal) institutions of the public sector and the important role these structures play. Institutional explanations had remained somewhat popular in policy and governance studies, but the institutionalists also have revived their use for explaining individual level behavior.[2] The "New Institutionalism" reflects many features of the older version of this approach to understanding politics, but also is advancing the study of politics in a number of new theoretical and empirical directions. It utilizes many of the assumptions of older institutionalist thinking but enriches that thought with the research tools and the explicit concern for theory that had informed both behavioralism and rational choice analysis. For example, the old institutionalism argued that presidential systems are significantly different from parliamentary systems, based upon the formal structures and rules. The New Institutionalism goes further and tries to determine if these assumed differences do

[1] For an early and influential statement of the tenets of behavioralism in political science see Heinz Eulau (1963). For a similar statement on rational choice analysis see Riker and Ordeshook(1973).

[2] "Revived" may not be exactly the right word given that individual level behavior tended to be assumed by the older school of institutionalists, or ignored as largely irrelevant in a political world dominated by institutions.

indeed exist, and if so in what ways do those two alternative ways of organizing political life differ, and what difference does it make for the performance of the systems (Weaver and Rockman, 1993; Von Mettenheim, 1996).

The attempted reconquest of the discipline by the institutionalists has been far from complete, and there are still marked tensions between it and several other components of the discipline. At the same time, there is also some blending of the strands of theory and some softening of the borders separating the contending approaches (see Dowding, 1994). Indeed there should be that softening of those boundaries, given that the several approaches should be viewed more as complementary rather than competitive explanations for political phenomena.[3] None of these approaches can fully explain all political actions, and perhaps none should attempt to do so. Scholars can acquire greater analytic leverage on some questions employing one or the other approach, but the macro-level analysis of institutionalists should be informed by the analysis of individual behavior produced in other areas within the discipline. Likewise, behavioralists and the advocates of rational choice analysis consider individuals to be fully autonomous actors, and to be isolated from the constraints of institutions only at their peril and need to be aware of institutional influences and constraints on the behavior of those individuals.

Further, as we will explore in much greater detail below, the New Institutionalism is not a single animal but rather is a genus with a number of specific species within it. These approaches to institutions also should be seen as complementary (Ostrom, 1990), even if the partisans of one or the other may often claim pride of place. This internal differentiation of the institutionalist approach implies several additional things about contemporary theoretical developments. First, some components of the New Institutionalism are more compatible with the assumptions of the dominant individualistic approaches to the discipline than are others. This differentiation further implies that there may well be a need in many instances to blend several of the versions of the New Institutionalism if researchers want a more complete perspective on the structural characteristics of the political system and the influence of structure on public policies and the conduct of government. In short, we will be arguing throughout this exploration of the institutional approach that some eclecticism in the use of approaches is likely to pay greater intellectual dividends for political science than a strict adherence to a single approach.

Institutionalisms Old and New

The primary focus of this volume is the New Institutionalism in political science, and to some extent also in other social science disciplines. Philip Selznick (1996), for example, has discussed contrasts between the old and the new institutionalism in sociology,

[3] For a general epistemological statement on the need to utilize complementary approaches in the social sciences see Roth (1987).

pointing out that the new institutionalism has certain "deconstructionist" elements in it because of the focus on the mulitplicity and complexity of goals.[4] The use of the word "New" to describe contemporary development implies first that there was an "Old Institutionalism" and second that the new version is significantly different from that older version. Both of those implications can be easily substantiated. For all of the insight and descriptive richness of the older institutionalist literature, it does not appear to contemporary eyes to have the theoretical aspirations and motivations we have come to associate with the social sciences. Further, the methodology employed by the old institutionalism- is largely that of the intelligent observer attempting to describe and understand the political world seen by him or her in nonabstract terms.[5] A number of extraordinarily perceptive individuals—Carl Friedrich, James Bryce, Herman and Samuel Finer—were engaged in the old institutionalism and produced a number of works that bear reading today, but they were simply utilizing different techniques for different purposes as against most contemporary social scientists (Apter, 1991).[6] Further, despite the interest in structure much of the new institutionalism uses some ideas of methodological individualism coming especially from behavioral research.

TheO ldI nstitutionalism

Going back even to antiquity and the first systematic thinking about political life, the primary questions asked by scholars tended to concern the nature of governing institutions that could structure the behavior of individuals—both the governing and the governed—toward better ends. The mercurial and fickle nature of individual behavior, and the need to direct that behavior toward collective purposes, required forming political institutions. The first political philosophers began to identify and analyze the success of these institutions in governing and then to make recommendations for the design of other institutions based upon those observations (see Aristotle, *The Politics* [1996 edition]). Although these recommendations were phrased almost entirely in normative terms, they constituted the beginning of political science through the systematic analysis of institutions and their impacts on society.

