

Direct Democracy as a Social Movement Strategy

Amanda Pullum
apullum@uci.edu

Center for the Study of Democracy
Graduate Student Conference

May 10, 2014

A young woman stares into the camera, concerned. “Thousands of teachers across Ohio oppose Issue 2 because we care about the kids we teach,” she says. The video cuts first to show her sitting in a library, surrounded by schoolchildren, and then to a crowded classroom scene. “Issue 2 will restrict teachers’ rights to bargain collectively for smaller class sizes, up-to-date textbooks, even negotiating for school safety issues,” she says. The scene switches to a sepia-toned image of children running happily into a schoolhouse, with a large “DANGER” sign superimposed on the building’s wall. “And Issue 2 could mean even more standardized testing, and less time on classroom learning,” she continues. We see a machine-graded test form being filled out. “Teachers know what our students need to succeed,” she adds, as we watch a smiling teacher and a half dozen students, who eagerly wave their hands as the teacher calls on a girl in the middle row. “Don’t let the politicians take away our right to speak up for Ohio’s children,” she urges us, as we get a brief glimpse of her helping a student. “Vote no on Issue 2.”

Electoral strategies certainly look attractive at first glance, and Ohio’s Issue 2 is a good example of a successful referendum campaign: public employees’ unions used a ballot initiative to overturn a bill that severely limited collective bargaining rights for public employees’ unions. But Issue 2 was unique because it was one of only four electoral responses to these threats, despite the fact that 21 state legislatures voted on bills that would limit teachers’ collective bargaining and/or tenure. So why *not* pursue an electoral strategy for preserving teachers’ rights, especially if a veto initiative is available? Methods of placing legislation on the ballot

or bringing a vote on whether an elected official should stay in office exist in 34 states, yet teachers' unions rarely used them in efforts against legislative threats.

I question why teachers' unions in most states did not make use of this potential tactic. In this paper, I use QCA to determine the causal conditions under which teachers' unions did not use electoral tactics in states where they had the legal ability to do so. I examine the causal conditions that led to the rejection of electoral tactics, such as voter-initiated ballot referenda or recall elections, as potential tools for opposing legislative threats. I find that tactical choice and innovation are highly constrained by opponents' actions and by state-level employment-related characteristics, and I discuss the implications of these findings for future research on social movement strategy.

Strategy: An Overview

Strategies are the overarching plans that social movement actors develop and implement to try to get what they want (Meyer and Staggenborg 2007). They consist of claims, or what activists say they want; tactics, or the actions they take to try to achieve their goals; and venues, or the locations (such as the legislature or the ballot box) where tactics are played out.

Tactical innovation is uncommon. Instead, movements tend to follow "repertoires of contention," drawing from a toolbox of ostensibly tried-and-true tactics rather than inventing new ones (Tilly 1993). But there are some instances when movements may develop new tactics or, more often, borrow tactics from other movements. A movement's tactical repertoire is most likely to be changed

when the movement has suffered a defeat, perceives that not changing tactics will result in defeat, deems old tactics to be overly costly, or recognizes tactical innovation on the part of opponents (Beckwith 2000). In other words, movements innovate when old tactics are no longer feasible, have already failed, or are expected to fail. But even in these situations, innovation may be difficult. Having the financial resources to support that change, a diverse and divided coalition to generate new ideas, and a decentralized leadership structure to promote innovation from the grassroots are all necessary for innovation to occur (McCammon 2003).

When faced with a threatening law, activists have several options. First, they could do nothing. Doing nothing may happen because activists are unaware of the threat, but this is unlikely; SMOs typically pay close attention to potential laws that might help or hinder their cause. It may also happen because the SMO does not have the resources to put up a fight—they can't hire a lobbyist, persuade members to show up for a protest, or take other actions. But an SMO might decide not to take action for other, more intentional reasons: the bill might have little congressional support and be deemed unlikely to become law, or activists may deem its effects too small to justify a protracted fight. Activists might also fear unintended negative consequences of their actions; publicly fighting a popular bill might do more harm to the movement than good. And silence might indicate a division between allies, or a desire to distance the group from allies' activities of which it doesn't approve (Rohlinger 2006).

Second, activists could lobby lawmakers to reject the bill, or seek a compromise. Large SMOs typically have lobbyists on staff already, and efforts to

persuade lawmakers to vote in the movement's favor are usually ongoing. Activists who have access to lawmakers will try to use this access to the movement's advantage, and those who don't have access to lawmakers will try to gain access. Lobbying efforts may also include asking members to call or e-mail elected officials, or holding a "lobby day" in which members come to the capitol to meet with legislators, though these events may also be used as protests.

Third, activists may engage in public protest: rallies, marches, civil disobedience, or other events held in public spaces. These events serve many purposes: they disseminate the movement's framing of the problem (Cress and Snow 2000), demonstrate that large numbers of people care about it (Tilly and Wood 2012), attract media attention, energize members and develop their sense of collective identity, and more. Large-scale protests or acts of civil disobedience might also inconvenience legislators, making it harder for them to pass objectionable laws. But most people don't protest if they see other, easier ways of getting what they want (Meyer 2014). And union leaders questioned the value of protest alone; in my interviews, many saw it as a primarily symbolic effort.

These are all tactics that can be used before a bill becomes law. But if, despite activists' best efforts, the law is passed, there are still some options available. Again, activists could do nothing, letting the law stand unchallenged. They may decide that its consequences are tolerable, or at least not worth the resources it would take to mount a challenge, or those resources might not be available. And again, they may fear perverse outcomes of their actions.

Court challenges require only legal counsel, a suitable defendant, and the time and money to see the case through. Unlike initiative and referendum processes, activists in any state may challenge a law in court. However, judicial challenges often involve several rounds of appeals (no matter who wins), and unless an injunction is granted, the law will be in effect while the case is in court. Further, an unfavorable ruling may be a fate worse than failure; a judicial precedent against the movement's interests may be established, and lawmakers may see this as good cause to pass even more harmful laws.

Elections provide an opportunity for activists to seek redress of grievances directly from the voting public. Activists could try to get their opponents kicked out of office, hoping that their successors will repeal the objectionable law and pass legislation that benefits the movement. They may use traditional electoral politics, waiting until the next election to campaign on behalf of opponents' challengers. Recall elections are, in some states, a possibility; activists may be able to demand a special election to try to get opponents removed from office prematurely. They may even work toward impeachment and removal from office for certain elected officials, though this is a long and rarely-used process that requires evidence of criminal conduct in office.

Initiative and Referendum

Finally, activists may put the law up for a popular vote. Some states offer ballot initiatives or recall referenda as a way for citizens to bypass standard legislative or electoral procedures and ask the public to reject a harmful law.

Some form of initiative and referendum process has existed in what is now the United States since the 17th century (Waters 2003). Colonists in New England held town hall meetings in which citizens could vote on new laws; this direct democracy eventually developed into legislative referendum processes, in which elected officials place questions on the ballot for public approval. Today, in all states, legislators may ask the public to approve new laws, and in all states except Delaware, constitutional amendments must be approved via legislative referendum. Popular initiative and referendum (I&R) procedures, which allow citizens to place questions on the ballot without legislative approval, are found in almost all states west of the Mississippi, reflecting the Populist movement's agrarian focus and strength in the West.

I&R processes vary across states and localities, but generally, they require approval of the proposed ballot measure by the state's Attorney General, followed by obtaining signed petitions from a certain percentage of the electorate within a certain period of time. Those petitions are delivered to the Secretary of State, who will count and verify the signatures. If these provisions are met, the measure will be put before the voters.

Elections and strategy

Of the 21 states where legislators held at least a floor vote on bills threatening teachers' collective bargaining or tenure rights, only four—Idaho, Wisconsin, Ohio, and Michigan—used electoral tactics to fight against bills threatening teachers' unions in 2011. In Idaho and Ohio, these efforts were

successful. The Idaho Education Association teamed up with a group of parents and other community members to win a citizens' veto of three education-related laws, which—among other provisions—limited collective bargaining rights, enacted merit pay for teachers, and eliminated tenure for K-12 teachers. But the state's legislature later reintroduced some of the provisions of these bills, and was able to pass some of them into law. In Ohio, a large coalition made up almost entirely of unions led the effort to overturn Senate Bill 5, a broad bill that severely restricted public employees' collective bargaining and phased out K-12 teacher tenure.

Wisconsin's unions, however, did not have a veto initiative available. Instead, after Act 10 passed, recall efforts began against several elected officials. Although a few Republican state legislators lost their recall elections, these efforts were unsuccessful at shifting the partisan balance of the state legislature or removing Governor Scott Walker from office.

Michigan's unions and their supporters, fearing potential legislative attacks, also took to the ballot box, though this was a pre-emptive tactic against a bill that hadn't been introduced. Proposal 2 on the 2012 ballot would have added protection for collective bargaining rights to the state Constitution. However, the measure was defeated, and Michigan's legislature went on to pass right-to-work legislation in December 2012.

If a state legislature can easily pass a modified version of the vetoed bill, or if courts can overturn bills passed at the ballot box, why pursue these initiatives at all? First, veto referenda may provide a way to keep a law from taking effect immediately, as was the case in Ohio, or to make an anticipated law

unconstitutional, as Michigan's unions tried to do. Second, there is no guarantee that legislatures will revisit the vetoed laws; since a successful veto campaign demonstrates that voters do not agree with a piece of legislation, policymakers may have no desire to risk angering the electorate by taking up the issue again.

Third, even a successful petition drive sends a strong message about the movement's level of support, and activists may use both the petition drive itself and the delivery of signed petitions as opportunities to persuade prospective supporters and attract media attention. In my interviews, Ohio's union representatives spoke repeatedly about the parade they held to deliver signed petitions, which was covered by multiple Ohio news outlets and blogs, livestreamed on the NEA's website, and publicized on the websites of allies like the AFL-CIO and the Teamsters. This public attention appeals to supporters and forces opponents to respond—or, as Camp (Camp 2008) puts it, “mobilizes the base and embarrasses the opposition.”

Fourth, there may not be other, preferable strategies available. The veto referendum is used when other tactics have failed, and a threatening piece of legislation will become law. So at the point when an electoral strategy becomes a possible choice, unions have (or believe that they have) exhausted all other possibilities. They may have already tried lobbying, protest, striking, or other alternatives. Along with lawsuits, the veto referendum is a last ditch effort to keep a law from going into effect. Indeed, lawsuits may be used in conjunction with electoral strategies, especially given that a large SMO likely has legal counsel on retainer already.

Finally, activists tend to pursue strategies that make use of resources already at their disposal, as it is particularly costly to try to acquire new resources for new strategies (Edwards and McCarthy 2007). While electoral campaigns are expensive, teachers' unions are typically affiliated with either the National Education Association or the American Federation of Teachers, both of which are large, national unions that can contribute financial and staffing support. State-level teachers' unions themselves are often massive organizations, sometimes with hundreds of thousands of members, constituting a large pool of potential donors or volunteers. Teachers' unions may also work in coalition with other unions, especially other public employees' unions, that may also provide resources; AFSCME, CWA, and the AFL-CIO each gave \$1 million or more to the anti-SB 5 campaign (n.d.). And the knowledge of how to engage in the electoral arena is already available to unions.

Involvement in electoral politics is already part of most large unions' repertoires of contention (Tilly 1986). Unions, like other SMOs, routinely endorse candidates for office and expend their resources to get sympathetic politicians elected. In other words, being heavily involved in a political campaign is a familiar situation to union leaders. But a veto referendum or recall is a different matter; these campaigns involve asking voters to reject elected officials or already-passed legislation. A union's endorsement may not mean anything to a large number of voters, even those who support the endorsed candidate. But as long as the candidate is elected, the union can count that as a success. However, in order to succeed in an initiative or referendum campaign, labor must convince voters to care

about unions' claims. They need to attract extensive support, even if it is temporary or weak.