The same tradition of institutional analysis continued with other political thinkers. Some, for example Althusius (John of Salisbury), attempted to characterize the role of governing institutions in larger society conceived in organic terms. Thomas Hobbes lived through the breakdown of political life during the English Civil War and hence argued for the necessity of strong institutions to save humankind from

[4] Much of Selznick's own work on institutions, for example *The Organizational Weapon* (1952), had focused on highly institutionalized and unified organizations/institutions.

[5] The "her" here is more than an attempt to be politically correct. Gwendolyn Carter (1962) was a significant figure in the description of political institutions during the 1960s and 1970s.

[6] The posthumous publication (1997) of Samuel Finer's three-volume study of the history of government is indicative of scholarly work in that older tradition of institutionalism.

its own worst instincts. John Locke developed a more contractarian conception of public institutions and began the path toward more democratic structures (see also Hooker, 1965). Montesquieu (1989) identified the need for balance in political structures that served as a foundation for the American separation of powers doctrine for the weakening of potentially autocratic governments (Fontana, 1994; Rohr, 1995). This list of great political thinkers could be extended but the fundamental point would remain the same—political thinking has its roots in the analysis and design of institutions.

If we now skip over several centuries and move to the latter part of the nineteenth century, we come to the period in which political science was beginning to differentiate itself as an academic discipline. Prior to that time political science was a component of history, or perhaps of "moral philosophy," reflecting the importance of both the lessons of the past and of normative ideals in understanding contemporary political phenomena.[7] As the discipline began to emerge, its principal questions remained institutional and normative. Political science was about the formal aspects of government, including law, and its attention was squarely on the machinery of the governing system. Further, many of its aims were normative—what institution will work best, given the goals of a political system—and political science was very much in the service of the State.

The Anglo-American political tradition assigned a less significant role to the State than the Continental tradition, but American institutionalists were still concerned with the formal institutions of government. For example, in the United States, Woodrow Wilson was one of the earliest presidents of the American Political Science Association during the 1880s, as well as later being president of Princeton University and then president of the United States. His academic work centered on the role of institutions both in the United States and comparatively. His famous 1887 essay on bureaucracy pointed to what American government could learn from European government, even if European governments appeared to lack the participatory ethos of the United States (Doig, 1983). Likewise, Wilson's *Congressional Government* (1956) was an attempt to have American political scientists consider the problems of "divided government" (Sundquist, 1988; Fiorina, 1996; Elgie, 2001) that already were beginning to affect the separation of powers system of government and to think about parliamentary government as an alternative.

During his life as a practical politician, Wilson was an intellectual leader of the Progressive Movement. Scholars and practitioners associated with that movement were engaged in a number of efforts to reform the institutions of American government, especially to remove what were considered to be the deleterious effects of partisanship (Hofstader, 1963; Hoogenboom and Hoogenboom, 1976; Rice, 1977) through independent regulatory organizations, non-partisan elections, and

[7] That remains true today, as can be seen in the school of "normative institutionalists" (Chapter 2) and the historical institutionalists (Chapter 4).

professional public management. Thus, Wilson was linking his scholarly concerns with the needs of the real world for improving government. This progressive tradition was later reflected in organizations such as the Public Administration Clearing House at the University of Chicago. This group had scholars such as Charles Merriam, Louis Brownlow, Leonard White, and later Herbert Simon, and was a crucial player in the spread of reform ideas such as professional city managers, as well as providing assistance for administering the New Deal (Dimock and Dimock, 1963).

Although American political thought and practice has been less State-centric than that of Continental Europe, we should also point out that two of the great works of American "old" institutionalism were works on the State. One was by (again) Woodrow Wilson, with the forgettable title of *The State: Elements of Historical and Practical Politics: A Sketch of Institutional History and Administration* (1898). The other was by T. D. Woolsey (also an Ivy League university president), entitled *Political Science, or The State Theoretically and Practically Considered.*[8] Clearly these major academic figures did consider political science as the study of the State and an exercise in formal-legal analysis. After that time, the State was largely pushed aside in American political science until Theca Skocpol and others helped to bring it back in (Skowronek, 1982; Evans et al., 1985).

These titles, and the content of the works, point to two important aspects of American intellectual life. The first is the influence of German universities on the development of American universities. Wilson's book was in many ways a comment on German legal and institutional theory of the time. The second, and more relevant for our discussion here, is that the State *could* be brought back into American political science—it was there at one time. The roots were there but had been largely abandoned by the rush to explain microlevel political behavior. Despite its later description as a "stateless society" (Stillman, 1991), major theorists in the United States apparently did have a conception of the State and its place in the society.