It seems simple enough to explain the use of electoral tactics as a last-ditch option for getting rid of unfavorable legislation, or putting new legislation into effect. In either case, the legislature has failed to do what activists want, either passing an undesirable law or failing to pass a desired law, and ballot campaigns give activists a way to bypass an unresponsive state legislature. But electoral tactics are expensive, time-consuming, and dependent upon widespread popular support in order to succeed. Most state-level unions did not use electoral tactics to try to repeal unfavorable legislation. Of course, SMOs favor tactics that they believe will help them win, preferably long-term victories rather than short-term concessions. But it's unsatisfactory to argue that unions did not use these tactics simply because they did not think they could win, as the argument obscures the reasons why union activists came to that conclusion. Existing literature suggests other possible explanations. Drawing from resource mobilization theory, it's possible that unions did not believe they had the resources—such as time, money, or volunteer labor—to launch a successful electoral campaign (McCarthy and Zald 1977). Activists dedicate their resources toward efforts that they expect will advance the cause, and they may feel that other tactics are a better use of those resources.

Moreover, electoral campaigns can be risky. While an electoral campaign carries the potential for a clear-cut defeat despite a large investment of resources, movement victories may also have perverse outcomes, or unforeseen negative repercussions (Bernstein 2007; Giugni 1998). Unions may fear either defeat or

unintended consequences. They may also see electoral tactics as not providing immediate relief—after all, an election may be many months or even years away.

Certain tactics may fall outside of activists' concept of "who we are;" union members may not view involvement in electoral politics as an appropriate strategy (Polletta and Jasper 2001). In asking why a union might not use available electoral tactics, then, it is most important to ask what would constitute conditions under which the union believes electoral tactics are not likely to succeed. This study examines some of the factors that play a role in that decision.

We know that grievances alone are not sufficient to explain mobilization, but they certainly do play an important role; some grievances are easier to convince people to mobilize around than others (Snow 2013). Structural and material conditions, such as the existence of social stratification, combine with psychological processes—like assessments of injustice—to create an environment in which individuals might be persuaded to mobilize. But movements also must work to frame grievances as problems requiring collective action, and must publicize those frames, trying to persuade potential supporters to agree with the movement's interpretation of the situation. Interview participants frequently reported that this process of frame construction and diffusion worked well when the grievance was about collective bargaining, but not when it concerned tenure.

Proposition 1: unions will not use electoral tactics when legislative threats concern tenure.

Political opportunity theory can offer some potential reasons why electoral tactics might (or might not) be attractive. This approach argues that a movement's

actions are shaped by political factors external to the movement. McAdam (McAdam, McCarthy, and Zald 1996) identifies four dimensions of political opportunity structure: the relative openness or closure of the political system; the stability or instability of elite alignments; the presence or absence of elite allies; and the state's capacity and desire for repression. While referring to a "structure" implies that political opportunities are largely unchanging, this is not the case; some aspects of political opportunity structure are more changeable than others (Suh 2001). Elections, judicial decisions, and the passage of new laws are all events that may increase or decrease political opportunities for a social movement. Political opportunity structure is not static; it can be changed through both routine politics and social movement activities, but some factors (such as the state's capacity for repression) are less changeable than others.

But scholars have expanded on McAdam's original version of political opportunity structure. Klandermans (1988) defines it as "the external environment within which movement participants evaluate how effectively collective action can attain desired goals"; this definition is quite broad, but it captures a few important points about political opportunity and strategy. First, activists evaluate political opportunity structures; they take stock of the political world around them and make decisions based upon it. Sometimes, they miss opportunities or interpret political conditions poorly (Sawyers and Meyer 1999; Snow and Soule 2010). Second, they make choices about whether collective action is effective at all. Taking no action may in itself be the best strategy available (Rohlinger 2006). And finally, they make these decisions in the context of specific goals; tactics, and political opportunity

influences on these tactics, will vary depending on the goal in question (Bernstein 2007). If the goal is to repeal a law, that will require a different approach than if the goal is to mobilize non-union workers or to send a message to the Governor.

The makeup of a state's polity is a clear dimension of political opportunity structure. If there are political allies in office, this allows challengers routine access to decision-makers and encourages the use of traditional political channels rather than protest (Jenkins, Jacobs, and Agnone 2003). It may also increase the chances that an SMO can successfully lobby, compromise, or offer alternative legislative options, rather than using disruptive protest methods. And if sympathetic lawmakers are in office, harmful legislation may not even be introduced or brought up for a vote. Moreover, the party affiliations of elected officials indicate the political preferences of voters, which strongly influence voting on union-related issues; 94% of Ohio's Democratic voters and 92% of liberal voters rejected Issue 2 (AFL-CIO 2011). If a state's voters elected Republican leaders, unions may deem them unlikely to support an electoral campaign, and may turn to the courts or other venues instead.

Proposition 2: having a Republican governor and Republican-dominated legislature leads to rejection of electoral tactics.

I expected that right-to-work laws would constitute a long-term closure of political opportunities for unions. Right-to-work legislation bans "fair share" fees, which would be charged to workers who benefit from collective bargaining but are not union members. This allows "free riders" to enjoy the gains won through the union's work, but to avoid supporting that work financially. In addition to the clear

potential impact on unions' resource flows, right-to-work legislation implies that the state's political leaders have been, at least historically, opposed to unions. It also suggests that state legislators have been sympathetic to anti-union organizations, such as the Chamber of Commerce, which are extremely interested in passing right-to-work laws.

Proposition 3: right-to-work status discourages electoral campaign use by signaling that voters and/or lawmakers are relatively less supportive of unions, or by contributing to declining union resources, including membership and money.

But right-to-work laws are not just a political closure (or lack of political opportunity); they are also an economic closure, a determinant of what it means to be a worker or a union member in a particular state. Since unions are, by definition, focused primarily on workers' rights and working conditions, I expect that other economic conditions will also constitute opportunities or closures for a union. Specifically, I expected that unemployment rates would affect unions' decisions about whether to use electoral tactics, but I did not have an expected direction of this effect. One possibility is that low unemployment might weaken union support; people have jobs and see little need for a union's assistance. The other possibility I considered is that high unemployment might weaken the public's support for unions; people do not have jobs and feel that unions are not helping them to find work.

Proposition 4: high state-level unemployment rates discourage adoption of electoral tactics.

Similarly, I also expected that low public sector union coverage—that is, the proportion of workers who are covered by a collective bargaining contract—also makes electoral campaigns less attractive; if relatively few public workers benefit from collective bargaining, I expect that voters are less likely to vote in favor of collective bargaining. Of course, this assumes that we can rely on workers who are covered by a collective bargaining contract to vote in support of the union. In Ohio, 86% of union members and 73% of public employee households voted against Issue 2—strong, if not unanimous support from these groups (AFL-CIO 2011).

Proposition 5: low public sector union coverage discourage adoption of electoral tactics.

Finally, assistance from other unions or sympathetic organizations would seem to be crucial to electoral success; after all, in only six states do public sector workers make up 20% or more of the workforce, and on average, only 37% of a state's public workers were covered by a collective bargaining contract in 2011. Electoral campaigns can't be won by relying only on the vote of organized public sector labor, and strategies that require large numbers of supporters are more attractive when strong allies are available (Kriesi 2004). And threats that affect a larger, broader constituency—such as public sector workers—tend to be met with coalitions of SMOs from multiple movements (Van Dyke 2003). But unions frequently don't reach out to allies for support, and when they do, they most often turn to other unions or to politicians—sympathetic elites—rather than to other progressive or community-based organizations (Dixon and Martin 2012). Labor

scholars argue that unions need to do more to work with non-labor allies, and the lack of these alliances hampers labor's ability to win in the electoral arena.

Proposition 6: lack of allies discourages adoption of electoral tactics.

Data and methods

Qualitative comparative analysis, or QCA, produces a “recipe,” or a set of causal conditions that lead to a specified outcome (see McCammon 2012 for an excellent explanation of the use of QCA in a similar study). QCA is useful for determining what combinations of variables lead to a particular outcome. QCA is based on the logic of set theory, in which each case is seen as a combination of conditions that may have a causal effect on an outcome. It is assumed that these conditions may interact, and that more than one set of causal conditions may produce the outcome in question. Using QCA, I examine a particular set of theory-driven conditions (such as a state's combination of polity characteristics, union characteristics, and laws), and find connections between particular combinations of conditions, and outcomes. The truth table, upon which QCA is based, creates “a framework for comparing cases as configurations of similarities and differences while exploring patterns of consistency and inconsistency with respect to case outcomes” (Ragin 2008). I use QCA to determine which combinations of potential influences on strategic choice are associated with variations in strategy. Using QCA, I examine causal conditions leading to variations in strategic choice across all twenty-one states that considered laws limiting teachers' collective bargaining or tenure protections in 2011. My case studies explain the mechanisms of influence on

strategic choice in four states, and QCA will allow me to determine how these influences affected unions' strategic choice on a larger scale, across all 21 states.

I consider a set of causal conditions external to each union that includes political opportunity factors, labor-related factors, and economic factors. QCA data was obtained from publicly available sources, such as the U.S. Census Bureau (for data from the 2010 Census), openstates.org (for information on proposed legislation), and the U.S. Bureau of Labor Statistics (for information on employment and union density). See Appendix A for more details on variables and coding.

First, I determined which states have some form of electoral challenge available—a referendum process that allows voters to reject laws, or to recall elected officials. Of the 34 states that have one or both electoral options, 15 have only referenda, 8 have only recall, and 11 have both. There were 21 states where bills restricting tenure or collective bargaining had at least a floor vote in the legislature in 2011, and 18 states in which those bills became law. I reasoned that a union would only consider using electoral tactics if a bill actually passed; though an elected official could be recalled even if a bill failed, it is unlikely that a union would resort to a recall campaign simply in retaliation for a bill that could not pass. More attractive is the idea of replacing anti-union politicians with allies who could undo any legislative damage.

To examine why unions did not use electoral tactics, I constructed a crisp-set variable that is true in all cases where a legislative threat existed and either ballot initiatives or electoral recall was available, yet unions did not employ these tactics. This allowed me to find combinations of causal conditions associated with no use of

electoral tactics despite their availability. Eleven states fit the definition of this variable.

Next is the question of how to include non-binary variables in QCA. Binary variables are “crisp” sets; they are either 0 or 1, so each observation (in this case, each state) is either in the set or not. Fuzzy-set calibration requires some explanation. Calibrating a fuzzy set variable entails expressing the variable’s value as a degree of membership, between 0 and 1, within the relevant set. It is up to the researcher to make informed choices about how to calibrate variables, based upon theory, case knowledge, or other pertinent information. For example, to calibrate the unemployment fuzzy set, I used historical unemployment rates from the Bureau of Labor Statistics, which show the dramatic increase in the U.S. unemployment rate in 2009, and its steady decline since then. I decided that states with unemployment rates that were still at or above the 2009 national average rate of 9.7% were definitely “high,” so I set “full membership” at 9.7. Ten states met this criterion.

Going back to the 2011 data, I saw that most states (26) had unemployment rates of 8% or less. This is still quite high, in a recent historical context; national unemployment rates from 1998-2008 ranged between approximately 4% and 6%. Therefore, I decided that states with unemployment of 6.5% or below were definitely “low,” and I set “full nonmembership” at 6.5. Ten states met this criterion.

State-level unemployment rates varied widely in 2011, ranging from 3.5% in North Dakota to 13.5% in Nevada. And again, the data are skewed to the right. Therefore, the mean was not the best indicator of where the crossover point should be. Instead, I used the median, which is 8.0%. The median is also approximately

halfway between the two points I had already set. Table 1 shows the results of this calibration.

[table 1 about here]

Operationalizing causal conditions

I expected that unions were likely to use electoral tactics when the legislature threatened collective bargaining rights, based on my interview data, in which participants have frequently characterized limitations on collective bargaining as a greater threat than weakening of tenure (Proposition 1). I created a crisp-set variable indicating whether a coalition of a teachers' union and one or more other organizations opposed the legislative threat(s) in question.