In Europe, the emerging nature of political science was little different from that in the United States. To the extent that there was a difference it was that political science remained more associated with other areas of study and was even slower to emerge as a separate area of inquiry. The study of political phenomena remained a component of other areas of inquiry, particularly law in most Continental European countries. While this characteristic may have retarded intellectual development in some ways, it certainly reinforced the institutional and formal nature of the inquiry that was done. In essence, government was about the formation and application of law through public institutions, with politics as it is usually conceptualized being a very minor part of the exercise.

[8] I am indebted to Harry Eckstein's introductory chapter in Eckstein and David Apter, *Comparative Politics* (1963) for bringing these scholars to my attention. This happened first during graduate school and then again much more recently.

The scholarly dependence upon analysis of law and formal institutions was reinforced by the less participative nature of most European governments at that time. While Wilson may have been fighting against the perceived negative effects of partisanship in the United States, mass political participation was only at the beginning stages in all but a few European countries at that time. For example, as of 1900 except for Britain suffrage remained limited by property and other restrictions in most European countries. Therefore, for European scholars, the very pronounced and continuing emphasis on formal government institutions and law should have been expected.

Further, although Americans frequently praise our self-described "government of laws and not of men," European government was, and remains, even more firmly bound to law than American government. An examination of the training and recruitment of civil servants, and even politicians, in most Continental European countries reveals what the Germans have more recently termed the *Justimonopol* enjoyed by lawyers in public life. The job of the public servant is clearly defined by law, and their task is largely to apply the law to specific situations. The role of the public bureaucrat appears more akin to that of a judge than of a public manager in many European political systems.[9] Further, in this conception of the State, law is very much a formal institution of governing, developing, and imposing a set of clearly articulated norms and values for the society.

In much of Continental Europe (especially those parts dominated by German thinking) the dominant concern with the formal institutions of governing also meant that political science studied "the State," and this tradition continues today as *Staatswissenschaft*. The State is virtually a metaphysical entity which embodies the law and the institutions of government, yet somehow also transcends those entities. Also, in this tradition the State is linked organically with society and society is significantly influenced by the nature of the State. For example, social structures receive their legitimacy by being recognized by the State, rather than as being manifestations of popular will or the ordinary workings of the market.

Proto-Theory in the Old Institutionalism

We have now established that there is a school of "old institutionalists" whose work constituted the basis of political science for much of the late nineteenth and first half of the twentieth centuries. Despite their being characterized, or even stereotyped, as being atheoretical and descriptive, it is still important to note that there were theories lurking in this research. Like Moliere's gentleman, they were speaking theory without necessarily knowing it. This was true despite the specific rejection of many of these scholars, especially those working in the British empirical tradition, of theory as their goal, or of theory being a respectable goal for social analysis.

[9] This conception is changing, even in the Germanic countries. See Reichard, 2001.

Legalism

The first defining characteristic which emerges from the old institutionalism is that it is concerned with law and the central role of law in governing. As discussed above briefly, law is the essential element of governance for most Continental countries, and certainly plays a significant role in Anglo-American thinking about the public sector. Law constitutes both the framework of the public sector itself and a major way in which government can affect the behavior of its citizens. Therefore, to be concerned with political institutions was (and is) to be concerned with law.

To say that that an institutionalist must be concerned with law is only to make a beginning of the analysis. I will not propose to undertake a treatise on the theory of law, which requires several volumes by itself and may be well beyond my capabilities. What I will be concerned with is the manner in which law figures in the accounts of "old institutionalist" scholars of politics, and therefore its foundation for a nascent theory of government (see Damaska, 1986). As might be expected, there has been a variety of different versions of just what that relationship should be, and those differences are to some degree a function of different national perspectives on both law and governing.

For example, a very clear school of legal institutionalists developed in France during the late nineteenth and early twentieth century (Broderick, 1970). This school was a reaction against the natural law orientation of much legal thinking in France at the time, and attempted to establish a more positivist approach to the law. Such an approach implies that law is the product of human agency but that it is also an empirical reality expressing choices made through institutional means. The law was thus an institution, and had some of the capacity to spread a logic of appropriateness that we can see in the normative institutionalists.

The ideas of positive law contained in the French analysis are in marked contrast to the concepts of common law and its role in governing as put forth by Anglo-Saxon scholars. For example, Oliver Wendell Holmes (1909) provided a detailed study of the background and operation of common law. Rather than being the outcome of a more or less rational, deliberative process designed to create a State as in France, law in this view was more evolutionary but yet was clearly institutional, and established a basis for the more empirical approach to the State in Anglo-American countries.