I assumed that electoral tactics would not be used when union leaders were relatively uncertain of widespread popular support, given that these tactics rely on voters to sign petitions, turn out to vote, and cast their ballots in support of the union. As a proxy for public support, I constructed a crisp-set variable indicating whether the state had a Republican governor and Republican-controlled legislature following the 2010 elections (Proposition 2). I saw Republican control of the state government as indicative of a conservative electorate, and one that union leaders might expect not to support an electoral campaign.

I included three variables that are more direct indicators of economic opportunities and the status of labor in each state: a crisp-set variable indicating whether each state is a right-to-work state (Proposition 3), the fuzzy-set unemployment variable (Proposition 4), and the fuzzy-set union coverage variable

(Proposition 5). I expected that right-to-work laws and low levels of union representation would each contribute to the decision not to pursue electoral tactics. Finally, I assumed that unemployment might be an important factor, but I did not specify a direction of influence.

I also expected that having supportive allies was important to the use of electoral tactics. Even in states with high public employee union density, union members do not make up a majority of the electorate. Therefore, I expected that lacking support from other unions or non-union allies was crucial to the decision not to pursue electoral tactics. I used a crisp-set variable to account for potential alliances, indicating whether the state's teachers' union had any allies, either union or non-union, that helped in the campaign against these legislative threats

(Proposition 6).

[figure 1 about here]

When interpreting QCA results, two measurements are useful: coverage and consistency. Coverage indicates the degree to which the combination of causal conditions explains the outcome in question. It tells the proportion of cases with the outcome that has been explained by each "recipe." Consistency indicates the degree to which a particular explanation is a subset of the set of all cases that share the outcome in question; in other words, it is a value between 0 and 1 that shows how consistent the combination of causal conditions is with having the desired outcome.

As an example, suppose we have a set of all right-to-work states, and another set of states with high unemployment, as in Figure 1. We want to know whether right-to-work status is a causal condition of high unemployment. The intersection

of these two sets would be right-to-work states with high unemployment. In this example, coverage would denote the proportion of high unemployment states that are right-to-work. This tells us how many cases of the outcome are actually explained by the causal condition. Consistency is the proportion of right-to-work states that have high unemployment. It tells us the degree to which having the causal condition is *sufficient* to explain the outcome.

[table 2 about here]

The results of this analysis are shown in Table 2. The first recipe—no coalition, threats to tenure, and being in a Republican-controlled right-to-work state with low union coverage—is the strongest explanation, having the highest coverage and consistency. But it is not the only path that leads to electoral tactics being rejected.

The second recipe describes a state with low unemployment, low union coverage, Republican control over state government, a right-to-work law, and threats to tenure (not to collective bargaining). In the third recipe, the state government is not completely controlled by Republicans, and there is high union coverage, but also high unemployment. Finally, in the fourth recipe, there is a threat to tenure in a right-to-work state with high union coverage and high unemployment.

How do these results apply to specific cases? We can take a closer look at a few states to find out.

Some unions were able to work with lawmakers to arrive at a compromise, but compromise means giving up some of what you want, and there are usually some folks left unsatisfied. In Illinois, Senate Bill 7 made tenure harder to achieve,

but did not eliminate it. It did not eliminate collective bargaining rights and contained many provisions with which the unions agreed, due to union negotiation with legislators to reach an acceptable compromise bill. But it did make striking much more difficult, requiring 75% of union members—rather than a majority of just those who cast votes—to authorize a strike. In an April 2011 press release, the Illinois Education Association, Illinois Federation of Teachers, and Chicago Teachers Union (CTU) announced their support for Senate Bill 7. SB 7 saw almost no opposition in the state legislature, passing unanimously in the Senate and with only one vote against it in the House. But as with any compromise, not everyone got what they wanted. The rank-and-file members of the CTU, a more militant organization than the other Illinois unions, were angered to learn that their leadership had backed SB 7 (Uetrict 2014). The CTU president reopened negotiations on the bill and was able to further reduce its negative effects on unions. This was only the beginning of an ongoing battle between the CTU and the state board of education, however, and in 2012, the CTU went on strike for over a week.

Sometimes, no compromise was reached, yet electoral tactics were not used. This was the case in several states where restrictions to tenure were passed. One such example is Utah, where a bill banning school districts from basing firing decisions on seniority was passed despite Utah Education Association lobbying efforts but without public protest from Utah teachers or efforts to overturn the bill after its passage. Utah law allows for citizen-initiated veto referenda, but there was no effort to place the tenure law on the ballot.

And in some states, where there was no electoral solution available at all, unions' only option was to try to stop threatening legislation before becoming law. Sometimes they were successful, but not always. In Tennessee, lobbying and public protest did not hinder the passage of legislation that banned collective bargaining for K-12 teachers. Instead, organizations representing public K-12 teachers can now meet and confer with school boards, who are under no obligation to agree to any of the employees' requests. The Tennessee Education Association can only make the best of these meetings, campaign for sympathetic school board candidates, and work to elect legislators who might repeal the new law.

[table 3 about here]

Table 3 lists all of the states in the sample. We can use the logic of crisp set QCA to see how some of the causal conditions I examined relate to particular outcomes. The states where no I&R process exists are shaded in dark gray, as unions there had no possibility of electoral recourse. It is immediately clear that in states where unions had some measure of institutional success—that is, they were able to compromise with legislators to some degree, either to modify a bill or to lobby successfully against its passage—Democrats usually controlled at least one legislative chamber, or the governor was a Democrat. Only in Nebraska were unions able to negotiate with a Republican-dominated polity. The inverse of this statement is also true: in states where unions were not able to negotiate, Republicans usually controlled the state government. Only in New Jersey were unions unable to negotiate with a Democratically-led legislature. Overall, it was not uncommon to

reach some sort of compromise—unions in a third of the states were able to do so—and compromise was clearly preferable to electoral or judicial strategies.

We can perform a more formal analysis by using Table 2 and the fsQCA software to ask whether the lack of Republican dominance is a necessary condition for institutional success. This analysis results in consistency and coverage of 0.875. That is, a Democratic governor or Democratic control of at least one legislative house is not strictly necessary or entirely sufficient for institutional success, but it is highly associated with successful compromise.

Discussion

One of the most immediate observations from these results is that threats to tenure (that is, threats that do not affect collective bargaining) are very important in contributing to the decision not to pursue electoral tactics, appearing in three of the four solutions, lending support to Proposition 1. But tenure threat alone isn't a necessary condition (consistency 0.5455, coverage 0.75). Union leaders and/or members may decide that tenure restrictions do not warrant the resource-intensive campaign needed for a referendum or recall vote, or they may believe that the electorate is unlikely to vote in support of the union. This also reflects findings from my interviews, in which activists reported that members are less enthusiastic about fighting for tenure than for collective bargaining. Without a sufficient threat, unions don't turn to the ballot, and tenure limitations are not perceived as a sufficient threat.

Right-to-work status, Republican control of state politics, and state unemployment level appear in three of the four solutions, suggesting that factors

relating to work and employment more broadly—not just teaching, education, or union membership—play a role in the decision not to use electoral strategies. These findings support Propositions 2, 3, and 5. There are a few potential explanations that should be considered here. First, right-to-work laws suggest that a state does not have a history of supporting unionism, and that it has been controlled by anti-union interests in the past (if not in the present). Republican politicians are more often opposed to unions than their Democratic counterparts, and the Democratic Party has long had a relatively friendly relationship with unions; an electorate that is predominantly Republican may be assumed to not support pro-union ballot measures.

However, unemployment rates (Proposition 2) have different effects in different contexts: in the second recipe, it is *low* unemployment that is important, but in the third and fourth recipes, *high* unemployment shows up. Low unemployment rates contribute to not using electoral tactics when they appear in a state that also has low union coverage. We see this in the second recipe; in the third and fourth recipes, high unemployment co-occurs with high union coverage. One potential explanation is that when there is low unemployment and low union coverage, it may be difficult to convince voters of the value of unions. After all, most people are employed, and many are not covered by a union. Similarly, when many workers are unemployed and union coverage is high, it may be particularly difficult to demonstrate the need for union protections; unions may be perceived as not doing anything to help people find and keep jobs. In an electoral campaign, of course, winning the support of a majority of voters is the ultimate goal.

What is particularly interesting is that lack of coalitions only appeared in one solution, along with a slew of other discouraging factors, which contradicts Proposition 6. In my case studies, coalitions were crucial to the success of electoral campaigns in Idaho and Ohio, but were not sufficient to ensure success in Wisconsin's recall election, and the lack of allies in Tennessee was one factor that hampered the union's response. Coalitions are a necessary condition for use of electoral strategies (consistency 1.000, coverage 0.267), but they are not a sufficient condition; in other words, every electoral campaign had a coalition behind it, but coalitions themselves were not enough to persuade unions to use an electoral strategy. After all, some states had strong union coalitions, a legislative threat, and the ability to use electoral strategies, but we did not see electoral campaigns in these states due to larger employment-related conditions.

Conclusion

What can we learn from these cases? First, in both cases, unions addressed the legislative threat through lobbying and negotiation, eliminating the need to turn to electoral tactics. In both situations, Democrats who were relatively sympathetic to labor led the reform efforts, and these legislators were likely more willing to work with unions than were opponents of labor in other states. Second, the legislative threats in these states were relatively limited compared to bills like Wisconsin's AB 10 or Ohio's SB 5, which sought to severely limit or eliminate collective bargaining for teachers and other public employees.

So what is the role of coalitions? While my interviews show that coalitions are vital to the decision to use electoral tactics, the *lack* of coalitions is not an important consideration in the decision *not* to use electoral strategies. In fact, even removing the two employment characteristics—right-to-work status and unemployment—from my QCA did not result in recipes that included coalitions. In other words, coalitions are necessary conditions for electoral strategies—they were present in all states where unions went to the ballot—but they are not sufficient to explain electoral campaign use because not all coalitions chose this strategy.

Some types of strategic innovation are common. Social movements often come up with new claims and new ways to frame them. But frame innovation is easier and more common than tactical innovation. True to Tilly's repertoires of contention argument, it's rare to see movements invent completely new tactics, or even make use of tactics outside of a very limited, shared toolbox. Even the occupation of the Wisconsin Capitol, though it was unprecedented, was a riff on tried-and-true sit-ins. The flight of Democratic state senators from Wisconsin and Indiana in an attempt to prevent a vote on anti-union legislation was a type of walkout, and the denial of a quorum, both of which have been done before (1979). These tactics were innovative, adapting old actions to address new problems, but they are easily traced back to the work of their activist predecessors.

Can we consider electoral tactics "innovative"? Their claims are certainly closely tailored to each state's electorate and to the law or laws in question. Ohio's unions billed the defeat of SB 5/Issue 2 as necessary to ensure the safety and well-being of Ohio citizens by protecting public workers' right to bargain over protective

equipment, classroom sizes, staffing levels, and more. In Idaho, however, Propositions 1, 2, and 3 focused solely on education, and the campaign was framed as an effort to defend public schools for the good of all children.

Electoral tactics are, in most states, relatively uncommon. In most states with I&R, there are usually no more than 6 ballot measures in an election, and it's common to have no measures on a ballot in many states. So these tactics are not completely new, but they are also not widely used.

What does this mean for tactical innovation? First, even when the situation is dire and new approaches may be most necessary, tactical innovation is difficult. Hard times may cause unions to use tactics they don't normally use (or don't normally have any reason to use), but necessity is not necessarily the mother of innovation. Innovation, instead, is constrained by opponents, political opportunities, and broader structural characteristics. One example is North Carolina's "Moral Mondays," when progressive activists—many of them representing religious faiths—gather at the state legislature, engage in civil disobedience, and are arrested; these protests represent a backlash against a strongly conservative state government's policies. Powerful opponents and a lack of political opportunities have pushed North Carolina's progressive activists to appropriate tactics that have been used by other movements, and adapt them to the current political climate.