Finally, as implied above, the study of the law as a basis for political knowledge achieved its heights in the Prussian state and thereafter in Germany. Law was crucial for molding what was in essence a new State into an effective body, something which could never have been done by political science as it has come to be practiced. Further, it has been argued that this domination of law was important in socializing a new generation of the German elite into a way of life built in large part on civic responsibility and commitment to the State (Konig, 1993). Further, the persistence of some elements of law even under the Communist regime facilitated the reunification of Germany in the 1990s.

Structuralism

A second dominant assumption of the old institutionalism was that structure mattered, and indeed that structure determined behavior. This was one of the fundamental points against which the behavioralists railed in their attempts to reform the discipline. The structuralist approach left little or no room for the impact of individuals, except perhaps exceptional individuals—the "Great Men" of history—to influence the course of events within government. Thus, if an analyst could identify the salient aspects of structure, he or she could "predict" the behavior of the system. Predict is placed in quotation marks simply because prediction is a goal usually associated with the social scientific mode of research and thinking, rather than with the traditional research of the old institutionalists.

The structuralism characteristic of the old institutionalism tended to focus on the major institutional features of political systems, for example, whether they were presidential or parliamentary, federal or unitary, and so on. Further, the definitions of these terms in the old institutionalism tended to be constitutional and formal.[10] There was no attempt to develop concepts that might capture other structural aspects of a system, for example corporatism or consociationalism, that linked state and society (see Chapter 6). Thus, Wilson could look at the American constitution and see what he considered to be defects within the formal design of the system, and then propose changes. A century later other scholars might look at the same system and see some of the same faults, but would tend to see them in terms of the way in which they functioned rather than their formal status within the constitution (see, for example, Sundquist, 1992).

Despite these implicit critiques of the formal-legal approach to political institutions, scholars working in that tradition produced significant works that did indeed develop theories that undergirded their largely empirical analysis of government. For example, Carl Friedrich might ordinarily be classified as one of the old institutionalists but yet generated a number of statements about government, for example "the Law of Anticipated Reactions," that demonstrated more than a little concern with the development of generalizations and theory. These statements further indicated a willingness to think in other than formal terms about the way in which government functioned.

Woodrow Wilson's major foray into comparative politics, *The State* (1898), also had a number of statements that bordered on the oretical, in almost anyone's conception of the term. For example, when introducing the subject of comparative analysis Wilson asks (p. 41) what are the functions of government, a question that presages some of the later functionalism in comparative politics. Later, when discussing government in the Middle Ages, he provides (pp. 104–5) a mini-theory on the formation of government. The bulk of this book is descriptive, but there is clearly some theoretical thinking as well.

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[10] This is, of course, closely related to the legalism discussed as a component of this approach tos cholarship.

This concentration on the formal aspects of political systems was the source for another of the critiques from the more "modern" scholars of political science. These critics argued that this formalism first concealed important informal features of politics from the researchers, or made them assume that key functions of a government would have to be performed in this formally designated organization—parliaments make law and executives enforce it. Further, the formalism tended to make political science more ethnocentric than it had to be (Macridis, 1955). With these formalistic assumptions political science could not function very well in less developed countries, or countries that lacked the constitutional structures common in Western countries (Almond and Coleman, 1960). Therefore, to embrace a larger world, political science would have to learn to cope with other forms of analysis that were sufficiently general to apply to almost any political system.

Holism

The old institutionalists often were comparativists, at least comparativists of a sort. To some extent, their emphasis on formal-legal analysis required them to use other systems in order to obtain any variation.[11] When they did their comparative analysis, scholars working in this tradition tended to compare whole systems, rather than to examining individual institutions such as legislatures. This strategy was in contrast to the contemporary pattern which tends to describe and compare component institutions within systems, for example legislatures or bureaucracies. All these parts of the system had to fit together in order to make the system comprehensible.