Politicians try to craft legislation that will not only survive a vote, but also not irk voters too much; after all, most politicians want to be re-elected. These politicians may be open to discussion and compromise, especially if they value the union's

support or need the votes of other lawmakers who are allied with the union. If unions are unhappy with the final bill, they must decide what tactics are most likely to succeed in fixing the problem. Sometimes, there is already widespread opposition to a piece of legislation, or the law is written in such a way that the union can use careful framing to convince the public that it is a bad law. In Ohio, for example, one key provision of SB 5—making it applicable to police and firefighters, unlike Wisconsin’s Act 10—became the basis for much of the veto campaign.

But sometimes, unions decide against electoral strategies. Union coverage, unemployment, and right-to-work laws, as well as the nature of the threat itself, factor into this decision. Instead, unions may turn to the courts if they have the resources and if they believe that they can win. Otherwise, they may do nothing to challenge the law directly, waiting until the next election to try to get their opponents voted out of office.

Union leaders, like other activists, exercise agency through strategic choice. However, this agency is constrained, sometimes heavily so, by opponents and by structural factors. Innovation usually takes the form of new claims, new frames, and new applications of old tactics, but there is often limited space for tactical innovation. Moreover, activists want to stick with tactics that have worked in the past, and inventing new tactics is not only difficult, but also risky. Occasionally, innovation does happen, but perhaps all—or at least most—hope must be lost before this occurs.

In order to innovate, the threat must be significant enough to justify the possible cost of tactical innovation, and the movement must be able to identify innovations

that are feasible within the existing environment. A meaningful analysis of strategic innovation must account for the constraints that opponents and social structures place upon activists' agency.

Table 1: State-level unemployment rates, 2011

State	Unemployment	Fzunemp
ND	3.5	0
NE	4.4	0
SD	4.7	0
NH	5.4	0.01
VT	5.6	0.01
IA	5.9	0.01
WY	6	0.02
OK	6.2	0.03
VA	6.2	0.03
MN	6.4	0.04
KS	6.7	0.07
UT	6.7	0.07
HI	6.7	0.07
MT	6.8	0.08
MD	7	0.12
LA	7.3	0.2
DE	7.3	0.2
NM	7.4	0.23
MA	7.4	0.23
ME	7.5	0.27
WI	7.5	0.27
AK	7.6	0.31
TX	7.9	0.45
PA	7.9	0.45
AR	8	0.5

State	Unemployment	fzunemp
WV	8	0.5
NY	8.2	0.59
CO	8.3	0.63
MO	8.6	0.74
OH	8.6	0.74
ID	8.7	0.77
CT	8.8	0.8
IN	9	0.85
AL	9	0.85
TN	9.2	0.89
WA	9.2	0.89
NJ	9.3	0.91
AZ	9.5	0.93
OR	9.5	0.93
KY	9.5	0.93
GA	9.8	0.96
IL	9.8	0.96
SC	10.3	0.98
MI	10.3	0.98
NC	10.5	0.99
FL	10.5	0.99
MS	10.7	0.99
RI	11.3	1
CA	11.7	1
NV	13.5	1

Figure 1: Consistency and coverage

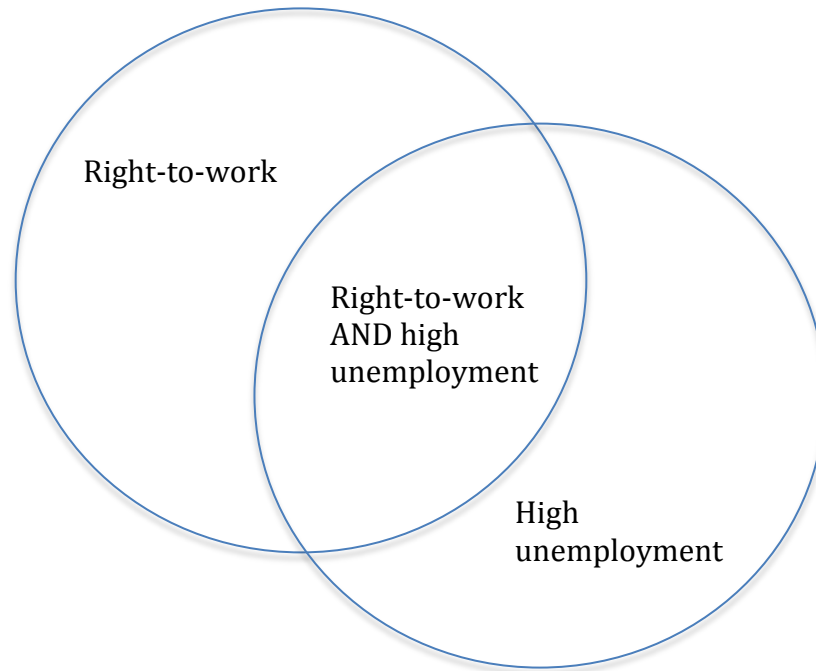


Table 2: Initial QCA results

	raw	unique	
	coverage	coverage	consistency
	-----	-----	-----
~coalitions*~bargain*rtw*gopall*~fzcov	0.303636	0.104545	1.000000
~bargain*rtw*gopall*~fzunemp*~fzcov	0.264545	0.084545	1.000000
~gopall*fzunemp*fzuncov	0.276364	0.190909	0.955975
~bargain*rtw*fzunemp*fzuncov	0.139091	-0.000000	1.000000
solution coverage: 0.667273			
solution consistency: 0.981283			

Table 3: Electoral strategy availability and institutional success

State	Veto available	Recall available	GOP	Institutional success	Electoral strategy	Judicial strategy
AL	no	yes	yes	no	no	no
FL	yes	no	yes	no	no	yes
GA	no	yes	yes	no	no	no
IA	no	no	no	yes	no	no
ID	yes	yes	yes	no	yes	yes
IL	yes	yes	no	yes	no	no
IN	no	no	yes	no	no	yes
KS	no	yes	yes	no	no	no
MA	yes	no	no	yes	no	no
MI	yes	yes	yes	no	yes	no
MN	no	yes	no	yes	no	no
MT	yes	yes	no	yes	no	no
NE	yes	no	yes	yes	no	no
NH	no	no	no	yes	no	no
NJ	no	yes	no	no	no	yes
NV	yes	yes	no	yes	no	no
OH	yes	no	yes	no	yes	no
OK	yes	no	yes	no	no	no
TN	no	no	yes	no	no	yes
UT	yes	no	yes	no	no	no
WI	no	yes	yes	no	yes	yes

References

- AFL-CIO. 2011. *Issue Two Voters in Ohio*.
- Beckwith, K. 2000. "Hinges in Collective Action: Strategic Innovation in the Pittston Coal Strike." *Mobilization: An International Quarterly* 5(2):179–99.
- Bernstein, M. 2007. "Nothing Ventured, Nothing Gained? Conceptualizing Social Movement 'Success' in the Lesbian and Gay Movement." *Sociological Perspectives* 46(3):353–79. Retrieved (<http://www.jstor.org/stable/1389720>).
- Camp, B. J. 2008. "Mobilizing the Base and Embarrassing the Opposition: Defense of Marriage Referenda and Cross-Cutting Electoral Cleavages." *Sociological Perspectives* 51(4):713–33.
- Cress, D. M., and D. A. Snow. 2000. "The Outcomes of Homeless Mobilization: the Influence of Organization, Disruption, Political Mediation, and Framing." *American Journal of Sociology* 105(4):1063–1104.
- Dixon, M., and A. W. Martin. 2012. "We Can't Win This on Our Own: Unions, Firms, and Mobilization of External Allies in Labor Disputes." *American Sociological Review* 77(6):946–69.
- Edwards, B., and J. D. McCarthy. 2007. "Resources and Social Movement Mobilization." Pp. 116–52 in *The Blackwell Companion to Social Movements*. Malden, MA: Blackwell Publishing.
- Giugni, M. G. 1998. "Was It Worth the Effort? the Outcomes and Consequences of Social Movements." *Annual Review of Sociology* 24(1):371–93. Retrieved (http://books.google.com/books?hl=en&lr=&id=oKs6oahqfjoC&oi=fnd&pg=PA1&dq=kitschelt&ots=wsV2644eJ6&sig=Gf1vh6GK-ID118ssSkl07yn_go).
- Jenkins, J. C., D. Jacobs, and J. Agnone. 2003. "Political Opportunities and African-American Protest, 1948–1997." *The American Journal of Sociology* 109(2):277–303.
- Kriesi, H. 2004. "Political Context and Opportunity." in *The Blackwell Companion to Social Movements*. Malden, MA: Blackwell Publishing.
- McAdam, D., J. D. McCarthy, and M. N. Zald. 1996. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. New York: Cambridge University Press. Retrieved (<http://www.loc.gov/catdir/description/cam027/95008940.html>).
- McCammon, H. J. 2003. "'Out of the Parlors and Into the Streets': the Changing Tactical Repertoire of the US Women's Suffrage Movements." *Social Forces* 81:787–818. Retrieved

(http://muse.jhu.edu/journals/social_forces/v081/81.3mccammon.html).

- McCarthy, J. D., and M. N. Zald. 1977. "Resource Mobilization and Social Movements: a Partial Theory." *American Journal of Sociology* 82(6):1212–41.
- Meyer, D. S., and S. Staggenborg. 2007. "Thinking About Strategy." *ASA Collective Behavior/Social Movement Section Workshop, "Movement Cultures, Strategies, and Outcomes," August 2007* 9–10.
- Polletta, F., and J. M. Jasper. 2001. "Collective Identity and Social Movements." *Annual Review of Sociology* 27:283–305.
- Ragin, C. C. 2008. *Redesigning Social Inquiry: Fuzzy Sets and Beyond*. Chicago: University of Chicago Press.
- Rohlinger, D. A. 2006. "Friends and Foes: Media, Politics, and Tactics in the Abortion War." *Social Problems* 53(4):537–61. Retrieved (<http://www.jstor.org/stable/10.1525/sp.2006.53.4.537>).
- Sawyers, T. M., and D. S. Meyer. 1999. "Missed Opportunities: Social Movement Abeyance and Public Policy." *Social Problems* 46(2):187–206.
- Snow, D. A. 2013. "Grievances, Individual and Mobilizing." P. 53 in *The Wiley-Blackwell Encyclopedia of Social and Political Movements*. Oxford, UK: Blackwell Publishing Ltd.
- Snow, D. A., and S. A. Soule. 2010. *A Primer on Social Movements*. W. W. Norton.
- Suh, D. 2001. "How Do Political Opportunities Matter for Social Movements?: Political Opportunity, Misframing, Pseudosuccess, and Pseudofailure." *Sociological Quarterly* 42(3):437–60.
- Tilly, C. 1986. *The Contentious French*. Belknap Pr.
- Tilly, C. 1993. "Contentious Repertoires in Great Britain, 1758-1834." *Social Science History* 17(2):253–80.
- Tilly, C., and L. J. Wood. 2012. *Social Movements, 1768-2012*. Paradigm Pub.
- Uetrict, M. 2014. *Strike for America*. Verso.
- Van Dyke, N. 2003. "Crossing Movement Boundaries: Factors That Facilitate Coalition Protest by American College Students, 1930-1990." *Social Problems* 49:497–520. Retrieved (<http://www.jstor.org/stable/10.1525/sp.2003.50.2.226>).
- Waters, M. D. 2003. *A Brief: the History of the Initiative and Referendum Process in the United States*.

1979. "Texas 'Killer Bees' Still Hiding Out." *Toledo Blade*, May 21.

n.d. "Ohio Senate Bill 5 Veto Referendum, Issue 2 (2011) - Ballotpedia." *ballotpedia.org*. Retrieved January 3, 2013
([http://ballotpedia.org/wiki/index.php/Ohio_Senate_Bill_5_Veto_Referendum,Issue_2_\(2011\)#cite_note-49](http://ballotpedia.org/wiki/index.php/Ohio_Senate_Bill_5_Veto_Referendum,Issue_2_(2011)#cite_note-49)).