The holism of this approach again was natural given the concern with constitutions and formal structures, but it had some effect on the manner in which scholarship developed. In particular, holism tended to direct analysis away from comparison in the manner in which it is now often practiced. Countries were not so much compared as described one after the other. "The Politics of X" was, and is, a manner in which to engage in the study of foreign countries (or even one's own) without a direct confrontation with the political reality of another setting. Using that research strategy it is difficult to make any generalizations—again not really the goal of the old institutionalists—because countries tended to be treated as *sui generis.*

The older institutionalism had the most positive consequence of forcing political scientists to attempt to confront the complex interconnections of the numerous political phenomena among themselves, and within the environment of politics. One component of the argument of the new institutionalism is that most political analysis informed rational choice assumptions, which tend to divorce political life from its cultural and socioeconomic roots. Political life then becomes only a compilation of

[11] Again, these scholars would hardly have used the language of variance, but the logic of comparison they were using is virtually identical to the more formalized methodologies now in use.

autonomous choices by the relevant political actors. Behavioral political science has tended to include social influences more explicitly, but still looks at the individual as a largely autonomous actor. Clearly, the guiding assumptions of the old institutionalists were those of embeddedness (Granovetter, 1985) and complexity, rather than those of autonomy.

One final consequence of the concentration on whole political systems in the old institutionalism was that it tended to make generalization, and therefore theory construction, more difficult. If scholars can only understand a political system in its entirety then it is difficult to compare, and comparison is the fundamental source for theory development in political science (Dogan and Pelassey, 1990; Peters, 1997a). There were certainly important attempts at comparison undertaken by the older institutionalists, and these scholars even undertook comparisons by functions of government rather than by country (especially of bureaucracies and political parties), but these were the exception rather than the rule. There was, however, relatively little of the "middle range" thinking (LaPalombara, 1968) that has been crucial for the subsequent development of comparative politics.

Historical

The old institutionalism also tended to have a pronounced historical foundation for their analysis. Their analysis was concerned with how (then) contemporary political systems were embedded in their historical development as well as in their socioeconomic and cultural present. Thus, the implicit argument was that to understand fully the manner in which politics was practiced in a particular country, the researcher had to understand the developmental patten which produced that system. Further, individual behavior (for the old institutionalists meaning mostly the behavior of political elites) was a function of their collective history and of their understanding of the meaning of their politics influenced by history.

This implicit developmental conception of politics also pointed to the interactions of politics and the socioeconomic environment. Whereas contemporary political science tends to see interactions running in only one direction—from society to politics—the older institutionalists tended to see a long-term pattern of mutual influence. The actions of the State influenced society as much as society shaped politics. For example, Bismarckian laws about works councils were crucial to the formation of a particular German pattern of industrial relations and therefore of a particular form of capitalism that persists into the l990s, and early choices about State intervention shaped American capitalism as well as the nature of government itself (Hughes, 1993; Sbragia, 1996; Orren and Skowronek, 2004).

The argument in favor of an historical understanding of a country and its politics is hardly novel, and for most area-studies scholars it would hardly be controversial, but for some contemporary social scientists it would be very controversial. They might not be willing to accept Henry Ford's statement that "History is bunk"

but they do contend that history is unnecessary for an understanding of contemporary political behavior. In the more individualistic framework, and especially in the frame of the rational choice approach, calculations of utility or psychological reactions to certain stimuli are the proximate causes of behavior, not some deep-rooted conception of national history (Bates, 1988).

NormativeA nalysis

Finally, the older institutionalists tended to have a strong normative element in their analysis. As noted above, political science emerged from distinctly normative roots, and the older institutionalists often linked their descriptive statements about politics with a concern for "good government." This was perhaps most clearly seen in the American progressives as a self-described good government movement, but also tended to be characteristic of most of the old institutionalists. This normative element was also a target of the disciplinary reformers of the 1950s and 1960s, who argued for the positivistic separation of fact and value and for a discipline that would be concerned primarily if not exclusively with the facts.

This normative element of their analysis was another of the particulars in the indictment of the institutionalists by the disciplinary reformers during the 1950s and 1960s. Almost by definition, the institutionalists' concern with norms and values meant that this work could not be scientific, at least not in the positivist meaning of that term (for a critique see Storing, 1962). For the old institutionalist the fact–value distinction on which such contemporary social science has been constructed was simply not acceptable as a characterization of social life. Those two dimensions of life were intertwined and constituted a whole for the interpretation and improvement of government (see Dewey, 1938, p. 499).

Summarya ndC onclusion

The old institutionalists developed a rich and important body of scholarship. It is easy to criticize their work from the advantage of the social sciences as they have developed over the past 50 years, but that criticism is unfair to the purposes and the contributions of the older institutionalist scholars. These scholars did point out many factors that now motivate contemporary institutionalist analysis, even if not in an explicitly theoretical manner. This presaging of institutionalism is true of the structural elements of government as well as of the historical and normative elements. The new institutionalism grew up not so much merely to reassert some of the virtues of the older form of analysis but more to make a statement about the perceived failings of what had come to be the conventional wisdom of political science. Therefore, to understand the new institutionalists, we need to understand not only the old institutionalists but the schools of thought that emerged in between the times at which the two flourished.